****ATTENTION****

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

Citizens are invited to:

- Review the Agenda Packet on the City's website at: www.billingsmt.gov and click on "Your Government," "City Council," and "Agendas & Minutes".
- View the meeting:
  - On Community 7 TV - Channel 7 or Channel 507 -- Spectrum Cable. *(On evenings when there is a conflict with School District No. 2 Board meetings, the City Council meeting will be broadcast on Channel 8 - Spectrum Cable.)* Channel 7 or Channel 978 - TDS Fiber.
  - Online at www.comm7tv.com and click on the "Watch Live" icon. Community 7 also has links to their Facebook page and YouTube channel.
  - On the City's website at www.billingsmt.gov and click on "Watch Meetings Online" on the homepage.
  - In-Person.

Citizens may submit public comment via the following methods:

- Mail: City Clerk, P.O. Box 1178, Billings, MT 59103
- Email: Council@billingsmt.gov.
  - Emails received after 3:00 PM on the day of the meeting, may be posted on the Council's webpage the following day for public viewing.
- Attend the meeting in person.

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

CITY OF Billings

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

CITY COUNCIL
REGULAR BUSINESS MEETING
AGENDA

COUNCIL CHAMBERS | APRIL 22, 2024 | 5:30 P.M.

CALL TO ORDER: Mayor Cole

PLEDGE OF ALLEGIANCE: Mayor Cole

INVOCATION: Councilmember Aspenlieder

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

MINUTES:

- March 25, 2024
- April 8, 2024

COURTESIES:

PROCLAMATIONS:

- Arbor Day - April 26, 2024
- St. Vincent DePaul's Friends and Volunteers Day- April 27, 2024
- National Therapy Animal Day - April 30, 2024

COUNCIL REPORTS:

ADMINISTRATOR REPORTS - CHRIS KUKULSKI

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

1. CONSENT AGENDA -- Separations:

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

1.

	Name	Board/Commission	Term	
			Begins	Ends
1	Hannah Reno Evans	Citizen Police Advisory Board - Continuum of Care	04/22/24	12/31/25
1	No Applications	Human Relations Commission*	04/22/24	12/31/24
2	No Applications	Human Relations Commission	04/22/24	12/31/28

*1 Unexpired term of Angela Matta

B.

Bid Awards:

1. **W.O. 23-23: Briarwood Hydrogen Sulfide (H2S) Mitigation.** (Opened 3/5/24) Recommend rejecting all bids.
2. **W.O. 24-01, Contract 2: 2024 Sewer Main Replacement Project.** (Opened 4/2/24) Recommend COP Construction, LLC.
3. **W.O. 24-10 and W.O. 22-22: 2024 Annual Street Reconstruction.** (Opened 4/2/24) Recommend Weave Construction.
4. **Two 2024 37,000 GVW Single Axle Trucks.** (Opened 4/2/24) Recommend I-State Truck Center.

C. **Consultant Agreement** with Dowl for Heights Neighborhood Plan Update.

D. **Amendment No. 1, W.O. 24-01, Contract 2: 2024 Sewer Main Replacement Project;** Morrison-Maierle, Inc.

E. **Extensions of Memorandums of Understanding** between the City and each of the 3 Urban Renewal District Advisory Boards (BIRD, DBP and SBURA).

F. **Memorandum of Understanding** with Billings Bench Water Association for Department of Natural Resources and Conservation grants.

G. **Crisis Response Unit Vehicle** Acceptance.

H. **Donations** to the Billings Public Library from Billings Public Library Foundation and Friends of the Library.

I. **Donation** to Parks and Recreation Department from NorthWestern Energy.

J. **Donation** to the Police Department from Patricia Schmitt.

K. **Release of Perpetual Right-of-Way Easement** through Tract 2A-1 of the Amended Plat of Tract 2A of Certificate of Survey 2063.

L. **Annexation Agreement** with C&T Equipment Holding, LLC.

M. **Resolution** ordering improvements identified in W.O. 22-22: 10th Avenue South and South 30th Street.

N. **Second/Final Reading Ordinance** amending Billings, Montana City Code (BMCC) Section18-300, Nuisances.

O. **Second/Final Reading Ordinance** amending Billings, Montana City Code (BMCC) Section 18-1100, Graffiti.

P. **Second/Final Reading Ordinance** amending Billings, Montana City Code (BMCC) Section 18-1400, Boarded Up Structures.

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

1. March 18, 2024
2. March 25, 2024

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 approval of FY2024-2025 Annual Action Plan and Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) Budget Allocations. Staff and Community Development (CD) Board recommends approval.

   Recommended Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve the FY2024-2025 Annual Action Plan and CDBG and HOME budget allocations, as recommended by staff and the CD Board.

3. **PUBLIC HEARING AND RESOLUTION** rescinding and repealing Resolution 90-16317, exempting property located within Hogan Homestead Subdivision. Staff recommends approval.

   Recommended Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve a Resolution rescinding and repealing Resolution 90-16317, as recommended by staff.

4. **SID 1425 - BROSCO PARK AND GABEL ROAD TRAFFIC SIGNAL:**

   a. **PUBLIC HEARING AND RESOLUTION** creating SID 1425, Broso Park and Gabel Traffic Signal. Staff recommends approval.

      Recommended Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve a Resolution creating SID 1425, as recommended by staff.

   b. **BID AWARD: SID 1425, Broso Park and Gabel Traffic Signal**. (Opened 2/20/24). Staff recommends Montana Lines, Inc.

      Recommended Motion: I move to approve the bid award for SID 1425 to Montana Lines, Inc., as recommended by staff.

5. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE 1049**: located at 1911 and 1915 8th Avenue N. Zoning Commission recommends approval and adoption of the 10 criteria. *Quasi-Judicial

   Recommended Motion: Having conducted a public hearing, considered written and spoken testimony, I move to approve First Reading Ordinance for Zone Change 1049 and adopt the findings of the 10 criteria, as recommended by the Zoning Commission.

6. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE 1050**: located at 5403 Hawk Creek Avenue. Zoning Commission recommends approval and adoption of the 10 criteria. *Quasi-Judicial

   Recommended Motion: Having conducted a public hearing, considered written and spoken testimony, I move to approve First Reading Ordinance for Zone Change 1050 and adopt the findings of the 10 criteria, as recommended by the Zoning Commission.

7. **TAX INCREMENT FINANCING ASSISTANCE** from the East Billings Urban Renewal District (EBURD) to1889 Brewing Company, LLC for redevelopment costs, up to a maximum reimbursement of $40,837.16, as recommended by the BIRD Board.

   Recommended Motion: I move to conditionally approve tax increment financing assistance from the EBURD tax increment finance district funds to 1889 Brewing Company, LLC for redevelopment costs, up to a maximum reimbursement of $40,837.16, as recommended by the BIRD Board.

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

COUNCIL INITIATIVES:

ADJOURN:

Council Chambers are readily accessible to individuals with physical disabilities.

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

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City Council Regular
Date: 04/22/2024
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	Hannah Reno Evans	Citizen Police Advisory Board - Continuum of Care	04/22/24	12/31/25
1	No Applications	Human Relations Commission*	04/22/24	12/31/24
2	No Applications	Human Relations Commission	04/22/24	12/31/28

*1 Unexpired term of Angela Matta

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 a resignation or unfilled vacancy.

STAKEHOLDERS

N/A

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: 04/22/2024
Title: W.O. 23-23: Briarwood H2S Mitigation, Bid Award
Presented by: Debi Meling
Department: Public Works
Presentation: No
Legal Review: Not Applicable
Project Number: N/A

RECOMMENDATION

Staff recommends the City Council reject all bids and not award a contract for W.O. 23-23: Briarwood H2S Mitigation.

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

W.O. 23-23: Briarwood H2S Mitigation, provides a chemical injection system for the lower Briarwood sewer main near the lift station in order to reduce levels of hydrogen sulfide (H2S). A recent study of the waste water collection system in the City of Billings determined that there are several areas that have elevated levels of hydrogen sulfide. These levels of hydrogen sulfide create a corrosive environment that damages and greatly reduces the usable lifespan of the sewer lines. In order to combat this problem, Jacobs Engineering designed a chemical injection system consisting of a chemical storage tank, chemical dosing pumps, and other miscellaneous equipment. The study found that the lower Briarwood sewer contained the highest levels of H2S, which is why it was chosen as the site for this project.

The project was advertised on February 9th, 16th, 23rd, and March 1st, 2024, in the Yellowstone County News and on the City's website. Bids were opened on March 5th, 2024, and two bids were received. COP Construction submitted the lowest, responsible bid. However, the low bid exceeds the available project budget.

Staff recommends rejecting bids. Staff will review a lower cost solution and re-bid with a modified scope of work that will still work to mitigate hydrogen sulfide. With a lower cost alternative, this type of system could be used in other areas of the City with elevated hydrogen sulfide levels.

ALTERNATIVES

City Council may:

- Reject all bids. There are no viable alternatives to this action.

FISCAL EFFECTS

The following bids were received:

Contractor	Base Bid
COP Construction	$633,400.00
Western Municipal Construction	$799,800.00

The project was budgeted in FY24 using Wastewater Funds in the amount of $500,000. Bids exceed the available project budget.

City Council Regular

Date: 04/22/2024
Title: W.O. 24-01, Contract 2: 2024 Sewer Main Replacement Project, Bid Award
Presented by: Debi Meling
Department: Public Works
Presentation: No
Legal Review: Not Applicable
Project Number: N/A

RECOMMENDATION

Staff recommends that City Council award a contract for W.O. 24-01, Contract 2: 2024 Sewer Main Replacement, Zones 1 through 6, to COP Construction, LLC., in the amount of $4,184,421.

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

The City replaces and upgrades its sanitary sewer utilities as part of an annual maintenance program. This project will replace approximately 13,625 feet of existing sanitary sewer. The sewer mains being replaced by this project were selected based on age, video inspection condition assessment, root intrusion history, and sewer back up history. This project will replace sanitary sewer mains that are 100 to 120-year-old clay tile. These sewer mains exhibit broken and cracked pipe and many sections need yearly root intrusion removal and maintenance. Generally, the sewer mains to be replaced or rehabilitated are located north of 6th Avenue North between North 30th Street and North 22nd Street. Some other isolated sewer main replacements are also included. A map of the areas and work zones to be replaced or rehabilitated is attached to this memo.

The project was advertised on February 16, February 23, March 1, March 8, March 15, March 22, and March 29, 2024, in the Yellowstone County News and on the City's website. Bids were opened on April 2, 2024, and 2 bids were received. For the total of Zones 1 through 6, COP Construction, LLC., submitted the lowest, responsible bid.

ALTERNATIVES

City Council may:

- Award W.O. 24-01, Contract 2: 2024 Sewer Main Replacement, to COP Construction LLC. in the amount of $4,184,421 for Zones 1-6; or,
- Do not award a contract and reject all bids. If the project is not awarded, the City's sanitary sewer collection system in these areas will continue to be unreliable and may experience ongoing maintenance problems, back-ups, and expenses.

FISCAL EFFECTS

The following bids were received:

Contractor	Zone 1	Zone 2A	Zone 2B	Zone 3	Zone 4	Zone 5	Zone 6	**Total Bid Price**
COP Construction LLC	$1,325,929.00	$435,908.00	$836,753.00	$163,781.00	$528,627.00	$251,346.00	$642,077.00	**$4,184,421.00**
Western Municipal Construction, Inc.	$1,521,518.00	$580,405.00	$1,059,495.00	$211,172.00	$612,204.00	$264,640.00	$627,985.00	**$4,877,419.00**

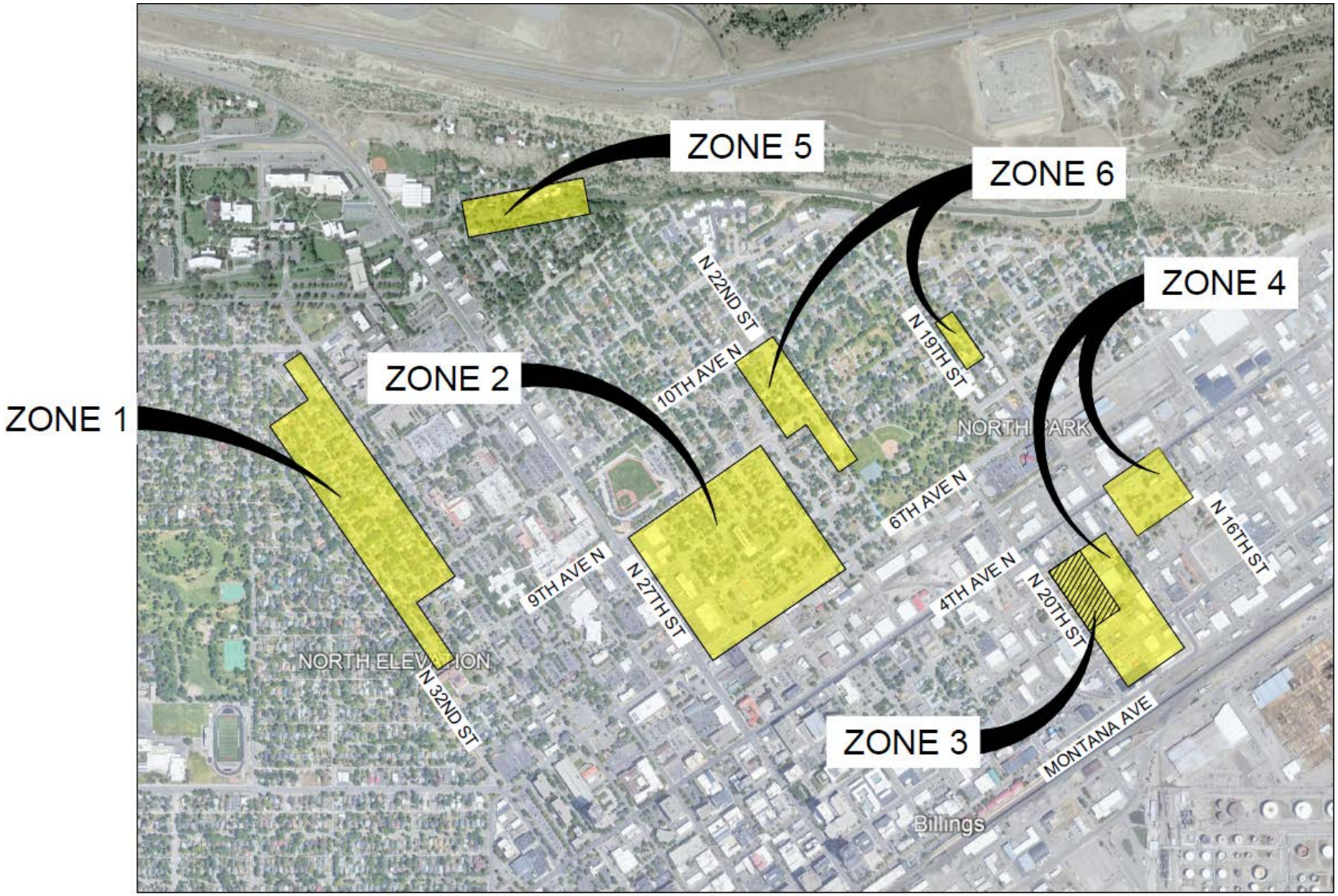
The project was budgeted in FY24 using Sewer Funds. There is sufficient budget to award the construction contract.

Attachments

Vicinity Map

W.O. 24-01, CONTRACT 2: 2024 SEWER MAIN REPLACEMENT

Vicinity Map



City Council Regular

Date: 04/22/2024
Title: WO 24-10 & WO 22-22 - 2024 Annual Street Reconstruction, Bid Award
Presented by: Debi Meling
Department: Public Works
Presentation: No
Legal Review: Not Applicable
Project Number: N/A

RECOMMENDATION

Staff recommends that City Council award a contract for W. O. 24-10 & W.O. 22-22 - 2024 Annual Street Reconstruction Schedules I and II to Weave Construction in the amount of $619,075.

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

W.O. 24-10 & W.O. 22-22 - 2024 Annual Street Reconstruction will reconstruct 9th Avenue South (W.O. 24-10), from State Avenue to South 31st Street; and 10th Avenue South (W.O. 22-22), from South 31st Street to South 30th Street, and South 30th Street (W.O. 22-22), from 10th Avenue South to State Avenue. The street improvements associated with 9th Avenue South include maintenance of curb and gutter; full-depth reconstruction of the existing asphalt street section, which has deteriorated to a degree that extends beyond the capabilities of typical pavement preservation programs; and installation of accessible ramps. The street improvements associated with 10th Avenue South and South 30th Street include maintenance of curb and gutter, installation of new curb and gutter, full depth reconstruction of the existing asphalt street section and street widening to the typical residential street width of 34-ft back of curb to back of curb, installation of missing sidewalk, drive approaches, and accessible ramps. The missing sidewalk along South 30th Street West will provide pedestrian access from the parking lot to the sugar beet factory to the south. New storm drain infrastructure will also be constructed.

The project was advertised on February 9, 16, and 23, March 1, 8, 15, 22, and 29, 2024 in the Yellowstone County News and on the City's website. Bids were opened April 2, 2024. Three bids were received. Weave Construction submitted the lowest, responsible bid.

ALTERNATIVES

City Council may:

- Award W.O. 24-10 & W.O. 22-22 - 2024 Annual Street Reconstruction, contingent on approval of the Resolution ordering improvements on 10th Avenue South and South 30th Street, to Weave Construction in the amount of $619,075.00; or,
- Do not award a contract and reject all bids. If the contract is not awarded, the streets will continue to degrade and the street improvements will not be constructed.

FISCAL EFFECTS

The following bids were received:

CONTRACTOR	BID
Weave Construction	$619,075.00
Askin Construction	$635,541.00
Knife River Construction	$671,240.00

The project was budgeted in FY 24 through Gas Tax, Street Maintenance District 2 Funds, and property owner assessments. There is adequate budget to award this contract.

City Council Regular

Date: 04/22/2024
Title: 2024 37,000 GVW Single Axle Trucks (2) with Dump/Sander/Plow
Presented by: Debi Meling
Department: Public Works
Presentation: No
Legal Review: Not Applicable
Project Number: N/A

RECOMMENDATION

Staff recommends purchasing two 37,000 GVW single axle trucks with dump/sander/plows from I-State Truck Center in the total amount of $372,004, which includes a trade amount and a 5-year engine/transmission warranty.

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

The purchase of two (2) dump trucks is included in the approved FY24 Equipment Replacement Plan (ERP) and FY24 Street & Traffic budget. These dump trucks are a vital part of operations, keeping the streets safe throughout the year as they haul materials such as road base and asphalt during the summer and plow and sand during the winter months. This purchase will replace existing units which will be traded in.

The trucks were advertised on March 22nd and 29th in the Yellowstone County News and on the City's website. Bids were opened April 2, 2024. Two bids, both from I-State, were received. Although only one vendor submitted bids, the bids were less than the budgeted amount and the pricing is comparable to market conditions in the region.

ALTERNATIVES

City Council may:

- Approve purchasing the two 37,000 GVW Single Axle Trucks with Dump/Sander/Plows; or,
- Not approve the purchase. If not approved, the dump trucks will likely see extensive repair costs and downtime as these units are nearing the end of their useful life. Extended downtime will result in diminished customer service levels citizens have come to expect.

FISCAL EFFECTS

The budgeted amount of the equipment is $437,958.00. The City received 2 bids for the two 2024 37,000 GVW single axle trucks with dump/sander/plow as shown below:

Vendor	Price/Truck	Trade Amount/Truck	Warranty/Truck	Total Bid/Truck
I-State #1	$213,370.00	$30,000.00	$2,632.00	$186,002.00
I-State #2	$214,300.00	$30,000.00	$2,632.00	$186,932.00

The trucks are budgeted in FY24 using Street Maintenance Funds. The budget is sufficient to purchase the two trucks.

City Council Regular

Date:	04/22/2024
Title:	Consulting Agreement with Dowl - Heights Neighborhood Plan Update
Presented by:	Lora Mattox
Department:	Planning & Community Services
Presentation:	No
Legal Review:	Yes
Project Number:	N/A

RECOMMENDATION

Staff recommends that the City Council approve the Consulting Agreement with Dowl to complete an update to the 2006 Billings Heights Neighborhood Plan and authorize the Mayor's signature.

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

The primary objective of this project is to provide a comprehensive update to the BillingsHeights Neighborhood Plan (adopted in 2006) and align its mission with the current and future needs of the City of Billings and Yellowstone County. This updated plan should: (1) Promote a growth plan that includes a compatible and serviceable development pattern for residential and commercial uses and consider the services available by the City of Billings and Yellowstone County. Growth patterns and uses will differ between the jurisdictions but coordination and alignment will be a focus; (2) focus on public participation and engagement; (3) evaluate and update existing goals, policies, and implementation strategies; and (4) integrate a comprehensive transportation analysis into the planning process.

The project has multiple funding sources and will have two significant components, the first being the neighborhood plan and the second being the transportation analysis. Component 1 is funded by the City of Billings and component 2 is funded by the local Metropolitan Planning Organization (MPO) dollars. The existing area is approximately 28 square miles and includes land located in the City of Billings and Yellowstone County. This plan will need to consider and guide growth and development appropriately based on available infrastructure and services, environmental constraints, etc.

STAKEHOLDERS

Public participation and stakeholder engagement is a large component of any planning effort. This update will include a robust outreach plan to ensure as much community engagement as possible. This will include a series of community workshops, open houses, and focus group discussions. Open house meetings will be recorded and shared through a dedicated project website. In addition, the website will facilitate online surveys, mapping or other tools and utilize social media platforms to gather public opinion and increase engagement. Involvement of elected officials, community members, landowners, the development community, and neighborhood task force members will all be part of the effort.

ALTERNATIVES

City Council may:

- Approve the consulting agreement with Dowl to initiate the update to the Heights Neighborhood Plan and authorize the Mayor to sign the agreement; or,
- Not Approve the consulting agreement with Dowl, therefore delaying the update to the Heights Neighborhood Plan. Council has supported this update and staff has integrated this effort into its work and coordination with the MPO and other planning efforts at this time so moving ahead aligns with many current goals.

FISCAL EFFECTS

The cost of the Heights Neighborhood Plan contract is for an amount not to exceed $120,000. The costs are detailed in Exhibit A of the consultant contract. The funding of this project is through two sources. The first is $45,000 of the Planning Division's FY24 reserve budget funds, the second is $75,000 from the Billings Urban Area Metropolitan Planning Organization's Federal PL (planning) funds.

SUMMARY

The initiation of the contract for updating the Billings Heights Neighborhood Plan marks the initial phase towards modernizing the 2006 plan. Following the City Council's directive to annually update one neighborhood plan, Heights residents and many stakeholders, in collaboration with Dowl, will commence the review of the 2006 plan and initiate

the process of aligning it with the current needs of the Heights community. It is expected that this endeavor will span at least one year to finalize.

Attachments

Heights Plan Consulting Agreement

CONSULTANT AGREEMENT

THIS AGREEMENT is made and entered into this 22nd day of April, 2024, by and between the **CITY OF BILLINGS, MONTANA,** a municipal corporation organized and existing under the laws of the State of Montana, P.O. Box 1178, Billings, Montana 59103, hereinafter referred to as "**CITY**," and **DOWL**, 222 N. 32nd Street, Suite 700, Billings, MT, 59101, hereinafter referred to as "**CONSULTANT**."

WITNESSETH:

WHEREAS, the **CITY** proposes to obtain information regarding the development of a Heights Neighborhood Plan Update and desires to hire **CONSULTANT** as an independent contractor to perform the services as described in the Scope of Work attached hereto as Exhibit "A" and by this reference made a part hereof.

WHEREAS, the **CITY** has authority to contract for such services, and;

WHEREAS, the **CONSULTANT** represents that he/she is fully qualified to perform such services personally and is in compliance with the Montana Statutes relating to the provisions of such services.

NOW THEREFORE, in consideration of the mutual covenants and agreements herein contained, the receipt and sufficiency whereof being hereby acknowledged, the parties hereto agree as follows:

1. PURPOSE: CITY agrees to hire **CONSULTANT** as an independent contractor to perform the services as described in the Scope of Work attached hereto as Exhibit "A" and by this reference made a part hereof. In performing these services, the **CONSULTANT** shall at all times comply with all federal, state and local statutes, rules and ordinances applicable. These services and all duties incidental or necessary therefore, shall be performed diligently and completely and in accordance with professional standards of conduct and performance.

2. TERM: This **AGREEMENT** shall be for a period of 14 months, from the execution of this **AGREEMENT**. This **AGREEMENT** may be extended on a month-to-month option by mutual agreement of both parties, in writing, thirty (30) days prior to termination of each term.

3. PAYMENT: In consideration of the services provided by the **CONSULTANT** under this **AGREEMENT**, the **CITY** agrees to pay **CONSULTANT** a price not to exceed $120,000. (or describe)

Except as otherwise specified herein, the **CONSULTANT** shall invoice the **CITY** monthly (or on such other basis as the Parties may mutually determine) for all services rendered pursuant to this **AGREEMENT**. Such invoices shall specify the services provided to the **CITY** during the preceding month and identify the applicable fees, and shall be accompanied by reasonable documentation or other reasonable explanations supporting such charges.

Except as otherwise specified herein, the **CITY** shall pay, net of applicable withholding tax, if any, the **CONSULTANT** for said invoice within thirty (30) days after receipt.

In the event scope of work issues arise, the **CONSULTANT** shall as soon as practical discuss them with the Project Manager for the **CITY**. It is understood that the **CONSULTANT** will not perform any work that the **CITY** deems outside the scope prior to receiving written approval from the **CITY**, and at a rate agreed upon by both parties. Any payment for work not agreed upon by the **CITY** shall be denied.

The prices established in this **AGREEMENT** may be extended to other political subdivisions within the State of Montana solely at the **CONSULTANT'S** discretion.

4. INCORPORATION BY REFERENCE: All exhibits and addenda attached hereto, as well as any bid or proposal referenced, are hereby incorporated into this **AGREEMENT** and made a part hereof. If there is any conflict between such exhibits or addenda and the terms of this **AGREEMENT**, the terms of this **AGREEMENT** shall control.

5. INDEPENDENT CONTRACTOR STATUS: The parties agree that **CONSULTANT** is an independent contractor for purposes of this **AGREEMENT** and is not to be considered an employee of the **CITY** for any purpose. **CONSULTANT** is not subject to the terms and provisions of the **CITY's** personnel policies handbook and may not be considered a **CITY** employee for workers' compensation or any other purpose. **CONSULTANT** is not authorized to represent the **CITY** or otherwise bind the **CITY** in any dealings between **CONSULTANT** and any third parties.

6. INDEMNITY:

The **CONSULTANT** SHALL:

A. Indemnify and hold **CITY**, its officers, agents and employees harmless from any and all losses, damage and liability to the extent caused by any intentional or negligent act on the part of **CONSULTANT** or its agents or employees.

B. Not indemnify and hold the **CITY** harmless from claims, causes of action, lawsuits, damages, judgments, liabilities, and litigation costs and expenses or reasonable attorneys' fees and costs to the extent caused by the wrongful or negligent acts, error or omission of the **CITY** occurring during the course of or as a result of the performance of the **AGREEMENT**.

C. Where claims, lawsuits or liability, including reasonable attorneys' fees and costs arise from any wrongful or negligent act of both the **CITY** and the **CONSULTANT**, the **CONSULTANT** shall indemnify and hold the **CITY** harmless from only that portion of claims, causes of action, lawsuits, damages, judgments, liabilities, and litigation costs and expenses including reasonable attorneys' fees and costs, to the extent caused by the **CONSULTANT'S** or any subcontractor's wrongful or negligent acts occurring as a result from the **CONSULTANT'S** performance pursuant to this **AGREEMENT**.

The **CITY** SHALL:

D. Indemnify and hold **CONSULTANT**, its officers, agents and employees harmless from any and all losses, damage and liability to the extent caused by any intentional or negligent act on the part of **CITY** or its agents or employees.

E. Not indemnify and hold the **CONSULTANT** harmless from claims, causes of action, lawsuits, damages, judgments, liabilities, and litigation costs and expenses or reasonable attorneys' fees and costs to the extent caused by the wrongful or negligent acts, error or omission of the **CONSULTANT** occurring during the course of or as a result of the performance of the **AGREEMENT**.

F. Where claims, lawsuits or liability, including reasonable attorneys' fees and costs arise from any wrongful or negligent act of both the **CONSULTANT** and the **CITY**, the **CITY** shall indemnify and hold the **CONSULTANT** harmless from only that portion of claims, causes of action, lawsuits, damages, judgments, liabilities, and litigation costs and expenses including attorneys' fees and costs, to the extent caused by the **CITY'S** or any subcontractor's wrongful or negligent acts occurring as a result from the **CITY'S** performance pursuant to this **AGREEMENT**.

7. <u>INSURANCE</u>:

A. The **CONSULTANT** shall maintain in good standing the insurance described in this Section. Before rendering any services under this **AGREEMENT**, the **CONSULTANT** shall furnish the **CITY** with proof of insurance in accordance with this Section.

The **CONSULTANT** shall provide the following insurance:

1. Workers' compensation and employer's liability coverage as required by Montana law.
2. Commercial general liability, including contractual liability assumed under an insured agreement and personal injury coverage's -- $750,000 per claim and $1,500,000 per occurrence.
3. Automobile liability -- $1,500,000 per accident.
4. Professional liability in the amount of $1,500,000 per claim.

Each policy of insurance required by this Section shall provide for no less than 30 days' advance written notice to the **CITY** prior to cancellation.

The **CITY** shall be listed as an additional insured on all policies except Professional Liability and Worker's Compensation Policies.

CONSULTANT shall comply with the applicable requirements of the Workers' Compensation Act, Title 39, Chapter 71, MCA, and the Occupational Disease Act of Montana, Title 39, Chapter 71, MCA. **CONSULTANT** shall maintain workers' compensation insurance coverage for all members and employees of **CONSULTANT's** business, except for those members who are exempted as independent contractors under the provisions of §39-71-401, MCA.

CONSULTANT shall furnish **CITY** with copies showing one of the following: **(1)** proof of registration as a registered contractor under Title 39, Chapter 9, MCA; **(2)** a binder for workers' compensation coverage by an insurer licensed and authorized to provide workers' compensation insurance in the State of Montana; or **(3)** proof of exemption from workers' compensation granted by law for independent contractors.

8. AGREEMENTS OF CONSULTANT: As an inducement to the execution of this **AGREEMENT** by the **CITY** and in consideration of the agreements to be performed by the **CITY**, the **CONSULTANT** agrees that:

A. Qualifications

The **CONSULTANT** is qualified to perform the services to be furnished under this **AGREEMENT** and is permitted by law to perform such services, and all personnel engaged in the work shall be qualified and so permitted to do the work they perform.

B. Solicitation of Agreement

The **CONSULTANT** has not employed any person to solicit this **AGREEMENT** and has not made, and will not make, any payment or any agreement for the payment of any commission, percentage, brokerage, contingent fee, or other compensation in connection with the procurement of this **AGREEMENT**.

C. Facilities and Personnel

The **CONSULTANT** has and will continue to have proper facilities and personnel to perform the services and work agreed to be performed.

D. Subcontracting

None of the work or services covered by this **AGREEMENT** shall be subcontracted without the prior approval of the **CITY**.

E. Affidavits of Compliance

The **CONSULTANT** will, if requested by the **CITY**, furnish the **CITY** affidavits certifying compliance with the provisions of this Section.

9. AGREEMENTS OF CITY:

A. To furnish all labor, materials, equipment, supplies, and incidentals necessary to conduct and complete the **CITY'S** portion of the project as designated in the scope of work.

B. Name a Project Manager who shall be the liaison between the **CONSULTANT** and the **CITY**. For this project, the Project Manager for **CONSULTANT** designated is Lisa Olmsted and the Project Manager for the **CITY** designated is Lora Mattox.

10. NONDISCRIMINATION:

A. **CONSULTANT** shall, in performance of work under this **AGREEMENT**, fully comply with all applicable federal, state, or local laws, rules, regulations, and executive orders including but not limited to, the Montana Human Rights Act, the Equal Pay Act of 1963, the Civil Rights Act of 1964, the Age Discrimination Act of 1975, the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973. **CONSULTANT** is the employer for the purpose of providing healthcare benefits and paying any applicable penalties, fees and taxes under the Patient Protection and Affordable Care Act [P.L. 111-148, 124 Stat. 119].

Any subletting or subcontracting by **CONSULTANT** subjects subcontractors to the same provisions. In accordance with 49-3-207, MCA, and Executive Order No. 04-2016. **CONSULTANT** agrees that the hiring of persons to perform this Contract will be made on the basis of merit and qualifications and there will be no discrimination based on race, color, sex, pregnancy, childbirth or medical conditions related to pregnancy or childbirth, political or religious affiliation or ideas, culture, creed, social origin or condition, genetic information, sexual orientation, gender identity or expression, national origin, ancestry, age, disability, military service or veteran status, or marital status by the persons performing this **AGREEMENT**.

B. The **CONSULTANT** shall state, in all solicitations or advertisements for employees to work on jobs, that all qualified applicants will receive equal consideration for employment without regard to race, color, religion, national origin, ancestry, age, sex or marital status, or mental or physical impairment/disability.

   The **CONSULTANT** and subcontractor shall abide by the requirements of 41 CFR 60-300.5(a) and 41 CFR 60-741.5(a), which prohibit discrimination against qualified protected veterans and/or qualified individuals on the basis of disability, and requires affirmative action by covered prime contractors and subcontractors to employ and advance in employment qualified protected veterans and individuals with disabilities.

   The **CONSULTANT** and any **SUBCONSULTANT** shall abide by the requirements of 41 CRF 60-1.4, which states employees or applicants may not be discharged or in any other manner discriminated against because they have inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant. However, employees who have access to the compensation information of other employees or applicants as a part of their essential job functions cannot disclose the pay of other employees or applicants to individuals who do not otherwise have access to compensation information, unless the disclosure is (a) in response to a formal complaint or charge, (b) in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or (c) consistent with the **CONSULTANT'S** legal duty to furnish information.

C. The **CONSULTANT** shall comply with any and all reporting requirements that may apply to it that the **CITY** may establish by regulation.

D. The **CONSULTANT** shall comply with all applicable federal, state, and city laws concerning the prohibition of discrimination.

E. The **CONSULTANT** shall include the provisions of Subsections A through D of this Section in every subcontract or purchase order under this **AGREEMENT**, so as to be binding upon every such subcontractor or vendor of the **CONSULTANT** under this **AGREEMENT**.

F. The **CONSULTANT** agrees to post, in conspicuous places available to employees and applicants for employment, notices setting forth the provisions of this non-discrimination clause.

11. **PERMITS, LAWS, AND TAXES:** The **CONSULTANT** shall acquire and maintain in good standing all permits, licenses and other entitlements necessary to its performance under this **AGREEMENT**. All actions taken by the **CONSULTANT** under this **AGREEMENT** shall comply with all applicable statutes, ordinances, rules and regulations. The **CONSULTANT** shall pay all taxes pertaining to its performance under this **AGREEMENT**.

12. **NONWAIVER:** The failure of either party at any time to enforce a provision of this **AGREEMENT** shall in no way constitute a waiver of the provision, nor in any way affect the validity of this **AGREEMENT** or any part hereof, or the right of such party thereafter to enforce each and every provision hereof.

13. **CONFLICT OF INTEREST: CONSULTANT** shall exercise reasonable care and diligence to prevent any actions or conditions which could result **in** a conflict with **CITY'S** interest. During the term of this **AGREEMENT**, **CONSULTANT** shall not accept any employment or engage in any consulting work which creates a conflict of interest with **CITY** or in any way compromises the services to be performed under this **AGREEMENT**. **CONSULTANT** shall immediately notify **CITY** of any and all violations of this Section upon becoming aware of such violation.

14. **SUCCESSORS AND ASSIGNS:** This **AGREEMENT** and all of the covenants hereof shall inure to the benefit of and be binding upon the **CITY** and the **CONSULTANT** respectively and his partners, successors, assigns, and legal representatives. Neither the **CITY** nor the **CONSULTANT** shall have the right to assign, transfer, or sublet his interest or obligations hereunder without written consent of the other party.

15. **CHANGES IN WORK:** Any change in the scope of **CONSULTANT'S** services as stated in this **AGREEMENT** for whatever reason, will be negotiated between the **CITY** and the **CONSULTANT** and an amendment to this **AGREEMENT** will be issued with the appropriate change of services and **AGREEMENT** fee noted.

16. **LEGAL RELATIONS:** The **CONSULTANT** shall comply with all Federal, State, and local laws and ordinances applicable to the work to be done.

17. **TERMINATION OF AGREEMENT:** The right is reserved by the **CITY** to terminate this **AGREEMENT** at any time upon not less than thirty (30) days written notice to the **CONSULTANT**.

    In the event the **CITY** terminates this **AGREEMENT**, the **CONSULTANT** shall be paid for the amount of work performed or services rendered to date of termination per the **AGREEMENT** fee.

18. **ENDORSEMENTS:** The **CONSULTANT** shall furnish signatures, statements, or other suitable means to signify responsible endorsement of work on all reports furnished by him.

19. **OWNERSHIP OF DOCUMENTS:** All information relating to the project and prepared under the terms of this **AGREEMENT**, including reports, data, recommendations, exhibits, analyses, and plans shall be deemed the property of the **CITY**. Reproducibles of all notes, reports, and plans shall be made available at the **CITY'S** request. CONSULTANT shall not be liable for modifications to documents prepared by CONSULTANT which are made without CONSULTANT's advice after delivery to CITY, nor shall CONSULTANT be liable for their use in projects other than the Project outlined within this Agreement.

20. **PUBLIC INFORMATION:** The **CONSULTANT** shall not issue any statements, releases, or information for public dissemination without prior written approval of the **CITY**. All materials related to this **AGREEMENT** and services provided are considered public records under Article II, Section 9 of the Montana Constitution and §§ 2-6-102 and 7-1-4144, MCA and may be distributed by written request pursuant to Montana's Constitutional Right to Know or Public Records Acts.

21. **PROPRIETARY RIGHTS:** If patentable discoveries or inventions should result from work required herein, all rights accruing from such discoveries or inventions shall be the property of the **CITY**.

22. **RECORDS:** The **CONSULTANT** shall maintain accounting records and other evidence pertaining to the cost incurred and to make the records available at all times during the **AGREEMENT** term and for three (3) years from the date of final payment. Such accounting records and other evidence pertaining to the cost incurred will be made available for inspections authorized by the **CITY** and copies thereof shall be furnished if requested.

23. **ATTORNEY'S FEES AND COSTS:** That 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 the **AGREEMENT** or to give any notice required herein, then the prevailing Party or the Party giving notice shall be entitled to reasonable attorney's fees and costs.

24. **LITIGATION LOCATION:** The parties agree that this **AGREEMENT** shall be governed in all respects by the laws of the state of Montana, and the parties expressly agree that venue shall be in the Montana Thirteenth Judicial District County for Yellowstone County and there shall be no other venue for resolution of disputes arising from the **AGREEMENT** or the performance of its terms.

25. **MODIFICATION AND AMENDMENTS:** That any amendment or modification 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**.

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

CITY OF BILLINGS, MONTANA

_____

WILLIAM A. COLE,
MAYOR

APPROVED AS TO FORM:

_____

CITY ATTORNEY'S OFFICE

ATTEST:

_____

DOWL
(PRINT BUSINESS NAME ABOVE)

Doug Enderson
Doug Enderson (Mar 26, 2024 08:53 MDT)
SIGNATURE

Doug Enderson
PRINT NAME

Vice President
PRINT TITLE

DENISE BOHLMAN, CITY CLERK

EXHIBIT A

Project Management and Coordination

1. Administer work plan and schedule.
2. General correspondence with City staff and project stakeholders.
3. Weekly progress reports sent via email to City Project Manager.
4. Steering Committee meetings with minutes (6).
    - Meeting #1 will be a kickoff meeting to present timeline and desired outcomes.
5. Contract management and monthly invoicing.

Public Participation Plan

All public participation activities will be in accordance with the Yellowstone County Board of Planning Public Participation Plan.

1. **Develop Public Participation Plan:** DOWL will develop and administer a project-specific Public Participation Plan consistent with the City's own Public Participation Plan.
2. **Develop Project Website and Engagement Platform:** DOWL will develop and host a project website that includes project updates, documents, an ArcGIS StoryMap, and interactive survey features for up to 18 months from project notice to proceed.
3. **Stakeholder Meetings:** DOWL will conduct in-person or provide a virtual platform for targeted stakeholder outreach to up to ten individuals/organizations, including:
    a. Business and property owners
    b. Heights Task Force
    c. Heights Business Association
    d. Yellowstone River Parks Association
    e. Big Sky Economic Development
4. **Public Open Houses:** DOWL will host two (2) open houses to gather input and present ideas. Record video of content to be posted on website.
    a. DOWL will promote each public meeting with:
        i. Press Release distributed to area media.
        ii. Facebook content for MPO page.
        iii. Email content for MPO distribution.

Comprehensive Analysis

1. **Plan Area Boundary Analysis:** DOWL will conduct a preliminary GIS analysis of the existing Heights plan area and will meet with the City to review, discuss and select a boundary for the plan area to be studied with the plan update. This task assumes three hours of GIS staff mapping and analysis and a one 1-hour virtual meeting with the City in which the consultant will discuss and obtain City confirmation of the plan area boundary.
2. **Existing Conditions Review:** DOWL will conduct a GIS-based analysis of the existing conditions within the plan area that will include the following:
    A. An estimate of vacant residential land area in the plan boundary.
    B. An assessment of change in built conditions since the last 2005 Billings Heights plan.
    C. Identification of any environmental constraints based on readily available data. .
    D. A preliminary assessment of code sections that may require modification to address the requirements of SB 382. This will be addressed in a matrix format.

E. Assessment of locally-adopted plans and policies related to the extension of services and/or planned areas of annexation. This will be summarized for incorporation into the draft plan document.

3. **Population/Demographic and Housing Analysis:** DOWL will conduct an analysis of the primary demographic and population changes within the plan area including forecasted population change to assess the estimated housing needs of the plan area for a 20-year horizon. Using available data from the county and/or US Census, DOWL will identify the estimated housing need in the plan area to serve this growth. These findings will be summarized for incorporation into the draft plan document. One round of client review and comment is assumed.
4. **Commercial Land Use Needs Analysis:** Using available information from local real estate brokers and Big Sky Economic Development, DOWL will summarize current commercial market conditions in the trade area including any noted areas of greater or lesser commercial vacancy rates. It is assumed that this will be a summary of available information and will not represent a new trade area study. Findings will be summarized for incorporation into the draft plan document.
5. **Goals, Policies and Implementation Strategies Assessment:** Using the 2006 Billings Heights Neighborhood Plan as a starting point for analysis and feedback received from the public outreach process, DOWL will identify potential changes to the goals, policies and implementation strategies of the neighborhood plan to address the future needs of the plan area. DOWL will summarize this analysis in a draft memorandum that will also identify opportunities and threats for the planning area by primary plan element (e.g. public safety, transportation, land use, housing, etc.).
6. **Preliminary Growth Scenarios Memorandum/Mapping:** Based on feedback received from public outreach process and DOWL's analysis of the population, demographic and housing characteristics of the plan area, DOWL will identify up to three growth scenarios for the plan district. Mapping of these areas will be prepared and presented to the client and to the public for review prior to selection of preferred growth scenario. These preliminary growth scenarios will be summarized for incorporation into the draft plan report.

Transportation Analysis

1. **DOWL will review related plans and studies:**
    a. 2023 Billings Urban Long Range Transportation Plan (LRTP)
    b. Billings Bypass Corridor Study
    c. Inner Belt Loop Corridor Study
    d. MET Transit Development Plan
    e. Safe Routes to School Phase I and II
2. **Traffic Count Summary:** DOWL will summarize existing traffic count data, including average daily traffic counts for key roadways in the study area and pedestrian and bicycle traffic counts for key non-motorized facilities. No new traffic counts will be collected by DOWL.
3. **Review Identified Transportation Projects:** DOWL will review identified transportation projects in the 2023 LRTP and 2016 Bicycle and Trail Master Plan and update through a review of the City TIP, CIP, MDT STIP, and other appropriate plans and documents. Develop a list of proposed transportation projects including motorized / non-motorized improvements and City of Billings Complete Streets elements.
4. **Identify Transportation Deficiencies:** DOWL will identify transportation deficiencies and provide general recommendations for improvements. Recommendations will include a review of the City of Billings Complete Streets Policy elements, incorporated as appropriate within the

study area. *NOTE: Any complete street analysis or recommendations shall be limited to only the City of Billings. Yellowstone County does not support and has not adopted a Complete Streets Policy.

Plan Development and Adoption

1. DOWL will draft the updated Billings Heights Neighborhood Plan based on comprehensive analysis and public feedback. The final draft shall also include the development of an executive summary.
    a. Prepare an Executive Summary outlining the update process, key findings, and recommendations for the City of Billings and Yellowstone County.
    b. Establish a monitoring and evaluation framework to track progress and assess the effectiveness of the updated plan over time.
2. Because working content will be shared with advisory committee throughout the duration of plan development process, it is anticipated that edits will be minor. DOWL will finalize document by responding to minor edits prior to release of final deliverable.
3. One (1) presentation of final draft to each of the following:
    a. Steering Committee
    b. Planning Board
    c. Billings City Council
    d. Yellowstone County Board of County Commissioners
    e. Policy Coordinating Committee (PCC)
4. Ten (10) full-color copies of the study and an electronic copy of the study and executive summary for web-based publication.

Billings Heights Neighborhood Plan - LM01122024

Activity Name		Lisa Olmsted	Doug Enderson	Read Stapleton	Megan McLean	Sarah Patterson	Adam Miles	Kate Silber	Graphic/ Website Designer/GIS	Total Hours	Production Cost	Total Cost
Team Planning		5	5	5						15		$3,575.00
Project Management and Coordination	Administer Work Plan and Schedule	10	5							15		$3,175.00
	Correspond with City Staff and Project Stakeholders	10	5		5					20		$3,825.00
	Weekly Progress Reports	20								20		$3,900.00
	Advisory Committee Meetings with Minutes (6)	6	6	6						18		$4,290.00
	Contract Management and Billing	10	2							12		$2,440.00
Public Participation	Develop Public Participation Plan	2			4					6		$910.00
	Develop Project Website and Engagement Platform	4	2		10			1	8	25	$385.00	$4,095.00
	Stakeholder Meeting	4	2	2	2					10		$2,080.00
	Stakeholder Group Meetings (assume 10)	15	10	10						35		$8,125.00
	Public Open House #1	4	4	10	10				8	36	$1,100.00	$7,910.00
	Public Open House #2	4	4	10	10				8	36	$1,100.00	$7,910.00
Comprehensive Analysis	Plan Area Boundary Analysis			2				4	3	9		$1,485.00
	Estimate of Vacant and Partially Vacant Land			2				8	12	22		$3,170.00
	Change in Built Conditions			2				8	8	18		$2,670.00
	Assessment of Environmental Constraints		2	2				8	10	22		$3,410.00
	Evaluation of development regulations relative to SB 382			3				30		33		$5,025.00
	Review of locally adopted plans and policies			3				16		19		$3,065.00
	Population/Demographic and Housing Analysis			3				24	15	42		$6,060.00
	Commercial Land Use Needs Analysis			2				16	4	22		$3,290.00
	Goals, Policies, and Implementation Strategies Assessment			2				30		32		$4,750.00
	Preliminary Growth Scenarios and Map			3				30	20	53		$7,525.00
Transportation Analysis	Review Plans and Studies					7				7		$1,190.00
	Traffic Count Summary		2			7	4			13		$2,520.00
	Review Identified Transportation Projects		2			7				9		$1,680.00
	Identify Transportation Deficiencies		2			7				9		$1,680.00
Plan Development and Adoption	Plan Development (one draft, minor revisions)	4	4	4	8	4	4	45	12	85		$13,220.00
	Graphic and Visualization Development (10 Graphics, 6 Renderings)	2			2				20	24		$3,150.00
	Draft Corridor Study Presentations to AC, Planning Board, City Council, Board of County Commissioners, and PCC	10	5					5		20		$3,875.00
	Total Hours	110	62	71	51	32	8	225	128	687	$2,585.00	$120,000.00
	Hourly Rates	$195.00	$245.00	$275.00	$130.00	$170.00	$210.00	$140.00	$125.00			
	Labor Total	$21,450.00	$15,190.00	$19,525.00	$6,630.00	$5,440.00	$1,680.00	$31,500.00	$16,000.00			

Labor Total	$117,415.00
Expenses	$2,585.00
Total Cost Estimate	**$120,000.00**

Parker, Smith & Feek Insurance, LLC.
2233 112th Avenue NE
Bellevue, WA 98004

City of Billings/Billings MPO
P.O. Box 1178
Billings, MT 59103

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CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 03/07/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER

Parker, Smith & Feek Insurance, LLC.
2233 112th Avenue NE
Bellevue, WA 98004

CONTACT NAME:
PHONE (A/C, No, Ext): 425-709-3600 **FAX (A/C, No):** 425-709-7460
E-MAIL ADDRESS:

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : Charter Oak Fire Insurance Co.	
INSURER B : Travelers Indemnity Co.	
INSURER C : Travelers Prop. Casualty Co. of Amer.	
INSURER D : Phoenix Insurance Company	
INSURER E :	
INSURER F :	

INSURED

DOWL, LLC
222 N. 32nd Street
Suite 700
Billings, MT 59101

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	**GENERAL LIABILITY** ✘ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ✘ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ✘ POLICY ✘ PRO-JECT ✘ LOC	X	X	P6305W324780COF23	05/01/2023	05/01/2024	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG 	$ 1,000,000 $ 300,000 $ 10,000 $ 1,000,000 $ 2,000,000 $ 2,000,000 $
B	**AUTOMOBILE LIABILITY** ✘ ANY AUTO ☐ ALL OWNED AUTOS ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ☐ NON-OWNED AUTOS	X	X	8105W3264352343G	05/01/2023	05/01/2024	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident) 	$ 1,000,000 $ $ $ $
C	☐ **UMBRELLA LIAB** ✘ OCCUR ✘ **EXCESS LIAB** ☐ CLAIMS-MADE ☐ DED ✘ RETENTION $ $10,000	X	X	CUP5W3305772343	05/01/2023	05/01/2024	EACH OCCURRENCE AGGREGATE 	$ 1,000,000 $ 1,000,000 $
D	**WORKERS COMPENSATION AND EMPLOYERS' LIABILITY** Y / N ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? ☐ **(Mandatory in NH)** If yes, describe under DESCRIPTION OF OPERATIONS below	N / A	X	UB5W3306692343G USL&H, WC, Stop Gap Included ** USL&H, WC, Stop Gap	05/01/2023	05/01/2024	✘ WC STATU-TORY LIMITS ✘ OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	 $ 1,000,000 $ 1,000,000 $ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
Project Number: 4071.00229.01; Project Name: Billings Heights Neighborhood Plan.

Excess Liability follows form over General Liability, Auto, and Employer's Liability...
(See Attached Description)

CERTIFICATE HOLDER

City of Billings/Billings MPO
P.O. Box 1178
Billings, MT 59103

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Lauren Williams

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DESCRIPTIONS (Continued from Page 1)

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City of Billings/Billings MPO is an additional insured on the general liability, automobile, and excess liability policies per the attached endorsements/forms.
Coverage is primary and non-contributory on the general liability, automobile, and excess liability policies per the attached endorsements/forms.
Waiver of subrogation applies on the general liability, automobile, workers compensation, and excess liability policies per the attached endorsements/forms.
Notice of cancellation for the general liability, automobile, workers compensation, and excess liability policies per the attached forms.

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THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

BLANKET ADDITIONAL INSURED – WRITTEN CONTRACTS (ARCHITECTS, ENGINEERS AND SURVEYORS)

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

1. The following is added to **SECTION II – WHO IS AN INSURED**:

Any person or organization that you agree in a "written contract requiring insurance" to include as an additional insured on this Coverage Part, but:

a. Only with respect to liability for "bodily injury", "property damage" or "personal injury"; and

b. If, and only to the extent that, the injury or damage is caused by acts or omissions of you or your subcontractor in the performance of "your work" to which the "written contract requiring insurance" applies. The person or organization does not qualify as an additional insured with respect to the independent acts or omissions of such person or organization.

The insurance provided to such additional insured is limited as follows:

c. In the event that the Limits of Insurance of this Coverage Part shown in the Declarations exceed the limits of liability required by the "written contract requiring insurance", the insurance provided to the additional insured shall be limited to the limits of liability required by that "written contract requiring insurance". This endorsement shall not increase the limits of insurance described in Section **III – Limits** Of Insurance.

d. This insurance does not apply to the rendering of or failure to render any "professional services" or construction management errors or omissions.

e. This insurance does not apply to "bodily injury" or "property damage" caused by "your work" and included in the "products-completed operations hazard" unless the "written contract requiring insurance" specifically requires you to provide such coverage for that additional insured, and then the insurance provided to the additional insured applies only to such "bodily injury" or "property damage" that occurs before the end of the period of time for which the "written contract requiring insurance" requires you to provide such coverage or the end of the policy period, whichever is earlier.

2. The following is added to Paragraph **4.a.** of **SECTION IV – COMMERCIAL GENERAL LIABILITY CONDITIONS**:

The insurance provided to the additional insured is excess over any valid and collectible "other insurance", whether primary, excess, contingent or on any other basis, that is available to the additional insured for a loss we cover. However, if you specifically agree in the "written contract requiring insurance" that this insurance provided to the additional insured under this Coverage Part must apply on a primary basis or a primary and non-contributory basis, this insurance is primary to "other insurance" available to the additional insured which covers that person or organization as a named insured for such loss, and we will not share with that "other insurance". But this insurance provided to the additional insured still is excess over any valid and collectible "other insurance", whether primary, excess, contingent or on any other basis, that is available to the additional insured when that person or organization is an additional insured under any "other insurance".

3. The following is added to **SECTION IV – COMMERCIAL GENERAL LIABILITY CONDITIONS**:

Duties Of An Additional Insured

As a condition of coverage provided to the additional insured:

a. The additional insured must give us written notice as soon as practicable of an "occurrence" or an offense which may result in a claim. To the extent possible, such notice should include:

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i. How, when and where the "occurrence" or offense took place;

ii. The names and addresses of any injured persons and witnesses; and

iii. The nature and location of any injury or damage arising out of the "occurrence" or offense.

b. If a claim is made or "suit" is brought against the additional insured, the additional insured must:

i. Immediately record the specifics of the claim or "suit" and the date received; and

ii. Notify us as soon as practicable.

The additional insured must see to it that we receive written notice of the claim or "suit" as soon as practicable.

c. The additional insured must immediately send us copies of all legal papers received in connection with the claim or "suit", cooperate with us in the investigation or settlement of the claim or defense against the "suit", and otherwise comply with all policy conditions.

d. The additional insured must tender the defense and indemnity of any claim or "suit" to any provider of other insurance which would cover the additional insured for a loss we cover. However, this condition does not affect whether this insurance provided to the additional insured is primary to that other insurance available to the additional insured which covers that person or organization as a named insured.

4. The following is added to the **DEFINITIONS** Section:

"Written contract requiring insurance" means that part of any written contract or agreement under which you are required to include a person or organization as an additional insured on this Coverage Part, provided that the "bodily injury" and "property damage" occurs and the "personal injury" is caused by an offense committed:

a. After the signing and execution of the contract or agreement by you;

b. While that part of the contract or agreement is in effect; and

c. Before the end of the policy period.

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c. Method Of Sharing

If all of the other insurance permits contribution by equal shares, we will follow this method also. Under this approach each insurer contributes equal amounts until it has paid its applicable limit of insurance or none of the loss remains, whichever comes first.

If any of the other insurance does not permit contribution by equal shares, we will contribute by limits. Under this method, each insurer's share is based on the ratio of its applicable limit of insurance to the total applicable limits of insurance of all insurers.

d. Primary And Non-Contributory Insurance If Required By Written Contract

If you specifically agree in a written contract or agreement that the insurance afforded to an insured under this Coverage Part must apply on a primary basis, or a primary and non-contributory basis, this insurance is primary to other insurance that is available to such insured which covers such insured as a named insured, and we will not share with that other insurance, provided that:

(1) The "bodily injury" or "property damage" for which coverage is sought occurs; and

(2) The "personal and advertising injury" for which coverage is sought is caused by an offense that is committed;

subsequent to the signing of that contract or agreement by you.

5. Premium Audit

a. We will compute all premiums for this Coverage Part in accordance with our rules and rates.

b. Premium shown in this Coverage Part as advance premium is a deposit premium only. At the close of each audit period we will compute the earned premium for that period and send notice to the first Named Insured. The due date for audit and retrospective premiums is the date shown as the due date on the bill. If the sum of the advance and audit premiums paid for the policy period is greater than the earned premium, we will return the excess to the first Named Insured.

c. The first Named Insured must keep records of the information we need for premium computation, and send us copies at such times as we may request.

6. Representations

By accepting this policy, you agree:

a. The statements in the Declarations are accurate and complete;

b. Those statements are based upon representations you made to us; and

c. We have issued this policy in reliance upon your representations.

The unintentional omission of, or unintentional error in, any information provided by you which we relied upon in issuing this policy will not prejudice your rights under this insurance. However, this provision does not affect our right to collect additional premium or to exercise our rights of cancellation or nonrenewal in accordance with applicable insurance laws or regulations.

7. Separation Of Insureds

Except with respect to the Limits of Insurance, and any rights or duties specifically assigned in this Coverage Part to the first Named Insured, this insurance applies:

a. As if each Named Insured were the only Named Insured; and

b. Separately to each insured against whom claim is made or "suit" is brought.

8. Transfer Of Rights Of Recovery Against Others To Us

If the insured has rights to recover all or part of any payment we have made under this Coverage Part, those rights are transferred to us. The insured must do nothing after loss to impair them. At our request, the insured will bring "suit" or transfer those rights to us and help us enforce them.

9. When We Do Not Renew

If we decide not to renew this Coverage Part, we will mail or deliver to the first Named Insured shown in the Declarations written notice of the nonrenewal not less than 30 days before the expiration date.

If notice is mailed, proof of mailing will be sufficient proof of notice.

SECTION V – DEFINITIONS

1. "Advertisement" means a notice that is broadcast or published to the general public or specific market segments about your goods, products or services for the purpose of attracting customers or supporters. For the purposes of this definition:

a. Notices that are published include material placed on the Internet or on similar electronic means of communication; and

b. Regarding websites, only that part of a website that is about your goods, products or services for the purposes of attracting customers or supporters is considered an advertisement.

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occupational therapist or occupational therapy assistant, physical therapist or speech-language pathologist; or

(b) First aid or "Good Samaritan services" by any of your "employees" or "volunteer workers", other than an employed or volunteer doctor. Any such "employees" or "volunteer workers" providing or failing to provide first aid or "Good Samaritan services" during their work hours for you will be deemed to be acting within the scope of their employment by you or performing duties related to the conduct of your business.

3. The following replaces the last sentence of Paragraph 5. of SECTION III – LIMITS OF INSURANCE:

For the purposes of determining the applicable Each Occurrence Limit, all related acts or omissions committed in providing or failing to provide "incidental medical services", first aid or "Good Samaritan services" to any one person will be deemed to be one "occurrence".

4. The following exclusion is added to Paragraph 2., Exclusions, of SECTION I – COVERAGES – COVERAGE A – BODILY INJURY AND PROPERTY DAMAGE LIABILITY:

Sale Of Pharmaceuticals

"Bodily injury" or "property damage" arising out of the violation of a penal statute or ordinance relating to the sale of pharmaceuticals committed by, or with the knowledge or consent of the insured.

5. The following is added to the DEFINITIONS Section:

"Incidental medical services" means:

a. Medical, surgical, dental, laboratory, x-ray or nursing service or treatment, advice or instruction, or the related furnishing of food or beverages; or

b. The furnishing or dispensing of drugs or medical, dental, or surgical supplies or appliances.

6. The following is added to Paragraph 4.b., Excess Insurance, of SECTION IV – COMMERCIAL GENERAL LIABILITY CONDITIONS:

This insurance is excess over any valid and collectible other insurance, whether primary, excess, contingent or on any other basis, that is available to any of your "employees" for "bodily injury" that arises out of providing or failing to provide "incidental medical services" to any person to the extent not subject to Paragraph 2.a.(1) of Section II – Who Is An Insured.

K. MEDICAL PAYMENTS – INCREASED LIMIT

The following replaces Paragraph 7. of SECTION III – LIMITS OF INSURANCE:

7. Subject to Paragraph 5. above, the Medical Expense Limit is the most we will pay under Coverage C for all medical expenses because of "bodily injury" sustained by any one person, and will be the higher of:

a. $10,000; or

b. The amount shown in the Declarations of this Coverage Part for Medical Expense Limit.

L. AMENDMENT OF EXCESS INSURANCE CONDITION – PROFESSIONAL LIABILITY

The following is added to Paragraph 4.b., Excess Insurance, of SECTION IV – COMMERCIAL GENERAL LIABILITY CONDITIONS:

This insurance is excess over any of the other insurance, whether primary, excess, contingent or on any other basis, that is Professional Liability or similar coverage, to the extent the loss is not subject to the professional services exclusion of Coverage A or Coverage B.

M. BLANKET WAIVER OF SUBROGATION – WHEN REQUIRED BY WRITTEN CONTRACT OR AGREEMENT

The following is added to Paragraph 8., Transfer Of Rights Of Recovery Against Others To Us, of SECTION IV – COMMERCIAL GENERAL LIABILITY CONDITIONS:

If the insured has agreed in a written contract or agreement to waive that insured's right of recovery against any person or organization, we waive our right of recovery against such person or organization, but only for payments we make because of:

a. "Bodily injury" or "property damage" that occurs; or

b. "Personal and advertising injury" caused by an offense that is committed;

subsequent to the signing of that contract or agreement.

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NOTICE OF CANCELLATION OR NONRENEWAL PROVIDED BY US

This endorsement modifies insurance provided under the following:

ALL COVERAGE PARTS INCLUDED IN THIS POLICY

SCHEDULE

CANCELLATION:	Number of Days Notice: 60
WHEN WE DO NOT RENEW (Nonrenewal):	Number of Days Notice: 10

PROVISIONS

A. If we cancel this policy for any legally permitted reason other than nonpayment of premium, and a number of days is shown for Cancellation in the Schedule above, we will mail notice of cancellation at least the number of days shown for Cancellation in such Schedule before the effective date of cancellation.

B. If we do not renew this policy for any legally permitted reason other than nonpayment of premium, and a number of days is shown for When We Do Not Renew (Nonrenewal) in the Schedule above, we will mail notice of nonrenewal at least the number of days shown for When We Do Not Renew (Nonrenewal) in such Schedule before the effective date of nonrenewal.

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BUSINESS AUTO EXTENSION ENDORSEMENT

This endorsement modifies insurance provided under the following:

BUSINESS AUTO COVERAGE FORM

With respect to coverage provided by this endorsement, the provisions of the Coverage Form apply unless modified by the endorsement.

GENERAL DESCRIPTION OF COVERAGE – This endorsement broadens coverage. However, coverage for any injury, damage or medical expenses described in any of the provisions of this endorsement may be excluded or limited by another endorsement to the Coverage Part, and these coverage broadening provisions do not apply to the extent that coverage is excluded or limited by such an endorsement. The following listing is a general coverage description only. Limitations and exclusions may apply to these coverages. Read all the provisions of this endorsement and the rest of your policy carefully to determine rights, duties, and what is and is not covered.

A. BROAD FORM NAMED INSURED

B. BLANKET ADDITIONAL INSURED

C. EMPLOYEE HIRED AUTO

D. EMPLOYEES AS INSURED

E. SUPPLEMENTARY PAYMENTS – INCREASED LIMITS

F. HIRED AUTO – LIMITED WORLDWIDE COVERAGE – INDEMNITY BASIS

G. WAIVER OF DEDUCTIBLE – GLASS

H. HIRED AUTO PHYSICAL DAMAGE – LOSS OF USE – INCREASED LIMIT

I. PHYSICAL DAMAGE – TRANSPORTATION EXPENSES – INCREASED LIMIT

J. PERSONAL EFFECTS

K. AIRBAGS

L. NOTICE AND KNOWLEDGE OF ACCIDENT OR LOSS

M. BLANKET WAIVER OF SUBROGATION

N. UNINTENTIONAL ERRORS OR OMISSIONS

PROVISIONS

A. BROAD FORM NAMED INSURED

The following is added to Paragraph A.1., Who Is An Insured, of SECTION II – LIABILITY COVERAGE:

Any organization you newly acquire or form during the policy period over which you maintain 50% or more ownership interest and that is not separately insured for Business Auto Coverage. Coverage under this provision is afforded only until the 180th day after you acquire or form the organization or the end of the policy period, whichever is earlier.

B. BLANKET ADDITIONAL INSURED

The following is added to Paragraph c. in A.1., Who Is An Insured, of SECTION II – LIABILITY COVERAGE:

This includes any person or organization who you are required under a written contract or agreement between you and that person or organization, that is signed by you before the "bodily injury" or "property damage" occurs and that is in effect during the policy period, to name as an additional insured for Liability Coverage, but only for damages to which this insurance applies and only to the extent of that person's or organization's liability for the conduct of another "insured".

C. EMPLOYEE HIRED AUTO

1. The following is added to Paragraph A.1., Who Is An Insured, of SECTION II – LIABILITY COVERAGE:

   An "employee" of yours is an "insured" while operating an "auto" hired or rented under a contract or agreement in that "employee's" name, with your permission, while performing duties related to the conduct of your business.

2. The following replaces Paragraph b. in B.5., Other Insurance, of SECTION IV – BUSINESS AUTO CONDITIONS:

   b. For Hired Auto Physical Damage Coverage, the following are deemed to be covered "autos" you own:

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BLANKET ADDITIONAL INSURED – PRIMARY AND NON-CONTRIBUTORY WITH OTHER INSURANCE

This endorsement modifies insurance provided under the following:

BUSINESS AUTO COVERAGE FORM

PROVISIONS

1. The following is added to Paragraph A.1.c., Who Is An Insured, of SECTION II – LIABILITY COVERAGE:

   This includes any person or organization who you are required under a written contract or agreement between you and that person or organization, that is signed by you before the "bodily injury" or "property damage" occurs and that is in effect during the policy period, to name as an additional insured for Liability Coverage, but only for damages to which this insurance applies and only to the extent of that person's or organization's liability for the conduct of another "insured".

2. The following is added to Paragraph B.5., Other Insurance of SECTION IV – BUSINESS AUTO CONDITIONS:

   Regardless of the provisions of paragraph a. and paragraph d. of this part 5. Other Insurance, this insurance is primary to and non-contributory with applicable other insurance under which an additional insured person or organization is the first named insured when the written contract or agreement between you and that person or organization, that is signed by you before the "bodily injury" or "property damage" occurs and that is in effect during the policy period, requires this insurance to be primary and non-contributory.

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territories and possessions, Puerto Rico and Canada.

You agree to maintain all required or compulsory insurance in any such country up to the minimum limits required by local law. Your failure to comply with compulsory insurance requirements will not invalidate the coverage afforded by this policy, but we will only be liable to the same extent we would have been liable had you complied with the compulsory insurance requirements.

(4) It is understood that we are not an admitted or authorized insurer outside the United States of America, its territories and possessions, Puerto Rico and Canada. We assume no responsibility for the furnishing of certificates of insurance, or for compliance in any way with the laws of other countries relating to insurance.

G. WAIVER OF DEDUCTIBLE – GLASS

The following is added to Paragraph D., Deductible, of SECTION III – PHYSICAL DAMAGE COVERAGE:

No deductible for a covered "auto" will apply to glass damage if the glass is repaired rather than replaced.

H. HIRED AUTO PHYSICAL DAMAGE – LOSS OF USE – INCREASED LIMIT

The following replaces the last sentence of Paragraph A.4.b., Loss Of Use Expenses, of SECTION III – PHYSICAL DAMAGE COVERAGE:

However, the most we will pay for any expenses for loss of use is $65 per day, to a maximum of $750 for any one "accident".

I. PHYSICAL DAMAGE – TRANSPORTATION EXPENSES – INCREASED LIMIT

The following replaces the first sentence in Paragraph A.4.a., Transportation Expenses, of SECTION III – PHYSICAL DAMAGE COVERAGE:

We will pay up to $50 per day to a maximum of $1,500 for temporary transportation expense incurred by you because of the total theft of a covered "auto" of the private passenger type.

J. PERSONAL EFFECTS

The following is added to Paragraph A.4., Coverage Extensions, of SECTION III – PHYSICAL DAMAGE COVERAGE:

Personal Effects

We will pay up to $400 for "loss" to wearing apparel and other personal effects which are:

(1) Owned by an "insured"; and

(2) In or on your covered "auto".

This coverage applies only in the event of a total theft of your covered "auto".

No deductibles apply to this Personal Effects coverage.

K. AIRBAGS

The following is added to Paragraph B.3., Exclusions, of SECTION III – PHYSICAL DAMAGE COVERAGE:

Exclusion 3.a. does not apply to "loss" to one or more airbags in a covered "auto" you own that inflate due to a cause other than a cause of "loss" set forth in Paragraphs A.1.b. and A.1.c., but only:

a. If that "auto" is a covered "auto" for Comprehensive Coverage under this policy;

b. The airbags are not covered under any warranty; and

c. The airbags were not intentionally inflated.

We will pay up to a maximum of $1,000 for any one "loss".

L. NOTICE AND KNOWLEDGE OF ACCIDENT OR LOSS

The following is added to Paragraph A.2.a., of SECTION IV – BUSINESS AUTO CONDITIONS:

Your duty to give us or our authorized representative prompt notice of the "accident" or "loss" applies only when the "accident" or "loss" is known to:

(a) You (if you are an individual);

(b) A partner (if you are a partnership);

(c) A member (if you are a limited liability company);

(d) An executive officer, director or insurance manager (if you are a corporation or other organization); or

(e) Any "employee" authorized by you to give notice of the "accident" or "loss".

M. BLANKET WAIVER OF SUBROGATION

The following replaces Paragraph A.5., Transfer Of Rights Of Recovery Against Others To Us, of SECTION IV – BUSINESS AUTO CONDITIONS:

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5. Transfer Of Rights Of Recovery Against Others To Us

We waive any right of recovery we may have against any person or organization to the extent required of you by a written contract signed and executed prior to any "accident" or "loss", provided that the "accident" or "loss" arises out of operations contemplated by such contract. The waiver applies only to the person or organization designated in such contract.

N. UNINTENTIONAL ERRORS OR OMISSIONS

The following is added to Paragraph B.2., Concealment, Misrepresentation, Or Fraud, of SECTION IV – BUSINESS AUTO CONDITIONS:

The unintentional omission of, or unintentional error in, any information given by you shall not prejudice your rights under this insurance. However this provision does not affect our right to collect additional premium or exercise our right of cancellation or non-renewal.

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DESIGNATED PERSON OR ORGANIZATION - NOTICE OF CANCELLATION PROVIDED BY US

This endorsement modifies insurance provided under the following:

ALL COVERAGE PARTS INCLUDED INTHIS POLICY

SCHEDULE

CANCELLATION: **Number of Days Notice:** **30**

PERSON OR ORGANIZATION: **ANY PERSON OR ORGANIZATION TO WHOM YOU HAVE AGREED IN A WRITTEN CONTRACT THAT NOTICE OF CANCELLATION OF THIS POLICY WILL BE GIVEN, BUT ONLY IF:**

1. **YOU SEND US A WRITTEN REQUEST TO PROVIDE SUCH NOTICE, INCLUDING THE NAME AND ADDRESS OF SUCH PERSON OR ORGANIZATION, AFTER THE FIRST NAMED INSURED RECEIVES NOTICE FROM US OF THE CANCELLATION OF THIS POLICY; AND**
2. **WE RECEIVE SUCH WRITTEN REQUEST AT LEAST 14 DAYS BEFORE THE BEGINNING OF THE APPLICABLE NUMBER OF DAYS SHOWN IN THIS SCHEDULE.**

ADDRESS:

THE ADDRESS FOR THAT PERSON OR ORGANIZ-ATION INCLUDED IN SUCH WRITTEN REQUEST FROM YOU TO US.

PROVISIONS

If we cancel this policy for any legally permitted reason other than nonpayment of premium. and a number of days is shown for Cancellation in the Schedule above, we will mail notice of cancellation to the person or organization shown in such Schedule. We will mail such notice to the address shown in the Schedule above at least the number of days shown for Cancellation in such Schedule before the effective date of cancellation.

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2. We have no duty to defend any insured against any "suit":

a. Seeking damages to which this insurance does not apply; or

b. If any other insurer has a duty to defend.

3. When we have the duty to defend, we may, at our discretion, investigate and settle any claim or "suit". In all other cases, we may, at our discretion, participate in the investigation, defense and settlement of any claim or "suit" for damages to which this insurance may apply. If we exercise such right to participate, all expenses we incur in doing so will not reduce the applicable limits of insurance.

4. Our duty to defend ends when we have used up the applicable limit of insurance in the payment of judgments or settlements, or defense expenses if such expenses are within the limits of insurance of this policy.

5. We will pay, with respect to a claim we investigate or settle, or "suit" against an insured we defend:

a. All expenses we incur.

b. The cost of:

(1) Bail bonds required because of accidents or traffic law violations arising out of the use of any vehicle to which this insurance applies; or

(2) Appeal bonds and bonds to release attachments;

but only for bond amounts within the applicable limit of insurance. We do not have to furnish these bonds.

c. All reasonable expenses incurred by the insured at our request to assist us in the investigation or defense of such claim or "suit", including actual loss of earnings up to $1,000 a day because of time off from work.

d. All court costs taxed against the insured in the "suit". However, these payments do not include attorneys' fees or attorneys' expenses taxed against the insured.

e. Prejudgment interest awarded against the insured on that part of the judgment we pay. If we make an offer to pay the applicable limit of insurance, we will not pay any prejudgment interest based on that period of time after the offer.

f. All interest that accrues on the full amount of any judgment after entry of the judgment and before we have paid, offered to pay or deposited in court the part of the judgment that is within the applicable limit of insurance. If we do not pay part of the judgment for any reason other than it is more than the applicable limit of insurance, we will not pay any interest that accrues on that portion of the judgment.

With respect to a claim we investigate or settle, or "suit" against an insured we defend under **COVERAGE A – EXCESS FOLLOW-FORM LIABILITY**, these payments will not reduce the applicable limits of insurance, but only if the applicable "underlying insurance" provides for such payments in addition to its limits of insurance. With respect to a claim we investigate or settle, or "suit" against an insured we defend under **COVERAGE B – UMBRELLA LIABILITY**, these payments will not reduce the applicable limits of insurance.

SECTION II – WHO IS AN INSURED

A. COVERAGE A – EXCESS FOLLOW-FORM LIABILITY

With respect to Coverage **A**, the following persons and organizations qualify as insureds:

1. The Named Insured shown in the Declarations; and

2. Any other person or organization qualifying as an insured in the "underlying insurance". If you have agreed to provide insurance for that person or organization in a written contract or agreement:

a. The limits of insurance afforded to such person or organization will be:

(1) The amount by which the minimum limits of insurance you agreed to provide such person or organization in that written contract or agreement exceed the total limits of insurance of all applicable "underlying insurance"; or

(2) The limits of insurance of this policy;

whichever is less; and

b. Coverage under this policy does not apply to such person or organization if the minimum limits of insurance you agreed to provide such person or organization in that written contract or agreement are wholly within the total limits of insurance of all available applicable "underlying insurance".

B. COVERAGE B – UMBRELLA LIABILITY

With respect to Coverage **B**:

1. The Named Insured shown in the Declarations is an insured.

2. If you are:

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b. You have paid all premiums due for this policy at the time you make such request;

c. You promptly pay the additional premium we charge for the Extended Reporting Period endorsement for this insurance when due. We will determine that additional premium after we have received your request for the Extended Reporting Period endorsement for this insurance. That additional premium is not subject to any limitation stated in the "underlying insurance" on the amount or percentage of additional premium that may be charged for the "extended reporting period" in such "underlying insurance"; and

d. That Extended Reporting Period endorsement is issued by us and made a part of this policy.

3. Any Extended Reporting Period endorsement for this insurance will not reinstate or increase the Limits of Insurance or extend the policy period.

4. Except with respect to any provisions to the contrary contained in Paragraphs **1.**, **2.** or **3.** above, all provisions of any option to purchase an "extended reporting period" granted to you in the "underlying insurance" apply to this insurance.

J. INSPECTIONS AND SURVEYS

1. We have the right but are not obligated to:

a. Make inspections and surveys at any time;

b. Give you reports on the conditions we find; and

c. Recommend changes.

2. Any inspections, surveys, reports or recommendations relate only to insurability and the premiums to be charged. We do not make safety inspections. We do not undertake to perform the duty of any person or organization to provide for the health or safety of workers or the public. We do not warrant that conditions:

a. Are safe or healthful; or

b. Comply with laws, regulations, codes or standards.

K. LEGAL ACTION AGAINST US

1. No person or organization has a right under this insurance:

a. To join us as a party or otherwise bring us into a "suit" asking for damages from an insured; or

b. To sue us on this insurance unless all of its terms have been fully complied with.

2. A person or organization may sue us to recover on an agreed settlement or on a final judgment against an insured. We will not be liable for damages that:

a. Are not payable under the terms of this insurance; or

b. Are in excess of the applicable limit of insurance.

An agreed settlement means a settlement and release of liability signed by us, the insured and the claimant or the claimant's legal representative.

L. MAINTENANCE OF UNDERLYING INSURANCE

1. The insurance afforded by each policy of "underlying insurance" will be maintained for the full policy period of this Excess Follow-Form And Umbrella Liability Insurance. This provision does not apply to the reduction or exhaustion of the aggregate limit or limits of such "underlying insurance" solely by payments as permitted in Paragraphs **4.a.(1)**, **(2)** and **(3)** of **COVERAGE A – EXCESS FOLLOW-FORM LIABILITY** of **SECTION I – COVERAGES**. As such policies expire, you will renew them at limits and with coverage at least equal to the expiring limits of insurance. If you fail to comply with the above requirements, Coverage **A** is not invalidated. However, in the event of a loss, we will pay only to the extent that we would have paid had you complied with the above requirements.

2. The first Named Insured shown in the Declarations must give us written notice of any change in the "underlying insurance" as respects:

a. Coverage;

b. Limits of insurance;

c. Termination of any coverage; or

d. Exhaustion of aggregate limits.

3. If you are unable to recover from any "underlying insurer" because you fail to comply with any term or condition of the "underlying insurance", Coverage **A** is not invalidated. However, we will pay for any loss only to the extent that we would have paid had you complied with that term or condition in that "underlying insurance".

M. OTHER INSURANCE

This insurance is excess over any valid and collectible "other insurance" whether such "other insurance" is stated to be primary, contributing,

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excess, contingent or otherwise. This provision does not apply to a policy bought specifically to apply as excess of this insurance.

However, if you specifically agree in a written contract or agreement that the insurance provided to any person or organization that qualifies as an insured under this insurance must apply on a primary basis, or a primary and non-contributory basis, then insurance provided under Coverage **A** is subject to the following provisions:

1. This insurance will apply before any "other insurance" that is available to such additional insured which covers that person or organization as a named insured, and we will not share with that "other insurance", provided that the injury or damage for which coverage is sought is caused by an "event" that takes place or is committed subsequent to the signing of that contract or agreement by you.

2. This insurance is still excess over any valid and collectible "other insurance", whether primary, excess, contingent or otherwise, which covers that person or organization as an additional insured or as any other insured that does not qualify as a named insured.

N. PREMIUM

1. The first Named Insured shown in the Declarations is responsible for the payment of all premiums and will be the payee for any return premiums.

2. If the premium is a flat charge, it is not subject to adjustment except as provided in Paragraph **4.** below.

3. If the premium is other than a flat charge, it is an advance premium only. The earned premium will be computed at the end of the policy period, or at the end of each year of the policy period if the policy period is two years or longer, at the rate shown in the Declarations, subject to the Minimum Premium.

4. Additional premium may become payable when coverage is provided for additional insureds under the provisions of **SECTION II – WHO IS AN INSURED**.

O. PREMIUM AUDIT

The premium for this policy is the amount stated in Item **5.** of the Declarations. The premium is a flat charge unless it is specified in the Declarations as adjustable.

P. PROHIBITED COVERAGE – UNLICENSED INSURANCE

1. With respect to loss sustained by any insured in a country or jurisdiction in which we are not licensed to provide this insurance, this insurance does not apply to the extent that insuring such loss would violate the laws or regulations of such country or jurisdiction.

2. We do not assume responsibility for:

a. The payment of any fine, fee, penalty or other charge that may be imposed on any person or organization in any country or jurisdiction because we are not licensed to provide insurance in such country or jurisdiction; or

b. The furnishing of certificates or other evidence of insurance in any country or jurisdiction in which we are not licensed to provide insurance.

Q. PROHIBITED COVERAGE – TRADE OR ECONOMIC SANCTIONS

We will provide coverage for any loss, or otherwise will provide any benefit, only to the extent that providing such coverage or benefit does not expose us or any of our affiliated or parent companies to:

1. Any trade or economic sanction under any law or regulation of the United States of America; or

2. Any other applicable trade or economic sanction, prohibition or restriction.

R. REPRESENTATIONS

By accepting this insurance, you agree:

1. The statements in the Declarations and any subsequent notice relating to "underlying insurance" are accurate and complete;

2. Those statements are based upon representations you made to us; and

3. We have issued this insurance in reliance upon your representations.

S. SEPARATION OF INSUREDS

Except with respect to the Limits of Insurance, and any rights or duties specifically assigned in this policy to the first Named Insured shown in the Declarations, this insurance applies:

1. As if each Named Insured were the only Named Insured; and

2. Separately to each insured against whom claim is made or "suit" is brought.

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T. WAIVER OR TRANSFER OF RIGHTS OF RECOVERY AGAINST OTHERS TO US

1. If the insured has rights to recover all or part of any payment we have made under this insurance, those rights are transferred to us and the insured must do nothing after loss to impair them. At our request, the insured will bring suit or transfer those rights to us and help us, and with respect to Coverage **A**, the "underlying insurer", enforce them.

If the insured has agreed in a contract or agreement to waive that insured's right of recovery against any person or organization, we waive our right of recovery against that person or organization, but only for payments we make because of an "event" that takes place or is committed subsequent to the execution of that contract or agreement by such insured.

2. Reimbursement of any amount recovered will be made in the following order:

a. First, to any person or organization (including us or the insured) who has paid any amount in excess of the applicable limit of insurance;

b. Next, to us; and

c. Then, to any person or organization (including the insured and with respect to Coverage **A**, the "underlying insurer") that is entitled to claim the remainder, if any.

3. Expenses incurred in the process of recovery will be divided among all persons or organizations receiving amounts recovered according to the ratio of their respective recoveries.

U. TRANSFER OF YOUR RIGHTS AND DUTIES UNDER THIS INSURANCE

1. Your rights and duties under this insurance may not be transferred without our written consent except in the case of death of an individual Named Insured.

2. If you die, your rights and duties will be transferred to your legal representative but only while acting within the scope of duties as your legal representative. Until your legal representative is appointed, anyone having proper temporary custody of your property will have your rights and duties but only with respect to that property.

V. UNINTENTIONAL OMISSION OR ERROR

The unintentional omission of, or unintentional error in, any information provided by you which we relied upon in issuing this policy will not prejudice your rights under this insurance. However, this provision does not affect our right to collect additional premium or to exercise our rights of cancellation or nonrenewal in accordance with applicable insurance laws or regulations.

W. WHEN LOSS IS PAYABLE

If we are liable under this insurance, we will pay for injury, damage or loss after:

1. The insured's liability is established by:

a. A court decision; or

b. A written agreement between the claimant, the insured, any "underlying insurer" and us; and

2. The amount of the "applicable underlying limit" or "self-insured retention" is paid by or on behalf of the insured.

SECTION VI – DEFINITIONS

A. With respect to all coverages of this insurance:

1. "Applicable underlying limit" means the sum of:

a. The applicable limit of insurance stated for the policies of "underlying insurance" in the Schedule Of Underlying Insurance subject to the provisions in Paragraphs **4.a.(1)**, **(2)** and **(3)** of **COVERAGE A – EXCESS FOLLOW-FORM LIABILITY** of **SECTION I – COVERAGES**; and

b. The applicable limit of insurance of any "other insurance" that applies.

The limits of insurance in any policy of "underlying insurance" will apply even if:

a. The "underlying insurer" claims the insured failed to comply with any term or condition of the policy; or

b. The "underlying insurer" becomes bankrupt or insolvent.

2. "Auto hazard" means all "bodily injury" and "property damage" to which liability insurance afforded under an auto policy of "underlying insurance" would apply but for the exhaustion of its applicable limits of insurance.

3. "Electronic data" means information, facts or programs stored as or on, created or used on, or transmitted to or from computer software (including systems and applications software), hard or floppy disks, CD-ROMs, tapes, drives, cells, data processing devices or any other media which are used with electronically controlled equipment.

4. "Event" means an "occurrence", offense, accident, act, error, omission, wrongful act or loss.

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THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

DESIGNATED PERSON OR ORGANIZATION – NOTICE OF CANCELLATION PROVIDED BY US

This endorsement modifies insurance provided under the following:

ALL COVERAGE PARTS INCLUDED IN THIS POLICY

SCHEDULE

CANCELLATION: **Number of Days Notice:** 30

PERSON OR ORGANIZATION:

ANY PERSON OR ORGANIZATION TO WHOM YOU HAVE AGREED IN A WRITTEN CONTRACT THAT NOTICE OF CANCELLATION OF THIS POLICY WILL BE GIVEN, BUT ONLY IF:

1. YOU SEND US A WRITTEN REQUEST TO PROVIDE SUCH NOTICE, INCLUDING THE NAME AND ADDRESS OF SUCH PERSON OR ORGANIZATION, AFTER THE FIRST NAMED INSURED RECEIVES NOTICE FROM US OF THE CANCELLATION OF THIS POLICY; AND
2. WE RECEIVE SUCH WRITTEN REQUEST AT LEAST 14 DAYS BEFORE THE BEGINNING OF THE APPLICABLE NUMBER OF DAYS SHOWN IN THIS SCHEDULE.

ADDRESS:

THE ADDRESS FOR THAT PERSON OR ORGANIZATION INCLUDED IN SUCH WRITTEN REQUEST **FROM** YOU TO US.

PROVISIONS

If we cancel this policy for any legally permitted reason other than nonpayment of premium, and a number of days is shown for Cancellation in the Schedule above. we will mail notice of cancellation to the person or organization shown in such Schedule. We will mail such notice to the ziddress shown 1n the Schedule above at least the number of days shown for Cancellation in such Schedule before the effective date of cancellation.

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Policy Number: CUP5W3305772343

Underlying schedule

POLICY NUMBER	COVERAGE	COMPANY		LIMIT
810 - 005W326435	Auto Liability		Policy Limit	1,000,000
UB - 005W330669	Employers Liability		Policy Limit Each Accident Each Employee	1,000,000 1,000,000 1,000,000
630 - 5W324780	Employee Benefits		Each Employee Aggregate	1,000,000 2,000,000
630 - 5W324780	General Liability		General Aggregate Products-Completed Ops Aggregate Personal & Advertising Injury Each Occurrence	2,000,000 2,000,000 1,000,000 1,000,000

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WORKERS COMPENSATION
AND
EMPLOYERS LIABILITY POLICY

ENDORSEMENT WC 00 03 13 (00) -

POLICY NUMBER:
UB5W3306692343G

WAIVER OF OUR RIGHT TO RECOVER FROM OTHERS ENDORSEMENT

We have the right to recover our payments from anyone liable for an injury covered by this policy. We will not enforce our right against the person or organization named in the Schedule. (This agreement applies only to the extent that you perform work under a written contract that requires you to obtain this agreement from us.)

This agreement shall not operate directly or indirectly to benefit any one not named in the Schedule.

SCHEDULE

DESIGNATED PERSON:

Any Person or Organization for which the Insured has agreed by written contract executed prior to loss to furnish this waiver

DESIGNATED ORGANIZATION :

DATE OF ISSUE:

ST ASSIGN:

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TRAVELERS
ONE TOWER SQUARE
HARTFORD CT 06183

WORKERS COMPENSATION AND EMPLOYERS LIABILITY POLICY

ENDORSEMENT WC 99 06 R3 (00) - 001

POLICY NUMBER: UB5W3306692343G

NOTICE OF CANCELLATION TO DESIGNATED PERSONS OR ORGANIZATIONS

The following is added to PART SIX – CONDITIONS:

Notice Of Cancellation To Designated Persons Or Organizations

If we cancel this policy for any reason other than non-payment of premium by you, we will provide notice of such cancellation to each person or organization designated in the Schedule below. We will mail or deliver such notice to each person or organization at its listed address at least the number of days shown for that person or organization before the cancellation is to take effect.

You are responsible for providing us with the information necessary to accurately complete the Schedule below. If we cannot mail or deliver a notice of cancellation to a designated person or organization because the name or address of such designated person or organization provided to us is not accurate or complete, we have no responsibility to mail. deliver or otherwise notify such designated person or organization of the cancellation.

SCHEDULE

Name and Address of Designated Persons or Organizations:	Number of Days Notice
"ANY PERSON OR ORGANIZATION WITH WHOM YOU HAVE AGREED IN A WRITTEN CONTRACT THAT NOTICE OF CANCELLATION OF THIS POLICY WILL BE GIVEN, BUT ONLY IF: 1. YOU SEE TO IT THAT WE RECEIVE A WRITTEN REQUEST TO PROVIDE SUCH NOTICE, INCLUDING THE NAME AND ADDRESS OF SUCH PERSON OR ORGANIZATION, AFTER THE FIRST NAMED INSURED RECEIVES NOTICE FROM US OF THE CANCELLATION OF THIS POLICY; AND 2. WE RECEIVE SUCH A WRITTEN REQUEST AT LEAST 14 DAYS BEFORE THE BEGINNING OF THE APPLICABLE NUMBER OF DAYS SHOWN IN THIS ENDORSEMENT." "THE ADDRESS FOR THAT PERSON OR ORGANIZATION INCLUDED IN SUCH WRITTEN REQUEST FROM YOU TO US."	30

All other terms and conditions of this policy remain unchanged.

This endorsement changes the policy to which it is attached and is effective on the date issued unless otherwise stated.

(The information below is required only when this endorsement is issued subsequent to preparation of the policy.)

Endorsement Effective Policy No. Endorsement No.
Insured Premium$

Insurance Company Countersigned by _____

DATE OF ISSUE: ST ASSIGN: Page 1 of 1

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Terra Insurance Company
(A Risk Retention Group)
Two Fifer Avenue, Suite 100
Corte Madera, CA 94925

DATE
03/07/24

CERTIFICATE OF INSURANCE

CERTIFICATE HOLDER

City of Billings/Billings MPO
P.O. Box 1178
Billings, MT 59103

This certifies that the "claims made" insurance policy (described below by policy number) written on forms in use by the Company has been issued. This certificate is not a policy or a binder of insurance and is issued as a matter of information only, and confers no rights upon the certificate holder. This certificate does not alter, amend or extend the coverage afforded by this policy.

The policy of insurance listed below has been issued to the insured named above for the policy period indicated. Notwithstanding any requirement, term or condition of any contract or other document with respect to which this certificate may be issued or may pertain, the insurance afforded by the policy described herein is subject to all the terms, exclusions and conditions of such policy. Aggregate limits shown may have been reduced by paid claims.

TYPE OF INSURANCE Professional Liability

POLICY NUMBER	EFFECTIVE DATE	EXPIRATION DATE
224089	01/01/24	12/31/24

LIMITS OF LIABILITY
$2,000,000 **EACH CLAIM**
$2,000,000 **ANNUAL AGGREGATE**

PROJECT DESCRIPTION

DOWL Project Number: 4071.00229.01
DOWL Project Name: Billings Heights Neighborhood Plan
Client's Project Number: TBD

CANCELLATION: If the described policy is cancelled by the Company before its expiration date, the Company will mail written notice to the certificate holder thirty (30) days in advance, or ten (10) days in advance for non-payment of premium. If the described policy is cancelled by the insured before its expiration date, the Company will mail written notice to the certificate holder within thirty (30) days of the notice to the Company from the insured.

NAME AND ADDRESS OF INSURED

DOWL, LLC operating as DOWL
DOWL
15325 SE 30th Place, Suite 300
Bellevue, WA 98007

ISSUING COMPANY:

TERRA INSURANCE COMPANY

(A Risk Retention Group)



President

[NOT BINDING IF USED FOR AGREEMENTS FOR

Final Audit Report 2024-03-26

Created:	2024-03-25
By:	Lisa Olmsted (lolmsted@dowl.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAyGpdL2w1nI7O6jJxFsLDSpyJqvTTI0Rc

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Document created by Lisa Olmsted (lolmsted@dowl.com)
2024-03-25 - 10:39:05 PM GMT- IP address: 50.175.103.124

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2024-03-25 - 10:39:14 PM GMT

Email viewed by Doug Enderson (denderson@dowl.com)
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Document e-signed by Doug Enderson (denderson@dowl.com)
Signature Date: 2024-03-26 - 2:53:31 PM GMT - Time Source: server- IP address: 50.175.103.124

Agreement completed.
2024-03-26 - 2:53:31 PM GMT

City Council Regular

Date:	04/22/2024
Title:	W.O. 24-01, Contract 2: 2024 Sewer Main Replacement Project, Contract Amendment No. 1 to Professional Services Agreement
Presented by:	Debi Meling
Department:	Public Works
Presentation:	No
Legal Review:	Yes
Project Number:	N/A

RECOMMENDATION

Staff recommends the City Council award a professional engineering services contract amendment for the construction contract administration of W.O. 24-01, Contract 2: 2024 Sewer Main Replacement, to Morrison-Maierle in the amount of $570,282.

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

W.O. 24-01 Contract 2, 2024 Sewer Main Replacement will replace approximately 13,625 feet of existing sanitary sewer. The sewer mains being replaced with this project were selected based on age, video inspection condition assessment, root intrusion history, and sewer back up history. This project will replace sanitary sewer mains that are 100 to 120 years old made of clay tile. These sewer mains exhibit broken and cracked pipe and many sections need yearly root intrusion removal and maintenance. Generally, the sewer mains to be replaced or rehabilitated are located north of 6th Avenue North between North 30th Street and North 22nd Street. Some other isolated sewer main replacements are also included. The Morrison-Maierle initial contract for $389,900 to perform the design and bidding portion of the project was approved by Council in July 2023 and the scope of work was completed. Contract Amendment No. 1 consists of performing the Construction Contract Administration and associated services for the project. These professional services include construction survey, materials testing, construction observation, construction contract administration, and project closeout. These services were scoped after the construction contract duration was known following the design and bidding of the project.

ALTERNATIVES

City Council may:

- Award W.O. 24-01, Contract 2: 2024 Sewer Main Replacement, Professional Engineering Services Contract Amendment No. 1 with Morrison-Maierle in the amount of $570,282; or,
- Do not award Contract Amendment No. 1 with Morrison-Maierle. If this contract is not awarded, the construction project would be completed without construction management and inspection, which is not recommended.

FISCAL EFFECTS

The project was budgeted in FY24 using Wastewater Funds. There is sufficient budget to award this contract amendment.

Attachments

W.O. 24-01 Contract 2 Amendment 1

AMENDMENT NO. 1

TO

PROFESSIONAL ENGINEERING

SERVICES

CITY OF BILLINGS W.O. 24-01: CONTRACT 2 – 2024 SEWER MAIN REPLACEMENT

THIS AGREEMENT, made and entered into on _____, 2024, by and between the following:

CITY OF BILLINGS, a Municipal Corporation,
Billings, Montana 59103,
Hereinafter designated the City

and

Morrison-Maierle, Inc.
315 N. 25th Street, Suite 102
Billings, Montana 59101
Hereinafter designated the Engineer

WITNESSETH:

WHEREAS, the City and Engineer have entered into a contract dated July 17, 2023 for Engineer to provide engineering services to the City for Work Order 24-01: Contract 2 – 2024 Sewer Main Replacement, and;

WHEREAS, the City has need for additional engineering services, and;

WHEREAS, the City has authority to contract for consulting engineering services, and;

WHEREAS, the Engineer represents that he is qualified to perform such services, is in compliance with Montana Statutes relating to the registration of professional engineers and is willing to furnish such services to the City;

NOW, THEREFORE, in consideration of the terms, conditions, covenants and performance contained herein, or attached and incorporated herein, the Parties hereto agree as follows:

Appendix A, Section 3 is amended as follows:

Add the new phases and revise the following phases to include.

TASK 000 - PROJECT MANAGEMENT

Additional project management time through construction administration services.

TASK 030 – SURVEY

Construction phase survey services will consist of the following:

- Provide personnel, equipment, and supplies for construction layout and control.
- Construction layout shall include layout, measurements, lines, locations, and grades necessary to construct the sewer main replacement and associated appurtenances. Staking shall include centerline locations and offsets for the principal components of the work (manholes) and intermediate points at approximately 50 feet between principal components for the open-cut sewer main replacement areas. Staking of sanitary sewer services is not included.
- Survey shall reference and preserve all existing survey monuments and benchmarks. New monuments needed will be set for the project and will be shown on as-built drawings.

TASK 039 – GEOTECHNICAL EVALUATION

Quality assurance density tests, proctors, asphalt, and concrete testing are included in the construction materials testing scope up to $47,000. Since actual geotechnical testing fees may vary based on the contractor's means and methods, the Engineer shall notify the City as construction progresses if an amendment will be required to cover additional QA expenses.

TASK 050 – CONSTRUCTION ADMINISTRATION

Construction administration will include the following tasks:

- Prepare four (4) copies of construction contract documents and distribute to Contractor and City.
- Schedule and hold a pre-construction conference prior to commencement of work at the site. Issue meeting minutes to Contractor and City.
- Take preconstruction photos or drone videos of proposed work areas.
- Coordinate appropriate quality assurance testing of materials intended for incorporation into the project and require documentation of testing results.
- Provide observation of construction for confirmation of general conformance with the drawings and specifications. Observation of work shall be made on a full-time basis while any major item of work is in progress. Major items of work shall include, but not be limited to, sewer main, manhole, and service excavation, installation, and backfilling; CIPP

work; subgrade preparation; gravel base course surface preparation; asphalt trench restoration; testing; and concrete pouring and finishing. Each daily review shall be documented in a permanent reproducible form and kept in consecutive order with the project file. Copies of the daily review reports shall be furnished to the City as requested during construction. Engineer will notify the City as soon as practical of contract problems or deviation from approved plans.

- Coordinate and administer weekly progress meetings for a 200-calendar day project.
- Coordinate with the public through the development and distribution of informational handouts once during construction.
- Prepare a weekly construction update email and project map showing work areas to include on the City's website or Facebook.
- This project is planned based on a construction contract time of 200-calendar days. The Construction contract allows for two (2) construction crews to work in separate project areas concurrently for the duration of the project, which could require two (2) resident project representatives (RPRs) for the work. This project is planned for one (1) RPR at nine (9) hours per working day for 200 calendar days and one (1) RPR at nine (9) hours per working day for 120 calendar days. Additional time for both RPRs includes 20 hours of preparation, pre-construction conference meeting, and contract review and 20 hours for punch list items.
    - If the Contractor requires more than 120 calendar days of additional construction observation by a second RPR, an amendment will be requested prior to exceeding the 120 calendar days to account for the additional required observation.
- Coordinate with geotechnical subcontractor to interpret geotechnical test results and recommendations and coordinate with field observations.
- The Engineer shall record the location and depth, where available, of all underground utilities.
- Engineer shall ascertain that the Contractor has all needed permits to accomplish his work during construction.
- Review shop drawings, samples, equipment, bypass pumping plans, traffic control plans, valve operation requests, asphaltic concrete mix design, concrete mix design, aggregate, and other data submitted by the Contractor as described in the construction contract.
- Evaluate and respond to Requests for Information (RFI) from Contractor.
- Prepare monthly and final pay estimates for construction and prepare contract administration forms monthly. These will be submitted in the City's approved format.
- Engineer shall provide City with geotechnical testing reports after construction.
- Prepare and recommend field orders and change orders when necessary due to conditions encountered during construction, or City requested changes. Work resulting in contract overage will be processed by approved change orders using the City's standard format.
- Review CCTV post construction videos after services are reinstated. This review is limited to one initial review plus one review of repaired areas. If the repairs require more than one review, an amendment will be required to cover additional reviews.

TASK 060 – CLOSEOUT

Closeout services will be provided as follows:

- Following receipt of red-lined drawings from the Contractor and any review comments from the City, make necessary changes and furnish the City with record drawings as indicated in Section 2D of Part I of this contract. Record drawings shall include, but not be limited to:
  - Stationing of manholes and sewer services will be recorded by the RPR in the field.
  - All above elevations shall be referenced to a permanent benchmark elevation that is clearly shown on the plans.
  - Record drawings are due to the City within 60 days of the Contractor's final payment (contingent on the Contractor submitting as-built information) and before final payment to the Engineer.
- Schedule and make a final inspection with the City and certify to DEQ that all construction items were constructed according to plans and specifications and are acceptable to the Engineer.
- Issue Certificate of Substantial Completion.
- Schedule and inspect with City prior to the expiration of construction warranty period and provide a certification of final acceptance. If any problems are found, send a list of deficiencies to Billings and Contractor and continue until acceptable.

Appendix B, Section 1, Paragraph A is amended to include the following:

Add the following to the existing fee table.

Task 000	Project Management	$	7,380.00
Task 030	Survey	$	26,092.00
Task 039	Geotechnical Evaluation	$	47,300.00
Task 050	Construction Administration	$	452,746.00
Task 060	Closeout	$	36,764.00

The total addition to the Contract by this Amendment is $570,282.00.

Original Contract:	$ 389,900.00
Amendment #1:	$ 570,282.00
Revised Total	**$ 960,182.00**

The allocation of fees within the above tasks is for administrative purposes only and is not to be considered ceiling amounts for each task. The fees for each task can be

shifted between tasks but the project total will not be changed unless by contract amendment.

All other terms and conditions of the contract to which this amendment applies shall remain in full effect.

CONSULTANT

NAME: _____

BY: _____

TITLE: _____

DATE: _____

CITY OF BILLINGS, MONTANA

BY: _____
City Council or Designee

DATE: _____

ATTEST:

_____
City Clerk

DATE: _____

City Council Regular

Date:	04/22/2024
Title:	Amending the TIF MOU's to extend the term by 1-year
Presented by:	Andy Zoeller, Finance Director
Department:	Finance
Presentation:	No
Legal Review:	No
Project Number:	N/A

RECOMMENDATION

Recommend that City Council extend the Memorandum of Understanding (MOU) between the City and each of the 3 Urban Renewal District Advisory Boards until June 30, 2025.

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

On May 13, 2019, the City Council approved an MOU with each of the three Urban Renewal District Advisory Boards. Each of those MOU's had an original term of 5 years, and will expire in 2024. It is currently unknown if significant changes are needed to the MOU. Staff is requesting an extension to the existing MOU's be approved so that more time can be given to consider any recommendations for changes.

Staff contacted all three districts, and they have verbally confirmed their desire to extend the MOU's for one year as well. Each district will need to consider and approve the MOU at their regular board meeting.

ALTERNATIVES

City Council may:

- Approve; or,
- Not Approve the MOU. If not approved, the MOU for each district will expire on May 13, 2024.

FISCAL EFFECTS

There is no financial impact for extending the MOU.

Attachments

Billings BIRD MOU Extension
DBP MOU Extension
SBURA TIF MOU Extension

AMENDMENT TO THE
MEMORANDUM OF UNDERSTANDING BETWEEN
THE CITY OF BILLINGS
AND
THE BILLINGS INDUSTRIAL REVITALIZATION DISTRICT, INC.,
AN I.R.C. 501(c)(6) MONTANA NON-PROFIT CORPORATION,
AND BIG SKY ECONOMIC DEVELOPMENT,
FOR PROGRAM COORDINATION AND TAX INCREMENT FINANCING
RECOMMENDATIONS AS PER MCA 7-15-4233 IN THE SOUTH BILLINGS
BOULVARD URBAN RENEWAL DISTRICT

This Amendment is effective as of the execution date of the last party to sign this Amendment, by and between by and between the City of Billings ("City"), Big Sky Economic Development (BSED), a local port authority created by Yellowstone County, a political subdivision of the State of Montana, and the Billings Industrial Revitalization District, Inc. ("BIRD"), a 501(c)(6) tax exempt corporation of the land owners with property located within the boundaries of the East Billings Urban Renewal District (EBURD).

RECITALS

1. On May 13, 2019, City, Big Sky Economic Development, and BIRD entered into the Memorandum of Understanding ("MOU") between the City of Billings, Big Sky Economic Development, and the Billings Industrial Revitalization District, Inc. an I.R.C. 501(c)(6) Montana Non-Profit Corporation, for Program Coordination and Tax Increment Financing Recommendations as per MCA 7-15-4233 in the East Billings Urban Renewal District.

2. City, Big Sky Economic Development, and BIRD desire to extend the term of the existing MOU as set forth in Section I. of the MOU.

AMENDMENT

Pursuant to the mutual agreement of City, Big Sky Economic Development and BIRD, the MOU shall be extended and shall be in effect until June 30, 2025. The parties agree to conduct an annual progress review meeting to consider any necessary changes to the implementation strategies and roles and responsibilities as set forth in the original MOU. Any Party may terminate this Amendment by giving the other party not less than 90-days notice prior to a fiscal year end of June 30. Days are defined in this Agreement to be business days.

ORIGINAL MOU IN FULL FORCE AND EFFECT

This Amendment shall not modify or affect any other term or provision of the original MOU and all such provision shall remain in effect, except as specifically and expressly amended by this Amendment.

IN WITNESS WHEREOF, the parties hereby execute this Amendment to the MOU.

BILLINGS INDUSTRIAL REVITALIZATION DISTRICT, INCORPORATED ("BIRD")

By: _____ Dated: _____

BIRD Board President

BIG SKY ECONOMIC DEVELOPMENT AUTHORITY

By: _____ Dated: _____

Big Sky Economic Development, Executive Director

THE CITY OF BILLINGS, MONTANA ("CITY")

By: _____ Dated: _____

William A. Cole, Mayor

ATTEST:

By: _____

Denise Bohlman, City Clerk

DRAFT

AMENDMENT TO THE
MEMORANDUM OF UNDERSTANDING BETWEEN
THE CITY OF BILLINGS
AND
THE DOWNTOWN BILLINGS PARTNERSHIP, INC.,
AN I.R.C. 501(c)(4) MONTANA NON-PROFIT CORPORATION,
FOR PROGRAM COORDINATION AND TAX INCREMENT FINANCING
RECOMMENDATIONS AS PER MCA 7-15-4233 IN THE NORTH 27th STREET
URBAN RENEWAL DISTRICT

This Amendment is effective as of the execution date of the last party to sign this Amendment, by and between by and between the City of Billings ("City"), and the Downtown Billings Partnership, Inc. ("DBP"), a 501(c)(4) tax exempt organization that is managed with the purpose of assisting the City in revitalization of North 27th Street Urban Renewal District.

RECITALS

1. On May 13, 2019, City and DBP entered into the Memorandum of Understanding ("MOU") between the City of Billings and the Downtown Billings Partnership, Inc., an I.R.C. 501(c)(4) Montana Non-Profit Corporation, for Program Coordination and Tax Increment Financing Recommendations as per MCA 7-15-4233 in the North 27th Street Urban Renewal District.

2. City and DBP desire to extend the term of the existing MOU as set forth in Section I. of the MOU.

AMENDMENT

Pursuant to the mutual agreement of City and DBP, the MOU shall be extended and shall be in effect until June 30, 2025. The parties agree to conduct an annual progress review meeting to consider any necessary changes to the implementation strategies and roles and responsibilities as set forth in the original MOU. Any Party may terminate this Amendment by giving the other party not less than 90-days notice prior to a fiscal year end of June 30. Days are defined in this Agreement to be business days.

ORIGINAL MOU IN FULL FORCE AND EFFECT

This Amendment shall not modify or affect any other term or provision of the original MOU and all such provision shall remain in effect, except as specifically and expressly amended by this Amendment.

IN WITNESS WHEREOF, the parties hereby execute this Amendment to the MOU.

DRAFT

DOWNTOWN BILLINGS PARTNERSHIP, INC. ("DBP)

By: _____ Dated: _____

DBP Board President

THE CITY OF BILLINGS, MONTANA ("CITY")

By: _____ Dated: _____

William A. Cole, Mayor

ATTEST:

By: _____

Denise Bohlman, City Clerk

DRAFT

AMENDMENT TO THE
MEMORANDUM OF UNDERSTANDING BETWEEN
THE CITY OF BILLINGS
AND
THE SOUTH BILLINGS URBAN RENEWAL ASSOCIATION, INC.,
AN I.R.C. 501(c)(6) MONTANA NON-PROFIT CORPORATION,
FOR PROGRAM COORDINATION AND TAX INCREMENT FINANCING
RECOMMENDATIONS AS PER MCA 7-15-4233 IN THE SOUTH BILLINGS
BOULVARD URBAN RENEWAL DISTRICT

This Amendment is effective as of the execution date of the last party to sign this Amendment, by and between by and between the City of Billings ("City"), and the South Billings Urban Renewal Association. ("SBURA"), a 501(c)(6) tax exempt organization that is managed with the purpose of assisting the City in revitalization of the South Billings Boulevard Urban Renewal District (SBBURD).

RECITALS

1. On May 13, 2019, City and SBURA entered into the Memorandum of Understanding ("MOU") between the City of Billings and the South Billings Urban Renewal Association, Inc., an I.R.C. 501(c)(6) Montana Non-Profit Corporation, for Program Coordination and Tax Increment Financing Recommendations as per MCA 7-15-4233 in the South Billings Boulevard Urban Renewal District.

2. City and SBURA desire to extend the term of the existing MOU as set forth in Section I. of the MOU.

AMENDMENT

Pursuant to the mutual agreement of City and SBURA, the MOU shall be extended and shall be in effect until June 30, 2025. The parties agree to conduct an annual progress review meeting to consider any necessary changes to the implementation strategies and roles and responsibilities as set forth in the original MOU. Any Party may terminate this Amendment by giving the other party not less than 90-days notice prior to a fiscal year end of June 30. Days are defined in this Agreement to be business days.

ORIGINAL MOU IN FULL FORCE AND EFFECT

This Amendment shall not modify or affect any other term or provision of the original MOU and all such provision shall remain in effect, except as specifically and expressly amended by this Amendment.

IN WITNESS WHEREOF, the parties hereby execute this Amendment to the MOU.

DRAFT

SOUTH BILLINGS URBAN RENEWAL ASSOCIATION, INC. ("SBURA")

By: _____ Dated: _____

SBURA Board President

THE CITY OF BILLINGS, MONTANA ("CITY")

By: _____ Dated: _____

William A. Cole, Mayor

ATTEST:

By: _____

Denise Bohlman, City Clerk

DRAFT

City Council Regular

Date:	04/22/2024
Title:	MOU with BBWA for DNRC Grants
Presented by:	Debi Meling
Department:	Public Works
Presentation:	No
Legal Review:	Yes
Project Number:	N/A

RECOMMENDATION

Staff recommends that City Council approve the MOU with Billings Bench Water Association BBWA for DNRC grants.

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

The Billings Bench Water Association (BBWA) applies for grants from the Department of Natural Resources and Conservation (DNRC). The grants are used for projects on the canal to maintain and improve sections of the canal to reduce the potential for flooding and leaking. The grants are generally Renewable Resource Grants and Loans (RRGLs) which need a governmental agency to sponsor them. Because the citizens of Billings would be impacted by a failure or leak of the BBWA, staff recommends that the City sponsor the grants. To do so, DNRC requires the City and the BBWA to enter into a Memorandum of Understanding (MOU) to define roles and responsibilities for the project receiving the grant or loan. Generally, the City would act as a "pass through" for the funding, but does incur some risk with respect to grant compliance. The BBWA would hire consultants and contractors to do the work in accordance with the DNRC rules. The City would seek reimbursement from DNRC on behalf of the BBWA. If the BBWA does not meet the requirements of the grant or loan, they would not receive reimbursement from DNRC.

ALTERNATIVES

City Council may:

- Approve the MOU; or,
- Not Approve the MOU. If the MOU is not approved, BBWA willl not have a sponsor and will be unable to use RRGL funds.

FISCAL EFFECTS

Technically, the City has liability for ensuring the projects are done in accordance with DNRC requirements. This MOU serves to limit the city's liability and ensure the BBWA carries the financial burden in the event they do not perform the work properly.

Attachments

MOU

MEMORANDUM OF UNDERSTANDING

BETWEEN THE CITY OF BILLINGS AND BBWA

FOR RENEWABLE RESOURCE GRANT AND LOAN PROGRAM

THIS Memorandum of Understanding (MOU) is entered into by and between the CITY OF BILLINGS, herein referred to as "LOCAL GOVERNMENT", and the BILLINGS BENCH WATER ASSOCIATION (BBWA), herein referred to as "PARTNER ORGANIZATION".

WITNESSETH THAT:

WHEREAS, the LOCAL GOVERNMENT is the recipient of DNRC grants to rehabilitate the irrigation canal owned and operated by the PARTNER ORGANIZATION; and

WHEREAS, this MOU between the LOCAL GOVERNMENT and the PARTNER ORGANIZATION will enable them to enhance cooperation in implementing the LOCAL GOVERNMENT's DNRC awards to accomplish multiple projects; and

WHEREAS, the LOCAL GOVERNMENT, in its capacity as a DNRC grantee, has determined that the PARTNER ORGANIZATION can better supervise the design and construction phases of the projects; and

WHEREAS, the DNRC has required the LOCAL GOVERNMENT to enter into a MOU with the PARTNER ORGANIZATION specifying the terms and conditions of the LOCAL GOVERNMENT's delegation of certain DNRC grant management responsibilities to the PARTNER ORGANIZATION; and

WHEREAS, both parties to this MOU understand that neither the LOCAL GOVERNMENT nor the PARTNER ORGANIZATION involved herein has in any way, expressly or implied, abrogated any of its individual powers, and that this MOU does not create any new organization or legal entity.

NOW, THEREFORE, THE LOCAL GOVERNMENT AND THE PARTNER ORGANIZATION MUTUALLY AGREE AS FOLLOWS:

I. Responsibilities Delegated to the PARTNER ORGANIZATION

A. The PARTNER ORGANIZATION will, subject to prior approval by the City Administrator or Designee of the LOCAL GOVERNMENT, retain the services of a consulting engineering firm to design and supervise the construction of the project.

B. The PARTNER ORGANIZATION will be responsible for all facets of the design and construction phases of the project, including the following:

1. Design engineering;

2. Construction engineering;

3. Except as provided by paragraph IV. Administration below, compliance with all applicable state and federal requirements;

4. Except as provided by paragraph IV. Administration below, compliance with all other state and federal requirements as described in the applicable DNRC Grant Agreement;

5. Preparation of construction bid documents; and

6. Supervision of the bid process, the awarding of construction contracts, and construction of the project. The selection of the project contractor will be subject to the ratification of the City Administrator or City Council of the LOCAL GOVERNMENT and bid solicitation documents will reflect this requirement.

C. The PARTNER ORGANIZATION and its consulting engineer will receive, review, and approve all requests for payment for the items contained in paragraph B, above, and prepare and submit such requests to the City or Designee of the LOCAL GOVERNMENT in a timely fashion in accordance with established procedures.

D. During the term of this MOU, the PARTNER ORGANIZATION will maintain reasonable records of its performance hereunder in a manner consistent with generally accepted accounting principles. The PARTNER ORGANIZATION will allow the LOCAL GOVERNMENT and DNRC and their authorized representatives access to these records at any time during normal business hours. At the request of the LOCAL GOVERNMENT, the PARTNER ORGANIZATION will submit to the LOCAL GOVERNMENT, in the format prescribed by the LOCAL GOVERNMENT, status reports on its performance under this MOU.

E. The PARTNER ORGANIZATION will provide documentation that the local share of the applicable project that exceeds DNRC funds may be accessed by the LOCAL GOVERNMENT for the project no later than the time of construction bid award.

II. Payment of Design and Construction Costs Incurred by the PARTNER ORGANIZATION.

In consideration of the PARTNER ORGANIZATION's acceptance of the responsibilities described in paragraph I, above, the LOCAL GOVERNMENT agrees to the following:

A. Upon receipt of a valid claim for payment from the PARTNER ORGANIZATION for allowable project costs as specified in the LOCAL GOVERNMENT's applicable grant agreement with DNRC, the LOCAL GOVERNMENT will request the required amount of grant funds from DNRC and upon receipt of these

funds, the LOCAL GOVERNMENT will honor the PARTNER ORGANIZATION's claim and pay the engineer or contractor accordingly. Grant funds can be reimbursed directly to contractors and not to entities ineligible to receive DNRC grant funds.

B. Each payment for engineering and construction costs will be drawn from DNRC and PARTNERORGANIZATION funds (if applicable) in amounts that are proportionate to the percentage that such funds represent of the total cost of the applicable project.

C. The LOCAL GOVERNMENT will deduct a retainage from each payment request equal to five percent of the request, submitted by the PARTNER ORGANIZATION for construction costs incurred by the project contractor and hold this retainage until construction is completed, the engineer approves final payment, and the project is accepted, all in accordance with the conditions of the construction contract.

D. The LOCAL GOVERNMENT will also withhold one percent of the amount of any claim submitted by the contractor and will forward this amount to the Montana Department of Revenue pursuant to section 15-50-206(2), MCA.

E. The LOCAL GOVERNMENT may refuse to pay any claim which it deems not valid under the terms of the applicable DNRC grant agreement. Any agreement between a DNRC grantee and a partner organization or subrecipient, such as a water or sewer district, should include a "Scope of Work" which includes a description of the work to be performed, a schedule for completing the work, and a budget.

III. Duration of MOU

A. This MOU takes effect when the following conditions are satisfied:

1. DNRC and the City Administrator or City Council of the LOCAL have executed the applicable DNRC grant agreement;

2. The LOCAL GOVERNMENT Attorney and the attorney for the PARTNER ORGANIZATION have approved this MOU as to form and content; and

3. The City Council of the LOCAL GOVERNMENT and the PARTNER ORGANIZATION's governing body have each reviewed this MOU and agreed fully to its terms and conditions.

B. The LOCAL GOVERNMENT'S obligations under this MOU for each applicable DNRC grant agreement will terminate 90 days after the project engineer files a certificate of completion of the project with the Montana Department of Environmental Quality and Department closes out the DNRC project with the LOCAL GOVERNMENT.

IV. Administration

For purposes of implementing the joint undertaking established by this MOU, the City Administrator or Designee of the LOCAL GOVERNMENT and the PARTNER ORGANIZATION's Board of Directors hereby agree to coordinate with the LOCAL GOVERNMENT's DNRC grant agreement liaison, the project engineer, and a designated representative of the PARTNER ORGANIZATION. These individuals may meet on a regular basis during the term of the applicable DNRC projects to provide for the efficient and effective implementation of the projects.

V. Management of Real Property or Equipment Acquired

The primary purpose of this MOU is to allow the LOCAL GOVERNMENT to delegate responsibility for the design and construction of the PARTNER ORGANIZATION's projects to the PARTNER ORGANIZATION and to define the procedures by which the LOCAL GOVERNMENT will disburse DNRC funds to pay the costs incurred as a result of these activities. The PARTNER ORGANIZATION's facilities will be constructed or improved as described in the applicable DNRC grant agreements and the PARTNER ORGANIZATION may continue to own and operate those facilities subject to the limitations contained in subparagraph B.

Upon the completion of each project designed and constructed pursuant to this MOU, the PARTNER ORGANIZATION will transfer to the LOCAL GOVERNMENT any DNRC funds on hand at the time of expiration and any accounts receivable attributable to the use of DNRC funds.

VI. Indemnification

The PARTNER ORGANIZATION waives any and all claims and recourse against the LOCAL GOVERNMENT, including the right of contribution for loss or damage to persons or property arising from, growing out of or in any way connected with or incident to the PARTNER ORGANIZATION's performance of this MOU except claims arising from the concurrent or sole negligence of the LOCAL GOVERNMENT or its officers, agents, or employees. The PARTNER ORGANIZATION will indemnify, hold harmless, and defend the LOCAL GOVERNMENT against any and all claims, demands, damages, costs, expenses, or liability arising out of the PARTNER ORGANIZATION's performance of this MOU except for liability arising out of the concurrent or sole negligence of the LOCAL GOVERNMENT or its officer's agents, or employees.

VII. Suspension and Termination

The LOCAL GOVERNMENT may suspend or terminate this MOU if the PARTNER ORGANIZATION materially fails to comply with any term of the LOCAL GOVERNMENT's applicable grant agreements with DNRC. In addition, the LOCAL GOVERNMENT may terminate this MOU for convenience with reasonable notice.

This MOU has been approved by the LOCAL GOVERNMENT's City Council and the PARTNER ORGANIZATION's Board of Directors.

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

CITY OF BILLINGS, MONTANA

WILLIAM A. COLE,
MAYOR

APPROVED AS TO FORM:

CITY ATTORNEY'S OFFICE

ATTEST:

DENISE BOHLMAN, CITY CLERK

SIGNATURE

James Stott - BBWA

PRINT NAME

PRINT TITLE

City Council Regular

Date:	04/22/2024
Title:	Receiving of CRU backup vehicle
Presented by:	Jason Banfield, Assistant Fire Chief
Department:	Fire
Presentation:	No
Legal Review:	No
Project Number:	N/A

RECOMMENDATION

Staff recommends the acceptance of the Crisis Response Unit vehicle.

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

The Crisis Response Unit program has no backup vehicle for maintenance or breakdowns. A grant was used to purchase another vehicle to cover the downtime for future maintenance and repairs. The vehicle can also allow case management to follow up with long-term patients. Followup type calls can take 45 minutes to two hours, making the current vehicle unavailable for service for new calls. Substance Abuse Connect (Zack Terakedis) used grant funding to procure another vehicle. Our current contract with Rimrock identifies us, the City of Billings, as the party responsible for maintenance, licensing, and insurance coverage. The vehicle is well above the donation requirements and needs the council's approval for ownership.

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STAKEHOLDERS

City of Billings, Rimrock Foundation, and Substance Abuse Connect.

ALTERNATIVES

City Council may:

- Approve; or,
- Not Approve

FISCAL EFFECTS

There will be some maintenance, licensing, and insurance costs, which will be the same as those for the priority vehicle.

SUMMARY

Please approve this vehicle for case management and a reserve platform for response.

City Council Regular

Date:	04/22/2024
Title:	Donations to the Billings Public Library
Presented by:	Gavin Woltjer
Department:	Library
Presentation:	No
Legal Review:	Not Applicable
Project Number:	N/A

RECOMMENDATION

Staff recommends that the City Council accept the donations to the Billings Public Library.

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

The Billings Public Library has received donations from the Billings Public Library Foundation ($61,520) and the Friends of the Library ($15,000) to be used for upgrades and/or full replacement of furniture and technolgy in the Tech Lab.

ALTERNATIVES

City Council may:

- Approve the donations; or,
- Not Approve the donation

FISCAL EFFECTS

There is no budgetary impact.

City Council Regular

Date:	04/22/2024
Title:	Poly Vista Park donation acceptance
Presented by:	Cole McQuillan, Project Manager
Department:	Parks/Rec/Public Lands
Presentation:	No
Legal Review:	Not Applicable
Project Number:	N/A

RECOMMENDATION

Staff recommends accepting the donation from NorthWestern Energy for $2,000 to purchase trees to be planted at Poly Vista Park.

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

The Parks department has been tasked with diversifying funding sources for projects and working with outside organizations. NorthWestern Energy committed to donating $2,000 to purchase trees for this year's Arbor Day celebration and provide volunteers for planting them. Poly Vista Park was identified as a location suitable for this event.

ALTERNATIVES

City Council may:

- Approve; or,
- Not Approve

FISCAL EFFECTS

This helps purchase trees for the City and offset $2,000 that would be spent out of the Parks Forestry budget.

City Council Regular

Date:	04/22/2024
Title:	Acceptance of Donation from Patricia Schmitt in the Amount of $3,000 to the Billings Police Department
Presented by:	Rich St. John, Police Chief
Department:	Police
Presentation:	No
Legal Review:	Not Applicable
Project Number:	N/A

RECOMMENDATION

Staff recommends that City Council accept the donation from Patricia Schmitt in the amount of $3,000 to support the Billings Police Department.

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

Council policy requires that any donation greater than $500 must be approved by the City Council. Patricia Schmitt wishes to donate $3,000 to the Billings Police Department to be used as needed.

ALTERNATIVES

City Council may:

- Approve the donation to the Billings Police Department in the amount of $3,000 or;
- Disapprove the donation to the Billings Police Department in the amount of $3,000 and provide further direction to staff.

FISCAL EFFECTS

There is no impact to the General Fund.

City Council Regular

Date:	04/22/2024
Title:	Authorizing Release of Perpetual Right-of-Way Easement on Tract 2A-1 of the Amended Plat of Tract 2A of COS 2063
Presented by:	Debi Meling
Department:	Public Works
Presentation:	No
Legal Review:	Yes
Project Number:	N/A

RECOMMENDATION

Staff recommends that the City Council approve the release of the Perpetual Right-of-Way Easement recorded as document number 4057949.

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

The Perpetual Right-of-Way Easement (document number 4057949) was acquired by the City for sanitary sewer installation for the Monad Sewer Extension project. The easement crosses through Tract 2A-1 of the Amended Plat of Tract 2A of Certificate of Survey 2063, which is currently being developed as the Farmstead Apartments. The easement was obtained at no cost to the City in order to complete the Monad Sewer Extension project. After the easement was acquired, a separate easement was acquired along the preferred and more cost-effective alignment for construction of a future sewer extension to 48th Street West. As a result, no sanitary sewer main was installed on Tract 2A-1 of COS 2063. Additionally, no existing public utilities are located within this easement to be released and there are not any planned public utilities within this easement. Attached is the easement (as an exhibit to the release) to be released that is no longer needed for public utilities, highlighted in yellow. This Council action is to approve the release of this easement.

ALTERNATIVES

City Council may:

- Approve the release of the easement; or,
- Not approve of the release.

FISCAL EFFECTS

There is no significant fiscal effect resulting from the approval of the release of the easement.

Attachments

Easement Release

Record and Return to City Clerk.

RELEASE OF PERPETUAL RIGHT-OF-WAY EASEMENT

WHEREAS, the City previously acquired a Perpetual Right-of-Way Easement recorded under document number 4057949 and shown in Exhibit A, attached hereto and incorporated herein, for sanitary sewer, water, and storm drain lines for public utility purposes; and

WHEREAS, it has been determined that said easement is no longer necessary for municipal purposes; and

NOW, THEREFORE, the City of Billings does hereby release, relinquish, surrender, abandon, and quitclaim to the present owner of the surface lands described in said easement all rights, title, and interests in said easement.

IN WITNESS WHEREOF the Mayor of the City of Billings executed this instrument on the day of , 2024.

_____

By: **WILLIAM A. COLE, MAYOR**

STATE OF MONTANA)
: ss
County of Yellowstone)

This instrument was signed or acknowledged before me on this_____day of _____2024, by WILLIAM A. COLE, as the MAYOR OF THE CITY OF BILLINGS.

_____

DENISE R. BOHLMAN, CITY CLERK

APPROVED AS TO FORM:

By_____

GINA DAHL, CITY ATTORNEY

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

EASE 4057949
09/13/2023 04:14 PM Pages: 1 of 5 Fees: 50.00
Jeff Martin Clerk & Recorder, Yellowstone MT

EXHIBIT A

PERPETUAL RIGHT-OF-WAY EASEMENT

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged on this 11th day of September, 2023, the undersigned,

Jonathan Casper, Managing Member (Title), of Farmstead Apartments, LLC, of P.O. Box 6530, Fargo, North Dakota, 58109, hereinafter called "Grantors", hereby grant and convey unto THE CITY OF BILLINGS, a municipal corporation and political subdivision of the State of Montana, of the address of City Hall, Billings, Montana 59101, hereinafter called "Grantee", a perpetual easement and right-of-way over, across, under and through real property as shown on the attached Exhibit A to construct, maintain, and access a sanitary sewer utility, more particularly described as follows, to-wit:

A strip of land being 30' wide along the western boundary of Tract 2A-1 of the Amended Plat of Tract 2A of Certificate of Survey No. 2063 (Document No. 3863562). Said strip of land extending to the northern and southern boundaries of said Tract 2A-1, containing 9,529 square feet or 0.012 acres, more or less.

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

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

1. Grantors and their successors agree not to construct, nor cause to be constructed, within the easement right-of-way, any type of building or structure, such as, but not limited to, houses, garages, sheds, kennels, fences, nor any other fixed objects of any kind, shape or form, except as many be licensed by Grantee.

2. Grantors agree not to plant, nor cause to be planted within the easement right-of-way, any trees, bushes, shrubs, hedges nor any other plantings of a similar nature, except as may be licensed by Grantee. Grantors agree that authorized representatives of the City of Billings can freely travel within the easement right-of-way with their equipment in the performance of their duties at any time, day or night, regardless of outside weather conditions.

3. Grantors agree to obtain the permission of the Public Works Department or Grantee prior to placing or removing any fill dirt within the easement right-of-way and, in addition, in the event such permission is granted, the Grantors agree to perform any work necessary to modify the existing drainage ditches, storm and sanitary sewers and/or water lines and appurtenances, which work may be required prior to placing or removing any fill dirt within the easement right-of-way and all such work shall be done at the Grantor's expense and without expense to the City.

4. Grantors agree that the sole responsibility of the City of Billings for any surface restoration due to any construction, replacement, repair or service work to the drainage ditches, storm and sanitary sewer and/or water lines by the City of Billings, shall be limited to trench backfill compaction and placement of backfill material to existing grade by the City of Billings.

5. HOLD HARMLESS AGREEMENT:
   - Grantors agree that the owner or owners of the above described property shall at all times fully relieve and save harmless the City of Billings and its authorized representatives for any and all damages of property that may be caused within said easement right-of-way, such as, but not limited to, ruts or deep tracks in lawns, gardens, or flower beds, broken or crushed shrubs, bushes, hedges, trees or any other type of plantings; crushed, cracked split or otherwise damaged, irrigation piping and appurtenances; and, any other damage to any other type of object, material or equipment located within the easement right-of-way which cannot, with a minimum of human effort and within a few minutes time period, be removed from easement right-of-way by authorized representatives of the City of Billings in exercise of any of their rights under this easement right-of-way.

   - Grantors agree the owners of the above-described real property shall reimburse the City of Billings for any and all damage claims paid by the City for damages of any type or nature to any and all persons and entities in the event such damage results from or was caused to happen by such owner's failure to comply with any portion of the rights, restrictions, obligations or responsibilities contained in this agreement.

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

Grantor, Farmstead Apartments, LLC

Title: managing Member

STATE OF ND)
) ss.
County of Cass)

On this 7th day of June, 2023, before me, the undersigned, a Notary Public for the State of ND, personally appeared Jonathan Casper to me known to be authorized agent for Farmstead Apartments, LLC, the person whose name is subscribed to the within instrument and acknowledged to me that she/he executed the same.

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

ANDREA THOMAS
Notary Public
STATE OF NORTH DAKOTA
My Commission Expires
February 04, 2026

Signature of Notary

Andrea Thomas
Printed name of Notary

NOTARIAL SEAL * STATE OF ND
RESIDING AT Cass
MY COMMISSION EXPIRES 2-4-26

EASE 4057949
09/13/2023 04:14 PM Pages: 4 of 5 Fees: 50.00
Jeff Martin Clerk & Recorder, Yellowstone MT

ACKNOWLEDGMENT AND ACCEPTANCE OF CONVEYANCE

The City Administrator acknowledges receipt and hereby accepts the property interest conveyed through this instrument.

Chris A. Kukulski
City Administrator, City of Billings

ATTEST: Toni Kreckner
Deputy City Clerk

STATE OF MONTANA)
:ss
County of Yellowstone)

On this 11th day of September, 2023, before me, a Notary Public in and for the State of Montana, personally appeared Chris A. Kukulski and Toni Kreckner, Deputy, known to me to be the City Administrator and City Clerk of Billings, respectively, and acknowledged to me that they executed the foregoing instrument.

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

Wynnette J Maddox
Notary Public in and for the State of Montana

WYNNETTE J. MADDOX NOTARIAL SEAL STATE OF MONTANA

WYNNETTE J. MADDOX
NOTARY PUBLIC for the
State of Montana
Residing at Shepherd, Montana
My Commission Expires
September 16, 2026

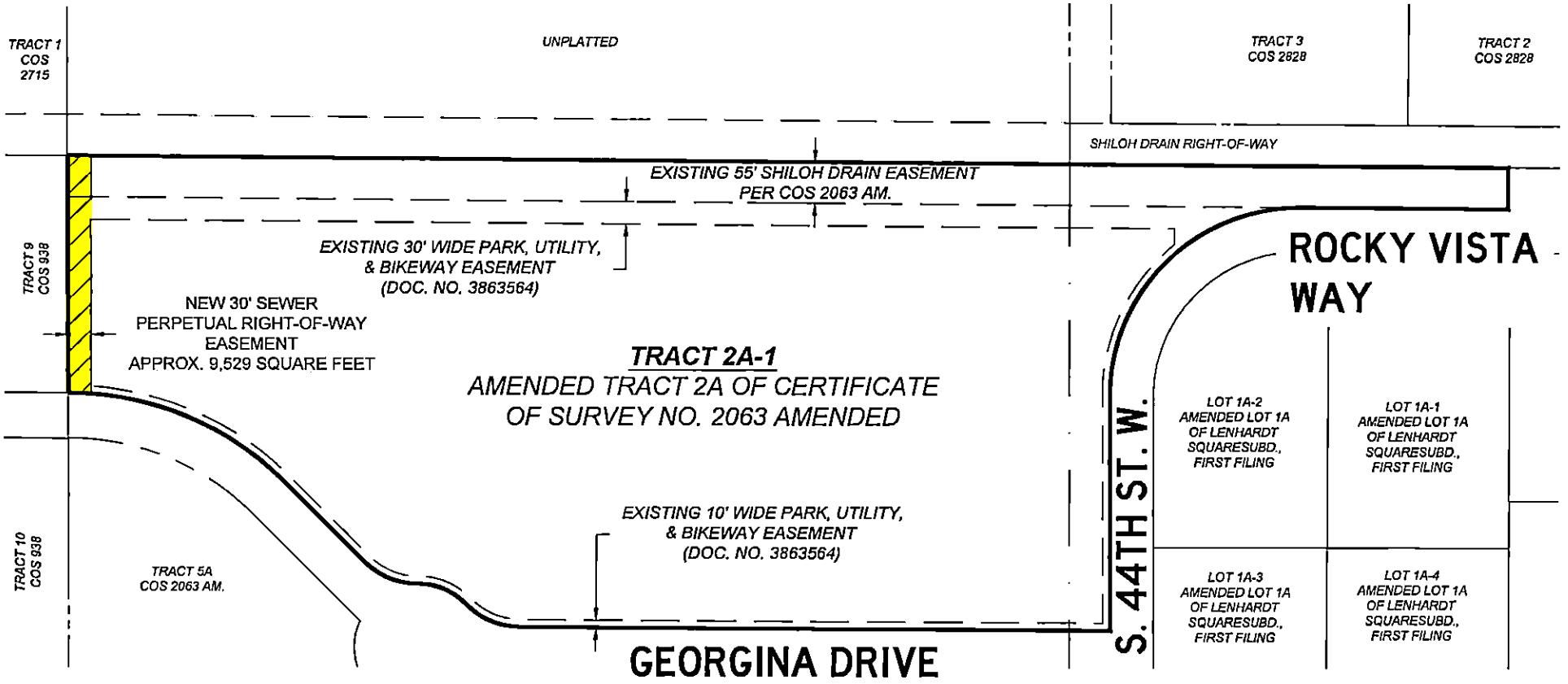
EASE 4057949
09/13/2023 04:14 PM Pages: 5 of 5 Fees: 50.00
Jeff Martin Clerk & Recorder, Yellowstone MT

EXHIBIT A

PERPETUAL SEWER RIGHT-OF-WAY EASEMENT

GRANTOR: FARMSTEAD APARTMENTS, LLC

GRANTEE: CITY OF BILLINGS



City Council Regular

Date:	04/22/2024
Title:	Annexation Agreement with C&T Equipment Holding, LLC
Presented by:	Debi Meling
Department:	Public Works
Presentation:	No
Legal Review:	Yes
Project Number:	NA

RECOMMENDATION

Staff recommends that the City Council approve the Annexation Agreement with C&T Equipment Holding, LLC.

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

City Council approved the annexation of Certificate of Survey 2735, Tract 4B at the March 25, 2024, City Council Meeting. The property that was approved to be annexed is located south of Grand Avenue west of the Birely Drain and is solely surrounded by Buffalo Crossing Subdivision. The developer desires to develop the property as a residential development. Typically, as a condition of approval of the annexation, the property owner enters into an Annexation Agreement with the City of Billings outlining necessary public improvements. The Annexation Agreement outlines the off-site improvements necessary for development including access to the site, construction of water and sanitary sewer, and storm drain. The Annexation Agreement provides for City-required off-site improvements should the property be annexed and developed without a subdivision plat.

The Annexation Agreement for this Council action generally includes the following conditions or improvements: requirement for access to an internal street within Buffalo Crossing Subdivision; requirement for water and sanitary sewer services from an internal street within Buffalo Crossing Subdivision; requirement for participation in a future pedestrian bridge over the Birely Drain; requirement to be assessed for proportional share of future Grand Avenue Improvements, and a requirement to vacate the existing access easement to Grand Avenue.

ALTERNATIVES

City Council may:

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

FISCAL EFFECTS

There are two requirements of the Annexation Agreement that would not be required upon site development. Section 1 requires vacation of an existing access easement to Grand Avenue. Section 7 requires participation in the construction of a pedestrian bridge over the Birely Drain. The financial impact of the remainder of the agreement is dependent on policy changes that may occur before development. If development occurs before any changes to the City's development policies, there would be no financial impact. If development occurs after City development policies change, the financial impact would be dependent on the changes.

Attachments

Annexation Agreement

ANNEXATION AGREEMENT

THIS ANNEXATION AGREEMENT is made this _____ day of _____, 20 _____, by and between C&T Equipment Holding, LLC, 6214 Ironwood Drive, Billings, Montana 59106 hereinafter referred to as "DEVELOPER," and THE CITY OF BILLINGS, MONTANA, a municipal corporation, c/o City Hall, 210 North 27th Street, Billings, Montana, 59101, hereinafter referred to as the "CITY." DEVELOPER and CITY are sometimes referred to in this Agreement individually as "Party" and collectively as the "Parties."

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

> Tract 4B of Certificate of Survey No. 2735 according to the official plat of file and of record in the office of the Clerk and Recorder of said County, under Document No. 3539423. Above referenced property is hereinafter referred to as "Developer Tract".

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

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

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

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

1. *Roads and Access.* Developer is required to gain access to an internal public street within Buffalo Crossing and shall vacate the existing access easement to Grand Avenue.

2. *Sanitary Sewer.* The Developer Tract will be served by the sanitary sewer main in Little River Loop.

   DEVELOPER shall be responsible for payment of the City wastewater system development fee prior to the issuance of any building permits.

3. *Water.* The Developer Tract will be served by the water main in Little River Loop.

   DEVELOPER shall be responsible for payment of the City water system development fee prior to the issuance of any building permits.

4. *Storm Drain.* The DEVELOPER will manage storm drainage within the Developer Tract in accordance with the City of Billings Stormwater Management Manual (2018).

5. *Right-of-Way.* Public Right-of-Way will be dedicated to the City of Billings in accordance with the 2018 Billings Urban Area Long Range Transportation Plan and in accordance with the City of Billings Subdivision Regulations. There is no right-of-way dedication required from the Developer Tract.

6. *Street Improvements.* No improvements are anticipated as the Buffalo Crossing Subdivision development is constructing all of the internal streets that provides access to Developer Tract. When Grand Avenue is improved in the future, the CITY may assess the Developer Tract for their proportionate share of the improvements and is included in the waiver of right to protest.

7. *Sidewalk or Multi-use Trail*. There are no sidewalk improvements anticipated for this development. It is anticipated that a pedestrian bridge will be constructed utilizing a special improvement district over the Birely Drain in the future connecting Buffalo Crossing Subdivision with Trails West Subdivision. The Developer Tract will participate in the special improvement district for its proportionate share of the pedestrian bridge.

8. *Future Intersection Contributions.* A traffic impact study will be performed at the time of future subdivision and/or development to determine DEVELOPER contributions to future intersection improvements if 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 DEVELOPER.

9. *Public Improvements.* Should the City perform improvements listed in the Agreement or not listed in the Agreement benefitting the Developer Tract, 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 parks maintenance, traffic control devices on-site and off-site inclusive as determined by an overall traffic accessibility study, specific realignments or relocation of sanitary sewer lines and water lines, valley gutters, culverts, storm sewer lines, if any, either within or without the area, and other improvements which the City of Billings may require. The attached Waiver, waiving the right to protest the creation of one or more Special Improvement Districts, by this reference is expressly incorporated herein and part hereof. All of the Developer properties can be included in a Special Improvements District for improvements identified in Annexation Agreement regardless of location of individual properties in relation to the improvements.

10. *Compliance.* Nothing herein shall be deemed to exempt the Developer Tract from compliance with any current or future City laws, rules, regulations, or policies that are applicable to the development, redevelopment, or use of the subject property.

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.

"DEVELOPER" C&T Equipment Holding, LLC

By: _____

Title: _____

STATE OF MONTANA)
:ss
County of Yellowstone)

On this ____ day of _____, 20___, before me, a Notary Public in and for the State of Montana, personally appeared _____, known to me to be the person who signed the foregoing instrument as the _____of C&T Equipment Holding, LLC, and who acknowledged to me that said DEVELOPER executed the same.

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

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

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

"CITY" CITY OF BILLINGS, MONTANA

By:_____
Mayor

Attest:_____
City Clerk

STATE OF MONTANA)
:ss
County of Yellowstone)

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

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

Approved as to Form:

_____
City Attorney

WAIVER OF RIGHT TO PROTEST

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

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

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

Tract 4B of Certificate of Survey No. 2735 according to the official plat of file and of record in the office of the Clerk and Recorder of said County, under Document No. 3539423.

"DEVELOPER" C&T Equipment Holding, LLC

By: _____
Title:_____

STATE OF MONTANA)
:ss.
County of Yellowstone)

On this ____ day of _____, 20___, before me, a Notary Public in and for the State of Montana, personally appeared _____, known to me to be the person who signed the foregoing instrument as the _____ of C&T Equipment Holding, LLC, and who acknowledged to me that said DEVELOPER executed the same.

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

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

City Council Regular

Date:	04/22/2024
Title:	W.O. 22-22 - 10th Avenue South and South 30th Street, Resolution Ordering Improvements
Presented by:	Debi Meling
Department:	Public Works
Presentation:	No
Legal Review:	Yes
Project Number:	N/A

RECOMMENDATION

Staff recommends the City Council approve a Resolution ordering improvements for W.O. 22-22 - 10th Avenue South and South 30th Street.

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

The City has an annual street reconstruction program aimed at reducing the number of non-maintainable streets within the City. Non-maintainable streets are those streets that have been identified as having existing asphalt pavement surfacing that has deteriorated beyond the capabilities of the City Street Preventative Maintenance Program, requiring replacement.

10th Avenue South and South 30th Street are located in the Billings South Side area, situated between 9th Avenue South and State Avenue, west of South 27th Street. The streets are partially developed with curb, gutter, and sidewalk along the north side of 10th Avenue South and also along the east side of South 30th Street. The project preserves the existing curb and gutter to the extent practicable. New curb, gutter, and a boulevard sidewalk will be installed along the west side of South 30th Street and are funded through a property assessment. The sidewalk provides pedestrian access to and from the existing employee parking lot on the north side of State Avenue to the sugar beet factory. 10th Avenue South will be completed to a residential street standard. The curb along the south side of 10th Avenue South is funded through property assessment. The project provides full depth reconstruction of the existing asphalt pavement, and new or replaced accessible ramps for route connectivity. The project also proposes new storm drain infrastructure as necessitated by the design.

This project is in accordance with State law (MCA 7-14-4109) and City Resolution 18-10719 which allow the City Council to order certain improvements such as sidewalks, curbs, gutters, and adjacent pavement to be constructed without the creation of a special improvement district. As such, property owners will be assessed for the construction of sidewalk, curb, gutter, street widening, and other items allowed by City Resolution 18-10719 along their addressed and non-addressed side on non-residential lots. The City is responsible to pay for street improvements, including new and replaced curb and gutter, accessible ramps, sidewalk, and asphalt pavement along non-addressed property.

The Resolution includes one property owner of a commercial corner lot fronting South 30th Street and 10th Avenue South. On November 29, 2023 City staff notified the property owner of the upcoming project. On March 25, 2024, City staff provided the property owner an assessment estimate using historic bid price information. City staff then met on-site with the property owner on April 2, 2024 to further discuss project elements, and the assessment process. The project was bid on April 2, 2024 and a subsequent letter was provided to the property owner providing an updated assessment estimate using actual unit bid price information. The dollar value of the estimated assessment provided to the property owner using bid information is provided in Exhibit B of the Resolution, as attached.

ALTERNATIVES

City Council may:

- Approve the Resolution ordering improvements associated with W.O. 22-22; or,
- Not Approve a Resolution ordering improvements. If City Council does not approve a Resolution, the work will not occur, resulting in the streets continuing to deteriorate.

FISCAL EFFECTS

The project was budgeted in FY 24 through Gas Tax, Street Maintenance District 2 Funds, and a property owner assessment. The assessments included in the Resolution are in the amount of $93,397.00.

Attachments

WO 2222 Resolution Ordering Improvements
WO 2222 Exhibit A
WO 2222 Exhibit B

CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of the City of Billings, Montana (the City), hereby certify that the attached resolution is a true copy of Resolution No. 24-_____, entitled: **A RESOLUTION RELATING TO W.O. 22-22 10TH AVENUE SOUTH AND SOUTH 30TH STREET; ORDERING IN CERTAIN LOCAL IMPROVEMENTS AND DECLARING IT TO BE THE INTENTION OF THE CITY COUNCIL TO FINANCE THE COSTS THEREOF AND INCIDENTAL THERETO THROUGH THE ISSUANCE OF SIDEWALK, CURB AND GUTTER IMPROVEMENT BONDS SECURED BY THE CITY'S SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND AND ESTABLISHING COMPLIANCE WITH REIMBURSEMENT REGULATIONS UNDER THE INTERNAL REVENUE CODE** (the "Resolution") was duly adopted by the City Council of the City at a meeting on April 22, 2024; that the meeting was duly held by the City Council and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the Resolution at said meeting, the following Councilmembers voted in favor thereof: _____; voted against the same: _____; or were absent: _____.

WITNESS my hand officially this _____ day of _____, 2024.

_____
Denise Bohlman
City Clerk

RESOLUTION NO. 24 - _____

A RESOLUTION RELATING TO THE W.O. 22-22 10TH AVENUE SOUTH AND SOUTH 30TH STREET; ORDERING IN CERTAIN LOCAL IMPROVEMENTS AND DECLARING IT TO BE THE INTENTION OF THE CITY COUNCIL TO FINANCE THE COSTS THEREOF AND INCIDENTAL THERETO THROUGH THE ISSUANCE OF SIDEWALK, CURB AND GUTTER IMPROVEMENT BONDS SECURED BY THE CITY'S SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND AND ESTABLISHING COMPLIANCE WITH REIMBURSEMENT REGULATIONS UNDER THE INTERNAL REVENUE CODE.

BE IT RESOLVED by the City Council of the City of Billings, Montana (the "City"), as follows:

Section 1. Authorization. Certain curbs, gutters, sidewalks, drive approaches, alley approaches and/or appurtenant features or a combination thereof in certain locations in the City have deteriorated, settled and cracked, or none exist, and the safety and convenience of the public require installation, construction, reconstruction, repair and/or replacement thereof. Pursuant to M.C.A. 7-14-4109, the Council is authorized to order the installation, construction, reconstruction and/or replacements of certain curbs, gutters, sidewalks, drive approaches and/or appurtenant features or a combination thereof (the "Improvements") in certain locations in the City and without creation of a special improvement district.

Section 2. Ordering of Improvements. It is hereby ordered that the Improvements, consisting of the construction and installation of curbs, gutters, sidewalks, drive approaches and appurtenant features in the areas shown on Exhibit A be installed, constructed, reconstructed, repaired and/or replaced.

Section 3. Estimated Costs of the Improvements. The City estimates that the costs of the Improvements are $502,994, with $409,547 to be contributed by the City and $93,397 to be financed through the issuance of the Bonds (as hereinafter defined), unless the property owners to be assessed for the Improvements determine to prepay their share of the costs of the Improvements. Costs of the Improvements include costs of the design, engineering, construction and installation of the Improvements, costs of funding a deposit to the City's Special Improvement District Revolving Fund (the "Revolving Fund"), costs associated with the sale of the Bonds (as hereinafter defined), and all other incidental costs as described below:

Construction Costs	$423,855.00
Contingency	$21,193.50
Consultant Management Costs	$13,000.00
City Engineering (Project Management)	$29,385.50
Finance	$1,000.00
Revolving Fund	$4,650.00
Bond Discount	$1,860.00
Issuance Costs	$8,000.00
Total Costs	$502,944.00

Section 4. Property to be Assessed. The properties which are adjacent to the Improvements will be assessed for costs of the Improvements as shown on Exhibit B hereto. The cost to be assessed against each property will vary depending upon the actual construction that is required adjacent to each such property.

Section 5. Property Owner Option to Construct Improvements. Notice of passage of this Resolution shall be mailed to all affected property owners. Each such owner will have thirty (30) days from the date of said notice in which to install the Improvements with respect to its property at its own expense. In the event that any owner does not install the Improvements with respect to its property, the City will install such Improvements and will assess the costs of the Improvements against such property.

Section 6. Payment for Improvements. Costs of the Improvements (unless paid directly by the affected property owner) are to be paid from the proceeds of Sidewalk, Curb, and Gutter Improvement Bonds (the "Bonds") in an aggregate principal amount not to exceed $93,397.00; provided that the City will permit affected property owners to prepay their share of the costs of the Improvements prior to issuing the Bonds.

Section 7. Bond Financing; Pledge of Revolving Fund; Findings and Determinations. The Bonds will be repaid from the assessments for costs of the Improvements, together with interest thereon calculated pursuant to M.C.A. 7-12-4189, to be levied against the properties to be assessed for the Improvements. Assessments for the costs of the Improvements, together with interest thereon, shall be payable over a term not exceeding 12 years, each in equal semiannual installments as this Council shall prescribe in the resolution authorizing the issuance of the Bonds. Principal of and interest on the Bonds will be paid from such assessments.

After the Bonds are issued, all property owners to be levied for the Improvements shall have the right to prepay assessments, together with interest thereon, as provided by law.

This Council further finds that it is in the public interest, and in the best interest of the City and the properties to be assessed for the Improvements, to secure payment of

principal of and interest on the Bonds by the Revolving Fund and hereby authorizes the City to enter into the undertakings and agreements authorized in Section 7-12-4225 in respect of the Bonds.

In determining to authorize the issuance of the Bonds and the pledge of the Revolving Fund therefor, this Council has taken into consideration the following factors:

(a) Estimated Market Value of Parcels. The estimated market value of the property to be assessed for the Improvements as of the date of adoption of this resolution, as estimated by the County Assessor, is $42,587.00 and is set forth in Exhibit B. The special assessments to be levied against the property listed on Exhibit B hereto are less than the increase in estimated value of the properties as a result of the construction of the Improvements.

(b) Diversity of Property Ownership. There is a total of 1 property to be assessed for the Improvements.

(c) Comparison of Special Assessments, Property Taxes and Market Value. Based on an analysis of the aggregate amount of the proposed assessments, any outstanding assessments (whether or not delinquent), and any delinquent property taxes (as well as any known industrial development bonds theretofore issued and secured by a mortgage against a property to be assessed for the Improvements) against the property to be assessed for the Improvements in comparison to the estimated market value of such property after the Improvements, the City concludes that, overall, the estimated market value of the property to be assessed for the Improvements exceeds the sum of the proposed assessments, outstanding assessments and delinquent property taxes, and is set forth in Exhibit B hereto.

(d) Delinquencies. An analysis of the amount of delinquencies in the payment of outstanding assessments or property taxes levied against the property to be assessed for the Improvements is set forth in Exhibit B hereto, which analysis shows that of 1 properties, 0 properties were delinquent.

(e) Public Benefit of the Improvements. The Improvements are required for the safety and convenience of the public. Pursuant to the City's Subdivision and Site Development Ordinances, and under City Council policies, the cost of installation of new sidewalk, curb, gutter, drive approaches and appurtenant features is to be borne by the adjacent property owners.

Section 8. Reimbursement.

8.1 Regulations. The United States Department of Treasury has promulgated final regulations governing the use of proceeds of tax-exempt bonds, all or a portion of which are to be used to reimburse the City for project expenditures paid by the City prior to the date of issuance of such bonds. Those regulations (Treasury Regulations, Section 1.150-2) (the "Regulations") require that the City adopt a statement of official

intent to reimburse an original expenditure not later than 60 days after payment of the original expenditure. The Regulations also generally require that the bonds be issued and the reimbursement allocation made from the proceeds of the bonds within 18 months (or three years, if the reimbursement bond issue qualifies for the "small issuer" exception from the arbitrage rebate requirement) after the later of (i) the date the expenditure is paid or (ii) the date the project is placed in service or abandoned, but (unless the issue qualifies for the "small issuer" exception from the arbitrage rebate requirement) in no event more than three years after the date the expenditure is paid. The Regulations generally permit reimbursement of capital expenditures and costs of issuance of the bonds.

8.2 Prior Expenditures. Other than (i) expenditures to be paid or reimbursed from sources other than the Bonds, (ii) expenditures permitted to be reimbursed under the transitional provision contained in Section 1.150-2(j)(2) of the Regulations, (iii) expenditures constituting preliminary expenditures within the meaning of Section 1.150-2(f)(2) of the Regulations, or (iv) expenditures in a "de minimus" amount (as defined in Section 1.150-2(f)(1) of the Regulations), no expenditures for the Improvements have been paid by the City before the date 60 days before the date of adoption of this resolution.

8.3 Declaration of Intent. The City reasonably expects to reimburse the expenditures made for costs of the Improvements out of the proceeds of Bonds in an estimated maximum aggregate principal amount of $93,397.00 after the date of payment of all or a portion of the costs of the Improvements. All reimbursed expenditures shall be capital expenditures, a cost of issuance of the Bonds or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Regulations.

8.4 Budgetary Matters. As of the date hereof, there are no City funds reserved, allocated on a long-term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside) to provide permanent financing for the expenditures related to the Improvements, other than pursuant to the issuance of the Bonds. The statement of intent contained in this resolution, therefore, is determined to be consistent with the City's budgetary and financial circumstances as they exist or are reasonably foreseeable on the date hereof.

8.5 Reimbursement Allocations. The City's financial officer shall be responsible for making the "reimbursement allocations" described in the Regulations, being generally the transfer of the appropriate amount of proceeds of the Bonds to reimburse the source of temporary financing used by the City to make prior payment of the costs of the Improvements. Each allocation shall be evidence by an entry on the official books and records of the City maintained for the Bonds or the Improvements and shall specifically identify the actual original expenditure being reimbursed.

PASSED AND ADOPTED by the City Council of the City of Billings, Montana, this 22nd of April, 2024.

Mayor

Attest:

City Clerk

WO 22-22 Exhibit A



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City of Billings

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W.O. 22-22 10th Avenue South & South 30th Street

Exhibit B - Property Market Value and Delinquency

Prepared By: City of Billings (April 03, 2024)

TAX I.D. NUMBER	PREVIOUS SID #	PREVIOUS SID PAY-OFF	DELINQUENT	W.O. 22-22 ASSESSMENT	SID PAY-OFF + DELINQUENT + W.O. 22-22 ASSESSMENT	ESTIMATED MARKET VALUE	ESTIMATED MARKET VALUE AFTER IMPROVEMENTS
A01890				$ 93,397.00	$93,397.00	$42,587.00	$135,984.00
AVERAGE		**#DIV/0!**	**$0.00**	**$ 93,397.00**	**$93,397.00**	**$42,587.00**	**$135,984.00**
MEDIAN		**#NUM!**	**$0.00**	**$93,397.00**	**$93,397.00**	**$42,587.00**	**$135,984.00**
LOW		**$0.00**	**$0.00**	**$93,397.00**	**$93,397.00**	**$42,587.00**	**$135,984.00**
HIGH		**$0.00**	**$0.00**	**$93,397.00**	**$93,397.00**	**$42,587.00**	**$135,984.00**

City Council Regular

Date:	04/22/2024
Title:	Second Reading - Ordinance Amendment BMCC 18-300, Nuisances
Presented by:	Tina Hoeger
Department:	Planning & Community Services
Presentation:	No
Legal Review:	Yes
Project Number:	N/A

RECOMMENDATION

Staff recommends the City Council approve the second and final reading of the amended ordinance Billings, Montana City Code (BMCC) Section 18-300, Nuisances.

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

At its meeting on April 8, 2024, the City Council conducted a public hearing and approved the first reading of the amended ordinance BMCC 18-300, Nuisances.

The language of "Sec. 18-303" was removed in the clean version of the amended ordinance from Sec. 18-305, Abatement, and collection of costs after legal review in preparation for second reading. Section 18-305 will, in the future, be used as the process for other ordinances and therefore, the language of "Sec. 18-303" should be removed.

STAKEHOLDERS

The residents of Billings will ultimately benefit from making these ordinance amendments as the changes will increase efficiency of enforcement, better clarify the codes so people understand their rights and obligations under the City code, and make it easier to apply the codes by the City Code Enforcement Division.

ALTERNATIVES

City Council may:

- Approve the amended ordinance BMCC 18-300, Nuisances; or,
- Not Approve the amended ordinance BMCC 18-300, Nuisances. If not approved, ordinance BMCC 18-300, Nuisances will remain the same and not have the more effective and updated language Code Enforcement staff, City Legal staff, and the City Council have been working to implement.

FISCAL EFFECTS

There are no direct fiscal impacts; however, if the Council approves amended ordinance BMCC 18-300, Nuisances, there could be some advantages of efficiency and process that might be fiscally beneficial, although difficult to measure given the overall complexity of some of these enforcement processes.

Attachments

Nuisance Ordinance Amended
Nuisance Ordinance Clean

ORDINANCE 24-_____

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE (BMCC) BE AMENDED BY REVISING ARTICLE 18-300, OF SAID CODE

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

Section 1. That Article 18-300, of the Billings, Montana City Code (BMCC) is amended so that such section shall read as follows:

Article 18-300. – NUISANCES

Sec. 18-301. Purpose.

The purpose of this article is to regulate conditions in the city that may constitute public nuisances, are injurious to public health, safety and welfare, obstruct the free use of property or interfere with the comfortable enjoyment of life or property and to provide for the remediation of such nuisances, to protect the public health, safety and welfare and to promote the economic stability of neighborhoods and areas within the city. It is also the purpose of this article to prevent and prohibit those conditions which reduce the value of private property, interfere with the enjoyment of public and private property, create and constitute public nuisances and contribute to the degradation of the character of neighborhoods and the depreciation of property values.

(Ord. No. 04-5280, § 1, 5-10-04; Ord. No. 19-5721, § 1, 1-14-19)

Sec. 18-302. Definitions.

For the purposes of this article the following definitions shall apply:

~~*Abandoned or decaying structure* means a structure that exhibits objectively determinable signs of deterioration specified in section 18-303(5)(B) sufficient to constitute a public nuisance.~~

Abate means to repair, replace, remove, destroy or otherwise remedy the condition in question by such means, in such a manner and to such an extent that is determined necessary in the interest of the health, safety and general welfare of the effected community.

Creating a hazard means a dangerous condition existing on property that would be attractive to children, including such things as an unfenced swimming pool, a refrigerator or other container that could trap a child inside, and an un-barricaded construction site.

~~*Dangerous structure* means any dangerous, falling or damaged residential dwelling or other structure excluding any structure related to an agricultural or farming operation. Openings in the walls or roof that allow unrestricted access by humans, animals or weather to the interior of the structure shall constitute a presumption that the structure is dangerous.~~

Enforcement officer means a code enforcement officer, police officer, or other city employee designated by the city council or the city administrator.

Inoperable vehicle means any discarded, ruined, wrecked, or dismantled motor vehicle or motor vehicle parts or components. Any vehicle not capable of immediate and legal operation on public roads shall be considered an inoperable vehicle for purposes of this section.

Junk means any worn out, cast off or unusable article or material which is ready for destruction or has been collected or stored as salvage, for conversion to some other use or for reduction into components. Junk includes but is not limited to old or scrap metal, rope, rags, household goods, appliances, furniture, vehicle parts or components, batteries, paper, tires, rubber debris or waste, iron, steel and other old or scrap ferrous or non-ferrous material.

Nuisance structure means a structure that exhibits objectively determinable signs of deterioration such as those set forth in section 18-303(5) which are sufficient to constitute a public nuisance and includes any dangerous, falling, or damaged residential dwelling, commercial structure, or other structure excluding any structure related to an agricultural or farming operation. Openings in the walls, roof or floor that allow unrestricted access by humans, animals, or weather to the interior of the structure shall constitute a presumption that the structure is ~~dangerous~~ a nuisance structure.

Public nuisance means a situation created or allowed to continue by the owner or occupant of real property which may endanger or be injurious to public safety or health, is offensive to the senses, renders any public right-of-way dangerous for passage, adversely affects the property values of adjacent properties, or obstructs the free use of property so as to interfere with the comfortable enjoyment of life or property. Nothing which is done or maintained under the express authority of a statute can be deemed a nuisance. A public nuisance is one which affects, at the same time, an entire community or neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

Open storage means exposed to the elements or not stored inside an enclosed structure which includes walls on all sides and a roof.

Person means any individual, firm, association, partnership, corporation or any entity, public or private.

Premises means any lot, parcel of land, building, parcel, real estate, land or portion of land whether improved or unimproved including any portion of any street, right-of-way

or alley lying between such lot or parcel of land and the center of such street, right-of-way or alley.

Responsible person means any agent, lessee, owner or other person occupying or having charge or control of any premises.

(Ord. No. 04-5280, § 2, 5-10-04; Ord. No. 13-5604, § 1, 5-28-13; Ord. No. 19-5721, § 2, 1-14-19)

Sec. 18-303. Prohibitions.

It is unlawful for any person to create or maintain on any premises or adjacent to a public right-of-way within the incorporated area of the city any condition that contributes to the creation of a public nuisance. Public nuisances include but are not limited to the following:

(1) Creating a hazard on any premises for more than twenty-four (24) hours.

(2) The open storage of more than three (3) inoperable vehicles on any premises for more than five (5) consecutive days.

(3) The open storage of a collection of junk (see definition) on any premises for more than five (5) consecutive days.

(4) Creating or maintaining on any premises an amount of decaying matter, animal or vegetable, that is not part of an agricultural or farming operation, so as to contaminate the atmosphere and be offensive to the senses and obstruct the free enjoyment of life and property.

(5) Maintaining a ~~dangerous~~ nuisance structure (see definition) ~~or an abandoned or decaying structure~~ for more than ten (10) days without abating the ~~dangerous or~~ nuisance condition. ~~of such structure.~~

~~a.~~ A ~~dangerous~~ nuisance structure is ~~being maintained~~ present if three (3) or more of the following listed conditions exist:

i. Broken, boarded, or missing windows and/or doors;

~~ii. Broken or missing doors;~~

~~iii~~.ii. Broken or missing attic vent(s);

~~iv~~.iii. Broken or missing under-floor vent(s);

iv. Building exteriors with substantially deteriorating or peeling paint ~~which allows the exterior building coverings to significantly deteriorate;~~

v~~i~~. Building exteriors with visible signs of decay such as siding with dry rot, warping or cracking;

vi~~i~~. Building with missing or severely damaged finish siding materials;

viii. Buildings with missing or substantially damaged exterior walls;

~~ix. Buildings with missing or severely damaged roofs; or~~

~~x~~.viii. Buildings with missing or severely damaged foundations.

~~b. An abandoned or decaying structure is being maintained if three (3) or more of the following listed conditions exist:~~

~~i. Buildings with substantially deteriorating or peeling paint which allows the exterior building coverings to significantly deteriorate;~~

~~ii. Building exteriors with visible signs of decay such as siding with dry rot, warping or cracking;~~

~~iii~~x. Two (2) or more reports to the police department or code enforcement division of building exteriors, walls, fences, driveways, or walkways which has been defaced by "graffiti" within a ~~12~~-24 month period;

~~iv~~x. Two (2) or more reports to the police department or code enforcement division of ~~unauthorized persons (trespassing)~~ criminal activity on the property within a ~~12~~-24 month period;

~~v~~xi. Has one or more essential utilities turned off for a period of 30 days or more;

~~v~~xii. Dead, dying or diseased trees, shrubs and other desired vegetation;

~~vii. Dead, dying or diseased shrubs and other desired vegetation;~~

~~vi~~xiii. Dead, dying or diseased lawn area(s) due to lack of water or other necessary maintenance;

~~ix~~iv. Neglected trees and shrubs growing uncontrolled without proper pruning;

xv. Building walls which are broken, defective, or significantly deteriorated; or

xvi. Building appurtenances such as railings, gutters, fences, gates or exterior light(s) are broken, fallen, or significantly damaged.

xvii. Damaged roofing to include missing shingles or roofing materials; warped shingles; or deteriorating roofing materials;

(6) Creating or maintaining on any premises:

(a) a condition constituting a public nuisance not otherwise described, or

(b) any location where persons gather for the purpose of engaging in unlawful conduct.

(Ord. No. 04-5280, § 3, 5-10-04; Ord. No. 13-5604, § 1, 5-28-13; Ord. No. 19-5721, § 3, 1-14-19)

Sec. 18-304. Enforcement and penalties.

A. Upon written or oral complaint of any citizen so affected by an alleged public nuisance, or if an enforcement officer becomes aware of a condition or situation that may constitute a public nuisance, the enforcement officer shall investigate the condition or situation within a reasonable period of time. The enforcement officer shall determine whether such condition or situation constitutes a public nuisance. If the officer finds there exists a public nuisance as defined herein, such officer shall give written notice to the owner of the premises and the responsible person who is maintaining or creating such public nuisance of the specific nature of the violation. The notice shall contain the following information:

1) The street address and legal description of the property sufficient for identification of the property;

2) A statement that the property is a potential public nuisance with a concise description of the conditions leading to the finding;

3) A statement that the public nuisance must be abated no less than ten (10) days after receipt of the notice. If the public nuisance is not abated within that time, the city may send a second/final ten (10) day notice.

4) If the public nuisance is still not abated after the second/final notice, the city may declare the property to be a public nuisance subject to the abatement procedures in section 18-305. In cases of emergency or exigent circumstances, the officer shall have the discretion to abate the public nuisance within less than the ten (10) days from receipt of the first notice.

B. Service of a notice of violation shall be made on the owner of the premises and the person responsible for the code violation by one or more of the following methods:

1) Personal service of the notice of violation.
2) By leaving a copy of the notice of violation at the person's residence with a person of suitable age and discretion who resides there and concurrently mailing notice as provided for herein.
3) By posting the notice of violation in a conspicuous place on the property where the violation occurred and concurrently mailing notice as provided for herein.
4) For the owner of the premises, service by mail may be made by mailing a copy, postage prepaid, by ordinary first-class mail, to the person's residential address. The taxpayer's address as shown on the tax records of Yellowstone County for the property where the violation occurred shall also be deemed to be a proper address for the purpose of mailing such notice.
5) For the responsible person, service by mail may be made for a notice of violation by mailing a copy, postage prepaid, by ordinary first-class mail, to the person's residential address or at the address of the violation. The person's address as shown on the records of the Montana Motor Vehicle Division shall also be deemed to be a proper address for the purpose of mailing such notice.

6) In all cases, service by mail shall be presumed effective upon the third business day following the day upon which the notice of violation was placed in the mail.
7) If either the owner of the premises or the responsible person cannot be personally served within the City of Billings, and if an address for mailed service cannot reasonably be determined, then service may be made upon that person by posting the notice of violation in a conspicuous place on the property where the violation occurred. Service by posting in this instance shall be presumed effective upon the seventh day following the day upon which the notice was posted.

C. Proof of service shall be made by a written declaration under penalty of perjury executed by the person effecting the service declaring the time and date of service, the manner by which the service was made, and, if by posting, the facts showing the attempts to serve the person personally or by mail.

D. Failure to make or attempt service on any person named in the notice of violation shall not invalidate any proceedings as to any other person duly served.

~~(b)~~ E. If the public nuisance is not abated within the time period specified in the notice of violation then the owner of the premises and the responsible person ~~Violations of this article~~ may be cited for the violation into municipal court as a municipal infraction ~~citations~~ and shall be ~~are~~ subject to civil penalties as specified in section 18-1304. Each day that a violation occurs is a separate offense.

~~(c)~~ F. The city may also pursue civil remedies provided by law including seeking injunctive relief or a court order to allow the city to enter the property for the purposes of abating such public nuisance.

(Ord. No. 04-5280, § 4, 5-10-04; Ord. No. 19-5721, § 4, 1-14-19)

Editor's note(s)—Ord. No. 19-5721, § 4, adopted Jan. 14, 2019, amended the title of § 18-304 to read as herein set out. The former § 18-304 title pertained to enforcement.

Sec. 18-305. Abatement and collection of costs.

~~The remedies specified in this section shall be in addition to all other remedies provided by law. When a public nuisance has not been abated by the responsible party within the time specified in the notice of violation and after a first municipal infraction citation has been issued, the following procedure applies:~~

~~(1) The city may bring a civil action in the municipal court to have the nuisance declared as such by the court and for an order enjoining the public nuisance or authorizing its restraint, removal, termination or abatement.~~

~~(2) The action to declare and abate a public nuisance shall be brought by the city in the name of the people of the city, by the filing of a complaint, which shall be verified or supported by an affidavit. Summons shall be issued and served as provided by state law for civil cases. If the owner or responsible person cannot~~

be personally served after good faith efforts, service may be made by publication as provided in state law for matters concerning real property.

(3) The respondent shall file a response as provided by state law for civil cases and as set forth in sections 18-1302 and 18-1303. Within thirty (30) days of the response being filed, the court shall set the matter for scheduling conference and/or trial. Failure to appear on any other date set for trial shall be grounds for entering a default and judgment thereon against a non-appearing party.

(4) If the respondent has filed no response as required in section 18-305(3) and the city proves that proper service was made on the respondent, the court may enter judgment against the respondent as provided by state law for civil cases and as set forth in section 18-1303. For good cause shown, and prior to enforcement, the court may set aside an entry of default and the judgment entered thereon.

(5) The judgment of the municipal court may be appealed to the district court.

(6) The procedure for determining the cost of abatement of a public nuisance will be as follows:

a. The enforcement officer will secure a good faith estimate of the costs to abate the public nuisance prior to or coincidentally with the civil action filed in municipal court. The enforcement officer may utilize city resources, including staff and equipment, to complete some or all components of a court ordered abatement, and the value of utilization of staff and equipment shall be assessed in accordance with this section.

b. The enforcement officer will forward the good faith estimate of the costs to abate the public nuisance to the municipal court and the city's legal staff.

c. The municipal court may assess as a judgment the good faith estimate of the costs of abatement.

d. The municipal court may allow the property owner a period of time, not to exceed forty-five (45) days, to abate the public nuisance prior to assessing the good faith estimate in a judgement.

e. At the expiration of the period of time allowed by the municipal court, the city may proceed to enter the property and abate the nuisance as ordered and in accordance with the good faith estimate.

f. The enforcement officer will coordinate the abatement project and oversee the work as it is being performed.

g. After the planning director and the enforcement officer have approved the final bill it will be forwarded to the city finance department for payment by the property owner.

h. A copy of approved bill(s) and proof of disbursement is placed in the enforcement agency file maintained by enforcement officer. These

documents, along with the itemized abatement expense report are used to determine the total cost of abatement for the property. The abatement expense report is then certified and transmitted to the finance department for approval of assessment on the real property being abated.

i. The property owner will then be sent an abatement expense report for the subject property and be given notice that any assessment that is not paid shall become a lien upon the property and is enforceable in the same manner as the nonpayment of property taxes. The interest fee will be waived for any payments made within thirty (30) days of notice.

j. A summary listing of the assessments, tax codes, and property owners will be kept by the clerk and recorder through August 31 of each year, and the list shall be presented to the department of revenue for billing on the next real property tax statement.

k. A special abatement fund will be established to account for costs, collections, and transactions necessary to the efficient operation of the program. Assessment funds collected are returned to the designated abatement account for future use on other involuntary property abatements or for transfer back to the city general fund.

l. Any judgment assessed by the municipal court may not exceed the statutory amount as set in MCA 3-11-103, as amended. The portion of a good faith estimate that exceeds this statutory amount may not be assessed as a judgment by the municipal court.

(Ord. No. 04-5280, § 8, 5-10-04, Ord. No. 13-5604, § 1, 5-28-13; Ord. No. 19-5721, § 6, 1-14-19)

Editor's note(s)—Ord. No. 19-5721, §§ 5, 6, adopted Jan. 14, 2019, repealed § 18-305 and renumbered § 18-308 as § 18-305 as set out herein. The historical notations have been retained with the amended provisions for historical purposes. The former § 18-305 pertained to right of entry, and derived from Ord. No. 04-5280, § 5, adopted May 10, 2004.

The procedure for abatement and collection of costs of a public nuisance shall be as set forth in Sec. 18-1304 and the following:

1. Upon finding a violation of Sec. 18-303 has been proven, the municipal court may either order the defendant to abate or cease the violation, or authorize the city to abate or correct the violation. The municipal court may allow the property owner of the premises and the responsible party up to thirty (30) days to abate the public nuisance upon the expiration of which the city shall be authorized by the court to enter the property and abate the nuisance.

2. The enforcement officer will coordinate any abatement project conducted by the city and oversee the work as it is being performed. The enforcement officer may utilize city resources, including staff and equipment, to complete some or all of the components of a court ordered abatement, and the value of utilization of staff and equipment shall be assessed in accordance with this section.
3. Upon completion of an abatement project, the enforcement officer shall prepare an itemized abatement expense report and final bill for approval by the Code Enforcement Division Manager. Upon the Code Enforcement Division Manager's approval, the final bill will be forwarded to the city finance department for payment by the property owner.
4. A copy of approved bill(s) and proof of disbursement shall be placed in the enforcement agency file maintained by the enforcement officer. These documents, along with the itemized abatement expense report, shall be used to determine the total cost of abatement for the property. The abatement expense report shall be transmitted to the finance department for approval of assessment on the real property being abated.
5. The property owner of the premises will then be sent an abatement expense report for the subject property and be given notice that any assessment that is not paid shall become a lien upon the property that is enforceable in the same manner as the nonpayment of property taxes. The interest fee will be waived for any payments made within thirty (30) days of notice.
6. A summary listing of the assessments, tax codes, and property owners will be kept by the clerk and recorder through August 31 of each year, and the list shall be presented to the department of revenue for billing on the next real property tax statement.
7. A special abatement fund will be established to account for costs, collections, and transactions necessary to the efficient operation of the program. Assessment funds collected are returned to the designated abatement account for future use on other involuntary property abatements or for transfer back to the city general fund.
8. The municipal court may also order the city's costs for abatement or correction of the violation be entered as a judgment against the defendant. A request for judgment shall be accompanied by an itemized abatement expense report and final bill which have been approved by the Code Enforcement Division Manager.
9. Any judgment assessed by the municipal court may not exceed the statutory amount as set in MCA 3-6-103.

Sec. 18-306. Authority of the city to seek other remedies.

This section is not the exclusive remedy for any nuisance action brought by the City of Billings. Nothing in this section prohibits or precludes the City of Billings from filing an action in Ddistrict Ceourt under state law.

(Ord. No. 19-5721, § 6, 1-14-19)

Editor's note(s)—Ord. No. 19-5721, § 6, adopted Jan. 14, 2019, repealed the former § 18-306 and enacted a new § 18-306 as set out herein. The former § 18-306 pertained to emergency abatement and derived from Ord. No. 04-5280, § 6, adopted May 10, 2004 and Ord. No. 13-5604, § 1, adopted May 28, 2013.

Sec. 18-307. Reserved.

Editor's note(s)—Ord. No. 19-5721, § 6, adopted Jan. 14, 2019, repealed § 18-307, which pertained to voluntary abatement and derived from Ord. No. 04-5280, § 7, adopted May 10, 2004 and Ord. No. 13-5604, § 1, adopted May 28, 2018. Rnbd 18-308 as 18-305

Sec. 18-308. Reserved.

Editor's note(s)—See the editor's note to § 18-305.

Sec. 18-309. Reserved.

Editor's note(s)—See the editor's note to § 18-103.

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 8th day of April 2024.

PASSED, ADOPTED and APPROVED on second reading this 22nd day of April, 2024.

CITY OF BILLINGS

BY:_____
William A. Cole, Mayor

Attest
:

_____
Denise R. Bohlman, City Clerk

ORDINANCE 24-_____

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE (BMCC) BE AMENDED BY REVISING ARTICLE 18-300, OF SAID CODE

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

Section 1. That Article 18-300, of the Billings, Montana City Code (BMCC) is amended so that such section shall read as follows:

Article 18-300. – NUISANCES

Sec. 18-301. Purpose.

The purpose of this article is to regulate conditions in the city that may constitute public nuisances, are injurious to public health, safety, and welfare, obstruct the free use of property or interfere with the comfortable enjoyment of life or property and to provide for the remediation of such nuisances, to protect the public health, safety, and welfare and to promote the economic stability of neighborhoods and areas within the city. It is also the purpose of this article to prevent and prohibit those conditions which reduce the value of private property, interfere with the enjoyment of public and private property, create and constitute public nuisances and contribute to the degradation of the character of neighborhoods and the depreciation of property values.

(Ord. No. 04-5280, § 1, 5-10-04; Ord. No. 19-5721, § 1, 1-14-19)

Sec. 18-302. Definitions.

For the purposes of this article the following definitions shall apply:

Abate means to repair, replace, remove, destroy, or otherwise remedy the condition in question by such means, in such a manner and to such an extent that is determined necessary in the interest of the health, safety and general welfare of the effected community.

Creating a hazard means a dangerous condition existing on property that would be attractive to children, including such things as an unfenced swimming pool, a refrigerator or other container that could trap a child inside, and an un-barricaded construction site.

Enforcement officer means a code enforcement officer, police officer, or other city employee designated by the city council or the city administrator.

Inoperable vehicle means any discarded, ruined, wrecked, or dismantled motor vehicle or motor vehicle parts or components. Any vehicle not capable of immediate and

legal operation on public roads shall be considered an inoperable vehicle for purposes of this section.

Junk means any worn out, cast off or unusable article or material which is ready for destruction or has been collected or stored as salvage, for conversion to some other use or for reduction into components. Junk includes but is not limited to old or scrap metal, rope, rags, household goods, appliances, furniture, vehicle parts or components, batteries, paper, tires, rubber debris or waste, iron, steel and other old or scrap ferrous or non-ferrous material.

Nuisance structure means a structure that exhibits objectively determinable signs of deterioration such as those set forth in section 18-303(5) which are sufficient to constitute a public nuisance and includes any dangerous, falling, or damaged residential dwelling, commercial structure, or other structure excluding any structure related to an agricultural or farming operation. Openings in the walls, roof or floor that allow unrestricted access by humans, animals, or weather to the interior of the structure shall constitute a presumption that the structure is a nuisance structure.

Public nuisance means a situation created or allowed to continue by the owner or occupant of real property which may endanger or be injurious to public safety or health, is offensive to the senses, renders any public right-of-way dangerous for passage, adversely affects the property values of adjacent properties, or obstructs the free use of property so as to interfere with the comfortable enjoyment of life or property. Nothing which is done or maintained under the express authority of a statute can be deemed a nuisance. A public nuisance is one which affects, at the same time, an entire community or neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

Open storage means exposed to the elements or not stored inside an enclosed structure which includes walls on all sides and a roof.

Person means any individual, firm, association, partnership, corporation or any entity, public or private.

Premises means any lot, parcel of land, building, parcel, real estate, land or portion of land whether improved or unimproved including any portion of any street, right-of-way or alley lying between such lot or parcel of land and the center of such street, right-of-way or alley.

Responsible person means any agent, lessee, owner or other person occupying or having charge or control of any premises.

(Ord. No. 04-5280, § 2, 5-10-04; Ord. No. 13-5604, § 1, 5-28-13; Ord. No. 19-5721, § 2, 1-14-19)

Sec. 18-303. Prohibitions.

It is unlawful for any person to create or maintain on any premises or adjacent to a public right-of-way within the incorporated area of the city any condition that contributes to the creation of a public nuisance. Public nuisances include but are not limited to the following:

(1) Creating a hazard on any premises for more than twenty-four (24) hours.

(2) The open storage of more than three (3) inoperable vehicles on any premises for more than five (5) consecutive days.

(3) The open storage of a collection of junk (see definition) on any premises for more than five (5) consecutive days.

(4) Creating or maintaining on any premises an amount of decaying matter, animal or vegetable, that is not part of an agricultural or farming operation, so as to contaminate the atmosphere and be offensive to the senses and obstruct the free enjoyment of life and property.

(5) Maintaining a nuisance structure (see definition) for more than ten (10) days without abating the nuisance condition.

A nuisance structure is present if three (3) or more of the following listed conditions exist:

i. Broken, boarded, or missing windows and/or doors;

ii. Broken or missing attic vent(s);

iii. Broken or missing under-floor vent(s);

iv. Building exteriors with substantially deteriorating or peeling paint;

v. Building exteriors with visible signs of decay such as siding with dry rot, warping or cracking;

vi. Building with missing or severely damaged finish siding materials;

vii. Buildings with missing or substantially damaged exterior walls;

viii. Buildings with missing or severely damaged foundations.

ix. Two (2) or more reports to the police department or code enforcement division of building exteriors, walls, fences, driveways, or walkways which has been defaced by "graffiti" within a 24-month period;

x. Two (2) or more reports to the police department or code enforcement division of criminal activity on the property within a 24-month period;

xi. Has one or more essential utilities turned off for a period of 30 days or more;

xii. Dead, dying or diseased trees, shrubs and other desired vegetation;

xiii. Dead, dying or diseased lawn area(s) due to lack of water or other necessary maintenance;

xiv. Neglected trees and shrubs growing uncontrolled without proper pruning;

xv. Building walls which are broken, defective, or significantly deteriorated;

xvi. Building appurtenances such as railings, gutters, fences, gates or exterior light(s) are broken, fallen, or significantly damaged; or

xvii. Damaged roofing to include missing shingles or roofing materials; warped shingles; or deteriorating roofing materials.

(6) Creating or maintaining on any premises:

(a) a condition constituting a public nuisance not otherwise described, or

(b) any location where persons gather for the purpose of engaging in unlawful conduct.

(Ord. No. 04-5280, § 3, 5-10-04; Ord. No. 13-5604, § 1, 5-28-13; Ord. No. 19-5721, § 3, 1-14-19)

Sec. 18-304. Enforcement and penalties.

A. Upon written or oral complaint of any citizen so affected by an alleged public nuisance, or if an enforcement officer becomes aware of a condition or situation that may constitute a public nuisance, the enforcement officer shall investigate the condition or situation within a reasonable period of time. The enforcement officer shall determine whether such condition or situation constitutes a public nuisance. If the officer finds there exists a public nuisance as defined herein, such officer shall give written notice to the owner of the premises and the responsible person who is maintaining or creating such public nuisance of the specific nature of the violation. The notice shall contain the following information:

1) The street address and legal description of the property sufficient for identification of the property;

2) A statement that the property is a potential public nuisance with a concise description of the conditions leading to the finding;

3) A statement that the public nuisance must be abated no less than ten (10) days after receipt of the notice. If the public nuisance is not abated within that time, the city may send a second/final ten (10) day notice.

4) If the public nuisance is still not abated after the second/final notice, the city may declare the property to be a public nuisance subject to the abatement procedures in section 18-305. In cases of emergency or exigent circumstances, the officer

shall have the discretion to abate the public nuisance within less than the ten (10) days from receipt of the first notice.

B. Service of a notice of violation shall be made on the owner of the premises and the person responsible for the code violation by one or more of the following methods:

1) Personal service of the notice of violation.
2) By leaving a copy of the notice of violation at the person's residence with a person of suitable age and discretion who resides there and concurrently mailing notice as provided for herein.
3) By posting the notice of violation in a conspicuous place on the property where the violation occurred and concurrently mailing notice as provided for herein.
4) For the owner of the premises, service by mail may be made by mailing a copy, postage prepaid, by ordinary first-class mail, to the person's residential address. The taxpayer's address as shown on the tax records of Yellowstone County for the property where the violation occurred shall also be deemed to be a proper address for the purpose of mailing such notice.
5) For the responsible person, service by mail may be made for a notice of violation by mailing a copy, postage prepaid, by ordinary first-class mail, to the person's residential address or at the address of the violation. The person's address as shown on the records of the Montana Motor Vehicle Division shall also be deemed to be a proper address for the purpose of mailing such notice.
6) In all cases, service by mail shall be presumed effective upon the third business day following the day upon which the notice of violation was placed in the mail.
7) If either the owner of the premises or the responsible person cannot be personally served within the City of Billings, and if an address for mailed service cannot reasonably be determined, then service may be made upon that person by posting the notice of violation in a conspicuous place on the property where the violation occurred. Service by posting in this instance shall be presumed effective upon the seventh day following the day upon which the notice was posted.

C. Proof of service shall be made by a written declaration under penalty of perjury executed by the person effecting the service declaring the time and date of service, the manner by which the service was made, and, if by posting, the facts showing the attempts to serve the person personally or by mail.

D. Failure to make or attempt service on any person named in the notice of violation shall not invalidate any proceedings as to any other person duly served.

E. If the public nuisance is not abated within the time period specified in the notice of violation then the owner of the premises and the responsible person may be cited for the violation into municipal court as a municipal infraction and shall be subject to civil penalties as specified in section 18-1304. Each day that a violation occurs is a separate offense.

F. The city may also pursue civil remedies provided by law including seeking injunctive relief or a court order to allow the city to enter the property for the purposes of abating such public nuisance.

(Ord. No. 04-5280, § 4, 5-10-04; Ord. No. 19-5721, § 4, 1-14-19)

Editor's note(s)—Ord. No. 19-5721, § 4, adopted Jan. 14, 2019, amended the title of § 18-304 to read as herein set out. The former § 18-304 title pertained to enforcement.

Sec. 18-305. Abatement and collection of costs.

The procedure for abatement and collection of costs of a public nuisance shall be as set forth in Sec. 18-1304 and the following:

1. Upon finding a violation has been proven, the municipal court may either order the defendant to abate or cease the violation or authorize the city to abate or correct the violation. The municipal court may allow the property owner of the premises and the responsible party up to thirty (30) days to abate the public nuisance upon the expiration of which the city shall be authorized by the court to enter the property and abate the nuisance.
2. The enforcement officer will coordinate any abatement project conducted by the city and oversee the work as it is being performed. The enforcement officer may utilize city resources, including staff and equipment, to complete some or all of the components of a court ordered abatement, and the value of utilization of staff and equipment shall be assessed in accordance with this section.
3. Upon completion of an abatement project, the enforcement officer shall prepare an itemized abatement expense report and final bill for approval by the Code Enforcement Division Manager. Upon the Code Enforcement Division Manager's approval, the final bill will be forwarded to the city finance department for payment by the property owner.
4. A copy of approved bill(s) and proof of disbursement shall be placed in the enforcement agency file maintained by the enforcement officer. These documents, along with the itemized abatement expense report, shall be used to determine the total cost of abatement for the property. The abatement expense report shall be transmitted to the finance department for approval of assessment on the real property being abated.
5. The property owner of the premises will then be sent an abatement expense report for the subject property and be given notice that any assessment that is not paid shall become a lien upon the property that is enforceable in the same manner as the nonpayment of property taxes. The interest fee will be waived for any payments made within thirty (30) days of notice.
6. A summary listing of the assessments, tax codes, and property owners will be kept by the clerk and recorder through August 31 of each year, and the list shall be presented to the department of revenue for billing on the next real property tax statement.
7. A special abatement fund will be established to account for costs, collections, and transactions necessary to the efficient operation of the program. Assessment funds collected are returned to the designated abatement account for future use

on other involuntary property abatements or for transfer back to the city general fund.

8. The municipal court may also order the city's costs for abatement or correction of the violation be entered as a judgment against the defendant. A request for judgment shall be accompanied by an itemized abatement expense report and final bill which have been approved by the Code Enforcement Division Manager.
9. Any judgment assessed by the municipal court may not exceed the statutory amount as set in MCA 3-6-103.

Sec. 18-306. Authority of the city to seek other remedies.

This section is not the exclusive remedy for any nuisance action brought by the City of Billings. Nothing in this section prohibits or precludes the City of Billings from filing an action in District Court under state law.

(Ord. No. 19-5721, § 6, 1-14-19)

Editor's note(s)—Ord. No. 19-5721, § 6, adopted Jan. 14, 2019, repealed the former § 18-306 and enacted a new § 18-306 as set out herein. The former § 18-306 pertained to emergency abatement and derived from Ord. No. 04-5280, § 6, adopted May 10, 2004 and Ord. No. 13-5604, § 1, adopted May 28, 2013.

Sec. 18-307. Reserved.

Editor's note(s)—Ord. No. 19-5721, § 6, adopted Jan. 14, 2019, repealed § 18-307, which pertained to voluntary abatement and derived from Ord. No. 04-5280, § 7, adopted May 10, 2004 and Ord. No. 13-5604, § 1, adopted May 28, 2018. Rnbd 18-308 as 18-305

Sec. 18-308. Reserved.

Editor's note(s)—See the editor's note to § 18-305.

Sec. 18-309. Reserved.

Editor's note(s)—See the editor's note to § 18-103.

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 8th day of April 2024.

PASSED, ADOPTED and APPROVED on second reading this 22nd day of April, 2024.

CITY OF BILLINGS

BY:_____
William A. Cole, Mayor

Attest
:

_____
Denise R. Bohlman, City Clerk

City Council Regular

Date:	04/22/2024
Title:	Second Reading - Ordinance Amendment BMCC 18-1100, Graffiti
Presented by:	Tina Hoeger
Department:	Planning & Community Services
Presentation:	No
Legal Review:	Yes
Project Number:	N/A

RECOMMENDATION

Staff recommends the City Council approve the second and final reading of amended ordinance Billings, Montana City Code (BMCC) Section 18-1100, Graffiti.

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

At its meeting on April 8, 2024, the City Council conducted a public hearing and approved the first reading of amended ordinance BMCC 18-1100, Graffiti.

STAKEHOLDERS

The residents of Billings will ultimately benefit from making these ordinance amendments as the changes will increase efficiency of enforcement, better clarify the codes so people understand their rights and obligations under City code, and it is easier to apply the code by City Code Enforcement.

ALTERNATIVES

City Council may:

- Approve the amended ordinance BMCC 18-1100, Graffiti; or,
- Not Approve the amended ordinance BMCC, 18-1100. If not approved, ordinance BMCC, 1100 Graffiti will remain the same and not align with the effectiveness and updates the Code Enforcement staff, City Legal staff and City Council have been working toward.

FISCAL EFFECTS

An initial dollar amount to create the Anti-Graffiti fund as outlined in BMCC, 18-1100 is necessary as the only fiscal element of this Code Section. City Council approved a resolution to create this fund during the April 8, 2024 City Council Regular Meeting. Code Enforcement, Finance and Administrative staff will look at what an initial allocation to the fund could be and monies derived from fines and donations will also supplement this fund.

Attachments

Graffiti Ordinance Amended
Graffiti Ordinance Clean

ORDINANCE 24-_____

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE (BMCC) BE AMENDED BY REVISING ARTICLE 18-1100, OF SAID CODE

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

Section 1. That Article 18-1100, of the Billings, Montana City Code (BMCC) is amended so that such section shall read as follows:

Article 18-1100. – GRAFFITI

Sec. 18-1101. Purpose ~~and intent~~.

Graffiti presents a threat to the health, safety and welfare of the community and reduces the value of adjoining properties. Graffiti is deemed a public nuisance in accordance with Sec. 18-301. Standards for graffiti abatement established in this section will help improve the appearance of these structures and preserve neighborhood property values.

~~The city council is enacting this article to help prevent the spread of graffiti vandalism and to establish a program for the removal of graffiti from public and private property. The council is authorized to enact this article pursuant to its police powers, as specified in Section 1.01 of the City Charter and MCA §§ 7-1-101, 7-5-4101, and 7-5-4104 that authorize the city to have all power possible for a self-government city as fully and as completely as though they were fully enumerated in the Charter, to exercise any power not prohibited by the Constitution or laws of the state, to make and pass all laws not repugnant to the Constitution or laws of the state necessary for the government or management of the affairs of a city or town, and to define and abate nuisances and impose fines on persons guilty of creating, continuing or suffering nuisances to exist on premises they occupy or control.~~

~~The council finds that graffiti is a public nuisance and destructive of the rights and values of property owners as well as the entire community. Unless the city acts to remove graffiti from public and private property, the graffiti tends to remain. Other properties then become the target of graffiti, and entire neighborhoods are affected and become less desirable places in which to be, all to the detriment of the city.~~

~~The city council intends, through the adoption of this article, to provide additional enforcement tools to protect public and private property from acts of graffiti vandalism and defacement. The council does not intend for this article to conflict with any existing anti-graffiti state laws.~~

(Ord. No. 05-5332, § 1, 7-11-05)

Sec. 18-1102. Definitions.

~~For the purposes of this article, the following words shall have the meanings respectively ascribed to them in this section, except where the context clearly indicates a different meaning:~~

For the purposes of this article the following definitions shall apply:

Graffiti means any unauthorized inscription, word, figure, painting or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to any surface of public or private property by any graffiti implement, to the extent that the graffiti was not authorized in advance by the owner or occupant of the property, or, despite advance authorization~~, is otherwise deemed a public nuisance by the city council.~~ constitutes a public nuisance as defined in Section 18-302

Graffiti implement means an aerosol paint container, a broad-tipped marker, gum label, paint stick or graffiti stick, etching equipment, brush or any other device capable of scarring or leaving a visible mark on any natural or man-made surface.

Owner means any entity or entities have a legal or equitable interest in real or personal property including but not limited to the interest of a tenant or lessee.

Paint stick or *graffiti stick* means any device containing a solid form of paint, chalk, wax, epoxy, or other similar substance capable of being applied to a surface by pressure and leaving a mark of at least one-eighth (⅛) of an inch in width.

Perpetrator means a person who applies graffiti to or on any property located within the City of Billings.

Person means any individual, partnership, cooperative association, private corporation, personal representative, receiver, trustee, assignee, or any other legal entity.

Property means any real or personal property and that which is affixed, incidental or appurtenant to real property including but not limited to any structure, fence, wall, sign or any separate part thereof whether permanent or not.

Responsible party means an owner or entity or person acting as an agent for an owner by agreement who has authority over the property or is responsible for the property's maintenance or management. Irrespective of any arrangement to the contrary with any other party, each owner shall always be a responsible party for the purposes of this chapter. There may be more than one responsible party for a particular piece of property.

Unauthorized means without the consent of the responsible party.

(Ord. No. 05-5332, § 2, 7-11-05)

Sec. 18-1103. ~~Prohibited acts.~~ Prohibitions.

~~Defacement. It shall be unlawful for any person to apply graffiti to any natural or man-made surface on any city-owned property or, without the permission of the owner or responsible party, on any non-city-owned property.~~

It shall be unlawful for any person to apply graffiti to or on any property located within the City of Billings.

(Ord. No. 05-5332, § 3, 7-11-05)

Sec. 18-1104. Enforcement and Penalties - Perpetrator.

(a) *Fines and imprisonment.* Any person violating this article by applying graffiti to any property shall be punished as provided in section 1-110.

(b) *Restitution.* In addition to any punishment specified in this section, the court shall order any violator to make restitution to the victim for damages or loss caused directly or indirectly by the violator's offense in the amount or manner determined by the court.

(c) *Community service.* In-lieu of, or as part of, the penalties specified in this section, an offender may be required to perform community service as described by the court based on the following minimum requirements:

(1) The offender shall perform at least thirty (30) hours of community service.

(2) The entire period of community service shall be performed under the supervision of a community service provider approved by the municipal court.

(3) Reasonable effort shall be made to assign the minor or adult to a type of community service that is reasonably expected to have the most rehabilitative effect on the offender, including community service that involves graffiti removal.

(Ord. No. 05-5332, § 4, 7-11-05)

Sec. 18-1105. Rewards and reimbursements for information.

(a) The city may offer a reward in an amount to be established by resolution of the city council for information leading to the identification and apprehension of any person who willfully damages or destroys any public or private property by the use of graffiti. In the event of damage to public property, the offender or the parents or legal guardian of any unemancipated minor must reimburse the city for any reward paid. In the event of multiple contributors of information, the reward amount shall be divided by the city in the manner it shall deem appropriate.

(b) Claims for rewards under this section shall be filed, in writing, with the city ~~in the manner specified by the city council.~~ clerk. Each claim should:

(1) Specifically identify the date, location, and kind of property damaged or destroyed;

(2) Identify by name the person who was convicted; and

(3) Identify the court and the date upon which the conviction occurred.

(c) The City Administrator shall review each claim for reward submitted pursuant to this chapter and either accept, accept in part, or deny the claim. No claim for a reward shall be accepted by the City Council unless the City investigates and verifies the accuracy of the claim and determines that the requirements of this section have been satisfied. The investigation must determine that the claimant's information was relevant and directly responsible for the arrest and conviction of the suspect.

(d) The offer of a reward is made to members of the public generally. However, no law enforcement officer, municipal officer, employee of the City, or person(s) apprehended shall be eligible for such a reward.

(e) Any person committing graffiti vandalism shall be civilly liable for any reward paid pursuant to this section. If said person is an unemancipated minor, then the parent or lawful guardian of said minor shall be civilly liable for any reward paid pursuant to this section.

~~(c) No claim for a reward shall be allowed unless the city investigates and verifies the accuracy of the claim and determines that the requirements of this section have been satisfied.~~

(Ord. No. 05-5332, § 5, 7-11-05)

Sec. 18-1106. Graffiti as a public nuisance.

(a) The existence of graffiti on ~~public or~~ private property in violation of this article is expressly declared to be a public nuisance and, therefore, is subject to the ~~removal and~~ abatement provisions specified in Section 18-305. ~~in this article~~.

(b) It is the duty of both the owner of the private property to which the graffiti has been applied and any responsible party to at all times keep the private property clear of graffiti.

(c) Failure to remove graffiti by the private property owner or any responsible party shall be punished as a municipal infraction and shall be subject to civil penalties as specified in section 18-1304.

(Ord. No. 05-5332, § 6, 7-11-05)

Sec. 18-1107. Removal of graffiti by perpetrator.

Any person applying graffiti on public or private property shall have the duty to remove the graffiti within twenty-four (24) hours after notice by the city or private owner of the property involved. Such removal shall be done in a manner prescribed by the chief of police, the director of the department of public works, or any additional city department head, as authorized by the city council. Any person applying graffiti shall be responsible for the removal or for the payment of the removal. Failure of any person to remove graffiti or pay for the removal shall constitute an additional violation of this article.

(Ord. No. 05-5332, § 7, 7-11-05)

Sec. 18-1108. Removal of graffiti by property owner or city.

If graffiti is not removed by the perpetrator according to section 18-1107, graffiti shall be removed pursuant to the following provisions:

Property owner responsibility. It is unlawful for any person who is the owner or responsible party of property to permit property that is defaced with graffiti to remain defaced for a period of ten (10) days after service by first class mail of notice of the defacement. The notice shall contain the following information:

(1) The street address and legal description of the property sufficient for identification of the property;

(2) A statement that the property is a potential graffiti nuisance property with a concise description of the conditions leading to the finding;

(3) A statement that the graffiti must be removed within ten (10) days after receipt of the notice and that if the graffiti is not abated within that time the city will declare the property to be a public nuisance, subject to the abatement procedures in section 18-1114.

(4) An information sheet identifying any graffiti removal assistance programs available through the city and private graffiti removal contractors.

(Ord. No. 05-5332, § 8, 7-11-05)

Sec. 18-1109. Failure to comply.

Upon first failure, neglect or refusal to remove the graffiti during the prescribed period, the city shall give notice to the noncomplying owner, agent or occupant thereof. Such notice shall provide as a minimum:

(1) That the noncomplying owner, or agent thereof, is allowed ten (10) days from the date of notice of noncompliance to remove;

(2) That upon failure to comply the city may by its own work forces or by contract cause the graffiti to be removed and the cost thereof shall be assessed against the noncomplying real property together with an additional administrative cost equal to twenty-five (25) percent of the cost of removal and a twenty-five dollar ($25.00) penalty;

(3) If the owner or agent of the property continues to neglect to maintain the property free from graffiti, the city may at its sole discretion remove the graffiti again as needed without additional notice of any kind. Charges as in subsection (2), including penalty, will be assessed for each time the city removes the graffiti;

(4) That the assessed amount together with costs and penalties shall constitute a lien on the noncomplying real property and will be taxed as a special assessment against the real property.

(5) Appeal. The owner or agent may appeal any determination that they have failed to comply with the requirements of any order to the director of the city-county planning department.

(6) Notice. Notice under this article is sufficient if served upon the owner or responsible person personally or mailed regular mail to the last known address owner or responsible person or the last address of the owner shown on the tax rolls of the county. Upon mailing, the city clerk shall execute an affidavit of mailing. Notice shall be deemed given when deposited in a United States Postal Service receptacle.

(Ord. No. 05-5332, § 9, 7-11-05)

Sec. 18-1110. Failure to comply misdemeanor.

Any person who willfully fails to comply with the provisions of this article is guilty of a misdemeanor and upon a signed complaint shall be punished as provided in section 1-110.

(Ord. No. 05-5332, § 10, 7-11-05)

Sec. 18-1111. Exceptions to property owner responsibility.

The removal requirements of section 18-1108 shall not apply if the property owner or responsible party can demonstrate that:

(1) The property owner or responsible party lacks the financial ability to remove the defacing graffiti; or

(2) The property owner or responsible party has an active program for the removal of graffiti and has scheduled the removal of the graffiti as part of that program, in which case it shall be unlawful to permit such property to remain defaced

with graffiti for a period of ten (10) days after service by first class mail of notice of the defacement.

(Ord. No. 05-5332, § 11, 7-11-05)

Sec. 18-1112. right of city to remove.

(a) *Use of public funds.* Whenever the city becomes aware or is notified and determines that graffiti is located on publicly or privately owned property viewable from a public or quasi-public place, the city shall be authorized to use public funds for the removal of the graffiti, or for the painting or repairing of the graffiti, but shall not authorize or undertake to provide for the painting or repair of any more extensive an area than that where the graffiti is located, unless the city administrator, or the designee of the city administrator, determines in writing that a more extensive area is required to be repainted or repaired in order to avoid an aesthetic disfigurement to the neighborhood or community, or unless the property owner or responsible party agrees to pay for the costs of repainting or repairing the more extensive area.

(b) *Right of entry on private property.* Prior to entering upon private property or property owned by a public entity other than the city for the purpose of graffiti removal the city shall attempt to secure the consent of the property owner or responsible party and a release of the city from liability for property damage or personal injury. If the property owner or responsible party fails to remove the offending graffiti within the time specified by this article, or if the city has requested consent to remove or paint over the offending graffiti and the property owner or responsible party has refused consent for entry on terms acceptable to the city and consistent with the terms of this section, the city shall commence abatement and cost recovery proceedings for the graffiti removal according to the provisions specified below.

(Ord. No. 05-5332, § 12, 7-11-05)

Sec. 18-1113. Abatement and cost recovery proceedings.

(a) Annually the city shall prepare a list of all lots, tracts and parcels of real property within the city from which and adjacent to which graffiti was removed by the city and for which such charges and penalties have not yet been paid, the list shall include as a minimum the following:

(1) Name as shown by the tax rolls, common address if known;

(2) Tax code of the property;

(3) Legal description of the lot, tract or parcel;

(4) Cost of the graffiti removal for that property;

(5) Administrative costs;

~~(6) Penalty assessed.~~

~~(b) The assessment list shall be incorporated into a special assessment resolution in proper form which resolution shall be presented to the city council for consideration. From and after passage of the resolution, the assessments stated therein, together with administrative costs and penalty shall constitute a special assessment, as provided in MCA §§ 7-1-101 and 7-5-4123 and a lien on the real property shown on the assessment list. A copy of the resolution after passage shall be certified to the official collecting the city taxes and assessments.~~

~~(Ord. No. 05-5332, § 13, 7-11-05)~~

Sec. 18-1114. Ease of removal provisions.

(a) *Common utility colors and paint-type.* Any gas, electric, telephone, water, sewer, cable, telephone and other utility operating in the city shall paint its above-surface metal fixtures with a uniform paint type and color, or wrap, that meets with the approval of the city administrator or the city administrator's designee.

(b) *Conditional encroachment permits.* All encroachment permits issued by the city shall, among such other things, be conditioned on:

(1) The permittee's application of an anti-graffiti material to the encroaching object of a type and nature that is acceptable to the city administrator, or the city administrator's designee;

(2) The permittee's immediate removal of any graffiti;

(3) The city's right to remove graffiti or to paint the encroaching object; or

(4) The permittee's providing the city with sufficient matching paint and/or anti-graffiti material on demand for use in the painting of the encroaching object containing graffiti.

(Ord. No. 05-5332, § 14, 7-11-05)

~~Sec. 18-1115. Prevention provisions.~~

~~*Retro-fit existing graffiti-attracting surfaces; non-residential structures.* The following provisions may be incorporated in a graffiti eradication order:~~

~~(1) *At owner's expense.* Any surface of a structure on a parcel of land used for non-residential purposes that has been defaced with graffiti more than five (5) times in twelve (12) months shall be declared a public nuisance and required to be retrofitted, at the cost of the property owner, with features or qualities as may be established by the city as necessary to reduce the attractiveness of the surface for graffiti, or as necessary to permit more convenient or efficient removal of graffiti. In exercising the authority hereunder, the city may not impose a cost on the property owner of greater than three thousand dollars ($3,000.00).~~

(2) *At city's cost.* If the property owner or responsible party of property used for non-residential purposes on which is located a surface of a structure that has been defaced with graffiti more than five (5) times in twelve (12) months lacks the financial ability to make modifications, the owner or responsible party shall permit the city to enter the property and, at the city's cost, make modifications as necessary to reduce the attractiveness of the surface for graffiti, or as necessary to permit more convenient or efficient removal of graffiti.

(3) *Appeal.* The owner or agent may appeal any determination that they are required to retrofit the property with features or qualities necessary to reduce the attractiveness of the surface for graffiti or to permit more convenient or efficient removal of graffiti to the director of the city-county planning department.

(Ord. No. 05-5332, § 15, 7-11-05)

Sec. 18-1116. Anti-graffiti fund.

The city council may at its discretion ~~hereby~~ create~~s~~ the city anti-graffiti fund. Costs recovered for graffiti removal and penalties assessed in municipal court against violators of this article shall be placed in the fund, along with any monetary donations received from persons wishing to contribute to the fund. The council, or its designee, shall direct the expenditures of monies in the fund. Such expenditures shall be limited to the payment of the cost of labor and materials for graffiti removal, the payment, at the discretion of the city council, or its designee, of rewards for information leading to the conviction of violation of the article, the costs of administering the article, and such other public purposes pertaining to graffiti as may be approved by the council by resolution.

(Ord. No. 05-5332, § 16, 7-11-05)

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 8th day of April, 2024..

PASSED, ADOPTED and APPROVED on second reading this 22nd day of April, 2024.

CITY OF BILLINGS

BY:_____
William A. Cole, Mayor

Attest
:

_____
Denise R. Bohlman, City Clerk

ORDINANCE 24-_____

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE (BMCC) BE AMENDED BY REVISING ARTICLE 18-1100, OF SAID CODE

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

Section 1. That Article 18-1100, of the Billings, Montana City Code (BMCC) is amended so that such section shall read as follows:

Article 18-1100. – GRAFFITI

Sec. 18-1101. Purpose.

Graffiti presents a threat to the health, safety and welfare of the community and reduces the value of adjoining properties. Graffiti is deemed a public nuisance in accordance with Sec. 18-301. Standards for graffiti abatement established in this section will help improve the appearance of these structures and preserve neighborhood property values.

(Ord. No. 05-5332, § 1, 7-11-05)

Sec. 18-1102. Definitions.

For the purposes of this article the following definitions shall apply:

Graffiti means any unauthorized inscription, word, figure, painting or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to any surface of public or private property by any graffiti implement, to the extent that the graffiti was not authorized in advance by the owner or occupant of the property, or, despite advance authorization, constitutes a public nuisance as defined in Section 18-302.

Graffiti implement means an aerosol paint container, a broad-tipped marker, gum label, paint stick or graffiti stick, etching equipment, brush or any other device capable of scarring or leaving a visible mark on any natural or man-made surface.

Owner means any entity or entities having a legal or equitable interest in real or personal property including but not limited to the interest of a tenant or lessee.

Paint stick or *graffiti stick* means any device containing a solid form of paint, chalk, wax, epoxy, or other similar substance capable of being applied to a surface by pressure and leaving a mark of at least one-eighth (⅛) of an inch in width.

Perpetrator means a person who applies graffiti to or on any property located within the City of Billings.

Person means any individual, partnership, cooperative association, private corporation, personal representative, receiver, trustee, assignee, or any other legal entity.

Property means any real or personal property and that which is affixed, incidental or appurtenant to real property including but not limited to any structure, fence, wall, sign or any separate part thereof whether permanent or not.

Responsible party means an owner or entity or person acting as an agent for an owner by agreement who has authority over the property or is responsible for the property's maintenance or management. Irrespective of any arrangement to the contrary with any other party, each owner shall always be a responsible party for the purposes of this chapter. There may be more than one responsible party for a particular piece of property.

Unauthorized means without the consent of the responsible party.

(Ord. No. 05-5332, § 2, 7-11-05)

Sec. 18-1103. Prohibitions.

It shall be unlawful for any person to apply graffiti to or on any property located within the City of Billings.

(Ord. No. 05-5332, § 3, 7-11-05)

Sec. 18-1104. Enforcement and Penalties - Perpetrator.

(a) *Fines and imprisonment.* Any person violating this article by applying graffiti to any property shall be punished as provided in section 1-110.

(b) *Restitution.* In addition to any punishment specified in this section, the court shall order any violator to make restitution to the victim for damages or loss caused directly or indirectly by the violator's offense in the amount or manner determined by the court.

(c) *Community service.* In-lieu of, or as part of, the penalties specified in this section, an offender may be required to perform community service as described by the court based on the following minimum requirements:

    (1) The offender shall perform at least thirty (30) hours of community service.

    (2) The entire period of community service shall be performed under the supervision of a community service provider approved by the municipal court.

(3) Reasonable effort shall be made to assign the minor or adult to a type of community service that is reasonably expected to have the most rehabilitative effect on the offender, including community service that involves graffiti removal.

(Ord. No. 05-5332, § 4, 7-11-05)

Sec. 18-1105. Rewards and reimbursements for information.

(a) The city may offer a reward in an amount to be established by resolution of the city council for information leading to the identification and apprehension of any person who willfully damages or destroys any public or private property by the use of graffiti. In the event of damage to public property, the offender or the parents or legal guardian of any unemancipated minor must reimburse the city for any reward paid. In the event of multiple contributors of information, the reward amount shall be divided by the city in the manner it shall deem appropriate.

(b) Claims for rewards under this section shall be filed, in writing, with the city clerk. Each claim should:

(1) Specifically identify the date, location, and kind of property damaged or destroyed;

(2) Identify by name the person who was convicted; and

(3) Identify the court and the date upon which the conviction occurred.

(c) The City Administrator shall review each claim for reward submitted pursuant to this chapter and either accept, accept in part, or deny the claim. No claim for a reward shall be accepted by the City Council unless the City investigates and verifies the accuracy of the claim and determines that the requirements of this section have been satisfied. The investigation must determine that the claimant's information was relevant and directly responsible for the arrest and conviction of the suspect.

(d) The offer of a reward is made to members of the public generally. However, no law enforcement officer, municipal officer, employee of the City, or person(s) apprehended shall be eligible for such a reward.

(e) Any person committing graffiti vandalism shall be civilly liable for any reward paid pursuant to this section. If said person is an unemancipated minor, then the parent or lawful guardian of said minor shall be civilly liable for any reward paid pursuant to this section.

(Ord. No. 05-5332, § 5, 7-11-05)

Sec. 18-1106. Graffiti as a public nuisance.

(a) The existence of graffiti on private property in violation of this article is expressly declared to be a public nuisance and, therefore, is subject to the abatement provisions specified in Section 18-305.

(b) It is the duty of both the owner of the private property to which the graffiti has been applied and any responsible party to at all times keep the private property clear of graffiti.

(c) Failure to remove graffiti by the private property owner or any responsible party shall be punished as a municipal infraction and shall be subject to civil penalties as specified in section 18-1304.

(Ord. No. 05-5332, § 6, 7-11-05)

Sec. 18-1114. Ease of removal provisions.

(a) *Common utility colors and paint-type.* Any gas, electric, telephone, water, sewer, cable, telephone and other utility operating in the city shall paint its above-surface metal fixtures with a uniform paint type and color, or wrap, that meets with the approval of the city administrator or the city administrator's designee.

(b) *Conditional encroachment permits.* All encroachment permits issued by the city shall, among such other things, be conditioned on:

(1) The permittee's application of an anti-graffiti material to the encroaching object of a type and nature that is acceptable to the city administrator, or the city administrator's designee;

(2) The permittee's immediate removal of any graffiti;

(3) The city's right to remove graffiti or to paint the encroaching object; or

(4) The permittee's providing the city with sufficient matching paint and/or anti-graffiti material on demand for use in the painting of the encroaching object containing graffiti.

(Ord. No. 05-5332, § 14, 7-11-05)

Sec. 18-1116. Anti-graffiti fund.

The city council may at its discretion create the city anti-graffiti fund. Costs recovered for graffiti removal and penalties assessed in municipal court against violators of this article shall be placed in the fund, along with any monetary donations received from persons wishing to contribute to the fund. The council, or its designee, shall direct the expenditures of monies in the fund. Such expenditures shall be limited to the payment of the cost of labor and materials for graffiti removal, the payment, at the discretion of the city council, or its designee, of rewards for information leading to the conviction of violation of the article, the costs of administering the article, and such other public purposes pertaining to graffiti as may be approved by the council by resolution.

(Ord. No. 05-5332, § 16, 7-11-05)

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 8th day of April, 2024..

PASSED, ADOPTED and APPROVED on second reading this 22nd day of April, 2024.

CITY OF BILLINGS

BY:_____
William A. Cole, Mayor

Attest
:

_____
Denise R. Bohlman, City Clerk

City Council Regular

Date:	04/22/2024
Title:	Second Reading - Ordinance Amendment BMCC 18-1400, Boarded Up Structures
Presented by:	Tina Hoeger
Department:	Planning & Community Services
Presentation:	No
Legal Review:	Yes
Project Number:	N/A

RECOMMENDATION

Staff recommends the City Council approve the second and final reading of amended ordinance BMCC 18-1400, Boarded Up Structures.

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

At its meeting on April 8, 2024, the City Council conducted a public hearing and approved the first reading of amended ordinance BMCC 18-1400 Boarded Up Structures. During that meeting, staff was given direction to add language to the amended ordinance as follows:

Section 18-1403 (a) and (b) add language that reads "or from the effective date of this ordinance, whichever is later."

STAKEHOLDERS

The residents of Billings will ultimately benefit from making these ordinance amendments as the changes will increase efficiency of enforcement, better clarify the codes so people understand their rights and obligations under the city code, and easier application of the codes by the City Code Enforcement Division.

ALTERNATIVES

City Council may:

- Approve the amended ordinance BMCC 18-1400 Boarded Up Structures; or,
- Not Approve the amended ordinance BMCC 18-1400 Boarded Up Structures. If not approved, the ordinance BMCC 18-1400 Boarded Up Structures will remain the same.

FISCAL EFFECTS

There are no direct fiscal impacts.

Attachments

Boarded Up Structures Ordinance Amended
Boarded Up Structures Ordinance Clean

ORDINANCE 24-_____

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE (BMCC) BE AMENDED BY REVISING ARTICLE 18-1400, OF SAID CODE

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

Section 1. That Article 18-1400, of the Billings, Montana City Code (BMCC) is amended so that such section shall read as follows:

Article 18-1400. – BOARDED UP STRUCTURES

Sec. 18-1401. Purpose ~~and intent~~.

~~Abandoned s~~ Structures left boarded up over a significant period present a threat to the health, safety and welfare of the community and reduce the value of adjoining properties. Standards for long term security of ~~abandoned.~~ boarded up structures established in this section will help improve the appearance of these structures and preserve neighborhood property values.

(Ord. No. 12-5584, § 1, 9-24-12)

Sec. 18-1402. Definitions.

For the purposes of this article the following definitions shall apply:

~~*Abandoned structure:* A structure that has remained unoccupied and one or more utilities, including but not limited to gas, electricity, and water, have been disconnected for a period of at least one hundred eighty (180) days.~~

Abate: To repair, replace, remove, destroy or otherwise remedy the condition in question by such means, in such a manner and to such an extent that is determined necessary in the interest of the health, safety and general welfare of the affected community.

Boarded up structure: The use of materials unrelated to the structure's exterior finish, such as plywood, oriented-strand board, plastic, metal, or canvas, to secure or cover openings in a~~n abandoned~~ structure.

Owner: The title owner(s), contract purchaser, or any other person or representative of any entity which holds a legal or equitable interest in any parcel.

Owner's agent: A statutory agent such as, but not limited to a legal guardian, conservator, person with durable power of attorney, or property manager.

(Ord. No. 12-5584, § 1, 9-24-12)

Sec. 18-1403. ~~Abandoned structure—~~Temporary boarding as a public nuisance.

(a) *Temporary boarding of window, doors openings.* Window or door openings on a~~n abandoned~~ structure may be boarded up for no more than one hundred eighty (180) total days from initial installation or from the effective date of this ordinance, whichever is later. Boards shall consist of a single sheet of oriented strand board (OSB) or plywood large enough to completely cover the window or door opening. The boards shall be attached with ~~wood screws that are not common Phillips-head or slotted-head screws, such as hex or beveled-head~~ non-tampering screws.

(b) *Boarded window and door openings—Board replacement.* The boards on window and door openings shall be replaced within a single one hundred eighty (180) day~~s~~ period from ~~of~~ the initial installation or from the effective date of this ordinance, whichever is later, with properly installed, tight-fitting, and secure windows and doors. For any window or door installation, or replacement, or if a door or window is to be covered or closed in, a building permit must be secured and all permit review and inspection processes completed per City requirements.

(c) A structure in violation of subsection a and/or b is deemed a public nuisance per Section 18-301.

(Ord. No. 12-5584, § 1, 9-24-12)

Sec. 18-1404. Enforcement and penalties.

~~Upon written or oral complaint of any citizen so affected by an alleged~~ A violation of the provisions in this article~~, or if a code enforcement officer becomes aware of a condition or situation that may constitute a violation of the provisions in this article, the officer shall investigate the condition or situation within a reasonable period of time. The officer shall determine whether such condition or situation violates the provisions of this article. If the officer finds that there exists a violation, such officer~~ shall be enforced and shall be subject to the penalties as provided in Section 18-304. ~~give written notice to the owner of the premises and the owner's agent of the specific nature of the violation. Unless a violation is determined to exist such that the abatement procedure is described elsewhere in the City Code, the code enforcement officer shall afford the owner of the premises or the owner's agent thirty (30) days to voluntarily abate the violation. The officer must give written notice in person or by certified mail of the specific condition to be abated and the specific abatement required to the owner of the premises and the owner's agent.~~

(Ord. No. 12-5584, § 1, 9-24-12)

~~Sec. 18-1405. Violations.~~

~~When an abandoned, boarded up structure has not been voluntarily abated within the time specified in the notice to abate it is a violation of this article, a municipal infraction, and is punishable by civil penalties as specified in section 18-1304. Each day that the violation continues is a separate offense and shall be punished accordingly.~~

(Ord. No. 12-5584, § 1, 9-24-12)

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 8th day of April 2024.

PASSED, ADOPTED and APPROVED on second reading this 22nd day of April, 2024.

CITY OF BILLINGS

BY:_____
William A. Cole, Mayor

Attest
:

_____
Denise R. Bohlman, City Clerk

ORDINANCE 24-_____

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE (BMCC) BE AMENDED BY REVISING ARTICLE 18-1400, OF SAID CODE

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

Section 1. That Article 18-1400, of the Billings, Montana City Code (BMCC) is amended so that such section shall read as follows:

Article 18-1400. – BOARDED UP STRUCTURES

Sec. 18-1401. Purpose.

Structures left boarded up over a significant period present a threat to the health, safety and welfare of the community and reduce the value of adjoining properties. Standards for long term security of boarded up structures established in this section will help improve the appearance of these structures and preserve neighborhood property values.

(Ord. No. 12-5584, § 1, 9-24-12)

Sec. 18-1402. Definitions.

For the purposes of this article the following definitions shall apply:

Abate: To repair, replace, remove, destroy, or otherwise remedy the condition in question by such means, in such a manner and to such an extent that is determined necessary in the interest of the health, safety and general welfare of the affected community.

Boarded up structure: The use of materials unrelated to the structure's exterior finish, such as plywood, oriented-strand board, plastic, metal, or canvas, to secure or cover openings in a structure.

Owner: The title owner(s), contract purchaser, or any other person or representative of any entity which holds a legal or equitable interest in any parcel.

Owner's agent: A statutory agent such as, but not limited to a legal guardian, conservator, person with durable power of attorney, or property manager.

(Ord. No. 12-5584, § 1, 9-24-12)

Sec. 18-1403. Temporary boarding as a public nuisance.

(a) *Temporary boarding of window, doors openings.* Window or door openings on a structure may be boarded up for no more than one hundred eighty (180) total days from initial installation or from the effective date of this ordinance, whichever is later. Boards shall consist of a single sheet of oriented strand board (OSB) or plywood large enough to completely cover the window or door opening. The boards shall be attached with non-tampering screws.

(b) *Boarded window and door openings—Board replacement.* The boards on window and door openings shall be replaced within a single one hundred eighty (180) day period from the initial installation or from the effective date of this ordinance, whichever is later, with properly installed, tight-fitting, and secure windows and doors. For any window or door installation, or replacement, or if a door or window is to be covered or closed in, a building permit must be secured, and all permit review and inspection processes completed per City requirements.

(c) A structure in violation of subsection a and/or b is deemed a public nuisance per Section 18-301.

(Ord. No. 12-5584, § 1, 9-24-12)

Sec. 18-1404. Enforcement and penalties.

A violation of the provisions in this article shall be enforced and shall be subject to the penalties as provided in Section 18-304.

(Ord. No. 12-5584, § 1, 9-24-12)

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 8th day of April 2024.

PASSED, ADOPTED and APPROVED on second reading this 22nd day of April, 2024.

CITY OF BILLINGS

BY:_____
William A. Cole, Mayor

Attest
:

_____
Denise R. Bohlman, City Clerk

City Council Regular

Date:	04/22/2024
Title:	Payment of Claims for week of March 18th, 2024
Presented by:	Erin Watterud
Department:	Finance
Presentation:	No
Legal Review:	Not Applicable
Project Number:	N/A

RECOMMENDATION

Staff recommends Council approve the Payment of Claims

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

Claims in the amount of $1,932,230.75 have been reviewed and are presented for City Council payment approval. A complete listing of the claims for the week are available in the Finance Department. Payment Approval Process Every invoice for payment is entered into the City's accounting system and the backup documentation is scanned in and attached (physical invoices, additional e-mails explaining payments, bids, contracts, etc.). Each invoice goes through a multi-step approval process depending upon the amount of the payment. First, invoices are entered by the department requesting the payment and the department director or designee must perform an initial review and approval of the purchase. The number of approvals within the department can vary based upon the size of the department, but no less than one approver within each department must verify the payment. Second, all payments, regardless of size, must be approved by the Purchasing Agent or designee. The Purchasing Agent will review the payment to ensure purchasing procedures are followed and appropriate documentation is attached. If the payment is greater than $1,000, then it must be approved by the Finance Director or designee. If that payment is greater than $10,000, then it must be approved by the City Administrator or Assistant City Administrator. Once all approvals are completed, the payment is able to be made and the Accounts Payable Clerk can print the check. After all checks are printed, a list of all checks in excess of $2,500 is generated and placed on the next City Council meeting for review.

ALTERNATIVES

No other alternatives were analyzed

FISCAL EFFECTS

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

Attachments

CouncilMemo wk of 03182024

Check Date	Check #	Name	Fund Name	Amount	Item Desc
03/18/2024	869323	A-1 Landscaping	Building	$ 248.13	Snow Plow/Removal Feb, 2024; Planning
03/18/2024	869323	A-1 Landscaping	CDBG	$ 248.13	Snow Plow/Removal Feb, 2024; Planning
03/18/2024	869323	A-1 Landscaping	Facilities	$ 1,515.00	Snow Plow/Removal Feb, 2024; Operations Center
03/18/2024	869323	A-1 Landscaping	Facilities	$ 665.00	Snow Plow/Removal Feb, 2024; Stillwater Building
03/18/2024	869323	A-1 Landscaping	Facilities	$ 885.00	Snow Plow/Removal Feb, 2024; YVAS
03/18/2024	869323	A-1 Landscaping	General	$ 248.13	Snow Plow/Removal Feb, 2024; Planning
03/18/2024	869323	A-1 Landscaping	Library	$ 751.85	Snow Plow/Removal Feb, 2024; Library
03/18/2024	869323	A-1 Landscaping	Library	$ 787.50	Snow Plow/Removal Feb, 2024; Library
03/18/2024	869323	A-1 Landscaping	Parking	$ 250.63	Snow Plow/Removal Feb, 2024; Library
03/18/2024	869323	A-1 Landscaping	Parking	$ 1,995.00	Snow Plow/Removal Feb, 2024; Parking
03/18/2024	869323	A-1 Landscaping	Parking	$ 2,280.00	Snow Plow/Removal Feb, 2024; Parking
03/18/2024	869323	A-1 Landscaping	Parking	$ 522.50	Snow Plow/Removal Feb, 2024; Parking
03/18/2024	869323	A-1 Landscaping	Parking	$ 1,017.50	Snow Plow/Removal Feb, 2024; Parking
03/18/2024	869323	A-1 Landscaping	Parking	$ 2,197.50	Snow Plow/Removal Feb, 2024; Parking
03/18/2024	869323	A-1 Landscaping	Planning	$ 248.13	Snow Plow/Removal Feb, 2024; Planning
03/18/2024	869323	A-1 Landscaping	Urban Renewal Prop	$ 1,102.50	Snow Plow/Removal Feb, 2024; Comm Development
03/18/2024	869323	A-1 Landscaping	Urban Renewal Prop	$ 425.00	Snow Plow/Removal Feb, 2024; Comm Development
03/18/2024	869330	Armscor Cartridge	PD Program	$ 10,287.00	Invoice 17851 Ammunition
03/18/2024	869330	Armscor Cartridge	Public Safety	$ 13,930.00	Invoice 17851 Ammunition
03/18/2024	869331	AT & T	Airport	$ 824.40	Airport -New Phones
03/18/2024	869331	AT & T	Building	$ 45.22	Building Manager
03/18/2024	869331	AT & T	Building	$ 45.24	Building Manager
03/18/2024	869331	AT & T	Building	$ 513.11	PW-Building Cell Phones
03/18/2024	869331	AT & T	Building	$ 426.24	PW-Building Surfaces
03/18/2024	869331	AT & T	CDBG	$ 145.76	Comm Dev
03/18/2024	869331	AT & T	CDBG	$ 145.80	Comm Dev
03/18/2024	869331	AT & T	Court Grants	$ 166.81	Muni Court DC
03/18/2024	869331	AT & T	Court Grants	$ 135.72	Muni Court DC
03/18/2024	869331	AT & T	Engineering	$ 174.20	Engineering Tablets
03/18/2024	869331	AT & T	Engineering	$ 174.20	Engineering Tablets
03/18/2024	869331	AT & T	Engineering	$ 147.43	PW-Engineering Cell Phones and MiFi
03/18/2024	869331	AT & T	Engineering	$ 147.58	PW-Engineering Cell Phones and MiFi
03/18/2024	869331	AT & T	Facilities	$ 13.64	Facilities BOC

Check Date	Check #	Name	Fund Name	Amount	Item Desc
03/18/2024	869331	AT & T	Facilities	$ 45.22	Facilities BOC
03/18/2024	869331	AT & T	Facilities	$ 45.22	Facilities BOC
03/18/2024	869331	AT & T	Facilities	$ 31.58	Facilities BOC
03/18/2024	869331	AT & T	Facilities	$ 45.24	Facilities BOC
03/18/2024	869331	AT & T	Facilities	$ 13.54	Facilities BOC
03/18/2024	869331	AT & T	Facilities	$ 31.70	Facilities BOC
03/18/2024	869331	AT & T	Facilities	$ 45.24	Facilities BOC
03/18/2024	869331	AT & T	Facilities	$ 86.52	Facilities BOC/CH
03/18/2024	869331	AT & T	Facilities	$ 28.76	Facilities BOC/CH
03/18/2024	869331	AT & T	Facilities	$ 86.46	Facilities BOC/CH
03/18/2024	869331	AT & T	Facilities	$ 28.86	Facilities BOC/CH
03/18/2024	869331	AT & T	Facilities	$ 45.22	Facilities City Hall
03/18/2024	869331	AT & T	Facilities	$ 45.24	Facilities City Hall
03/18/2024	869331	AT & T	Facilities	$ 45.24	Facilities City Hall
03/18/2024	869331	AT & T	Facilities	$ 45.24	Facilities City Hall
03/18/2024	869331	AT & T	Facilities	$ 90.44	Facilities Managers
03/18/2024	869331	AT & T	Facilities	$ 90.48	Facilities Managers
03/18/2024	869331	AT & T	Fleet	$ 45.59	Motor Pool
03/18/2024	869331	AT & T	General	$ 530.79	Code Enforcement
03/18/2024	869331	AT & T	General	$ 417.00	Code Enforcement
03/18/2024	869331	AT & T	General	$ 45.22	FINANCE -Purchasing
03/18/2024	869331	AT & T	General	$ 45.24	FINANCE -Purchasing
03/18/2024	869331	AT & T	General	$ 45.22	Human Resources
03/18/2024	869331	AT & T	General	$ 45.24	Human Resources
03/18/2024	869331	AT & T	General	$ 180.96	Legal Dept -Domestic Violence -
03/18/2024	869331	AT & T	General	$ 50.52	Legal
03/18/2024	869331	AT & T	General	$ 50.28	Legal
03/18/2024	869331	AT & T	General	$ 243.65	PRPL - Recreation Division
03/18/2024	869331	AT & T	General	$ 243.78	PRPL - Recreation Division
03/18/2024	869331	AT & T	General	$ 87.75	REC Seasonal
03/18/2024	869331	AT & T	General	$ -	REC Seasonal
03/18/2024	869331	AT & T	General	$ 104.52	Rec Tablets
03/18/2024	869331	AT & T	General	$ 104.52	Rec Tablets

Check Date	Check #	Name	Fund Name	Amount	Item Desc
03/18/2024	869331	AT & T	IT Resources	$ 90.28	IT Department -On call Phone -
03/18/2024	869331	AT & T	Library	$ 178.19	Library
03/18/2024	869331	AT & T	Library	$ 189.96	Library
03/18/2024	869331	AT & T	Library	$ 107.37	Library Out Reach
03/18/2024	869331	AT & T	Library	$ 107.40	Library Out Reach
03/18/2024	869331	AT & T	P.W. Admin	$ 32.61	PWBLKNP OFFICE -50/50
03/18/2024	869331	AT & T	P.W. Admin	$ 32.61	PWBLKNP OFFICE -50/50
03/18/2024	869331	AT & T	P.W. Admin	$ 32.63	PWBLKNP OFFICE -50/50
03/18/2024	869331	AT & T	P.W. Admin	$ 32.62	PWBLKNP OFFICE -50/50
03/18/2024	869331	AT & T	Park Dist 1	$ 528.57	Parks Dept.
03/18/2024	869331	AT & T	Park Dist 1	$ 518.34	Parks Dept.
03/18/2024	869331	AT & T	Park Dist 1	$ 70.20	Parks Seasonal
03/18/2024	869331	AT & T	Park Dist 1	$ -	Parks Seasonal
03/18/2024	869331	AT & T	Park Dist 1	$ 558.46	PRPL Parks Tablets
03/18/2024	869331	AT & T	Park Dist 1	$ 537.26	PRPL Parks Tablets
03/18/2024	869331	AT & T	Parking	$ 316.54	Parking Phones and scanner
03/18/2024	869331	AT & T	Parking	$ 226.10	Parking Phones and scanner
03/18/2024	869331	AT & T	Parking	$ 226.20	Parking Phones and scanner
03/18/2024	869331	AT & T	Parking	$ 407.16	Parking Phones and scanner
03/18/2024	869331	AT & T	PD Program	$ 160.56	CCSIU Toughbook
03/18/2024	869331	AT & T	PD Program	$ 45.55	Domestic Violence
03/18/2024	869331	AT & T	Phone System	$ 45.24	IT Department -On call Phone -
03/18/2024	869331	AT & T	Phone System	$ 66.24	IT iPads
03/18/2024	869331	AT & T	Phone System	$ 24.01	IT iPads
03/18/2024	869331	AT & T	Phone System	$ 65.02	IT iPads
03/18/2024	869331	AT & T	Phone System	$ 67.82	TeleComm Manager
03/18/2024	869331	AT & T	Phone System	$ 67.86	TeleComm Manager
03/18/2024	869331	AT & T	Planning	$ 67.82	PLANNING
03/18/2024	869331	AT & T	Planning	$ 67.86	PLANNING
03/18/2024	869331	AT & T	Public Safety	$ 272.99	Animal Control Cell Phones
03/18/2024	869331	AT & T	Public Safety	$ 321.12	Animal Control -MDT
03/18/2024	869331	AT & T	Public Safety	$ 120.42	Assistant chiefs new iPads
03/18/2024	869331	AT & T	Public Safety	$ 289.02	Comm. Center 9-1-1

Check Date	Check #	Name	Fund Name	Amount	Item Desc
03/18/2024	869331	AT & T	Public Safety	$ 40.14	Detective-Toughbook
03/18/2024	869331	AT & T	Public Safety	$ 444.13	FIRE CRADLEPOINT
03/18/2024	869331	AT & T	Public Safety	$ 1,347.10	Fire Department Cell Phones
03/18/2024	869331	AT & T	Public Safety	$ 374.90	FIRE EMS
03/18/2024	869331	AT & T	Public Safety	$ 135.72	Fire EMS Cell Phone
03/18/2024	869331	AT & T	Public Safety	$ 198.72	FIRE INSPECTIONS
03/18/2024	869331	AT & T	Public Safety	$ 269.46	Fire iPads
03/18/2024	869331	AT & T	Public Safety	$ 40.14	Fire iPads
03/18/2024	869331	AT & T	Public Safety	$ 799.46	Fire Station iPads
03/18/2024	869331	AT & T	Public Safety	$ 85.69	ICAC
03/18/2024	869331	AT & T	Public Safety	$ 559.57	MDT Fire
03/18/2024	869331	AT & T	Public Safety	$ 83.39	POLICE CRADLEPOINT
03/18/2024	869331	AT & T	Public Safety	$ 126.04	POLICE CSO
03/18/2024	869331	AT & T	Public Safety	$ 3,836.05	Police Department Cell Phone
03/18/2024	869331	AT & T	Public Safety	$ 50.28	Police -Drone
03/18/2024	869331	AT & T	Public Safety	$ 240.84	Police MDT Toughbooks and Loaner MDT's
03/18/2024	869331	AT & T	Public Safety	$ 5,218.20	Police MDT Toughbooks and Loaner MDT's
03/18/2024	869331	AT & T	Public Safety	$ 287.20	Yellowstone County Cellular Charges -3 cradlepoints
03/18/2024	869331	AT & T	Solid Waste	$ 139.36	SOLID WASTE Cell and iPads
03/18/2024	869331	AT & T	Solid Waste	$ 504.41	SOLID WASTE Cell and iPads
03/18/2024	869331	AT & T	Solid Waste	$ 387.08	SOLID WASTE Cell and iPads
03/18/2024	869331	AT & T	Solid Waste	$ 139.36	SOLID WASTE Cell and iPads
03/18/2024	869331	AT & T	Street/Traffic	$ 372.55	School Flashers
03/18/2024	869331	AT & T	Street/Traffic	$ 43.34	Street Traffic iPads
03/18/2024	869331	AT & T	Street/Traffic	$ 681.32	Street Traffic iPads
03/18/2024	869331	AT & T	Street/Traffic	$ 724.66	Street Traffic iPads
03/18/2024	869331	AT & T	Transit	$ 50.27	MET Supervisor Cell Phones
03/18/2024	869331	AT & T	Transit	$ 50.27	MET Supervisor Cell Phones
03/18/2024	869331	AT & T	Transit	$ 45.22	MET Supervisor Cell Phones
03/18/2024	869331	AT & T	Transit	$ 50.27	MET Supervisor Cell Phones
03/18/2024	869331	AT & T	Transit	$ 37.79	MET Supervisor Cell Phones
03/18/2024	869331	AT & T	Transit	$ 50.27	MET Supervisor Cell Phones
03/18/2024	869331	AT & T	Transit	$ 106.04	MET Supervisor Cell Phones

Check Date	Check #	Name	Fund Name	Amount	Item Desc
03/18/2024	869331	AT & T	Transit	$ 50.34	MET Supervisor Cell Phones
03/18/2024	869331	AT & T	Transit	$ 645.35	MET Transit Tablets
03/18/2024	869331	AT & T	Transit	$ 645.35	MET Transit Tablets
03/18/2024	869331	AT & T	Transit	$ 389.81	MET Transit Tablets
03/18/2024	869331	AT & T	Wastewater	$ 180.96	PW Environmental
03/18/2024	869331	AT & T	Wastewater	$ 401.02	PWBELKNAP-DIST COLL CELL PHONES 50/50
03/18/2024	869331	AT & T	Wastewater	$ 374.01	PWBELKNAP-DIST COLL CELL PHONES 50/50
03/18/2024	869331	AT & T	Wastewater	$ 474.65	PWBLKNP Electricians -Phones
03/18/2024	869331	AT & T	Wastewater	$ 475.60	PWBLKNP Electricians -Phones
03/18/2024	869331	AT & T	Wastewater	$ 27.97	PWBLKNP STORES -75/25
03/18/2024	869331	AT & T	Wastewater	$ 28.20	PWBLKNP STORES -75/25
03/18/2024	869331	AT & T	Wastewater	$ 909.04	PWBLNP-WWTRMNT1 and iPads
03/18/2024	869331	AT & T	Wastewater	$ 104.52	PWBLNP-WWTRMNT1 and iPads
03/18/2024	869331	AT & T	Wastewater	$ 104.52	PWBLNP-WWTRMNT1 and iPads
03/18/2024	869331	AT & T	Wastewater	$ 954.68	PWBLNP-WWTRMNT1 and iPads
03/18/2024	869331	AT & T	Wastewater	$ 518.58	PW-Distribution Collection Tablets 50/50
03/18/2024	869331	AT & T	Wastewater	$ 495.18	PW-Distribution Collection Tablets 50/50
03/18/2024	869331	AT & T	Wastewater	$ 69.68	PW-Environmental
03/18/2024	869331	AT & T	Wastewater	$ 80.28	PW-Environmental
03/18/2024	869331	AT & T	Water	$ 34.84	D&C Trimble
03/18/2024	869331	AT & T	Water	$ 401.01	PWBELKNAP-DIST COLL CELL PHONES 50/50
03/18/2024	869331	AT & T	Water	$ 374.04	PWBELKNAP-DIST COLL CELL PHONES 50/50
03/18/2024	869331	AT & T	Water	$ 1,048.93	PWBELKNAP-WT Water Treatment
03/18/2024	869331	AT & T	Water	$ 1,049.35	PWBELKNAP-WT Water Treatment
03/18/2024	869331	AT & T	Water	$ 472.64	PWBLKNP COMM-METER CityWorks/Neptune
03/18/2024	869331	AT & T	Water	$ 472.64	PWBLKNP COMM-METER CityWorks/Neptune
03/18/2024	869331	AT & T	Water	$ 393.12	PWBLKNP MTRSHOP CELL PHONE AND IPADS
03/18/2024	869331	AT & T	Water	$ 149.04	PWBLKNP MTRSHOP CELL PHONE AND IPADS
03/18/2024	869331	AT & T	Water	$ 149.04	PWBLKNP MTRSHOP CELL PHONE AND IPADS
03/18/2024	869331	AT & T	Water	$ 412.51	PWBLKNP MTRSHOP CELL PHONE AND IPADS
03/18/2024	869331	AT & T	Water	$ 84.57	PWBLKNP STORES -75/25
03/18/2024	869331	AT & T	Water	$ 84.61	PWBLKNP STORES -75/25
03/18/2024	869331	AT & T	Water	$ 518.58	PW-Distribution Collection Tablets 50/50

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03/18/2024	869331	AT & T	Water	$ 495.17	PW-Distribution Collection Tablets 50/50
03/18/2024	869332	Attachments Direct	Street/Traffic	$ 14,860.00	pavement saw.
03/18/2024	869333	Avery Dennison	Street/Traffic	$ 2,500.00	service call to repair sign machine
03/18/2024	869334	Beartooth Environmental	Solid Waste	$ 17,943.45	Manifests: MT2024334 024095310JJK MT2024335
03/18/2024	869334	Beartooth Environmental	Water	$ 3,132.00	Haz Waster Removal
03/18/2024	869340	BIRD STREETS	Tax Incrmnt E	$ 33,488.50	Billings Brownstones; Phase 1 Reimbursement
03/18/2024	869363	Dakota Supply	Water	$ 465.87	1 1/2" BALL CORP STOP CTS - COMPRESSION (H25008)
03/18/2024	869363	Dakota Supply	Water	$ 323.48	8" X 1-1/2" HINGED TAPPING SADDLE FOR PVC
03/18/2024	869363	Dakota Supply	Water	$ 4,058.21	PIPE BURSTING - 6" PUSH-ON VALVE P/N: 24447
03/18/2024	869363	Dakota Supply	Water	$ 60.34	PIPE BURSTING - 6" TYTON PUSH-ON GASKET P/N: 46262
03/18/2024	869363	Dakota Supply	Water	$ 17,997.51	PIPE BURSTING - 8" PUSH-ON VALVE P/N: 24456
03/18/2024	869363	Dakota Supply	Water	$ 169.40	PIPE BURSTING - 8" TYTON PUSH-ON GASKET P/N: 46275
03/18/2024	869363	Dakota Supply	Water	$ 998.47	PIPE BURSTING - 8" X 6" PUSH-ON TEE P/N: 42448
03/18/2024	869363	Dakota Supply	Water	$ 1,167.32	PIPE BURSTING - 8" X 8" PUSH-ON TEE P/N: 45412
03/18/2024	869363	Dakota Supply	Water	$ 189.06	PIPE BURSTING - COUPLING 1-1/4" CTS X 1-1/2" CTS
03/18/2024	869364	Dell Computer	EOC 911	$ 18,571.80	Qty. 6 5860 Tower XCTO Base, Intel Xeon, 32GB RAM
03/18/2024	869364	Dell Computer	EOC 911	$ 19,003.53	Qty. 7 Precision 5820 -Dispatcher and training machines
03/18/2024	869364	Dell Computer	General	$ (184.37)	Credit Dell Dock from Code Enf and Charte IT
03/18/2024	869364	Dell Computer	General	$ 2,620.57	Dell Latitude 5440 -Purchasing
03/18/2024	869364	Dell Computer	General	$ 603.68	Qty. 4 27" Monitors -Liz (2- WFH and 2-Office)
03/18/2024	869364	Dell Computer	IT Resources	$ 184.37	Credit Dell Dock from Code Enf and Charte IT
03/18/2024	869364	Dell Computer	IT Resources	$ 3,060.00	Dell Mobile Precision 7780, i7, -IT
03/18/2024	869364	Dell Computer	IT Resources	$ 2,440.11	XPS 9730 Laptop, i7-IT WFH
03/18/2024	869366	Desert Mountain	Street/Traffic	$ 4,825.64	ice slicer
03/18/2024	869368	Dick Anderson	Wastewater	$ 992,821.51	WO 20-44 WRF Nutrient Recovery Improvements
03/18/2024	869372	Downtown Billings BID	Downtown BID	$ 4,274.01	BID Assessment: Paid February Distributed Mar, 2024
03/18/2024	869373	Downtown Billings Partnership	Tax Incrmnt N27	$ 25,615.42	Annual DBP Operating Agreement FY 2024
03/18/2024	869380	Elreg Distributors	Transit	$ 3,591.26	0140073-IN_Unit #1819_Alternator
03/18/2024	869380	Elreg Distributors	Transit	$ 151.73	0140073-IN_Unit #1819_Freight/Shipping
03/18/2024	869381	Energy Laboratories	Wastewater	$ 861.00	Energy Lab 615038
03/18/2024	869381	Energy Laboratories	Wastewater	$ 433.00	WO # B24020910, Sample Analysis
03/18/2024	869381	Energy Laboratories	Wastewater	$ 160.00	WO # B24021206, Sample Analysis
03/18/2024	869381	Energy Laboratories	Wastewater	$ 320.00	WO # B24021428, Sample Analysis

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03/18/2024	869381	Energy Laboratories	Wastewater	$ 699.00	Work Order B24020445 Sample Analysis
03/18/2024	869381	Energy Laboratories	Wastewater	$ 861.00	Work Order B24020522, Sample Analysis
03/18/2024	869381	Energy Laboratories	Water	$ 53.00	WO # B24010013
03/18/2024	869381	Energy Laboratories	Water	$ 2,440.50	WO # B24021049
03/18/2024	869381	Energy Laboratories	Water	$ 109.00	WO # B24021434
03/18/2024	ACH	Galles Filter	Fleet	$ 22.16	P1.29404.01
03/18/2024	ACH	Galles Filter	Fleet	$ 12.15	P1.29404.01
03/18/2024	ACH	Galles Filter	Fleet	$ 322.68	P1-29052-02
03/18/2024	ACH	Galles Filter	Fleet	$ 176.98	P1-29052-02
03/18/2024	ACH	Galles Filter	Fleet	$ 10.66	P1-29117-01
03/18/2024	ACH	Galles Filter	Fleet	$ 4.86	P1-29117-01
03/18/2024	ACH	Galles Filter	Fleet	$ 27.96	P1-29117-01
03/18/2024	ACH	Galles Filter	Fleet	$ 37.20	P1-29117-01
03/18/2024	ACH	Galles Filter	Fleet	$ 8.20	P1-29213-01
03/18/2024	ACH	Galles Filter	Fleet	$ 23.79	P1-29213-01
03/18/2024	ACH	Galles Filter	Fleet	$ 7.90	P1-29213-01
03/18/2024	ACH	Galles Filter	Fleet	$ 22.04	P1-29213-01
03/18/2024	ACH	Galles Filter	Fleet	$ 18.60	P1-29213-01
03/18/2024	ACH	Galles Filter	Fleet	$ 13.98	P1-29378.02
03/18/2024	ACH	Galles Filter	Fleet	$ 3.68	P1-29378-01
03/18/2024	ACH	Galles Filter	Fleet	$ 43.92	P1-29378-01
03/18/2024	ACH	Galles Filter	Fleet	$ 21.60	P1-29378-01
03/18/2024	ACH	Galles Filter	Fleet	$ 186.24	P1-29378-01
03/18/2024	ACH	Galles Filter	Fleet	$ 10.84	P1-29378-01
03/18/2024	ACH	Galles Filter	Fleet	$ 10.88	P1-29378-01
03/18/2024	ACH	Galles Filter	Fleet	$ 3.60	P1-29378-01
03/18/2024	ACH	Galles Filter	Fleet	$ 13.98	P1-29378-01
03/18/2024	ACH	Galles Filter	Fleet	$ 12.68	P1-29378-01
03/18/2024	ACH	Galles Filter	Fleet	$ 157.08	P1-29378-01
03/18/2024	ACH	Galles Filter	Fleet	$ 18.80	P1-29378-01
03/18/2024	ACH	Galles Filter	Fleet	$ 3.44	P1-29423-01
03/18/2024	ACH	Galles Filter	Fleet	$ 10.80	P1-29423-01
03/18/2024	ACH	Galles Filter	Fleet	$ 37.20	P1-29423-01

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03/18/2024	ACH	Galles Filter	Fleet	$ 8.58	P1-29423-01
03/18/2024	ACH	Galles Filter	Fleet	$ 4.56	P1-29423-01
03/18/2024	ACH	Galles Filter	Fleet	$ 30.25	P1-29423-01
03/18/2024	ACH	Galles Filter	Fleet	$ 46.44	P1-29423-01
03/18/2024	ACH	Galles Filter	Fleet	$ 33.06	P1-29490-01
03/18/2024	ACH	Galles Filter	Fleet	$ 25.62	P1-29490-01
03/18/2024	ACH	Galles Filter	Fleet	$ 15.86	P1-29490-01
03/18/2024	ACH	Galles Filter	Fleet	$ 43.92	P1-29490-01
03/18/2024	ACH	Galles Filter	Fleet	$ 8.20	P1-29490-01
03/18/2024	ACH	Galles Filter	Fleet	$ 7.90	P1-29490-01
03/18/2024	ACH	Galles Filter	Fleet	$ 3.44	P1-29490-01
03/18/2024	ACH	Galles Filter	Fleet	$ 6.75	P1-29490-01
03/18/2024	ACH	Galles Filter	Fleet	$ 60.50	P1-29551-01
03/18/2024	ACH	Galles Filter	Fleet	$ 24.58	P1-29551-01
03/18/2024	ACH	Galles Filter	Fleet	$ 23.59	P1-29551-01
03/18/2024	ACH	Galles Filter	Fleet	$ 3.60	P1-29551-01
03/18/2024	ACH	Galles Filter	Fleet	$ 7.12	P1-29551-01
03/18/2024	ACH	Galles Filter	Fleet	$ 265.47	P1-29551-01
03/18/2024	ACH	Galles Filter	Fleet	$ 13.89	P1-29551-01
03/18/2024	ACH	Galles Filter	Fleet	$ 43.92	P1-29636-01
03/18/2024	ACH	Galles Filter	Fleet	$ 12.68	P1-29636-01
03/18/2024	ACH	Galles Filter	Fleet	$ 26.32	P1-29636-01
03/18/2024	ACH	Galles Filter	Fleet	$ 66.12	P1-29679-01
03/18/2024	ACH	Galles Filter	Fleet	$ 15.04	P1-29679-01
03/18/2024	ACH	Galles Filter	Fleet	$ 30.25	P1-29679-01
03/18/2024	ACH	Galles Filter	Fleet	$ 14.40	P1-29679-01
03/18/2024	ACH	Galles Filter	Fleet	$ 10.80	P1-29679-01
03/18/2024	ACH	Galles Filter	Solid Waste	$ 656.78	Inner Air Element&Outer Air Element
03/18/2024	ACH	Galles Filter	Solid Waste	$ 591.58	Inner Air Element&Outer Air Element
03/18/2024	ACH	Galles Filter	Solid Waste	$ 525.52	Inner Air Element&Outer Air Element
03/18/2024	ACH	Galles Filter	Solid Waste	$ 902.36	Inner Air Element&Outer Air Element
03/18/2024	ACH	Galles Filter	Water	$ 510.72	P1-29667-01 - CRANKCASE- unit #7351
03/18/2024	ACH	Galles Filter	Water	$ 26.06	U-12298 - LUBE- unit #7351

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03/18/2024	869391	Hach Chemical	Water	$ 2,639.08	REAGENT SET CHLORINE FREE CL17 - SIRR PLAN
03/18/2024	869392	Hach Company	Wastewater	$ 6,843.00	Dissolved Oxygen Sensor Caps for probes
03/18/2024	869393	Hansers Wrecker	Fleet	$ 562.50	BIL28244
03/18/2024	869393	Hansers Wrecker	Fleet	$ 1,650.00	BIL28437
03/18/2024	869393	Hansers Wrecker	Transit	$ 620.00	BIL28149_Unit #1841_Towing Bill
03/18/2024	ACH	HDR	Water	$ 32,919.15	WO 19-12 West End Reservoir; Payment 59
03/18/2024	ACH	HDR	Water	$ 2,707.85	WO 24-20 WTP Underground Leaks Assessment
03/18/2024	869395	High Point Networks	IT Resources	$ 4,940.00	Block of Hours -Tier 2
03/18/2024	869395	High Point Networks	IT Resources	$ 296.53	Palo Alto Certificate install -Deb and Lori Project
03/18/2024	869395	High Point Networks	IT Resources	$ 57.50	Palo Alto Advisory -update firewalls for certificate
03/18/2024	869395	High Point Networks	IT Resources	$ 3,358.00	renewal Dell/EMC Storage units HH3QCV2
03/18/2024	869395	High Point Networks	Stillwater Const	$ 3,450.00	migration of phones/net& servers/storage to Stillwater
03/18/2024	869401	InfoSend	P.W. Admin	$ 3,799.24	Services for 02/12/2024-02/26/2024
03/18/2024	869401	InfoSend	P.W. Admin	$ 14,668.84	Services for 02/12/2024-02/26/2024
03/18/2024	869403	Insight Public Sector	IT Resources	$ 8,620.08	Annual SoarWinds Maintenance and tech support
03/18/2024	869404	Institutions Services	Airport	$ 8,156.49	New Bar Stools for (Great Room) Terminal Remodel
03/18/2024	869405	Integrated Information	IT Resources	$ 6,480.00	maintenance renewal quote for your Model 520
03/18/2024	ACH	Jacobs Engineering Group	Gas Tax	$ 309.97	Asset Management Program Project
03/18/2024	ACH	Jacobs Engineering Group	Light Maint	$ 309.98	Asset Management Program Project
03/18/2024	ACH	Jacobs Engineering Group	Solid Waste	$ 17,471.26	Landfill Gas Emissions Compliance, Services Contract
03/18/2024	ACH	Jacobs Engineering Group	Storm Sewer	$ 746.07	Asset Management Program Project
03/18/2024	ACH	Jacobs Engineering Group	Street/Traffic	$ 1,159.37	Asset Management Program Project
03/18/2024	ACH	Jacobs Engineering Group	Wastewater	$ 2,536.02	Asset Management Program Project
03/18/2024	ACH	Jacobs Engineering Group	Water	$ 2,536.03	Asset Management Program Project
03/18/2024	869413	L N Curtis & Sons	Public Safety	$ 1,717.06	INV796169 ROCKER UG MALE - BENTZ 02-27-2024
03/18/2024	869413	L N Curtis & Sons	Public Safety	$ 1,534.57	INV797536 REPAIR & CLEAN TURNOUTS
03/18/2024	869413	L N Curtis & Sons	Public Safety	$ 1,699.85	INV798190 TURNOUTS INSPECTION & REPAIR
03/18/2024	869413	L N Curtis & Sons	Public Safety	$ 2,517.30	INV798255 REPAIR 3 JACKETS & 3 PANTS
03/18/2024	869417	Madison Agency	Airport	$ 7,964.00	Marketing/Creative-Consulting/Support for FY24
03/18/2024	869422	MT Dakota Utilities Co	General	$ 125.88	112 138 9381 8
03/18/2024	869422	MT Dakota Utilities Co	General	$ 159.36	703 760 1000 8
03/18/2024	869422	MT Dakota Utilities Co	General	$ 62.26	879 660 1000 8
03/18/2024	869422	MT Dakota Utilities Co	General	$ 307.76	902 360 1000 6

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03/18/2024	869422	MT Dakota Utilities Co	Public Safety	$ 630.69	307 111 5825 0
03/18/2024	869422	MT Dakota Utilities Co	Public Safety	$ 434.35	668 670 1000 2
03/18/2024	869422	MT Dakota Utilities Co	Public Safety	$ 279.90	672 860 1000 3
03/18/2024	869422	MT Dakota Utilities Co	Public Safety	$ 1,033.62	819 360 1000 8
03/18/2024	869422	MT Dakota Utilities Co	Public Safety	$ 21.34	930 442 2308 4
03/18/2024	869422	MT Dakota Utilities Co	Water	$ 119.04	162 660 1000 4
03/18/2024	869426	Morgan Contractors	Solid Waste	$ 21,040.00	SW collection driver damaged overhead door
03/18/2024	869428	Motorola Solutions	PD Program	$ 3,000.00	Cameras for patrol cars.
03/18/2024	869429	MT Dept of Rev-CGR2	Wastewater	$ 10,028.50	WO 20-44 WRF Nutrient Recovery Improvements
03/18/2024	869430	Napa	Fleet	$ 48.88	3977-549096
03/18/2024	869430	Napa	Fleet	$ 53.96	3977-549131
03/18/2024	869430	Napa	Fleet	$ 6.89	3977-549236
03/18/2024	869430	Napa	Fleet	$ 6.62	3977-549257
03/18/2024	869430	Napa	Fleet	$ 13.20	3977-549260
03/18/2024	869430	Napa	Fleet	$ 6.62	3977-549261
03/18/2024	869430	Napa	Fleet	$ 21.52	3977-549277
03/18/2024	869430	Napa	Fleet	$ 41.30	3977-549508
03/18/2024	869430	Napa	Fleet	$ 85.76	3977-549508
03/18/2024	869430	Napa	Fleet	$ 80.01	3977-549508
03/18/2024	869430	Napa	Fleet	$ 42.28	3977-549687
03/18/2024	869430	Napa	Fleet	$ 8.81	3977-549753
03/18/2024	869430	Napa	Fleet	$ 931.30	3977-549794
03/18/2024	869430	Napa	Fleet	$ 11.08	3977-549794
03/18/2024	869430	Napa	Fleet	$ 77.83	3977-549794
03/18/2024	869430	Napa	Fleet	$ 4.10	3977-550064
03/18/2024	869430	Napa	Fleet	$ 3.02	3977-550064
03/18/2024	869430	Napa	Fleet	$ 8.10	3977-550064
03/18/2024	869430	Napa	Fleet	$ 23.50	3977-550084
03/18/2024	869430	Napa	Fleet	$ 74.64	3977-550117
03/18/2024	869430	Napa	Fleet	$ 57.00	3977-550206
03/18/2024	869430	Napa	Fleet	$ 49.84	3977-550212
03/18/2024	869430	Napa	Fleet	$ 13.76	3977-550212
03/18/2024	869430	Napa	Fleet	$ (8.81)	3977-550239

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03/18/2024	869430	Napa	Fleet	$ 3.55	3977-550346
03/18/2024	869430	Napa	Fleet	$ 53.44	3977-550347
03/18/2024	869430	Napa	Fleet	$ 7.95	3977-550420
03/18/2024	869430	Napa	Fleet	$ 12.00	3977-550420
03/18/2024	869430	Napa	Fleet	$ 290.17	3977-550424
03/18/2024	869430	Napa	Fleet	$ 214.37	3977-550499
03/18/2024	869430	Napa	Fleet	$ 193.00	3977-550499
03/18/2024	869430	Napa	Fleet	$ 1.77	3977-550499
03/18/2024	869430	Napa	Fleet	$ 58.68	3977-554986
03/18/2024	869430	Napa	Fleet	$ 376.56	3977-555058
03/18/2024	869430	Napa	Fleet	$ 43.44	3977-555084
03/18/2024	869430	Napa	Fleet	$ 370.72	3977-555214
03/18/2024	869430	Napa	Fleet	$ 240.46	3977-555214
03/18/2024	869430	Napa	Fleet	$ 74.00	3977-555467
03/18/2024	869430	Napa	Fleet	$ 81.18	3977-555652
03/18/2024	869430	Napa	Fleet	$ 26.45	3977-555656
03/18/2024	869430	Napa	Fleet	$ 112.75	3977-555747
03/18/2024	869430	Napa	Fleet	$ 19.08	3977-556466
03/18/2024	869430	Napa	Fleet	$ 38.16	3977-556466
03/18/2024	869430	Napa	Fleet	$ 39.86	3977-556466
03/18/2024	869430	Napa	Fleet	$ 48.82	3977-556691
03/18/2024	869430	Napa	Fleet	$ 76.32	3977-557131
03/18/2024	869430	Napa	Fleet	$ 58.74	3977-557132
03/18/2024	869430	Napa	Street/Traffic	$ 14.97	battery disconnect switch for unit 1346
03/18/2024	869430	Napa	Street/Traffic	$ 11.41	battery cables for unit 1326
03/18/2024	869431	Napa-MET	Transit	$ 226.96	3977-555286_Unit #1874 Brake Rotors
03/18/2024	869431	Napa-MET	Transit	$ 144.00	3977-555348_Unit #1828 Battery /Core
03/18/2024	869431	Napa-MET	Transit	$ 474.04	3977-555348_Unit #1828 Battery/Core
03/18/2024	869431	Napa-MET	Transit	$ (144.00)	3977-555361_Unit #1828 Battery Cores
03/18/2024	869431	Napa-MET	Transit	$ 4,400.00	3977-555376_Unit #1875 Transmission Rebuilt
03/18/2024	869431	Napa-MET	Transit	$ 12.29	3977-5556518_Fluid Filter
03/18/2024	869431	Napa-MET	Transit	$ 16.60	3977-556517_Hose Clamps
03/18/2024	869431	Napa-MET	Transit	$ 72.70	3977-556518_Brake Pad

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03/18/2024	869431	Napa-MET	Transit	$ 114.35	3977-556561_Transmission Fluid
03/18/2024	869432	Nationwide Equip Training	Street/Traffic	$ 2,100.00	Crane Training
03/18/2024	869432	Nationwide Equip Training	Wastewater	$ 825.00	Cran Training
03/18/2024	869432	Nationwide Equip Training	Water	$ 825.00	Crane Training
03/18/2024	869436	NorthWestern Energy	Airport	$ 13.23	0712534-7_Airport Entrance Gate 16 LITE_February 2024
03/18/2024	869436	NorthWestern Energy	Airport	$ 142.73	0712535-4_1761 Aviation PL LT, February 2024
03/18/2024	869436	NorthWestern Energy	Airport	$ 25.48	0712791-3_Airport Gate 16_February 2024
03/18/2024	869436	NorthWestern Energy	Airport	$ 26.47	0712795-4_Airport Gate 17_February 2024
03/18/2024	869436	NorthWestern Energy	Airport	$ 31.11	0712797-0_Airport Gate 9_February 2024
03/18/2024	869436	NorthWestern Energy	Airport	$ 15.16	0712805-1_1300 Rimtop Dr Unit IP-10_February 2024
03/18/2024	869436	NorthWestern Energy	Airport	$ 7.41	0712813-5_Airport Grounds NW Burnpit
03/18/2024	869436	NorthWestern Energy	Airport	$ 33.37	0719759-3_Airport Gate 12_February 2024
03/18/2024	869436	NorthWestern Energy	Airport	$ 74.85	0719760-1_Airport Gate 14_Febraury 2024
03/18/2024	869436	NorthWestern Energy	Airport	$ 35.51	0719761-9_Airport Gate 15_February 2024
03/18/2024	869436	NorthWestern Energy	Airport	$ 28.30	0719762-7_Airport Gate 13_February 2024
03/18/2024	869436	NorthWestern Energy	Airport	$ 25.48	0720296-3_Airport Gate 29_February 2024
03/18/2024	869436	NorthWestern Energy	Airport	$ 29.93	2114868-9_503 Northview, February 2024
03/18/2024	869436	NorthWestern Energy	Building	$ 28.16	1569631-3
03/18/2024	869436	NorthWestern Energy	CDBG	$ 6.90	1709 Saint Johns Ave / Account
03/18/2024	869436	NorthWestern Energy	CDBG	$ 16.59	930 Steffanich Dr/ Account
03/18/2024	869436	NorthWestern Energy	Facilities	$ 42.55	3866815-8
03/18/2024	869436	NorthWestern Energy	Facilities	$ 205.55	3922089-2
03/18/2024	869436	NorthWestern Energy	General	$ 38.99	0712387-0
03/18/2024	869436	NorthWestern Energy	General	$ 165.33	0712536-2
03/18/2024	869436	NorthWestern Energy	General	$ 169.16	0712538-8
03/18/2024	869436	NorthWestern Energy	General	$ 44.52	0720818-4
03/18/2024	869436	NorthWestern Energy	General	$ 263.46	0720821-8
03/18/2024	869436	NorthWestern Energy	Park Dist 1	$ 6.13	0722253-2
03/18/2024	869436	NorthWestern Energy	Park Dist 1	$ 6.00	0722258-1
03/18/2024	869436	NorthWestern Energy	Park Dist 1	$ 8.90	0722272-2
03/18/2024	869436	NorthWestern Energy	Park Dist 1	$ 9.28	0722274-8
03/18/2024	869436	NorthWestern Energy	Park Dist 1	$ 88.70	0722275-5
03/18/2024	869436	NorthWestern Energy	Park Dist 1	$ 30.22	0722278-9

Check Date	Check #	Name	Fund Name	Amount	Item Desc
03/18/2024	869436	NorthWestern Energy	Park Dist 1	$ 13.23	0722279-7
03/18/2024	869436	NorthWestern Energy	Park Dist 1	$ 6.13	0722280-5
03/18/2024	869436	NorthWestern Energy	Park Dist 1	$ 6.13	0722281-3
03/18/2024	869436	NorthWestern Energy	Park Dist 1	$ 6.13	0722283-9
03/18/2024	869436	NorthWestern Energy	Park Dist 1	$ 6.13	0722284-7
03/18/2024	869436	NorthWestern Energy	Park Dist 1	$ 24.10	0722287-0
03/18/2024	869436	NorthWestern Energy	Park Dist 1	$ 13.23	0722808-3
03/18/2024	869436	NorthWestern Energy	Park Dist 1	$ 8.58	0722862-0
03/18/2024	869436	NorthWestern Energy	Park Dist 1	$ 80.02	0723005-5
03/18/2024	869436	NorthWestern Energy	Park Dist 1	$ 6.13	0723025-3
03/18/2024	869436	NorthWestern Energy	Park Dist 1	$ 19.76	0723064-2
03/18/2024	869436	NorthWestern Energy	Park Dist 1	$ 19.76	0723065-9
03/18/2024	869436	NorthWestern Energy	Park Dist 1	$ 42.40	0813489-2
03/18/2024	869436	NorthWestern Energy	Park Dist 1	$ 100.89	1191404-1
03/18/2024	869436	NorthWestern Energy	Park Dist 1	$ 6.00	1588262-4
03/18/2024	869436	NorthWestern Energy	Park Dist 1	$ 11.92	1836666-6
03/18/2024	869436	NorthWestern Energy	Park Dist 1	$ 9.93	1849408-8
03/18/2024	869436	NorthWestern Energy	Park Dist 1	$ 27.43	1904944-4
03/18/2024	869436	NorthWestern Energy	Park Dist 1	$ 38.07	1941243-6
03/18/2024	869436	NorthWestern Energy	Park Dist 1	$ 61.46	3241436-9
03/18/2024	869436	NorthWestern Energy	Park Dist 1	$ 6.00	3477233-5
03/18/2024	869436	NorthWestern Energy	Park Dist 1	$ -	4086220-3
03/18/2024	869436	NorthWestern Energy	Parking	$ 112.13	3835890-9
03/18/2024	869436	NorthWestern Energy	Parks Maint	$ 5.94	0722272-2
03/18/2024	869436	NorthWestern Energy	Parks Maint	$ 6.13	0723384-4
03/18/2024	869436	NorthWestern Energy	Parks Maint	$ 6.00	0723387-7
03/18/2024	869436	NorthWestern Energy	Parks Maint	$ 6.98	0881455-0
03/18/2024	869436	NorthWestern Energy	Parks Maint	$ 0.52	1029192-0
03/18/2024	869436	NorthWestern Energy	Parks Maint	$ 0.64	1265177-4
03/18/2024	869436	NorthWestern Energy	Parks Maint	$ -	1513796-1
03/18/2024	869436	NorthWestern Energy	Parks Maint	$ 24.21	1513800-1
03/18/2024	869436	NorthWestern Energy	Parks Maint	$ 9.53	1513802-7
03/18/2024	869436	NorthWestern Energy	Parks Maint	$ 8.96	1513804-3

Check Date	Check #	Name	Fund Name	Amount	Item Desc
03/18/2024	869436	NorthWestern Energy	Parks Maint	$ 7.28	1514388-6
03/18/2024	869436	NorthWestern Energy	Parks Maint	$ 0.64	1948667-9
03/18/2024	869436	NorthWestern Energy	Parks Maint	$ 4.74	2055817-7
03/18/2024	869436	NorthWestern Energy	Parks Maint	$ -	3707234-5
03/18/2024	869436	NorthWestern Energy	Parks Maint	$ -	3707235-2
03/18/2024	869436	NorthWestern Energy	Parks Maint	$ -	3707236-0
03/18/2024	869436	NorthWestern Energy	Parks Maint	$ 4.20	4103439-8
03/18/2024	869436	NorthWestern Energy	Public Safety	$ 405.23	0720817-6
03/18/2024	869436	NorthWestern Energy	Public Safety	$ 728.72	0871546-8
03/18/2024	869436	NorthWestern Energy	Street/Traffic	$ 9.67	1045820-6
03/18/2024	869436	NorthWestern Energy	Street/Traffic	$ 0.25	1740357-7
03/18/2024	869436	NorthWestern Energy	Street/Traffic	$ 0.64	1748896-6
03/18/2024	869436	NorthWestern Energy	Street/Traffic	$ 7.98	2047007-6
03/18/2024	869436	NorthWestern Energy	Street/Traffic	$ 8.12	2047010-0
03/18/2024	869436	NorthWestern Energy	Street/Traffic	$ 6.98	2047013-4
03/18/2024	869436	NorthWestern Energy	Street/Traffic	$ 7.70	2047017-5
03/18/2024	869436	NorthWestern Energy	Street/Traffic	$ 7.70	2047019-1
03/18/2024	869436	NorthWestern Energy	Street/Traffic	$ 1.01	3590004-2
03/18/2024	869436	NorthWestern Energy	Street/Traffic	$ 7.14	3660075-7
03/18/2024	869436	NorthWestern Energy	Transit	$ 2,699.00	0100473-8. Monad Rd. March 2024
03/18/2024	869436	NorthWestern Energy	Transit	$ 487.90	0719225-5
03/18/2024	869436	NorthWestern Energy	Wastewater	$ 73,115.94	0100591-7
03/18/2024	869436	NorthWestern Energy	Water	$ 4,105.77	0722264-9
03/18/2024	869436	NorthWestern Energy	Water	$ 2,897.07	0723040-2
03/18/2024	869436	NorthWestern Energy	Water	$ 36.76	0723059-2
03/18/2024	869436	NorthWestern Energy	Water	$ 142.92	1142253-2
03/18/2024	869436	NorthWestern Energy	Water	$ 6.00	1160807-2
03/18/2024	869436	NorthWestern Energy	Water	$ 4.20	1346673-5
03/18/2024	869436	NorthWestern Energy	Water	$ 6.00	1867265-9
03/18/2024	869440	Polydyne	Wastewater	$ 5,096.00	Flosperse 30S, Chemical Supplies
03/18/2024	869443	Proforce Law Enforcement	Public Safety	$ 5,410.70	Proforce 540160, taser holsters and mags
03/18/2024	869444	Prorover	Park Dist 1	$ 4,620.00	removal of 2 large stumps in Pioneer park -jan 2024
03/18/2024	869446	Public Utilities	Airport	$ 8,213.95	136516. March 2024 Water Service

Check Date	Check #	Name	Fund Name	Amount	Item Desc
03/18/2024	869446	Public Utilities	Facilities	$ 915.80	158260
03/18/2024	869446	Public Utilities	Park Dist 1	$ 116.81	255552
03/18/2024	869449	Roach	Airport	$ 1,462.72	ACI-NA Air Cargo Conference.- Louisville
03/18/2024	869449	Roach	Airport	$ 698.83	Mead & Hunt air development conference-Scottsdale
03/18/2024	869449	Roach	Airport	$ 690.90	United Airlines HQs meetings-Chicago
03/18/2024	869451	Rood & Associates	Airport	$ 4,320.00	Airport Master Plan Update/Independent Fee Estimate
03/18/2024	869451	Rood & Associates	Airport	$ 480.00	Airport Master Plan Update/Independent Fee Estimate
03/18/2024	869454	Sea-Western	Public Safety	$ 5,071.98	SCBA PARTS
03/18/2024	869457	SHI International	IT Resources	$ 36.80	G1 to G3 Upgrades, Police&FIRE
03/18/2024	869457	SHI International	IT Resources	$ 34,100.00	Qty. 1,000 MFA Duo license renewal 2/5/2024-2/4/2025
03/18/2024	869457	SHI International	IT Resources	$ 2,981.30	Wasabi 100TB with support
03/18/2024	869457	SHI International	Public Safety	$ 1,440.00	G1 to G3 Upgrades, Police&FIRE
03/18/2024	869457	SHI International	Public Safety	$ 1,120.00	G1 to G3 Upgrades, Police&FIRE
03/18/2024	869458	Sierra Container Group	Solid Waste	$ 41,418.00	Encumbrance per OMNIA Partners Contract #02-149
03/18/2024	869458	Sierra Container Group	Solid Waste	$ 3,391.00	Freight.
03/18/2024	869459	Simply Family Magazine	General	$ 4,059.03	2024 summer brochure mailing - 10789
03/18/2024	869459	Simply Family Magazine	General	$ 18,628.53	summer brochure printing - 10788
03/18/2024	869461	Solid Waste Systems	Fleet	$ 1,979.66	165278
03/18/2024	869461	Solid Waste Systems	Fleet	$ 84.09	165278
03/18/2024	869461	Solid Waste Systems	Fleet	$ 663.50	165590
03/18/2024	869461	Solid Waste Systems	Fleet	$ 39.69	165590
03/18/2024	869461	Solid Waste Systems	Fleet	$ 16.22	165603
03/18/2024	869461	Solid Waste Systems	Fleet	$ 661.04	165603
03/18/2024	869461	Solid Waste Systems	Fleet	$ 39.18	165617
03/18/2024	869461	Solid Waste Systems	Fleet	$ 1,746.30	165617
03/18/2024	869461	Solid Waste Systems	Fleet	$ 1,683.97	165629
03/18/2024	869461	Solid Waste Systems	Fleet	$ 44.71	165629
03/18/2024	869461	Solid Waste Systems	Fleet	$ 3,721.89	165635
03/18/2024	869461	Solid Waste Systems	Fleet	$ 253.92	165635
03/18/2024	869461	Solid Waste Systems	Fleet	$ 16.77	165703
03/18/2024	869461	Solid Waste Systems	Fleet	$ 40.74	165703
03/18/2024	869463	Stahly Engineering	Facilities	$ 5,202.00	Inv. #7 Billings Operations Center Pavement Assessment
03/18/2024	869470	T W Enterprises	Public Safety	$ 612.99	Inv. 70185 Fire Station 6 Industrial Generator repair

Check Date	Check #	Name	Fund Name	Amount	Item Desc
03/18/2024	869470	T W Enterprises	Public Safety	$ 277.50	Industrial Generator Repair at the 911 Call Center
03/18/2024	869470	T W Enterprises	Public Safety	$ 775.88	Fire 7 Annual Generator Service and Haz Mat Disposal
03/18/2024	869470	T W Enterprises	Public Safety	$ 444.77	Fire 6 Annual Generator Service and Haz Mat Disposal
03/18/2024	869470	T W Enterprises	Public Safety	$ 544.64	Fire 5 Annual Generator Service and Haz Mat Disposal
03/18/2024	869470	T W Enterprises	Public Safety	$ 573.60	Fire 4 Annual Generator Service and Haz Mat Disposal
03/18/2024	869470	T W Enterprises	Public Safety	$ 441.77	Fire 3 Annual Generator Service and Haz Mat Disposal
03/18/2024	869470	T W Enterprises	Public Safety	$ 461.66	Fire 2 Annual Generator Service and Haz Mat Disposal
03/18/2024	869472	Tire-Rama	Solid Waste	$ 303.78	Tire dismount/mount and balance. Landfill.
03/18/2024	869472	Tire-Rama	Solid Waste	$ 6,247.74	Tire purchase and repair. Collections.
03/18/2024	869472	Tire-Rama	Solid Waste	$ 4,983.00	Tire purchase. Collections.
03/18/2024	869472	Tire-Rama	Solid Waste	$ 564.00	Tire supplies. Collections.
03/18/2024	869472	Tire-Rama	Street/Traffic	$ 40.36	105-10883 - TIRE
03/18/2024	ACH	Town & Co Supply	Airport	$ 9,117.07	442863_Fuel
03/18/2024	ACH	Town & Co Supply	Solid Waste	$ 21,821.10	440889
03/18/2024	ACH	Town & Co Supply	Water	$ 11,573.56	DYED DIESEL FUEL
03/18/2024	ACH	Town & Co Supply	Water	$ 12,483.09	UNLEADED GASOLINE
03/18/2024	ACH	Tractor & Equipment	Fleet	$ 28.30	BLCS0829472
03/18/2024	ACH	Tractor & Equipment	Solid Waste	$ 1,415.20	Cartridge AS for Landfill Units 0261 & 0262.
03/18/2024	ACH	Tractor & Equipment	Solid Waste	$ 378.20	Drain KT-Kit. Housing-F FI for Landfill Unit 0262.
03/18/2024	ACH	Tractor & Equipment	Solid Waste	$ 400.00	EM Services Level 3 Annual Subscription renewal
03/18/2024	ACH	Tractor & Equipment	Solid Waste	$ 400.00	EM Services Level 3 Annual Subscription renewal
03/18/2024	ACH	Tractor & Equipment	Solid Waste	$ 400.00	EM Services Level 3 Annual Subscription renewal
03/18/2024	ACH	Tractor & Equipment	Solid Waste	$ 400.00	EM Services Level 3 Annual Subscription renewal
03/18/2024	ACH	Tractor & Equipment	Solid Waste	$ 400.00	EM Services Level 3 Annual Subscription renewal
03/18/2024	ACH	Tractor & Equipment	Solid Waste	$ 400.00	EM Services Level 3 Annual Subscription renewal
03/18/2024	ACH	Tractor & Equipment	Solid Waste	$ 400.00	EM Services Level 3 Annual Subscription renewal
03/18/2024	ACH	Tractor & Equipment	Solid Waste	$ 140.00	EM Services Level 3 Annual Subscription renewal
03/18/2024	ACH	Tractor & Equipment	Solid Waste	$ 355.28	HOUSING-F FI. LANDFILL UNIT 0261.
03/18/2024	ACH	Tractor & Equipment	Solid Waste	$ 77.64	Kit Drain. Element-fuel. Landfill unit 0261.
03/18/2024	869475	Trojan Technologies	Wastewater	$ 104,648.56	Replacement Parts for Trojan 3000 Plus U
03/18/2024	869476	Tyler Technologies	General	$ 1,007.75	Tax-Wise
03/18/2024	869476	Tyler Technologies	General	$ 16,679.25	Tax-Wise
03/18/2024	869476	Tyler Technologies	Public Safety	$ 6,800.00	LE Field Reporting -Police -Shane Winden

Check Date	Check #	Name	Fund Name	Amount	Item Desc
03/18/2024	869476	Tyler Technologies	Public Safety	$ 952.00	LE Field Reporting -Police -Shane Winden
03/18/2024	869481	Vaisala	Airport	$ 5,100.00	4000004091_Annual Fee-2024
03/18/2024	869482	Verizon Wireless	Engineering	$ 27.32	PW-Engineering
03/18/2024	869482	Verizon Wireless	Fleet	$ 107.69	Motor Pool
03/18/2024	869482	Verizon Wireless	General	$ 174.15	City Administrator 0100-13130-403450
03/18/2024	869482	Verizon Wireless	General	$ 40.01	Code Enforcement Laptop
03/18/2024	869482	Verizon Wireless	General	$ 10.02	Code Enforcement Manager Laptop
03/18/2024	869482	Verizon Wireless	General	$ 27.32	Public Information Officer-Laptop
03/18/2024	869482	Verizon Wireless	PD Program	$ 551.55	CCSIU Cell/PTT
03/18/2024	869482	Verizon Wireless	PD Program	$ 80.02	CCSIU RAVEN
03/18/2024	869482	Verizon Wireless	Phone System	$ 80.04	WRF Cradle Point/Belknap Cradle Point
03/18/2024	869482	Verizon Wireless	Public Safety	$ 40.01	Bait Car
03/18/2024	869482	Verizon Wireless	Public Safety	$ 50.03	Fire MDT
03/18/2024	869482	Verizon Wireless	Public Safety	$ 80.04	Fire MDT
03/18/2024	869482	Verizon Wireless	Public Safety	$ 365.63	MDT Toughbooks
03/18/2024	869482	Verizon Wireless	Public Safety	$ 40.01	Police Bait Car
03/18/2024	869482	Verizon Wireless	Public Safety	$ 50.03	Police iPad Chief/Asst Chief
03/18/2024	869482	Verizon Wireless	Public Safety	$ 10.02	Police MiFi
03/18/2024	869482	Verizon Wireless	Solid Waste	$ 27.32	PW-Solid Waste
03/18/2024	869482	Verizon Wireless	Solid Waste	$ 94.00	PW-SW-ON CALL Solid Waste On Call
03/18/2024	869482	Verizon Wireless	Solid Waste	$ 24.22	PW-SW-ON CALL Solid Waste On Call
03/18/2024	869482	Verizon Wireless	Solid Waste	$ 249.86	Solid Waste Tablets -Routware
03/18/2024	869482	Verizon Wireless	Street/Traffic	$ 174.67	PW-Streets iPad and Street Cameras
03/18/2024	869482	Verizon Wireless	Street/Traffic	$ -	PW-Streets City Works
03/18/2024	869482	Verizon Wireless	Street/Traffic	$ 303.03	PW-STRT TRFC Streets
03/18/2024	869482	Verizon Wireless	Transit	$ 309.02	MET AVL
03/18/2024	869482	Verizon Wireless	Transit	$ 970.46	MET Max Transit
03/18/2024	869482	Verizon Wireless	Transit	$ 1,120.28	MET Max Transit
03/18/2024	869482	Verizon Wireless	Wastewater	$ 400.10	MET Tablets
03/18/2024	869482	Verizon Wireless	Water	$ -	PW Belknap Meter Shop
03/18/2024	869482	Verizon Wireless	Water	$ 27.32	PWBLKNP Water Treatment
03/18/2024	869482	Verizon Wireless	Water	$ 40.01	PWBLNP Comm-Meter CityWorks/Neptune
03/18/2024	869482	Verizon Wireless	Water	$ 67.33	PWBLNP Comm-Meter CityWorks/Neptune

Check Date	Check #	Name	Fund Name	Amount	Item Desc
03/18/2024	869485	Wutke	Airport	$ 6,400.00	18224_Fence Between Hangars at T-Hangars

City Council Regular

Date:	04/22/2024
Title:	Payment of Claims for week of March 25th, 2024
Presented by:	Erin Watterud
Department:	Finance
Presentation:	No
Legal Review:	Not Applicable
Project Number:	N/A

RECOMMENDATION

Staff recommends Council approve the Payment of Claims

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

Claims in the amount of $3,532,680.65 have been reviewed and are presented for City Council payment approval. A complete listing of the claims for the week are available in the Finance Department. Payment Approval Process Every invoice for payment is entered into the City's accounting system and the backup documentation is scanned in and attached (physical invoices, additional e-mails explaining payments, bids, contracts, etc.). Each invoice goes through a multi-step approval process depending upon the amount of the payment. First, invoices are entered by the department requesting the payment and the department director or designee must perform an initial review and approval of the purchase. The number of approvals within the department can vary based upon the size of the department, but no less than one approver within each department must verify the payment. Second, all payments, regardless of size, must be approved by the Purchasing Agent or designee. The Purchasing Agent will review the payment to ensure purchasing procedures are followed and appropriate documentation is attached. If the payment is greater than $1,000, then it must be approved by the Finance Director or designee. If that payment is greater than $10,000, then it must be approved by the City Administrator or Assistant City Administrator. Once all approvals are completed, the payment is able to be made and the Accounts Payable Clerk can print the check. After all checks are printed, a list of all checks in excess of $2,500 is generated and placed on the next City Council meeting for review.

ALTERNATIVES

No other alternatives were analyzed

FISCAL EFFECTS

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

Attachments

CouncilMemo wk of 03252024

Check Date	Check #	Name	Fund Name	Amount	Item Desc
03/25/2024	869492	A & E Architects	Park Dist 1	$ 3,600.00	Assessment-spray parks, wading pools & south park pool
03/25/2024	869492	A & E Architects	Park Dist 1	$ 29,050.00	Assessment-spray parks, wading pools & south park pool
03/25/2024	ACH	A & I	Airport	$ 412.50	Invoice #4040742. DEF for Operations
03/25/2024	ACH	A & I	Fleet	$ 40.08	1038704
03/25/2024	ACH	A & I	Fleet	$ 172.17	1038704
03/25/2024	ACH	A & I	Fleet	$ 155.46	1038704
03/25/2024	ACH	A & I	Fleet	$ 696.43	1038704
03/25/2024	ACH	A & I	Fleet	$ 185.12	1038704
03/25/2024	ACH	A & I	Fleet	$ 1,636.27	1038704
03/25/2024	ACH	A & I	Fleet	$ 825.00	4032461
03/25/2024	ACH	A & I	Fleet	$ 231.40	4033087
03/25/2024	ACH	A & I	Fleet	$ 696.43	4033087
03/25/2024	ACH	A & I	Fleet	$ 818.11	4033087
03/25/2024	ACH	A & I	Fleet	$ 562.41	4033087
03/25/2024	ACH	A & I	Fleet	$ 40.40	4033087
03/25/2024	ACH	A & I	Fleet	$ 40.41	4033087
03/25/2024	ACH	A & I	Fleet	$ 40.41	4033087
03/25/2024	ACH	A & I	Fleet	$ 40.41	4033087
03/25/2024	ACH	A & I	Park Dist 1	$ 1,184.95	install lift in shop - 4041004
03/25/2024	ACH	A & I	Public Safety	$ 137.50	55 gal DEF
03/25/2024	ACH	A & I	Solid Waste	$ 1,301.81	330 GAL DEF TOTE. 55 G PURUS RED ELC 5050. Collections.
03/25/2024	ACH	A & I	Solid Waste	$ 825.00	330 GAL. DEF Tote. Landfill.
03/25/2024	ACH	A & I	Transit	$ 5.14	4031617. 5W-40 Engine Oil
03/25/2024	ACH	A & I	Transit	$ 3,398.00	4031617. 5W-40 Engine Oil
03/25/2024	ACH	A & I	Transit	$ 1,650.00	4041350_DEF
03/25/2024	869494	Adv Engineering and Enviro	Wastewater	$ 2,987.50	Agreement for Water and Wastewater Rate Study FY24/25
03/25/2024	869494	Adv Engineering and Enviro	Water	$ 855.00	Agreement for Water and Wastewater Rate Study FY24/25
03/25/2024	869495	Agilent Tech	Water	$ 3,460.86	Flame Repair - WTP Lab
03/25/2024	869497	Alta Planning & Design	Planning	$ 9,516.75	Services through January 26, 2024 Alta Planning & Design
03/25/2024	869497	Alta Planning & Design	Planning	$ 7,065.50	Services through February 23, 2024 Alta Planning & Design
03/25/2024	869511	B.I.R.D.	Tax Incrmnt E	$ 34,987.00	EBURD Annual Operating Agreement FY 2024 $139,948
03/25/2024	869512	Billings Precast Enterprises	Water	$ 2,640.00	Rehburg Project...WO2496
03/25/2024	ACH	Burns & McDonnell	Water	$ 18,666.12	WO 19-42 West End Water Treatment Plant Project

Check Date	Check #	Name	Fund Name	Amount	Item Desc
03/25/2024	869529	Dakota Supply Group	Street/Traffic	$ 271.38	inv#S103564415.001water lid/riser
03/25/2024	869529	Dakota Supply Group	Water	$ 1,333.80	#6 VALVE BOX BASE (TY381525) P/N: 36185
03/25/2024	869529	Dakota Supply Group	Water	$ 4,326.98	6' 6" BURY FIRE HYD 10"BO P/N: 364250
03/25/2024	869529	Dakota Supply Group	Water	$ 1,423.72	8" MJ GATE VALVE P/N: 333-115-00030
03/25/2024	869529	Dakota Supply Group	Water	$ 332.31	BLUE MARKING PAINT P/N: 111-090-00140
03/25/2024	869529	Dakota Supply Group	Water	$ 332.34	MARKING PAINT GREEN - GREEN SPRAYON #3631
03/25/2024	869531	Desman Associates	Parking	$ 2,429.60	Parking Garages Condition Audit
03/25/2024	869531	Desman Associates	Parking	$ 4,049.32	Parking Garages Condition Audit
03/25/2024	869531	Desman Associates	Parking	$ 7,018.81	Parking Garages Condition Audit
03/25/2024	869532	Destiny Software	General	$ 11,300.00	Agenda Quick Services/ Public Records Request System '24
03/25/2024	869534	Dezurik	Wastewater	$ 3,368.94	replacement valves for AFT
03/25/2024	869535	Dick Anderson Construction	Stillwater Const	$ 1,596,690.15	City of Billings Law and Justice Center/City Hall Remodel
03/25/2024	869538	DOWL	Storm Sewer	$ 7,676.25	WO 20-24 West End Storm System Improvements
03/25/2024	869538	DOWL	Storm Sewer	$ 2,261.25	WO 24-22 Arnold Drain Capacity Analysis; Payment 4
03/25/2024	869541	EBSCO Industries	Library	$ 3,801.61	0521425
03/25/2024	869544	Elizabeth Ann Christiaens	Public Safety	$ 5,400.00	#000107, pre employment exams
03/25/2024	869548	EXOR	Wastewater	$ 11,274.14	replacement OIT Displays for WRF Centrif
03/25/2024	869551	Fisher's Tech	Airport	$ 46.32	Invoice #1283198. Copy Machine Maintenance
03/25/2024	869551	Fisher's Tech	CDBG	$ 150.09	Fisher's Tech - Invoice #1283999
03/25/2024	869551	Fisher's Tech	Central Services	$ 783.51	1283199 Copy Fund
03/25/2024	869551	Fisher's Tech	Central Services	$ 35.35	1283998 Copy Fund
03/25/2024	869551	Fisher's Tech	Central Services	$ 16.54	1284543 Copy Fund
03/25/2024	869551	Fisher's Tech	Central Services	$ 13.51	1285135 Copy Fund
03/25/2024	869551	Fisher's Tech	Central Services	$ 108.98	1286756 Copy Fund
03/25/2024	869551	Fisher's Tech	Central Services	$ 39.38	1287634 Copy Fund
03/25/2024	869551	Fisher's Tech	Central Services	$ 139.61	1287635 Copy Fund
03/25/2024	869551	Fisher's Tech	Central Services	$ 122.90	1289219 Copy Fund
03/25/2024	869551	Fisher's Tech	Engineering	$ 5.97	contract base rate charge
03/25/2024	869551	Fisher's Tech	Engineering	$ 8.22	contract base rate charge
03/25/2024	869551	Fisher's Tech	General	$ 150.56	contract copier charges - 1284544
03/25/2024	869551	Fisher's Tech	General	$ 150.57	contract copier charges - 1284544
03/25/2024	869551	Fisher's Tech	General	$ 163.69	copier contract for senior center - invoice 1284000
03/25/2024	869551	Fisher's Tech	Library	$ 50.53	1283197 Library copier charges

Check Date	Check #	Name	Fund Name	Amount	Item Desc
03/25/2024	869551	Fisher's Tech	Park Dist 1	$ 150.57	contract copier charges - 1284544
03/25/2024	869551	Fisher's Tech	Public Safety	$ 329.66	1286175 Police Fund
03/25/2024	869551	Fisher's Tech	Public Safety	$ 4.42	1286755 Police Fund
03/25/2024	869551	Fisher's Tech	Public Safety	$ 89.85	1290744, contract invoice
03/25/2024	869551	Fisher's Tech	Public Safety	$ 28.85	1291257, contract invoice
03/25/2024	869551	Fisher's Tech	Public Safety	$ 8.29	BLACK & WHITE COPIES
03/25/2024	869551	Fisher's Tech	Public Safety	$ 54.65	COLOR COPIES
03/25/2024	869551	Fisher's Tech	Public Safety	$ 178.09	Fishers 1283997, contract invoice
03/25/2024	869551	Fisher's Tech	Solid Waste	$ 300.20	Contract overage charge for 1/1/24 - 1/31/24. Collections.
03/25/2024	869551	Fisher's Tech	Solid Waste	$ 53.25	Contract overage charge for 1/18/24 - 2/17/24. Landfill.
03/25/2024	869551	Fisher's Tech	Street/Traffic	$ 31.50	inv#1289220copier maint plan
03/25/2024	869551	Fisher's Tech	Transit	$ 147.31	Invoice #1295137. Copy Machine Maintanence
03/25/2024	869551	Fisher's Tech	Water	$ 120.46	CITBIL-AOS Contract..01/31/2024-02/28/20
03/25/2024	869557	Granite Peak Pump Service	Park Dist 1	$ 12,048.74	pump repairs for lower castle rock
03/25/2024	869559	Guardian Security	Library	$ 10,130.54	1056 February 2024 security
03/25/2024	ACH	HDR	Wastewater	$ 8,273.76	WO 23-22 WRF Digester Boiler; Payment 5
03/25/2024	ACH	HDR	Wastewater	$ 4,933.61	WRF Chemical Room Repair..Contract 2 - Engineering
03/25/2024	ACH	HDR	Water	$ 101,266.82	WO 23-12 Zone 4 Pump Station & Waterline Improvements
03/25/2024	ACH	HDR	Water	$ 1,287.47	WO 23-19 High Service Pump Station Piping Modifications
03/25/2024	869564	High Point Networks	Airport	$ 2,034.00	Invoice #244641. Monthly WIFI Management Fees
03/25/2024	869564	High Point Networks	Library	$ 294.00	244710 Firewall monthly service
03/25/2024	869564	High Point Networks	Street/Traffic	$ 15,012.00	Dell Server 2 12C processors and 256GB Memory. 1.92TB SSD
03/25/2024	869567	Hughes Fire Equipment	Fleet	$ 52.81	603233
03/25/2024	869567	Hughes Fire Equipment	Fleet	$ 1,034.72	603233
03/25/2024	869567	Hughes Fire Equipment	Fleet	$ 137.71	603508
03/25/2024	869567	Hughes Fire Equipment	Fleet	$ 19.72	603508
03/25/2024	869567	Hughes Fire Equipment	Public Safety	$ 2,203.58	603233 - PRC1788150
03/25/2024	869567	Hughes Fire Equipment	Public Safety	$ 138.36	603233 - SHIPPING
03/25/2024	869569	Iaff	Payroll Clearing	$ 5,687.84	Payroll Summary
03/25/2024	869571	Ingram Library	Library	$ 17.69	80512497
03/25/2024	869571	Ingram Library	Library	$ 0.04	80512497
03/25/2024	869571	Ingram Library	Library	$ 0.05	80512498
03/25/2024	869571	Ingram Library	Library	$ 12.00	80512498

Check Date	Check #	Name	Fund Name	Amount	Item Desc
03/25/2024	869571	Ingram Library	Library	$ 0.08	80512499
03/25/2024	869571	Ingram Library	Library	$ 20.63	80512499
03/25/2024	869571	Ingram Library	Library	$ 121.94	80512500
03/25/2024	869571	Ingram Library	Library	$ 488.43	80512500
03/25/2024	869571	Ingram Library	Library	$ 111.50	80512500
03/25/2024	869571	Ingram Library	Library	$ 39.84	80512500
03/25/2024	869571	Ingram Library	Library	$ 2.79	80512500
03/25/2024	869571	Ingram Library	Library	$ 0.04	80512501
03/25/2024	869571	Ingram Library	Library	$ 17.69	80512501
03/25/2024	869571	Ingram Library	Library	$ 115.73	80528406
03/25/2024	869571	Ingram Library	Library	$ 3.00	80528406
03/25/2024	869571	Ingram Library	Library	$ 56.80	80528406
03/25/2024	869571	Ingram Library	Library	$ 81.52	80528406
03/25/2024	869571	Ingram Library	Library	$ 42.66	80528406
03/25/2024	869571	Ingram Library	Library	$ 21.99	80528406
03/25/2024	869571	Ingram Library	Library	$ 32.69	80528406
03/25/2024	869571	Ingram Library	Library	$ 369.78	80528406
03/25/2024	869571	Ingram Library	Library	$ 10.80	80562576
03/25/2024	869571	Ingram Library	Library	$ 0.19	80562576
03/25/2024	869571	Ingram Library	Library	$ 17.70	80562576
03/25/2024	869571	Ingram Library	Library	$ 18.60	80562576
03/25/2024	869571	Ingram Library	Library	$ 1.24	80562577
03/25/2024	869571	Ingram Library	Library	$ 176.99	80562577
03/25/2024	869571	Ingram Library	Library	$ 11.20	80562577
03/25/2024	869571	Ingram Library	Library	$ 0.11	80562578
03/25/2024	869571	Ingram Library	Library	$ 17.10	80562578
03/25/2024	869571	Ingram Library	Library	$ 0.09	80562579
03/25/2024	869571	Ingram Library	Library	$ 15.92	80562579
03/25/2024	869571	Ingram Library	Library	$ 1.37	80562580
03/25/2024	869571	Ingram Library	Library	$ 217.51	80562580
03/25/2024	869571	Ingram Library	Library	$ 0.14	80583350
03/25/2024	869571	Ingram Library	Library	$ 28.04	80583350
03/25/2024	869571	Ingram Library	Library	$ 0.25	80583351

Check Date	Check #	Name	Fund Name	Amount	Item Desc
03/25/2024	869571	Ingram Library	Library	$ 34.17	80583351
03/25/2024	869571	Ingram Library	Library	$ 14.39	80583352
03/25/2024	869571	Ingram Library	Library	$ 106.01	80583352
03/25/2024	869571	Ingram Library	Library	$ 2.61	80583352
03/25/2024	869571	Ingram Library	Library	$ 51.59	80583352
03/25/2024	869571	Ingram Library	Library	$ 195.09	80583352
03/25/2024	869571	Ingram Library	Library	$ 2.39	80583353
03/25/2024	869571	Ingram Library	Library	$ 0.36	80653188
03/25/2024	869571	Ingram Library	Library	$ 34.81	80653188
03/25/2024	869571	Ingram Library	Library	$ 5.97	80653188
03/25/2024	869571	Ingram Library	Library	$ 0.22	80653189
03/25/2024	869571	Ingram Library	Library	$ 17.70	80653189
03/25/2024	869571	Ingram Library	Library	$ 10.19	80653190
03/25/2024	869571	Ingram Library	Library	$ 0.17	80653190
03/25/2024	869571	Ingram Library	Library	$ 10.79	80653191
03/25/2024	869571	Ingram Library	Library	$ 0.18	80653191
03/25/2024	869571	Ingram Library	Library	$ 17.70	80653192
03/25/2024	869571	Ingram Library	Library	$ 15.93	80653192
03/25/2024	869571	Ingram Library	Library	$ 22.40	80653192
03/25/2024	869571	Ingram Library	Library	$ 0.99	80653192
03/25/2024	869571	Ingram Library	Library	$ 20.04	80653193
03/25/2024	869571	Ingram Library	Library	$ 0.27	80653193
03/25/2024	869571	Ingram Library	Library	$ 0.20	80653194
03/25/2024	869571	Ingram Library	Library	$ 11.18	80653194
03/25/2024	869571	Ingram Library	Library	$ 0.29	80653195
03/25/2024	869571	Ingram Library	Library	$ 26.09	80653195
03/25/2024	869571	Ingram Library	Library	$ 4.10	80653196
03/25/2024	869571	Ingram Library	Library	$ 0.04	80653196
03/25/2024	869571	Ingram Library	Library	$ 0.28	80653197
03/25/2024	869571	Ingram Library	Library	$ 16.52	80653197
03/25/2024	869571	Ingram Library	Library	$ 14.91	80688459
03/25/2024	869571	Ingram Library	Library	$ 0.03	80688459
03/25/2024	869571	Ingram Library	Library	$ 10.79	80688460

Check Date	Check #	Name	Fund Name	Amount	Item Desc
03/25/2024	869571	Ingram Library	Library	$ 0.05	80688460
03/25/2024	869571	Ingram Library	Library	$ 14.40	80688461
03/25/2024	869571	Ingram Library	Library	$ 0.08	80688461
03/25/2024	869571	Ingram Library	Library	$ 2.04	80688462
03/25/2024	869571	Ingram Library	Library	$ 389.88	80688462
03/25/2024	869571	Ingram Library	Library	$ 67.19	80688463
03/25/2024	869571	Ingram Library	Library	$ 0.52	80688463
03/25/2024	869571	Ingram Library	Library	$ 12.38	80688463
03/25/2024	869571	Ingram Library	Library	$ 23.60	80688464
03/25/2024	869571	Ingram Library	Library	$ 0.17	80688464
03/25/2024	869571	Ingram Library	Library	$ 17.69	80688465
03/25/2024	869571	Ingram Library	Library	$ 0.11	80688465
03/25/2024	869571	Ingram Library	Library	$ 3.00	80688466
03/25/2024	869571	Ingram Library	Library	$ 216.93	80688466
03/25/2024	869571	Ingram Library	Library	$ 17.70	80688466
03/25/2024	869571	Ingram Library	Library	$ 433.16	80688466
03/25/2024	869571	Ingram Library	Library	$ 36.55	80688466
03/25/2024	869571	Ingram Library	Library	$ 29.39	80757921
03/25/2024	869571	Ingram Library	Library	$ 0.24	80757921
03/25/2024	869571	Ingram Library	Library	$ 10.19	80757921
03/25/2024	869571	Ingram Library	Library	$ 3.59	80757922
03/25/2024	869571	Ingram Library	Library	$ 0.02	80757922
03/25/2024	869571	Ingram Library	Library	$ 0.27	80757923
03/25/2024	869571	Ingram Library	Library	$ 22.40	80757923
03/25/2024	869571	Ingram Library	Library	$ 11.37	80757923
03/25/2024	869571	Ingram Library	Library	$ 0.11	80757924
03/25/2024	869571	Ingram Library	Library	$ 18.29	80757924
03/25/2024	869571	Ingram Library	Library	$ 35.94	80757925
03/25/2024	869571	Ingram Library	Library	$ 5.99	80757925
03/25/2024	869571	Ingram Library	Library	$ 78.16	80757925
03/25/2024	869571	Ingram Library	Library	$ 2.36	80757925
03/25/2024	869571	Ingram Library	Library	$ 161.97	80757925
03/25/2024	ACH	Joe Johnson Equipment	Fleet	$ 448.00	P01518

Check Date	Check #	Name	Fund Name	Amount	Item Desc
03/25/2024	ACH	Joe Johnson Equipment	Fleet	$ 1,790.00	P01518
03/25/2024	ACH	Joe Johnson Equipment	Fleet	$ 1,810.00	P01518
03/25/2024	ACH	Joe Johnson Equipment	Fleet	$ 1,710.00	P01525
03/25/2024	ACH	Joe Johnson Equipment	Fleet	$ 65.00	P01525
03/25/2024	ACH	Joe Johnson Equipment	Street/Traffic	$ 6,953.82	main brooms/gutter wire for sweepers
03/25/2024	869577	K2 Civil	Solid Waste	$ 198,667.26	WO 22-47 Landfill Slope Stability Improvements ; Pmt 4
03/25/2024	869580	Knife River	Street/Traffic	$ 8,095.50	inv#900028sand/salt material
03/25/2024	869580	Knife River	Street/Traffic	$ 339.00	inv#900071salt/sand material
03/25/2024	869580	Knife River	Water	$ 9,405.30	CRUSHED GRAVEL 3/4"---1-1 - /2TON = 1 YARD
03/25/2024	869580	Knife River	Water	$ 11,282.81	CRUSHED GRAVEL 3/4"---1-1 - /2TON = 1 YARD
03/25/2024	869580	Knife River	Water	$ 8,370.30	Delivery & Fuel Surcharge
03/25/2024	869580	Knife River	Water	$ 6,981.52	Delivery & Fuel Surcharge
03/25/2024	869583	L P Anderson	Fleet	$ 992.44	2073693
03/25/2024	869583	L P Anderson	Fleet	$ 186.90	2074295
03/25/2024	869583	L P Anderson	Fleet	$ 65.00	2075760
03/25/2024	869583	L P Anderson	Fleet	$ 1,407.36	2075760
03/25/2024	869586	Mead & Hunt	Airport	$ 9,486.19	Amendment 2 to the Master. Air Service Consulting Services
03/25/2024	869587	Midland Implement	Wastewater	$ 5,134.27	Rehberg Ranch Effluent Pump #2 Replace
03/25/2024	869587	Midland Implement	Wastewater	$ 869.12	replacement slide rail assy for Rehberg
03/25/2024	869589	Millipore Corp	Wastewater	$ 2,975.90	Deionized water system parts
03/25/2024	869590	MT Attorney Closing & Services	CDBG	$ 10,000.00	FTHB 293 Prospectors Lane
03/25/2024	869591	MT Controls LLC	Water	$ 5,658.00	flow meter replacement for # 8 & # 4
03/25/2024	869592	MT CSED	Payroll Clearing	$ 5,389.35	MT CSED
03/25/2024	869593	MT Dakota Utilities Co	Airport	$ 717.91	1295731000 1_Mud Wash_March 2024
03/25/2024	869593	MT Dakota Utilities Co	Airport	$ 154.20	1607233573 6_USDA_MARCH 2024
03/25/2024	869593	MT Dakota Utilities Co	Airport	$ 2,089.09	1790537751 5_A Terminal_March 2024
03/25/2024	869593	MT Dakota Utilities Co	Airport	$ 281.63	1855801000 7_TSA_MARCH 2024
03/25/2024	869593	MT Dakota Utilities Co	Airport	$ 174.74	2295731000 0_DBI HERTZ
03/25/2024	869593	MT Dakota Utilities Co	Airport	$ 270.75	2831160655 3_ALPINE_MARCH 2024
03/25/2024	869593	MT Dakota Utilities Co	Airport	$ 2,087.34	285 580 1000 6
03/25/2024	869593	MT Dakota Utilities Co	Airport	$ 245.38	2955801000 4_AERO INTERIORS_MARCH 2024
03/25/2024	869593	MT Dakota Utilities Co	Airport	$ 90.78	3295731000 9_DB3 ENTERPRISE_MARCH 2024
03/25/2024	869593	MT Dakota Utilities Co	Airport	$ 226.67	4295731000 8_DB4 AVIS/BUDGET_MARCH 2024

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03/25/2024	869593	MT Dakota Utilities Co	Airport	$ 27.97	5295731000 7_DB5 THRIFTY/DOLLAR_MARCH 2024
03/25/2024	869593	MT Dakota Utilities Co	Airport	$ 5,812.92	595 580 1000 1
03/25/2024	869593	MT Dakota Utilities Co	Airport	$ 351.06	6295731000 6_DB2 NATIONAL/ALAMO_MARCH 2024
03/25/2024	869593	MT Dakota Utilities Co	Airport	$ 1,111.87	706 580 1000 7
03/25/2024	869593	MT Dakota Utilities Co	Airport	$ 505.48	7886895644 8_A Concourse Kitchen_March 2024
03/25/2024	869593	MT Dakota Utilities Co	Airport	$ 1,495.19	8893731000 6_Car Wash
03/25/2024	869593	MT Dakota Utilities Co	Park Dist 1	$ 109.51	501 473 1000 2
03/25/2024	869593	MT Dakota Utilities Co	Public Safety	$ 69.52	ACCOUNT #08292983782 911 CENTER -STANDBY GENERATOR
03/25/2024	869593	MT Dakota Utilities Co	Wastewater	$ 62.86	596 733 1000 5
03/25/2024	869593	MT Dakota Utilities Co	Wastewater	$ 62.86	713 064 3190 0
03/25/2024	869593	MT Dakota Utilities Co	Wastewater	$ 63.43	843 879 2205 1
03/25/2024	869593	MT Dakota Utilities Co	Water	$ 90.68	373 580 1000 9
03/25/2024	869593	MT Dakota Utilities Co	Water	$ 90.69	373 580 1000 9
03/25/2024	869593	MT Dakota Utilities Co	Water	$ 79.32	541 380 1000 1
03/25/2024	869593	MT Dakota Utilities Co	Water	$ 64.05	921 580 1000 6
03/25/2024	869595	MT Dept Of Administration	General	$ 3,000.00	FY23 ACFR State Filing Fee
03/25/2024	869595	MT Dept Of Administration	General	$ 300.00	FY23 ACFR State Filing Fee
03/25/2024	869597	MFPE	Payroll Clearing	$ 2,876.76	Payroll Summary
03/25/2024	869599	MT Peterbilt	Fleet	$ 518.32	88069BL
03/25/2024	869599	MT Peterbilt	Fleet	$ 196.18	88698BL
03/25/2024	869599	MT Peterbilt	Fleet	$ 4,202.65	88698BL
03/25/2024	869599	MT Peterbilt	Fleet	$ 878.45	88950BL
03/25/2024	869599	MT Peterbilt	Fleet	$ 154.85	88950BL
03/25/2024	869599	MT Peterbilt	Fleet	$ 68.91	89004BL
03/25/2024	869599	MT Peterbilt	Fleet	$ 715.60	89032BL
03/25/2024	869599	MT Peterbilt	Fleet	$ 399.00	89083BL
03/25/2024	869599	MT Peterbilt	Fleet	$ 147.48	89083BL
03/25/2024	869599	MT Peterbilt	Fleet	$ 73.74	89083BLX1
03/25/2024	869599	MT Peterbilt	Fleet	$ 88.00	89182BL
03/25/2024	869599	MT Peterbilt	Fleet	$ 349.35	89182BL
03/25/2024	869599	MT Peterbilt	Fleet	$ 522.59	89182BLX1
03/25/2024	869599	MT Peterbilt	Fleet	$ 88.00	89182BLX1
03/25/2024	869599	MT Peterbilt	Fleet	$ 21.86	89202BL

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03/25/2024	869599	MT Peterbilt	Fleet	$ 546.88	89202BL
03/25/2024	869599	MT Peterbilt	Fleet	$ 102.18	89933BL
03/25/2024	869599	MT Peterbilt	Fleet	$ 88.00	90031BL
03/25/2024	869599	MT Peterbilt	Fleet	$ 58.68	90031BL
03/25/2024	869599	MT Peterbilt	Fleet	$ 191.70	90852BL
03/25/2024	869599	MT Peterbilt	Fleet	$ (374.93)	CM81646BL
03/25/2024	869600	MT Radiator Works	Fleet	$ 1,035.00	67757
03/25/2024	869600	MT Radiator Works	Fleet	$ 1,215.00	67758
03/25/2024	869600	MT Radiator Works	Fleet	$ 1,050.00	67807
03/25/2024	869601	MSFA	Payroll Clearing	$ 5,323.64	Payroll Summary
03/25/2024	869604	Moulton Bellingham	General	$ 3,025.00	Knife River - Possible Litigation
03/25/2024	869604	Moulton Bellingham	General	$ 3,235.00	Sale of Old City Hall and Park 3 Garage
03/25/2024	869604	Moulton Bellingham	General	$ 247.50	Terry Houser - Water and Wastewater Franchise Fee
03/25/2024	869605	Mountain States Lighting	Street/Traffic	$ 5,545.00	13406
03/25/2024	869606	MPPA	Payroll Clearing	$ 3,982.09	Payroll Summary
03/25/2024	869608	MT Dept of Rev-CGR2	Solid Waste	$ 2,006.74	WO 22-47 Landfill Slope Stability Improvements; Pmt 4
03/25/2024	869608	MT Dept of Rev-CGR2	Stillwater Const	$ 16,128.18	City of Billings Law and Justice Center/City Hall Remodel
03/25/2024	869608	MT Dept of Rev-CGR2	Water	$ 40.39	Retainage Release
03/25/2024	ACH	Northwest Pipe	Fleet	$ 767.07	778625
03/25/2024	ACH	Northwest Pipe	Fleet	$ 210.87	778997
03/25/2024	ACH	Northwest Pipe	Fleet	$ 683.47	781094
03/25/2024	ACH	Northwest Pipe	Fleet	$ 60.13	783255
03/25/2024	ACH	Northwest Pipe	Fleet	$ 39.82	784425
03/25/2024	ACH	Northwest Pipe	Solid Waste	$ 181.12	Down spouts for water run off. Landfill.
03/25/2024	ACH	Northwest Pipe	Wastewater	$ 77.60	Bolt pack for Pumps
03/25/2024	ACH	Northwest Pipe	Wastewater	$ 288.08	Janitor closet parts
03/25/2024	ACH	Northwest Pipe	Wastewater	$ 101.96	Solids Process Parts...WRF
03/25/2024	ACH	Northwest Pipe	Water	$ 6,075.00	1" E-CODER CU/FT INSIDE METER ED2F11REF2
03/25/2024	ACH	Northwest Pipe	Water	$ 2,302.22	10 " MJ GATE VALVE P/N: 2130515
03/25/2024	ACH	Northwest Pipe	Water	$ 205.33	12" X 10" MJ REDUCER
03/25/2024	ACH	Northwest Pipe	Water	$ 664.60	2" MEASURING CHAMBER COMPLETE - 9600-015 (2032408)
03/25/2024	ACH	Northwest Pipe	Water	$ 165.83	2" MEASURING CHAMBER COMPLETE - 9600-015 (2032408)
03/25/2024	ACH	Northwest Pipe	Water	$ 16,811.52	3/4" E-CODER WALL CU/FT METER W/RECPT ED2C11REF2

Check Date	Check #	Name	Fund Name	Amount	Item Desc
03/25/2024	ACH	Northwest Pipe	Water	$ 9,169.92	3/4" E-CODER WALL CU/FT METER W/RECPT ED2C11REF2
03/25/2024	ACH	Northwest Pipe	Water	$ 15,283.20	3/4" E-CODER WALL CU/FT METER W/RECPT ED2C11REF2
03/25/2024	ACH	Northwest Pipe	Water	$ 15,284.40	3/4" E-CODER WALL CU/FT METER W/RECPT ED2C11REF7
03/25/2024	ACH	Northwest Pipe	Water	$ 8,874.00	5/8" E-CODER WALL CU.FT. - METER W/RECPT ED2A11REF7
03/25/2024	ACH	Northwest Pipe	Water	$ 17,212.50	5/8" X 3/4" ECODER WALL METER P/N: 2022305
03/25/2024	ACH	Northwest Pipe	Water	$ 6,481.20	6' 6" FIRE HYDRANT - PUSH ON P/N: 2130894
03/25/2024	ACH	Northwest Pipe	Water	$ 300.29	air release for water main
03/25/2024	ACH	Northwest Pipe	Water	$ 2,626.34	Annual Meter Testing Supplies
03/25/2024	ACH	Northwest Pipe	Water	$ 24.96	BLACK NIPPLE 1-1/4" X 3" P/N: 0451272
03/25/2024	ACH	Northwest Pipe	Water	$ 45.54	BLACK NIPPLE 1-1/4" X 7" P/N: 0451344
03/25/2024	ACH	Northwest Pipe	Water	$ 45.54	BLACK NIPPLE 1-1/4" X 7" P/N: 0451344
03/25/2024	ACH	Northwest Pipe	Water	$ 6,656.59	Canyon Creek Industrial Complex Phase 2
03/25/2024	ACH	Northwest Pipe	Water	$ 369.00	CURB BOX LID W/PLUG 1-1/2"
03/25/2024	ACH	Northwest Pipe	Water	$ 76,798.08	EQPRLC..Purchase 8 Meter Interface Units.
03/25/2024	ACH	Northwest Pipe	Water	$ 47.86	floor drain repair - Walters
03/25/2024	ACH	Northwest Pipe	Water	$ 30.51	MJ GASKETS 14" P/N: 333-020-00120
03/25/2024	ACH	Northwest Pipe	Water	$ 98.07	NOZZLE CAP GASKETS 2 1/2" - NO-K8141
03/25/2024	ACH	Northwest Pipe	Water	$ 42.03	NOZZLE CAP GASKETS 2 1/2" - NO-K8141
03/25/2024	ACH	Northwest Pipe	Water	$ 84.05	O-RING UPPER SEAT - K8126A (442658P F/5-1/4") P/N: 2131275
03/25/2024	ACH	Northwest Pipe	Water	$ 84.05	O-RING UPPER SEAT - K8126A (442658P F/5-1/4") P/N: 2131275
03/25/2024	ACH	Northwest Pipe	Water	$ 26,482.00	R-900 ENHANCED WALL RR - MIU 13341-200 (RF'S) (2030905)
03/25/2024	ACH	Northwest Pipe	Water	$ 13,214.00	R-900 ENHANCED WALL RR - MIU 13341-200 (RF'S) (2030905)
03/25/2024	ACH	Northwest Pipe	Water	$ 10,592.80	R-900 ENHANCED WALL RR - MIU 13341-200 (RF'S) (2030905)
03/25/2024	ACH	Northwest Pipe	Water	$ 5,285.60	R-900 ENHANCED WALL RR - MIU P/N: 2030905
03/25/2024	ACH	Northwest Pipe	Water	$ 111.94	STRAIGHT COUPLING 3/4"XXS - LEAD X 110 CTS H15512 3/4
03/25/2024	ACH	Northwest Pipe	Water	$ 62.12	T-10-3/4" CHAMBER
03/25/2024	ACH	Northwest Pipe	Water	$ 22,555.26	WO 23-21 Ductile Iron Pipe,Gate Valves,Pneumatic Actuator
03/25/2024	869614	NorthWestern Energy	Airport	$ 144.88	1647695-4. De Icer March 2024
03/25/2024	869614	NorthWestern Energy	Facilities	$ 1,949.66	0975808-7
03/25/2024	869614	NorthWestern Energy	Facilities	$ 762.42	1160802-3
03/25/2024	869614	NorthWestern Energy	Facilities	$ 2,880.98	1160804-9
03/25/2024	869614	NorthWestern Energy	Facilities	$ 2,758.52	1269391-7
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 1,133.99	SILMD 10 Acct# 0712546-1

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03/25/2024	869615	NorthWestern Energy	Light Maint	$ 2,121.20	SILMD 100 Acct# 0712559-4
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 1,756.02	SILMD 107 Acct# 0712560-2
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 4,403.98	SILMD 109 Acct# 0712561-0
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 221.82	SILMD 113 Acct# 0712562-8
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 947.70	SILMD 114 Acct# 0712563-6
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 222.98	SILMD 115 Acct# 0712564-4
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 585.32	SILMD 116 Acct# 0712565-1
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 3,190.99	SILMD 117 Acct# 0712566-9
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 206.78	SILMD 118 Acct# 0712567-7
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 126.74	SILMD 119 Acct# 0712568-5
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 2,508.60	SILMD 121 Acct# 0712570-1
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 188.42	SILMD 122 Acct# 0712571-9
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 334.48	SILMD 123 Acct# 0712572-7
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 975.57	SILMD 124 Acct# 0712573-5
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 390.22	SILMD 125 Acct# 0712574-3
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 195.10	SILMD 126 Acct# 0712575-0
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 706.61	SILMD 127 Acct# 0712576-8
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 494.60	SILMD 128 Acct# 0712577-6
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 334.48	SILMD 129 Acct# 0712578-4
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 4,865.51	SILMD 13 Acct# 0721276-4
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 119.99	SILMD 130 Acct# 0712579-2
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 864.07	SILMD 131 Acct# 0712580-0
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 222.85	SILMD 133 Acct# 0712581-8
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 514.30	SILMD 134 Acct# 0712582-6
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 518.16	SILMD 135 Acct# 0712583-4
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 473.85	SILMD 136 Acct# 0712584-2
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 381.47	SILMD 137 Acct# 0712585-9
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 752.58	SILMD 138 Acct# 0712586-7
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 250.85	SILMD 139 Acct# 0712587-5
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 2,467.73	SILMD 14 Acct# 0721277-2
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 585.32	SILMD 143 Acct# 0712588-3
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 27.84	SILMD 144 Acct# 0712589-1
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 471.06	SILMD 145 Acct# 0712590-9

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03/25/2024	869615	NorthWestern Energy	Light Maint	$ 362.34	SILMD 146 Acct# 0712591-7
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 442.70	SILMD 147 Acct# 0712592-5
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 1,694.51	SILMD 149 Acct# 0712593-3
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 753.71	SILMD 150 Acct# 0712594-1
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 641.07	SILMD 151 Acct# 0712595-8
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 4,327.16	SILMD 152 Acct# 0712596-6
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 541.71	SILMD 153 Acct# 0712597-4
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 1,224.77	SILMD 154 Acct# 0712598-2
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 501.72	SILMD 155 Acct# 0712599-0
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 918.57	SILMD 157 Acct# 0712600-6
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 808.33	SILMD 158 Acct# 0712601-4
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 983.34	SILMD 159 Acct# 0712602-2
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 724.71	SILMD 160 Acct# 0712603-0
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 1,059.91	SILMD 161 Acct# 0712604-8
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 48.52	SILMD 162 Acct# 0712605-5
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 817.23	SILMD 163 Acct# 0712606-3
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 376.86	SILMD 164 Acct# 0712607-1
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 891.95	SILMD 165 Acct# 0712608-9
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 235.52	SILMD 167 Acct# 0712609-7
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 1,167.19	SILMD 17 Acct# 0712553-7
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 565.29	SILMD 171 Acct# 0712610-5
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 514.31	SILMD 172 Acct# 0712611-3
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 1,177.65	SILMD 173 Acct# 0712612-1
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 989.24	SILMD 174 Acct# 0712613-9
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 329.74	SILMD 175 Acct# 0712614-7
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 34.68	SILMD 176 Acct# 0712615-4
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 259.08	SILMD 178 Acct# 0712616-2
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 518.16	SILMD 179 Acct# 0712617-0
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 108.74	SILMD 18 Acct# 0712554-5
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 353.31	SILMD 180 Acct# 0712618-8
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 1,700.26	SILMD 181 Acct# 0712619-6
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 588.84	SILMD 182 Acct# 0712620-4
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 1,177.65	SILMD 183 Acct# 0712621-2

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03/25/2024	869615	NorthWestern Energy	Light Maint	$ 376.86	SILMD 184 Acct# 0712622-0
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 141.32	SILMD 185 Acct# 0712623-8
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 738.51	SILMD 186 Acct# 0712624-6
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 235.52	SILMD 187 Acct# 0712625-3
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 282.64	SILMD 188 Acct# 0712626-1
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 235.52	SILMD 189 Acct# 0712627-9
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 1,224.77	SILMD 190 Acct# 0712628-7
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 420.40	SILMD 191 Acct# 0712629-5
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 306.18	SILMD 192 Acct# 0712630-3
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 753.71	SILMD 193 Acct# 0712631-1
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 329.70	SILMD 194 Acct# 0712632-9
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 263.77	SILMD 195 Acct# 0712633-7
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 83.95	SILMD 196 Acct# 0712634-5
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 83.95	SILMD 197 Acct# 0712635-2
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 117.78	SILMD 198 Acct# 0712636-0
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 89.15	SILMD 200 Acct# 0712637-8
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 494.60	SILMD 201 Acct# 0712638-6
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 855.40	SILMD 202 Acct# 0712639-4
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 22.39	SILMD 203 Acct# 0712640-2
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 487.99	SILMD 204 Acct# 0712641-0
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 27.74	SILMD 205 Acct# 0712642-8
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 329.74	SILMD 206 Acct# 0712643-6
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 376.86	SILMD 207 Acct# 0712644-4
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 213.18	SILMD 208 Acct# 0712645-1
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 541.71	SILMD 209 Acct# 0712646-9
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 100.74	SILMD 210 Acct# 0712647-7
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 55.96	SILMD 211 Acct# 0712648-5
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 55.96	SILMD 212 Acct# 0712649-3
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 33.59	SILMD 213 Acct# 0712650-1
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 382.34	SILMD 214 Acct# 0712651-9
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 141.32	SILMD 216 Acct# 0712652-7
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 428.67	SILMD 217 Acct# 0712653-5
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 309.96	SILMD 220 Acct# 0712654-3

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03/25/2024	869615	NorthWestern Energy	Light Maint	$ 6.93	SILMD 221 Acct# 0712655-0
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 88.91	SILMD 222 Acct# 0712656-8
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 134.31	SILMD 223 Acct# 0712657-6
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 1,467.32	SILMD 224 Acct# 0712658-4
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 452.61	SILMD 225 Acct# 0712659-2
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 248.72	SILMD 226 Acct# 0712660-0
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 785.69	SILMD 227 Acct# 0712661-8
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 808.33	SILMD 228 Acct# 0712662-6
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 418.11	SILMD 229 Acct# 0712663-4
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 975.57	SILMD 230 Acct# 0712664-2
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 585.32	SILMD 231 Acct# 0712665-9
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 2,536.47	SILMD 232 Acct# 0712666-7
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 983.92	SILMD 233 Acct# 0712667-5
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 535.83	SILMD 234 Acct# 0712668-3
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 623.20	SILMD 235 Acct# 0712669-1
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 197.80	SILMD 236 Acct# 0712670-9
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 400.40	SILMD 237 Acct# 0712671-7
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 13.86	SILMD 238 Acct# 0712672-5
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 94.22	SILMD 239 Acct# 0712673-3
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 474.75	SILMD 240 Acct# 0712674-1
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 590.90	SILMD 241 Acct# 0712675-8
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 83.62	SILMD 242 Acct# 0712676-6
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 111.50	SILMD 244 Acct# 0712677-4
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 75.28	SILMD 245 Acct# 0712678-2
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 334.48	SILMD 246 Acct# 0712679-0
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 1,000.04	SILMD 247 Acct# 0712680-8
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 2,759.44	SILMD 249 Acct# 0718734-7
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 237.38	SILMD 250 Acct# 0719001-0
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 3,912.46	SILMD 251 Acct# 0718801-4
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 557.46	SILMD 252 Acct# 0719162-0
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 1,843.98	SILMD 253 Acct# 0719644-7
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 177.83	SILMD 254 Acct# 0719763-5
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 151.60	SILMD 255 Acct# 0720813-5

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03/25/2024	869615	NorthWestern Energy	Light Maint	$ 1,060.08	SILMD 257 Acct# 0720360-7
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 2,645.47	SILMD 258 Acct# 0720606-3
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 1,619.84	SILMD 259 Acct# 0720810-1
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 501.72	SILMD 261 Acct# 0720705-3
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 3,122.62	SILMD 262 Acct# 0720937-2
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 1,156.76	SILMD 263 Acct# 0720716-0
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 194.00	SILMD 264 Acct# 0721427-3
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 365.28	SILMD 265 Acct# 0721556-9
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 60.47	SILMD 266 Acct# 0721684-9
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 517.74	SILMD 270 Acct# 0906944-4
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 967.64	SILMD 271 Acct# 0995095-7
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 2,848.82	SILMD 272 Acct# 0905005-5
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 207.27	SILMD 273 Acct# 0926386-4
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 565.47	SILMD 276 Acct# 0961926-3
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 857.86	SILMD 277 Acct# 1058710-3
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 250.56	SILMD 278 Acct# 1087619-1
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 60.01	SILMD 279 Acct# 1124127-0
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 685.75	SILMD 280 Acct# 1045653-1
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 536.47	SILMD 283 Acct# 1172743-5
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 330.12	SILMD 285 Acct# 1206985-2
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 246.15	SILMD 286 Acct# 1296582-8
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 1,867.87	SILMD 288 Acct# 1303978-9
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 264.81	SILMD 289 Acct# 1685375-6
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 182.39	SILMD 290 Acct# 1433921-2
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 613.20	SILMD 292 Acct# 1481532-8
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 235.52	SILMD 293 Acct# 1481534-4
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 471.06	SILMD 294 Acct# 1481535-1
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 111.50	SILMD 295 Acct# 1481536-9
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 1,248.33	SILMD 296 Acct# 1481537-7
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 211.97	SILMD 297 Acct# 1481539-3
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 188.42	SILMD 298 Acct# 1481540-1
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 411.88	SILMD 300 Acct# 1662840-6
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 5,199.49	SILMD 301 Acct# 1687005-7

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03/25/2024	869615	NorthWestern Energy	Light Maint	$ 362.21	SILMD 302 Acct# 1607534-3
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 1,136.16	SILMD 305 Acct# 1695873-8
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 257.86	SILMD 306 Acct# 1740353-6
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 3,697.53	SILMD 307 Acct# 2049005-8
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 273.50	SILMD 308 Acct# 2072459-7
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 438.44	SILMD 309 Acct# 2001311-6
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 185.80	SILMD 310 Acct# 2060519-2
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 340.55	SILMD 311 Acct# 3014475-2
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 336.93	SILMD 312 Acct# 3146127-0
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 527.02	SILMD 315 Acct# 3305804-1
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 1,151.06	SILMD 316 Acct# 3291842-7
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 116.54	SILMD 317 Acct# 3253826-6
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 815.39	SILMD 318 Acct# 3372018-6
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 64.41	SILMD 320 Acct# 0712569-3
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 558.54	SILMD 321 Acct# 3338917-2
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 114.03	SILMD 322 Acct# 3402033-9
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 964.92	SILMD 323 Acct# 3597170-4
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 448.84	SILMD 324 Acct# 1246537-3
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 351.73	SILMD 325 Acct# 3587598-8
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 148.97	SILMD 326 Acct# 3840455-4
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 188.42	SILMD 327 Acct# 3810801-5
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 864.23	SILMD 328 Acct# 3894879-0
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 109.52	SILMD 329 Acct# 3939032-3
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 333.77	SILMD 330 Acct# 3951594-5
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 178.86	SILMD 332 Acct# 4093467-1
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 396.55	SILMD 8 Acct# 0712544-6
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 365.21	SILMD 9 Acct# 0712545-3
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 561.33	SILMD 95 Acct# 0712556-0
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 9,850.79	SILMD 97 Acct# 0712557-8
03/25/2024	869615	NorthWestern Energy	Light Maint	$ 1,140.51	SILMD 99 Acct# 0712558-6
03/25/2024	869614	NorthWestern Energy	Park Dist 1	$ 180.64	0925496-2
03/25/2024	869614	NorthWestern Energy	Park Dist 1	$ -	4089118-6
03/25/2024	869615	NorthWestern Energy	Park Dist 1	$ 4,084.00	new pole line - invoice 90286146

Check Date	Check #	Name	Fund Name	Amount	Item Desc
03/25/2024	869614	NorthWestern Energy	Solid Waste	$ 2,235.50	3252194-0
03/25/2024	869615	NorthWestern Energy	Street/Traffic	$ 14,182.42	Signal Bills 03.19.2024
03/25/2024	869614	NorthWestern Energy	Wastewater	$ 923.45	0100606-3
03/25/2024	869614	NorthWestern Energy	Wastewater	$ 238.93	389 62nd ST Lift Entrance..Feb 2024
03/25/2024	869614	NorthWestern Energy	Wastewater	$ 359.11	822 Shiloh Crossing BLVD Lift... Feb 202
03/25/2024	869614	NorthWestern Energy	Water	$ 1,313.53	0100485-2
03/25/2024	869614	NorthWestern Energy	Water	$ 2,770.34	0100606-3
03/25/2024	869614	NorthWestern Energy	Water	$ 70,181.90	0100606-3
03/25/2024	869614	NorthWestern Energy	Water	$ 577.03	1116452-2
03/25/2024	869614	NorthWestern Energy	Water	$ 2,302.09	4519 Hesper Rd, TEMP....02/2024
03/25/2024	869614	NorthWestern Energy	Water	$ 2,687.55	5809 Canyonwoods Dr, Feb 2024
03/25/2024	869617	Performance Engin & Consult	Wastewater	$ 27,277.55	WO 23-07 Monad Rd Sewer Extension; Payment 18
03/25/2024	869618	Peterson Office Furniture	PD Program	$ 3,586.08	Furniture for Chief's office
03/25/2024	869622	Public Utilities	Airport	$ 8,213.95	136516. Water Service 1/22/24 - 2/22/24
03/25/2024	869622	Public Utilities	Park Dist 1	$ 116.81	255552
03/25/2024	869622	Public Utilities	Parking	$ 99.21	102086
03/25/2024	869622	Public Utilities	Parking	$ 588.07	102980
03/25/2024	869622	Public Utilities	Parking	$ 11.05	102981
03/25/2024	869628	Rocky Mtn Compost	Park Dist 1	$ 3,770.00	playground chips for Castle Rock Park - 26132
03/25/2024	869630	Sanderson Stewart	Facilities	$ 765.00	Inv. 56493 Grand Building boundary line relocation
03/25/2024	869630	Sanderson Stewart	Planning	$ 10,031.75	Services through February 29, 2024 - Sanderson Stewart
03/25/2024	869630	Sanderson Stewart	Storm Sewer	$ 9,153.00	WO 24-25 Rimrock & 62nd Storm Drain Extension
03/25/2024	869630	Sanderson Stewart	Storm Sewer	$ 6,286.00	WO 24-25 Rimrock & 62nd Storm Drain Extension
03/25/2024	869630	Sanderson Stewart	Tax Incrmnt S	$ 4,131.00	WO 21-42 SBURA Streets improvements
03/25/2024	869630	Sanderson Stewart	Tax Incrmnt S	$ 2,602.00	WO 21-42 SBURA Streets improvements
03/25/2024	869634	SHI International	IT Resources	$ (312.62)	MS Office License upgrades G1 to G3 -Police
03/25/2024	869634	SHI International	Public Safety	$ 800.00	MS Office License upgrades G1 to G3 -Police
03/25/2024	869634	SHI International	Street/Traffic	$ 2,345.85	WIN Server 2022 2 license core -Street Traffic
03/25/2024	869637	Solid Waste Systems	Fleet	$ 214.66	0166596-IN
03/25/2024	869637	Solid Waste Systems	Fleet	$ 72.97	165733
03/25/2024	869637	Solid Waste Systems	Fleet	$ 2,975.36	165733
03/25/2024	869637	Solid Waste Systems	Fleet	$ 300.70	165793
03/25/2024	869637	Solid Waste Systems	Fleet	$ 22.98	165793

Check Date	Check #	Name	Fund Name	Amount	Item Desc
03/25/2024	869637	Solid Waste Systems	Fleet	$ 14.20	166080
03/25/2024	869637	Solid Waste Systems	Fleet	$ 180.30	166080
03/25/2024	869637	Solid Waste Systems	Fleet	$ 240.86	166224
03/25/2024	869637	Solid Waste Systems	Fleet	$ 237.50	166224
03/25/2024	869637	Solid Waste Systems	Fleet	$ 1,099.20	166399
03/25/2024	869637	Solid Waste Systems	Fleet	$ 98.31	166399
03/25/2024	869637	Solid Waste Systems	Fleet	$ 3,852.48	166499
03/25/2024	869637	Solid Waste Systems	Fleet	$ 199.02	166499
03/25/2024	869637	Solid Waste Systems	Fleet	$ 1,039.38	166500
03/25/2024	869637	Solid Waste Systems	Fleet	$ 199.03	166500
03/25/2024	869637	Solid Waste Systems	Fleet	$ 408.68	166596
03/25/2024	869641	Steves Install	CDBG	$ -	CDBG-CV Adult Exercise Equipment & Site Work
03/25/2024	869641	Steves Install	CDBG	$ 20,000.00	CDBG-CV Adult Exercise Equipment & Site Work
03/25/2024	869641	Steves Install	CDBG	$ -	CDBG-CV Shelter Site Work & Installation
03/25/2024	869641	Steves Install	CDBG	$ 9,655.00	North Park Restroom Site Preparation / CDBG
03/25/2024	869641	Steves Install	CDBG	$ 7,472.50	North Park Restroom Site Preparation / CDBG-CV
03/25/2024	869645	Sunset Excavation	Water	$ 500.00	Replace Meter Box at 2530 Whitter Place
03/25/2024	869645	Sunset Excavation	Water	$ 3,996.82	Retainage Release
03/25/2024	869646	Superior Concrete	Planning	$ 7,950.00	Superior Concrete - PLNMOB - North Park project
03/25/2024	869651	TC Glass Distributor	Stillwater Const	$ 9,416.00	Inv. 51015 Water Test
03/25/2024	869654	Thorn Run Partners	General	$ 3,750.00	Federal Lobbying Svcs 2 Year Contract
03/25/2024	869654	Thorn Run Partners	P.W. Admin	$ 3,750.00	Federal Lobbying Svcs 2 Year Contract
03/25/2024	ACH	Town & Co Supply	Fleet	$ 6,876.94	443316
03/25/2024	ACH	Town & Co Supply	Fleet	$ 6,291.24	443316
03/25/2024	ACH	Town & Co Supply	Fleet	$ 3.10	443316
03/25/2024	ACH	Town & Co Supply	Fleet	$ 7,181.05	443316
03/25/2024	ACH	Town & Co Supply	Fleet	$ 5,000.55	443316
03/25/2024	ACH	Town & Co Supply	Fleet	$ 8,694.12	443330
03/25/2024	ACH	Town & Co Supply	Fleet	$ 6,138.71	443330
03/25/2024	ACH	Town & Co Supply	Fleet	$ 4,919.19	443330
03/25/2024	ACH	Town & Co Supply	Fleet	$ 7,424.76	443330
03/25/2024	ACH	Town & Co Supply	Fleet	$ 3.17	443330
03/25/2024	ACH	Town & Co Supply	Public Safety	$ 2,929.60	442540 FIRE 1 - UNLEADED & DIESEL DELIVERED 3/14/2024

Check Date	Check #	Name	Fund Name	Amount	Item Desc
03/25/2024	ACH	Town & Co Supply	Transit	$ 19,382.63	440902_Diesel Fuel
03/25/2024	ACH	Town & Co Supply	Transit	$ 6,382.60	443791_Fuel Unleaded
03/25/2024	869656	TraffiCalm Systems	Street/Traffic	$ 9,889.12	RRPB ped crossings per attached quote
03/25/2024	869659	Uniforms2gear	Public Safety	$ 1,216.68	2023120603, ballistic vest and carrier
03/25/2024	869659	Uniforms2gear	Public Safety	$ 3,170.67	2023120877, class B pants
03/25/2024	869659	Uniforms2gear	Public Safety	$ 1,806.10	2023120878, TRL holsters
03/25/2024	869659	Uniforms2gear	Public Safety	$ 1,367.74	2024010009, class B pants
03/25/2024	869659	Uniforms2gear	Public Safety	$ 1,056.89	2024010011, class B pants
03/25/2024	869659	Uniforms2gear	Public Safety	$ 355.50	2024010056
03/25/2024	869659	Uniforms2gear	Public Safety	$ 257.74	2024010728, jackets
03/25/2024	869659	Uniforms2gear	Public Safety	$ 1,243.40	2024011185, class B pants
03/25/2024	869659	Uniforms2gear	Public Safety	$ 250.00	2024020357, nametag w/ velcro
03/25/2024	869659	Uniforms2gear	Public Safety	$ 2,238.12	2024020622m class B pants
03/25/2024	869662	Vermeer Mtn West	Street/Traffic	$ 37,993.26	250 CFM Air compressor per attached
03/25/2024	869663	VertexOne Software	Solid Waste	$ 103,637.77	Software Fees
03/25/2024	869663	VertexOne Software	Wastewater	$ 103,637.77	Software Fees
03/25/2024	869663	VertexOne Software	Water	$ 138,183.69	Software Fees
03/25/2024	869668	Yellowstone Electric	Airport	$ 21,637.00	Invoice #B7494. Replacement PA Server
03/25/2024	869668	Yellowstone Electric	Radio	$ 2,192.98	4766 SWORDS PARK ELECTRICAL
03/25/2024	869668	Yellowstone Electric	Radio	$ 424.00	4767 LANDFILL ELECTRICAL

City Council Regular

Date:	04/22/2024
Title:	Public Hearing & Action on Annual Action Plan including CDBG & HOME Budget Allocations
Presented by:	Brenda Beckett
Department:	Planning & Community Services
Presentation:	Yes
Legal Review:	Not Applicable
Project Number:	N/A

RECOMMENDATION

City staff and the Community Development Board recommend that the City Council conduct a public hearing and approve the FY2024-2025 Annual Action Plan and budget allocations for Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) program.

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

Funding Source and Intent: The City of Billings has been a recipient of U.S. Department of Housing and Urban Development (HUD) CDBG funds since the mid-1970s and HOME funds since the early 1990s (nearly $50 million). Investments in CDBG and HOME have generated over $10 million in loan repayments since 2001. Projects, programs, and activities funded through CDBG and HOME are regulated and monitored by the federal government and must be primarily targeted to address community affordable housing for low-income citizens and poverty-impact needs in Billings.

Guidance & Recommendations Process: The Community Development Board provides staff guidance relative to assessment, planning, allocation, monitoring, and reporting processes for HUD federal funding (Attachment A, Consolidated Planning Process). The Board is comprised of six low-income neighborhood representatives and three at-large members. This structure complies with a federal regulation to ensure decision-making processes include involvement from residents of low-income neighborhoods. The Board is also responsible for making funding recommendations to the City Council for its review and approval.

Planning Process: The Consolidated Plan is the primary planning document directing the City's CDBG and HOME investments and it covers a five-year period from July 1, 2020 through June 30, 2025 (Attachment B). The Annual Action Plan for FY2024-2025 is the fourth year in the Consolidated Plan's five-year process (Attachment C).

Allocation Process: To allocate CDBG and HOME resources via the Consolidated Plan, the Community Development Division staff and Board members facilitated an extensive process to gather public input on the use of federal funds. Applications were available at the beginning of December and due in mid-January. Applications were then forwarded to the Community Development Board and recommendations were prepared for City Council consideration. The Staff facilitated a 30-day public comment period, the City Council will take action, and the Annual Action Plan will be submitted to HUD by May 15.

STAKEHOLDERS

Stakeholders for CDBG and HOME programs include:

1. Program Recipients - The City serves low-income households through a variety of affordable housing programs such as housing development, home buyer, and foreclosure acquisition / rehabilitation programs. Full descriptions of available programs can be found online at www.BillingsMT.gov/comdev.

2. The Community Development Board - As an advisory body to the City Council, the Board provides detailed oversight to both the CDBG and HOME programs throughout the year. The Board also facilitates a public input process to prepare recommendations for the City Council's consideration. Six of nine total Community Development Board members are representatives of low-income neighborhoods either by residence or task force delegation, ensuring low-income citizen involvement of planning and allocation processes.

3. Non-Profit Organizations - Community organizations serving those experiencing poverty are supported by the

Billings Metro VISTA Project. AmeriCorps VISTA members assist in the provision of social services to those in need.

ALTERNATIVES

City Council may:

- Hold a public hearing and approve the Annual Action Plan, and the allocation of CDBG and HOME funding as recommended by Staff and the Community Development Board.
- Hold a public hearing and approve the Annual Action Plan and the allocation of CDBG and HOME funding based on alternative funding amounts as determined by the City Council.
- Not hold a public hearing and not approve the Annual Action Plan and the allocation of CDBG and HOME funding and refuse to undertake CDBG and HOME activities.

FISCAL EFFECTS

Anticipated Revenues: Although HUD has not released allocation numbers to date, the City of Billings will receive approximately $650,000 in new CDBG and $300,000 in HOME funding for use in affordable housing and other projects benefiting low-income residents for FY2024-2025 (Attachment D). The Corporation for National and Community Service has awarded the City of Billings $430,632 in federal funds to support the Billings Metro VISTA Project contingent on the City's CDBG allocation supporting the program.

Allocation Compliance: Proposed allocations are consistent with the goals and priorities of the approved five-year Consolidated Plan for the use of CDBG & HOME resources in Billings. Allocation recommendations conform to pre-determined spending requirements on several categories including: CDBG and HOME administration caps (maximum of 20% and 10% of new funding respectively); public service caps (up to 15% of new CDBG funding); and Community Housing Development Organization set-aside for affordable housing development (minimum 15% of new HOME funding). Changes creating non-compliance with federal spending requirements would place the City's entitlement status for federal funds at risk. Non-federal funding repayment is required for noncompliant projects, programs, and activity expenditures.

The allocation of funding is restricted by eligibility requirements for CDBG and HOME and must meet pressing citywide community needs as identified in the Consolidated Plan; affordable housing, housing choice, and poverty-impact. HUD policy prohibits the use of federal funds to supplant local government funds on projects communities typically underwrite, regardless of whether federal grant dollars are available.

FY2024-2025 Budget Recommendation Priorities

Budget recommendation priorities and estimates for the City's core programs:

1. Administration at maximum caps, 20% of CDBG (estimated $130,000) and 10% of HOME (estimated $35,000). Funding is reserved for administrative costs including technology and phone charges, duplication, publication of notices, motor vehicle costs, liability insurance, staff time; etc.

2. CDBG totaling $75,000 to compliment the AmeriCorps Volunteers in Service to America (VISTA) program. This allocation leverages $430,632 in grant funds from the Corporation for National and Community Service.
o Provide resources to nonprofit organizations to undertake poverty-impact activities and to support the low-income individuals and families they serve.
o Focus areas include education, healthcare, food security, economic opportunity, housing, financial literacy, and others.

3. No additional funding is recommended for allocation to the First Time Home Buyer program. The City currently has over $330,000 in HOME resources dedicated to the program.
o Promote financial security, home equity, housing self-sufficiency, housing and neighborhood quality and stability.
o Increase minority home ownership, promote equal access and opportunity, and decrease segregation citywide.
o Improve affordable housing opportunities for the elderly, persons with disabilities, and other special populations.
o Reduce predatory lending through education and standardized procedures.

4. CDBG totaling $100,000 for Crime Prevention Through Environmental Design for improvements to low-income neighborhood parks.
o Support the City Council strategic plan public safety priority through the design of buildings, landscaping, and

outdoor environments to discourage and prevent crime.
o Promote housing and neighborhood quality and stability in lower-income neighborhoods.

5. Foreclosure Acquisition / Rehabilitation for the property at St. Johns Avenue would be allocated an additional $82,340 to bring the maintenance and rehabilitation budget to $200,000. Remaining CDBG funding would be allocated to purchase an additional foreclosed home (estimated at $262,660).
o Mitigate the negative community impact of vacant, foreclosed properties.
o Improve affordable housing quality, condition, safety, livability, and accessibility.
o Stabilize property values in neighborhoods with existing vacant, foreclosed homes.
o Eliminate the potential for crime related to existing vacant, foreclosed properties.

6. Affordable Housing Development would include the required 15% minimum allocation in new HOME funding for Community Housing Development Organizations (estimated at $52,500) and all remaining HOME funding estimated at $262,500 (Approximtely $315,000 total).
o Expand access and availability of decent, affordable housing citywide.
o Improve the physical quality of affordable housing.
o Foster suitable living environment and quality of life through the improvement of physical conditions, including infrastructure for housing projects and housing development.

Ensuring Timeliness: Initial budget allocations may be changed to facilitate close- and shovel-ready priorities to assist the City in maintaining compliance with commitment and expenditure deadlines. This includes all repayment funding received during the program year from loans issued through programs such as First Time Home Buyer, Housing Rehabilitation, Affordable Housing Development, etc.

SUMMARY
City staff and the Community Development Board have made recommendations for CDBG and HOME budgets and the Annual Action Plan is ready for Council adoption. The City Council is asked to consider public input received at the hearing and make a final decision on the Annual Action Plan and accompanying CDBG and HOME budget.

Attachments

A - Consolidated Planning Process
B - FY2020-2024 Consolidated Plan
Draft FY24-FY25 AAP
D - FY2024-2025 Estimated Revenue and Recommendations
E - Allocation and Funding History

2825 3rd Avenue North, Billings, MT 59101 406.657.8281 Relay: 711 BillingsMT.gov/ComDev

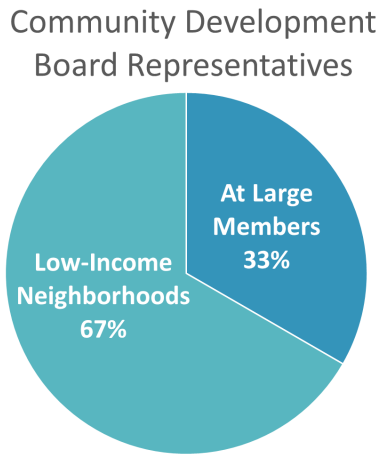
This guide is intended to provide an outline of the City of Billings' Consolidated Planning process for decisions relative to Community Development Block Grants (CDBG), HOME Investment Partnerships program (HOME), and other funding allocated through the U.S. Department of Housing and Urban Development (HUD).

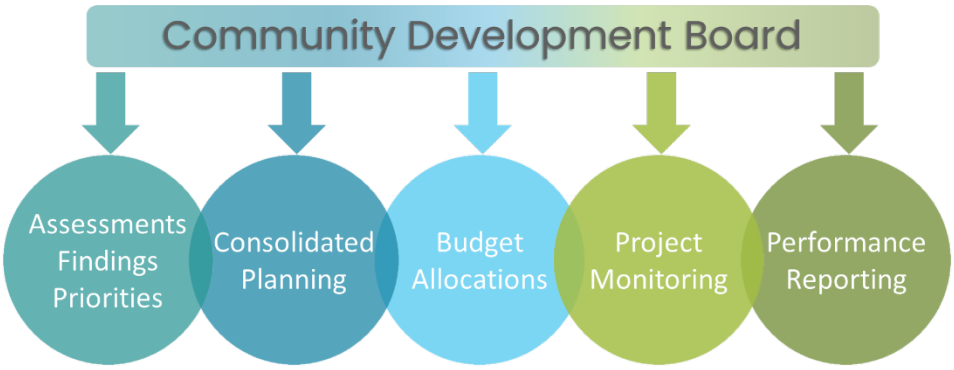
Funding Source and Intent

The City of Billings has been a recipient of HUD entitlement CDBG allocations since the mid-1970s and HOME funds since the early 1990s *(over $47 million collectively).* Investments in CDBG and HOME has generated nearly $10 million in loan repayments since 2001. Projects, programs, and activities funded through CDBG and HOME are regulated and monitored by the federal government and must be primarily targeted to address community affordable housing for low-income citizens and poverty-impact needs in Billings.

Guidance & Recommendations Process

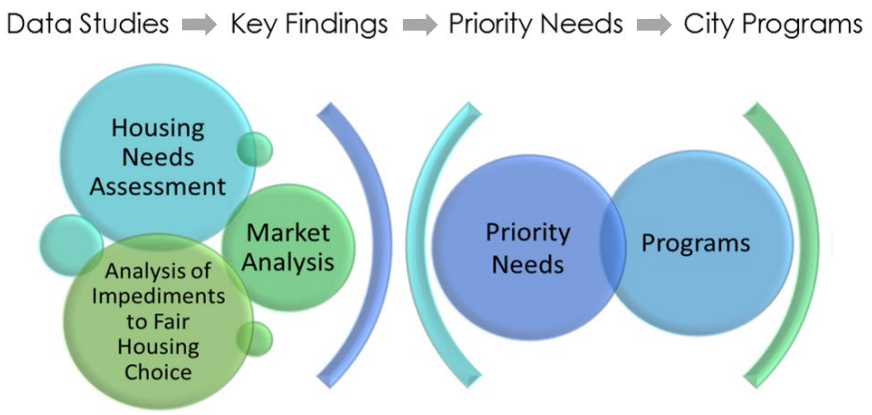
The Community Development Board provides staff guidance relative to assessment, planning, allocation, monitoring, and reporting processes for HUD federal funding. The Board is composed of six low-income neighborhood representatives and three at-large members. This composition complies with a federal regulation to ensure decision-making processes include involvement from residents of low-income neighborhoods. The Board is also responsible for making funding recommendations to the City Council for review and approval.



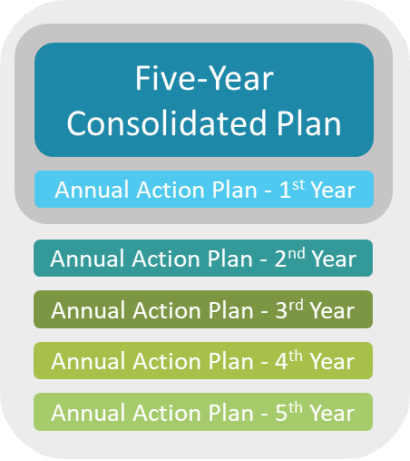


Planning Process

The Consolidated Plan is the primary planning document directing the City's CDBG and HOME investments and it covers a five-year period. The Consolidated Plan includes a comprehensive housing needs assessment and a housing market analysis, *(refer to page 4 for a list of the Consolidated Plan components).* The City must also complete an Analysis of Impediments to Fair Housing Choice every five years *(summary begins on page 6).* Key findings establish priority needs, and City programs are developed based on findings and priorities.



Planning for each five-year Consolidated Planning cycle begins in September with a public hearing to obtain data and public comment on community needs to assist the Community Development Board in designing the application process for the upcoming program year. The Consolidated Plan includes the Annual Action Plan for the first year of the five-year period.



Allocation Process

To allocate CDBG and HOME resources, the Community Development Division staff and Board members facilitate an extensive process to gather public input on the use of federal funds beginning each September. The Board sets priorities for funding based on demonstrated community need.

Applications are made available at the beginning of December and due at the end of January. Applications are then forwarded to the Community Development Board and recommendations are prepared for City Council consideration. The Staff facilitates a 30-day public comment period, the City Council takes action, and the Annual Action Plan is submitted to HUD by May 15.



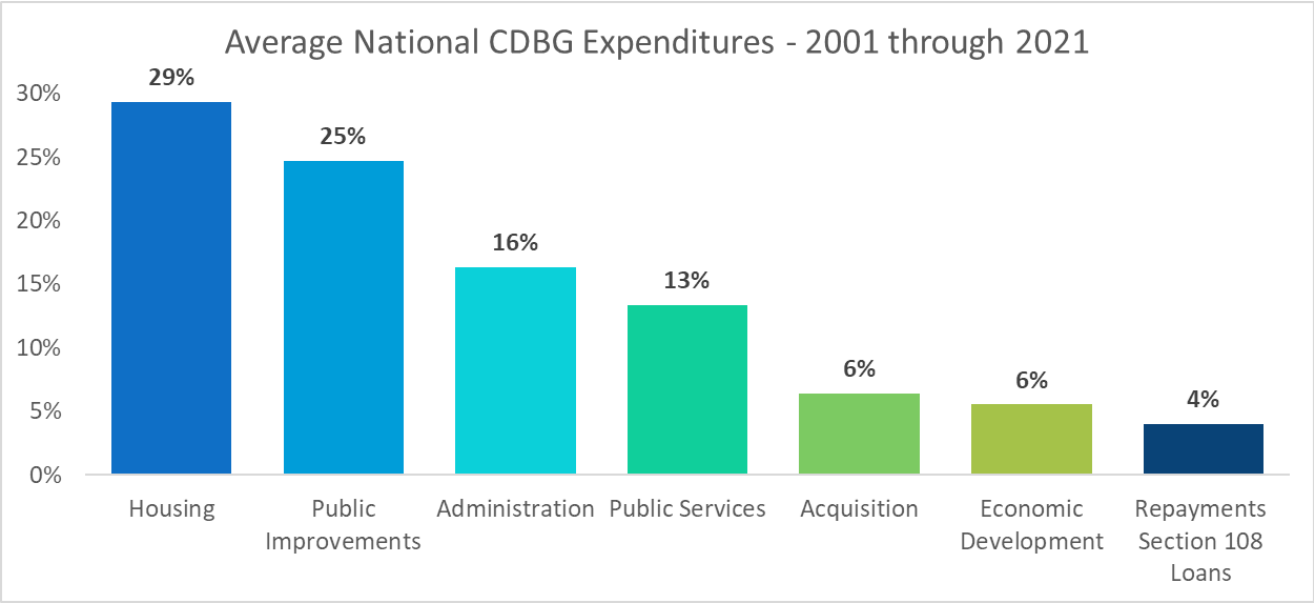
Allocation Compliance

Allocations must be consistent with the goals and priorities of the approved five-year Consolidated Plan for the use of CDBG & HOME resources in Billings. Allocation recommendations must conform to pre-determined spending requirements on several categories including: CDBG and HOME administration caps *(maximum of 20% and 10% of new funding respectively);* public service caps *(up to 15% of new CDBG funding)*; and Community Housing Development Organization set-aside for affordable housing development *(minimum 15% of new HOME funding).*

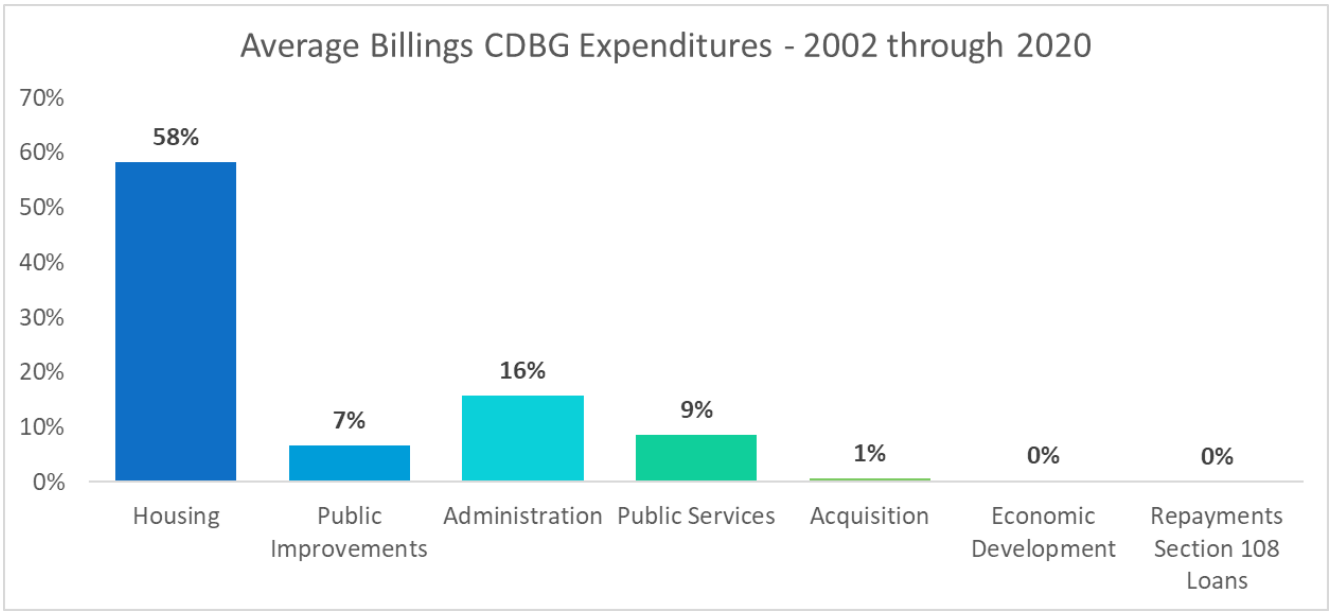
If the City is non-compliant with federal spending requirements, the City's entitlement status for federal funds would be at risk. Non-federal funding repayment is required for noncompliant project, program, and activity expenditures.

Average Expenditures

Across the nation, housing has been the number one expenditure for all participating jurisdictions, followed by public improvements, administration, public services, acquisition, economic development, and repaying Section 108 loans *(loans the City can leverage to borrow against future CDBG funding allocations).*



In Billings, housing is also the number one expenditure. However, the City has not dedicated similar amounts of CDBG funding to support public improvements. Local administration costs matches the percentage costs for the nation and the City has expended slightly less than the national average on public services, five percent less on acquisition. Economic development training was funded in 2002 and several years thereafter. HUD later notified the City that economic development training would need to be funded within the public services cap in future years. The City has not borrowed against future CDBG entitlement allocations through the Section 108 program.



Consolidated Plan Components

The Consolidated Plan is an extensive assessment including Housing Needs Assessment, a Housing Market Analysis, Strategic Planning, and the first Annual Action Plan for the Consolidated Plan's five-year period. The City is also required to conduct an Analysis of Impediments to Fair Housing Choice as part of the Consolidated Planning process. Every five years, the City has the opportunity to reassess community needs, identify key priorities, and determine strategies to meet community needs.

Executive Summary

- Introduction
- City of Billings Objectives & Outcomes
- Evaluation of Past Performance
- Citizen Participation & Consultation
- Summary

The Process

- Responsible Agencies
- Introduction
- Public Housing & Assisted Housing Providers
- Participation & Consultation
- Citizen Participation Process & Outreach

Housing Needs Assessment

- Demographics
- Number of Households by Income Level
- Housing Problems
- Disproportionate Need - Housing Problems by Income Level, Race, & Ethnicity
- Disproportionate Need - Severe Housing Problems by Income Level, Race, & Ethnicity
- Disproportionate Need - Housing Cost Burdens
- Disproportionate Need - Discussion
- Public Housing
- Homeless Needs Assessment
- Non-Homeless Special Needs Assessment
- Non-Housing Community Development Needs

Housing Market Analysis

- Overview
- Number of Housing Units
- Cost of Housing
- Condition of Housing
- Public and Assisted Housing
- Homeless Facilities and Services
- Special Needs Facilities and Services
- Barriers to Affordable Housing
- Non-Housing Community Development Assets
- Education
- Needs and Market Analysis Discussion
- Broadband Needs of Housing
- Hazard Mitigation

Strategic Plan

- Overview
- Geographic Priorities
- Priority Needs
- Influence of Market Conditions by Affordable Housing Type
- Anticipated Resources, Leveraging, Land
- Institutional Delivery Structure
- Goals Summary, Categories & Needs Addressed, Outcomes, Objectives, Goal Outcome Indicators, Five-Year Goals
- Public Housing Accessibility and Involvement
- Barriers to affordable housing
- Homelessness Strategy
- Lead based paint Hazards
- Anti-Poverty Strategy
- Monitoring

Annual Action Plan

- Expected Resources
- Annual Goals and Objectives
- Projects
- Geographic Distribution
- Affordable Housing
- Public Housing
- Homeless and Other Special Needs Activities
- Barriers to affordable housing
- Other Actions

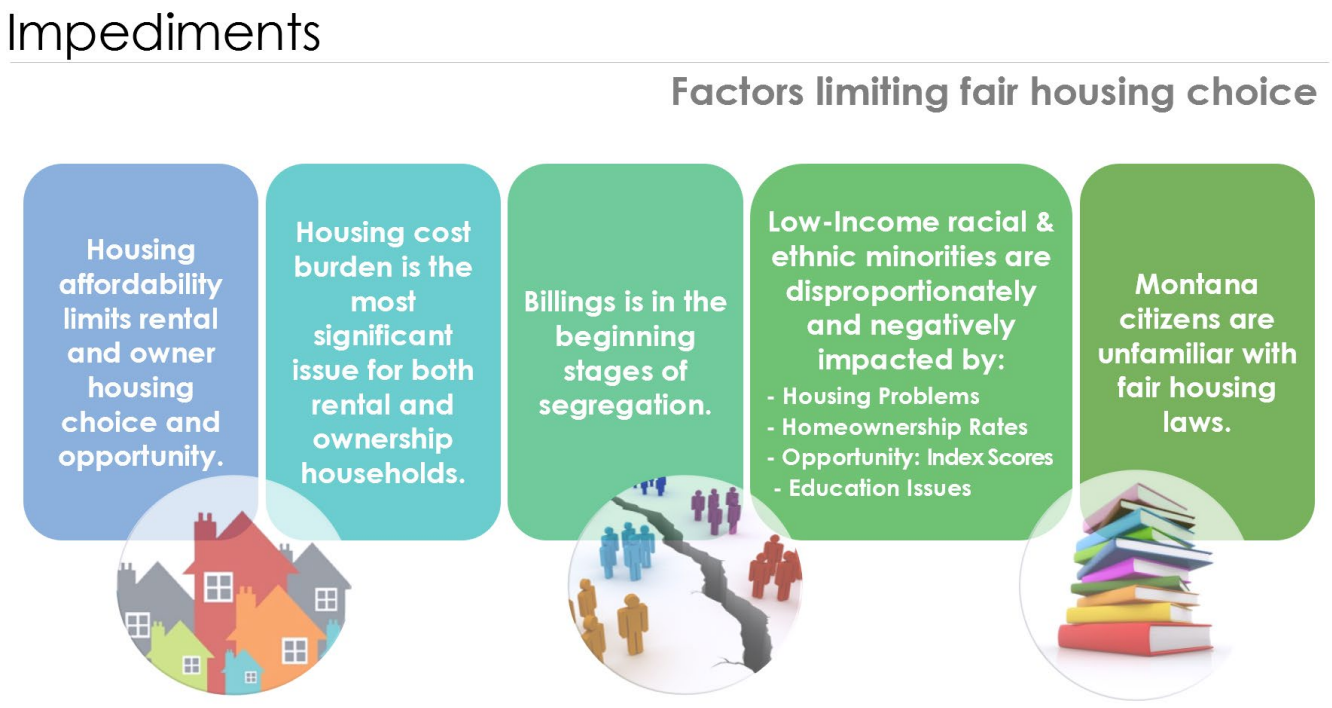
Analysis of Impediments to Fair Housing Choice

As recipients of HUD funding, entitlement communities are required to: conduct an analysis to identify impediments to fair housing choice (AI); and take and maintain records of appropriate actions to overcome the effects of identified impediments. HUD allocates funding to the State and entitlement communities through the CDBG and HOME programs.

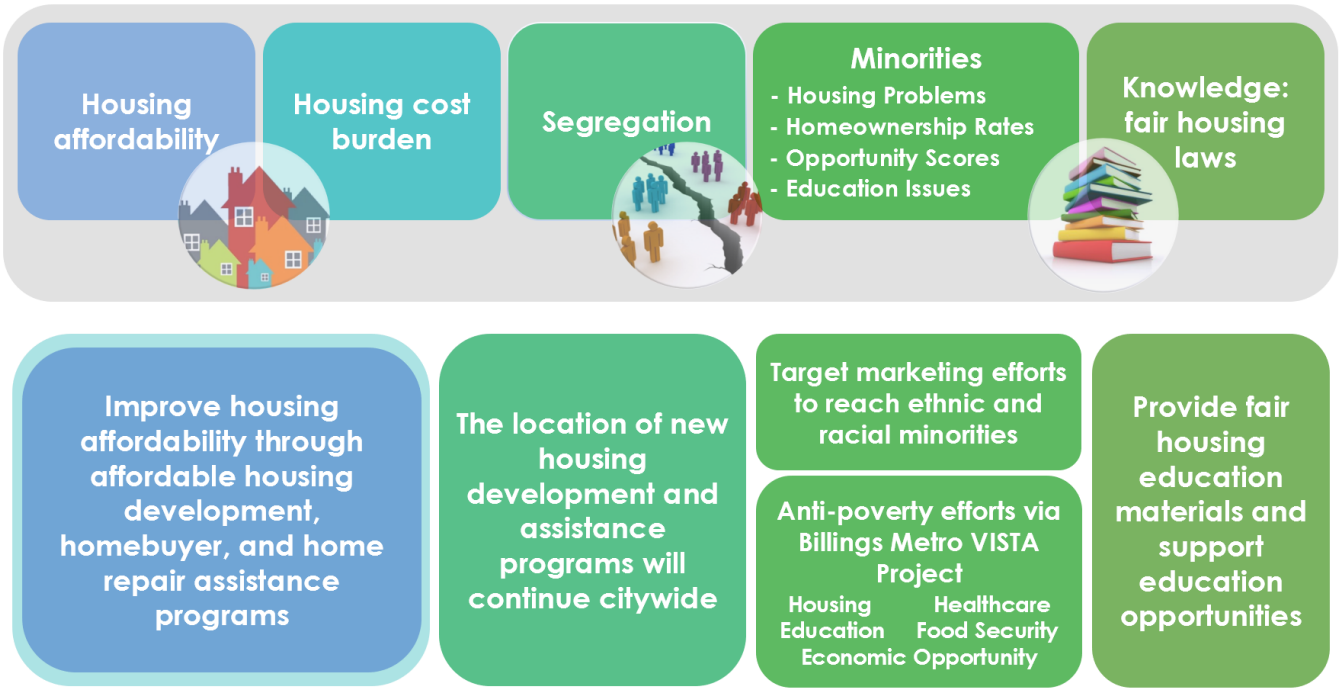
According to HUD's Fair Housing Planning Guide, impediments to fair housing choice are defined as any actions, omissions, or decisions taken because of race, color, religion, sex, disability, familial status, or national origin that restrict housing choices or the availability of housing choice, or other protected characteristics and any actions, omissions, or decisions that have this effect. The list of protected classes included in this definition is drawn from the federal Fair Housing Act, which was first enacted in 1968. State and local governments may enact fair housing laws that extend protection to other groups, and the AI is to address housing choice for these additional protected classes as well. Montana state code has extended additional fair housing protections based on creed, marital status, and age. The Cities of Bozeman, Butte, Helena, and Missoula have adopted ordinances prohibiting housing discrimination based on sexual orientation and gender identity or expression.

The AI process involves a thorough examination of a variety of data related to housing in Billings, much of the data highlighted are based on HUD recommendations. This data is collected, analyzed and assessed to determine barriers to affordable housing. Identified impediments are then used to establish quantifiable goals and the reduction of the barriers to fair housing choice. The AI is also subject to a 30-day public comment review process before submission to HUD.

The City of Billings Analysis of Impediments to Fair Housing Choice was completed in 2020 in preparation for the FY2020-2024 Consolidated Plan. A summary of impediments is illustrated below.



Impediments & Strategies



Impediments & Strategies

- **Housing affordability limits rental and owner housing choice and opportunity.**

- **Housing cost burden is the most significant issue for both rental and ownership households.**
    - City staff will continue efforts to improve housing affordability for homeowners and renters through affordable housing development, homebuyer, and home repair assistance programs.

- **Billings is in the beginning stages of segregation.**
    - The location of new housing development and assistance programs will continue on a citywide basis.

- **Low-Income racial and ethnic minorities are disproportionately and negatively impacted by: housing problems; homeownership rates; opportunity scores; and access to education.**
    - The City will continue to target marketing efforts to reach ethnic and racial minorities to improve access to housing opportunity.
    - The City will also continue to support the Billings Metro VISTA Project as an anti-poverty strategy to expand access to: housing; healthcare; education; food security; and economic opportunity.

- **Citizens are unfamiliar with fair housing laws.**
    - City staff will continue efforts to provide fair housing education materials on the City's website, in the office, at the Home Center, and will support fair housing educational opportunities with Montana Fair Housing.

CITY OF BILLINGS

Five Year Consolidated Plan

Amended to include CDBG-CV Allocations and Activities - July 2021

FY2020-2024

The City's plan for Community Development Block Grant and
HOME Investment Partnerships Programs

Community Development Division
2825 Third Avenue North
Billings, Montana 59101
406.657.8281
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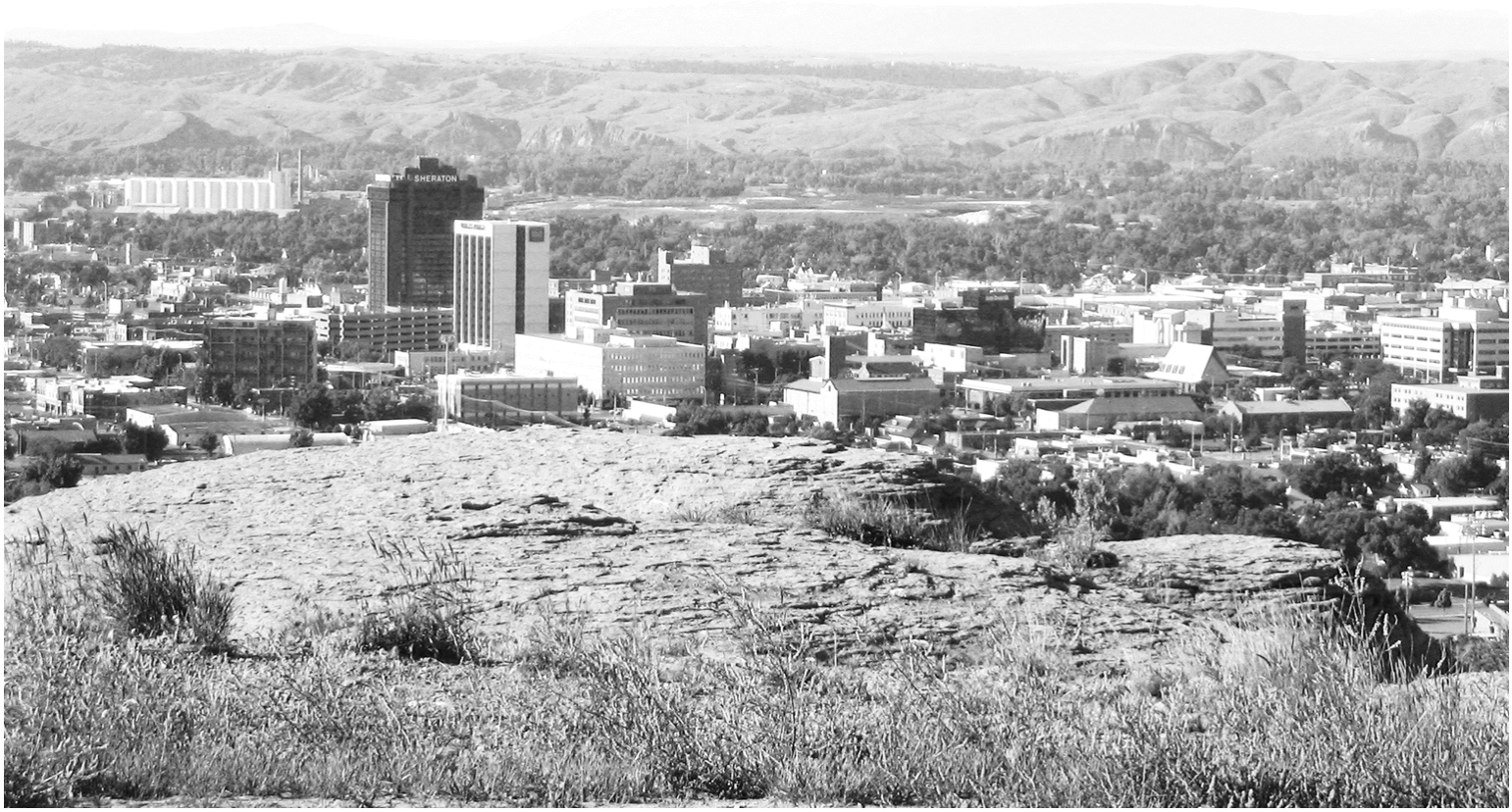


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Section I: Executive Summary

ES-5 Executive Summary

24 CFR 91.200(c), 91.220(b155)

Introduction

Five-year Consolidated Plans and one-year action plans are required by the United States Department of Housing and Urban Development (HUD) for the City of Billings to receive funding through the Community Development Block Grant (CDBG) and HOME Investment Partnerships programs (HOME). The City's five-year Consolidated Plan for FY2020-2024 identifies activities to be carried out from July 1, 2020 through June 30, 2025 to address priority needs in the community and serves as a guiding document for the use of the City's CDBG and HOME funding.

The City of Billings, an entitlement community acting primarily through the Community Development Division, will continue to serve as the lead agency for administration of the City's CDBG and HOME program activities targeted to meet the goals of the Consolidated Plan.

Focused on CDBG and HOME activities, the Consolidated and Annual Action Plans combine the planning and application requirements for the CDBG and HOME programs. All activities undertaken by the City utilizing CDBG and HOME funding must primarily benefit low income persons. The CDBG and HOME programs covered by the Consolidated Plan have three basic goals:

- **To provide decent housing,** including: maintaining the affordable housing stock in the community; increasing the availability of permanent housing that is affordable to low income households without discrimination; increasing support of housing which enables persons with special needs to live independently; and assisting homeless persons to obtain affordable housing.
- **To provide a suitable living environment**, which includes: improving the safety and livability of neighborhoods; increasing access to quality facilities and services; reducing the isolation of low income households within areas by de-concentrating housing opportunities and revitalizing deteriorating neighborhoods; restoring and preserving natural and physical features of special value for historic, architectural, or aesthetic reasons; and conserving energy resources.
- **To expand economic opportunities**, including: creating jobs accessible to low income individuals; providing access to credit for community development activities which promote long-term economic and social viability; and empowering low income persons living in public and federally assisted housing to achieve self-sufficiency.

The FY2020-2024 Consolidated Plan was open for public comment extending from March 28, 2020 to May 11, 2020 in order to provide additional time for public comment due to Coronavirus COVID-19 separation recommendations. A public hearing was held on May 11, 2020 during the Billings City Council meeting to accept public comments on the Annual Action Plan, and Community Development Board recommendations for funding allocation. The plan was adopted by the Billings City Council on May 11, 2020. A substantial amendment to the Consolidated Plan and FY2020-2021 Annual Action Plan was approved by City Council on June 28, 2021.

Summarize the objectives and outcomes identified in the Plan

This could be a restatement of items or a table listed elsewhere in the plan or a reference to another location. It may also contain any essential items from the housing and homeless needs assessment, the housing market analysis or the strategic plan.

The most significant housing issues in Billings include housing cost burden, the availability of affordable housing, and equal opportunity in homeownership for minority households.

Housing Cost Burden: Over 80% of low income households have been paying more than 30-50% of their income for housing costs. Minorities are disproportionately impacted by housing cost burden including Black / African American, Asian, Native American, and Hispanic families.

Affordable Housing Availability: Housing affordability and availability are the most significant factors in limiting housing choice for both renters and homeowners. While there are an adequate number of housing units in Billings to accommodate the population, there is a housing deficit of over 4,700 units for households with incomes less than 30% of the AMI. There are also over 6,200 households on the Housing Authority of Billings waiting lists. Over 2,000 people are waiting for single-person housing.

Homeownership and Opportunity: Racial and ethnic minorities have a low homeownership rate than the White population (67%) in Billings. The Black cohort has the lowest homeownership rate at 16% followed by Native Americans at 31%. Thirty-three percent of the Hispanic cohort are homeowners.

The City's goals are to: create, preserve, and expand affordable housing options; promote neighborhood revitalization through foreclosure program, and to impact poverty. The City will continue to offer programs on a citywide basis to ensure equal opportunity in all Billings neighborhoods:

First Time Home Buyer

- Promote financial security, home equity, housing self-sufficiency, housing and neighborhood quality and stability.
- Increase minority homeownership, promote equal access and opportunity, and decrease segregation citywide.
- Improve affordable housing opportunities for the elderly, persons with disabilities, and other special populations.
- Reduce predatory lending through education and standardized procedures.

Housing Rehabilitation

- Help current homeowners maintain their homes in safe, quality condition.
- Increase value, quality, and durability of existing affordable housing stock.

Affordable Housing Development

- Expand access and availability of decent, affordable housing citywide.
- Improve the physical quality of affordable housing.
- Foster suitable living environment and quality of life through the improvement of physical conditions including infrastructure for housing projects and housing development.

Foreclosure, Acquisition, Rehabilitation

- Mitigate the negative community impact of vacant, foreclosed properties.

- Improve affordable housing quality, condition, safety, livability, and accessibility.
- Stabilize property values in neighborhoods with existing vacant, foreclosed homes.
- Eliminate the potential for crime related to existing vacant, foreclosed properties.

Billings Metro VISTA Project

- Provide resources to nonprofit organizations to undertake poverty impact activities and to support the low income individuals and families they serve.
- Focus areas include: education, healthcare, food security, economic opportunity, housing, financial literacy, and others.

HUD's EnVision Center Demonstration Project

In July 2018, HUD launched the EnVision Center demonstration project to leverage public and private resources for the benefit of individuals and families living in HUD-assisted housing. EnVision Centers focus on empowering people to leave HUD-assisted housing through self-sufficiency to become responsible homeowners and renters in the private housing market through promotion of the following four pillars:

- Economic Empowerment
- Educational Advancement
- Health and Wellness
- Character and Leadership

In May and June 2020, the City of Billings staff facilitated a connection between Housing Authority of Billings and HRDC District 7 to the regional EnVision Center representatives for HUD's Region 8. Planning for a Billings EnVision center is underway.

Regulatory Citations

Throughout the Consolidated Plan, staff has identified regulatory citations for the Code of Federal Regulations (CFR), shown in italics. The code references are located in sections of the Consolidated Plan required by federal regulation.

2020 HOME Income Limits

Household Size	30%	50%	60%	80%
1	$16,100	$26,850	$32,220	**$42,950**
2	$18,400	$30,650	$36,780	**$49,050**
3	$20,700	$34,500	$41,400	**$55,200**
4	$23,000	$38,300	$45,960	**$61,300**
5	$24,850	$41,400	$49,680	**$66,250**
6	$26,700	$44,450	$53,340	**$71,150**
7	$28,550	$47,500	$57,000	**$76,050**
8	$30,400	$50,600	$60,720	**$80,950**

Table is included in PDF version of the plan - uploaded as an IDIS Attachment

Evaluation of past performance

An evaluation of past performance that help the City choose goals or projects.

The City of Billings has been receiving CDBG funds since the 1970s and began receiving HOME funds in the mid-1990s. Performance on past goals and projects has been adequate, given declining resources. As a result, City staff have consolidated smaller programs focused on meeting priority needs, including affordable housing preservation and the provision of new housing opportunities.

In 2012, stakeholders recommended prioritizing loan programs to maximize sustainability of community development programs in order to continue funding programs in the future. Loan repayment revenue has increased by an annual average of $230,000 over the past seven years, which has enabled the City to serve dozens of additional low income households through home buyer and repair programs.

The FY2015-2019 Consolidated Plan included the following goals and the City met or exceeded each of the established goals as of mid-June 2020:

- Affordable Housing Preservation – all goals were met:
    - 20 homeowner homes were rehabilitated
    - One manufactured home was rehabilitated
    - Five foreclosed homes were acquired, rehabilitated, and sold to low income households
- New Affordable Housing Opportunity – goals were met or exceeded:
    - Four homeowner housing units were added
    - 280 households received direct financial assistance to purchase their first home
- Poverty Impact goal was exceeded:
    - Over 2,500 individuals were assisted in garnering access to health / mental health services, housing, education, and economic opportunity

City staff have witnessed a decline in homeowners seeking Housing Rehabilitation Loans and are likewise seeing an increased need in affordable housing and infrastructure development. Additional resources may be directed towards longer-term investments to benefit low income neighborhoods on the whole.

Summary of citizen participation process and consultation process *91.200(b)*

Summary from citizen participation section of plan.

A number of organizations in the community are involved in affordable housing and community development-related activities in Billings and are asked to comment on the Consolidated Plan. The continued cooperation of these organizations in pursuing affordable housing for the community is required to meet the Consolidated Plan goals. Consultations include review of the plan with public and private agencies that provide health care, social services and fair housing education. Populations targeted for consultation include low income neighborhoods and agencies providing services for children, the elderly, the disabled, minorities, persons with HIV / AIDS and their families, and homeless individuals and families.

The City of Billings has adopted a *Citizen Participation Plan* which is implemented during Consolidated Plan processes in order to ensure active participation by residents and affiliate organizations. The City has also adopted a *Language Assistance Plan* to ensure meaningful access to program information and equal opportunity for persons with hearing impairment and limited English proficiency. Both plans can be found online at www.BillingsMT.gov/CDreports.

Public Comments: The City must provide opportunities for public comment at least 30 days prior to Consolidated Plan submission, as required by HUD. City staff considers all written comments by citizens, public agencies and other interested parties prior to submission of its final Consolidated Plan and related reports to HUD and attach a summary of each comment to the final submission. If written comments are not accepted for inclusion in the Plan, the City will provide written explanation of why those comments were not accepted.

Summary of public comments

Brief narrative summary or reference an attached document from the Citizen Participation section of the Con Plan.

Public Comment & Hearing: The FY2020-2024 Consolidated Plan was open for public comment extending from March 28, 2020 to May 11, 2020. The extension from a 30 day to 45 day public comment period was primarily implemented to accommodate the universal response to the coronavirus pandemic.

A public hearing was held on May 11, 2020 during the Billings City Council meeting to accept public comments on the Consolidated and Annual Action Plans, and Community Development Board recommendations for funding allocation. To facilitate an open public involvement process, the public hearing was available live and remains available on demand at the www.comm7tv.com website and also on Community 7's public Facebook page at www.facebook.com/comm7tv.

These plans were adopted by the Billings City Council on May 11, 2020. Public comments made during the meeting are outlined below included in the Appendix.

Summary of comments or views not accepted and the reasons for not accepting them

All comments were taken into consideration during the development and prior to submission of the Consolidated Plan. Comments received following staff's presentation to the City Council are outlined below.

Councilmember Yakawich: He has heard the City's presentation seven times and this presentation was the best ever. He was inspired by the infrastructure project planned in the [Southwest Corridor] as he has been in the area and has had a friend living in the C & C Community for a long time. The idea [of moving from rental to homeownership] is rockin'! City staff noted that the C & C Community had to incorporate and become an official organization while NeighborWorks Montana facilitated the process. Beckett noted that the staff is excited about the project and are pleased with the improvements already made in the community after it was purchased by the residents.

Councilmember Joy: Totally supports this and wanted to thank City staff and the Community Development Board for doing a fabulous job on this. Wonderful job – the C & C Community happens to be in Ward 3, wonderful, absolutely wonderful. She said she was glad that the Community Development Board wanted to take on this infrastructure project; it's going to turn out really fabulous.

Public comments are continued in the Summary section below.

Summary

Councilmember Neese: Noted a question about the data pointing to adequate affordable housing availability and how it is not available [to low income households] because people are living below their means. He said, "Why do you think that is and how can we rectify that?" Staff noted they could only offer a personal opinion; everyone learned a lot in the recession. Living below household means is something everyone talks about. People with greater incomes occupy units affordable to low and very low income households, so City staff has prioritized development of affordable housing units in the Consolidated Plan. Staff noted the very high number of households on the waiting list for the Housing Authority of Billings, particularly single-person households.

Councilmember Neese asked if we could duplicate the [C & C Community ownership] process with other trailer / mobile home parks. Staff said they really hoped so. The model of collecting lot rents is very lucrative for manufactured housing park owners, particularly if they are not making improvements to the site. They can increase the density of the park to further increase their income. There has to be an owner willing to sell a park and there has to be an organization like NeighborWorks Montana. Mary Lou Affleck facilitated the incorporation and purchasing process for the residents. There were persons living in the units for decades that never spoke to one another while they were renters. As owners, they are working together and helping one another out during the pandemic, cleaning up the properties together, etc. Staff hopes the City can fund more of these types of projects and would recommend funding any infrastructure project in any low income neighborhood in the City. Councilmember Neese also asked about the total amount of funding used for CDBG and HOME administration.

Councilmember Ronning: The Housing Authority waiting list number is over 7,000 households; staff notes that this is the largest number we have ever seen. Councilmember Ronning really appreciates the presentation and she watched staff online on the Facebook livestreaming of the Community Development Board meeting. They are a great Board and they are really participating – exciting to see.

The AmeriCorps VISTA program is very significant on many different levels. One of the areas she hopes staff adds to the list [of VISTA accomplishments] is the Indian Child Welfare Act (ICWA) Court. That is massive – not just significant in Billings. ICWA Court was developed by a Billings VISTA volunteer and it was the fourth court established nationwide. The Billings ICWA Court now travels nationwide to give presentations, trainings, and teachings and that really put Billings on the national level due to the work of the Billings VISTA member. Staff noted that the VISTA member who put the ICWA Court together is Shannen Keene and she now is working at the Seattle Indian Health Board and there is also another VISTA alum working there as well.

Councilmember Purinton: Requested a copy of the presentation and also requested a breakdown of what administration would pay for. Staff explained that administration pays for staff salaries, training costs, printers, paper, office supplies, etc. There are 15 spaces in the Miller Building and the City Council pays for the office space. We can have over 50 VISTA members per year and 15 to 30 members on board at any one time, so a lot goes on in the office.

Jim Corson – Public Hearing Call-In Hotline: Noted he is on the Community Development Board. He praised City staff; they are absolutely wonderful, the best, so helpful, and everyone is great to work with. He was going to hype the presentation but the City Council seemed to like it. He encouraged the City Council to support the Consolidated Plan and funding recommendations. Mayor Cole thanked Mr. Corson for his work on the Board and his contribution to the community.

Section II: The Process

PR-05 Lead & Responsible Agencies

24 CFR 91.200(b)

Describe agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source

The City of Billings - Community Development Division staff is responsible for preparing the Consolidated Plan and administration of CDBG and HOME grant programs.

Agency Role	Name	Department/Agency
CDBG Administrator	City of Billings Brenda Beckett, Division Manager	Community Development Division
HOME Administrator		

HUD Table 1 - Responsible Agencies

Consolidated Plan Public Contact Information

Brenda Beckett, Community Development Manager
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Web: www.BillingsMT.gov/comdev

PR-10 Consultation

91.100, 91.200(b), 91.215(l)

Introduction

A number of organizations in the community are invited to participate in planning affordable housing and community development-related activities in Billings and are asked to comment on the Consolidated and Annual Action Plans. Consultations include review of the plan with public and private agencies that provide health care, social services and fair housing education. Populations targeted for consultation include agencies that provide services for children, the elderly, the disabled, minorities, persons with HIV / AIDS and their families, and homeless individuals and families.

The Consolidated Plan was distributed widely during the public comment period and interested persons were invited to attend a number of staff-facilitated, regularly scheduled meetings to find out more about Community Development initiatives. Routine meetings were facilitated through staff for the Community Development Board as the majority of Board members represent lower income neighborhoods.

Affirmatively Furthering Fair Housing: Historically, the five-year cycle utilized for the Billings Analysis of Impediments to Fair Housing Choice has not coincided with the City's five-year Consolidated Planning cycle. This schedule was implemented primarily due to the expense of conducting both fair housing and housing needs / market analyses in the same fiscal year. While HUD has recommended regional collaboration to affirmatively further fair housing and equal opportunity, the City's fair housing analyses have been limited to the City of Billings limits.

Therefore, the City of Billings has been working to reconcile the timing of the fair housing assessment process with the City's five-year Consolidated Plan cycle in order to heighten conformity to HUD's recommendations. Further, the City is committed to regional planning efforts along with other entitlement communities and the State of Montana.

In early 2017, the City of Billings started collaborating with entities across Montana to construct a regional 2020 fair housing analysis. This collaboration includes partnerships with the State of Montana's Department of Commerce (MDOC), the City of Missoula, and the City of Great Falls. Seven full-year AmeriCorps Volunteers in Service to America (VISTA) members have been placed to assist with this fair housing / equal opportunity initiative:

- **Montana Department of Commerce, Helena:** One member began in July 2017 and one additional member began in January 2018.
- **City of Billings:** One member began service in August 2017 in the Community Development Division. Two members began service in the Planning Division in January 2018.
- **Cities of Great Falls and Missoula:** One VISTA member was placed in each of these jurisdictions in January 2018 and a third VISTA member was placed in Missoula in January 2019.

Efforts to reach the public for public input on fair housing needs and issues include the development and distribution of a Fair Housing Community Survey in 2017 and a resiliency survey in 2018.

Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(l)).

Public Housing: The Housing Authority of Billings is primarily responsible for administration of the public housing and Section 8 Programs for the community. The Housing Authority is an independent organization established under the laws of the State of Montana. Board members for the Housing Authority are appointed by the Mayor for the City of Billings. *91.100(c)*

Housing Opportunities for Persons with AIDS: Public and private agencies have assisted the City in reviewing the Consolidated Plan. Local organizations providing housing, health services, and social services have been involved in planning processes for the homeless and chronically homeless. The City does not receive Housing Opportunities for Persons with AIDS (HOPWA) funding directly, but supports the Human Resources Development Council District 7 in their implementation of HOPWA goals and objectives. *91.100(b)*

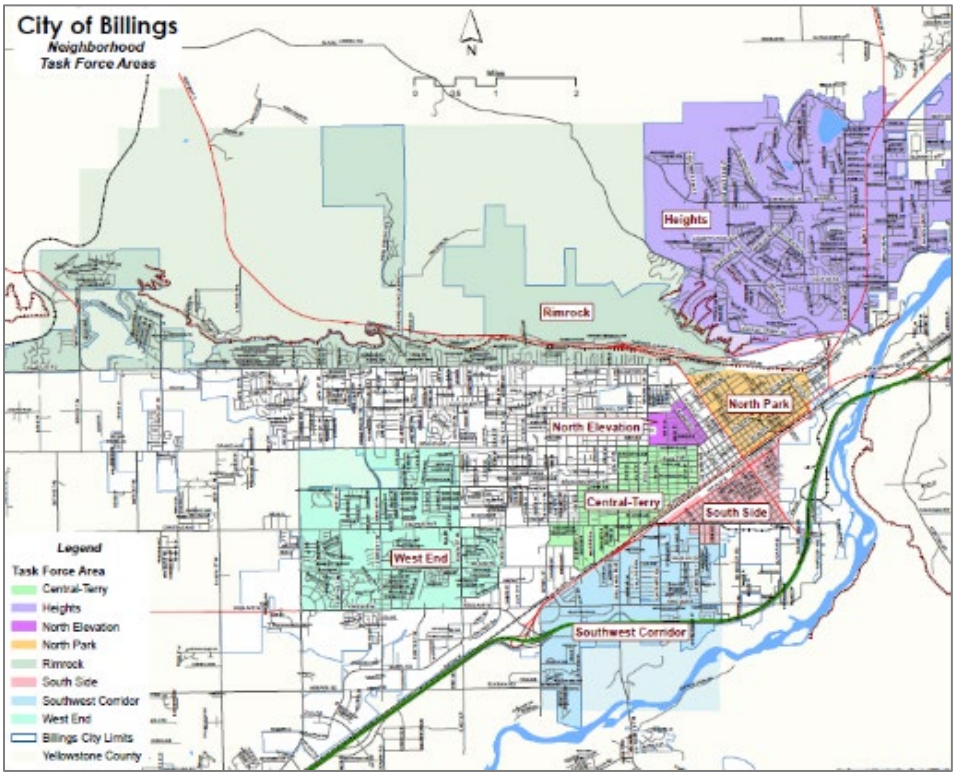
Adjacent Governments: Communication regarding non-housing community development needs is conducted via collaboration through adjacent units of local government including the State of Montana and Yellowstone County. *91.100(a)(4)*

Metropolitan Planning: The City of Billings - Community Development Division is included in the Planning and Community Services Department. The Department, overall, includes Code Enforcement, Planning / Transportation (includes the City of Billings and Yellowstone County), and the Building Division. These Divisions work internally to implement the Growth Policy, Infill Policy, Transportation Plan and Neighborhood Plans collectively. All City-assisted projects are reviewed for residential access to public transportation and broadband infrastructure. *91.100(a)(5)*

Community Development Board: The ***Community Development Board*** is a citizen's advisory board consisting of nine members who are appointed by the Mayor of Billings with the consent of the City Council. Six members are appointed to represent low income neighborhoods of the City as defined by federal regulations for the CDBG program and three members represent the community at large. This board serves in an advisory capacity to the City Council for the purpose of providing citizen input on policy decisions to the City Council. The Community Development Board makes recommendations to the City Council regarding the Consolidated Plan, the Annual Action Plan, the Citizen Participation Plan, and the CAPER. In addition, the Community Development Board reviews applications submitted for CDBG and HOME funding in order to make funding recommendations to the City Council for approval.

Billings City Council: The ***Billings City Council*** is the final governmental policy body that reviews and takes action on the Annual Action Plan, including the Citizen Participation Plan. The Community Development Board presents recommendations to the City Council during a scheduled work session preceding the public hearing each April in order to deliver information on decisions made regarding recommendations. After receipt and consideration of public comments, the City Council has the opportunity to approve the Consolidated Plan and Annual Action Plan and proposed funding allocations. Following approval, the Consolidated Plan and Annual Action Plans are forwarded to HUD.

Low-Income and Minority Households: In order to encourage citizen participation emphasizing the involvement of low income and minority residents in areas where housing and community development funds may be spent, the City's Community Development Board is comprised of six members representing lower income neighborhoods. The City's Planning and Community Services Department also continues to coordinate meetings with the Adjacent Neighborhood Committee including those representing the City's low income areas with high concentrations of minorities.



Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness

Continuum of Care Funding: Funding is provided to the State of Montana and are distributed by the State to various regions in Montana through the Human Resource Development Councils (HRDCs). A Continuum of Care application is prepared on a statewide basis and the City plays a small role in this process. One or two organizations in Billings may receive Continuum of Care funding, but a very small percentage of the available Continuum of Care funding is allocated to local projects; five to seven percent annually.

Billings Metro VISTA Project: In order to maintain momentum for City's ten-year plan to impact homelessness, the City's Community Development Division created an AmeriCorps Volunteers in Service to America (VISTA) program known as the ***Billings Metro VISTA Project***; sponsored by the Corporation for National and Community Service. VISTA members work to create or expand community-based programs, services, and systems that prevent and intervene in homelessness. VISTA members may be supervised by City staff for over-arching, community-wide benefit programs and they can also be supervised by nonprofit organization staff that are spearheading efforts to impact poverty and homelessness.

Statewide Continuum of Care: The Montana Continuum of Care Coalition (MT CoC) is the statewide organization designed to bring homeless service providers together from across the state in order to identify needs, inventory resources, recognize gaps and prioritize HUD funding as part of a greater planning effort to eradicate homelessness in Montana. The coalition was formed to address homelessness with very few resources to cover Montana's vast geographical area. In 2012, MT CoC restructured to incorporate a Board of Directors to oversee the operations of the coalition. The MT CoC consists of 15 delegates; ten from districts mirroring the same planning districts used by the Montana Department of Health and Human Services and five at-large delegates. The Board of Directors is the decision-making entity for the MT CoC and is responsible for ensuring compliance with the Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act.

Local Continuum of Care: The South Central Montana Continuum of Care serves as the City's local Continuum of Care organization. It is a subsidiary of the MT CoC and represents Big Horn, Carbon, Stillwater, Sweet Grass, and Yellowstone counties. The South Central Montana Continuum of Care collaboratively works to develop, support, and promote a continuum of resources, services, and housing opportunities that prevent homelessness and promote long-term stability.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate Emergency Solutions Grant (ESG) funds, develop performance standards and evaluate outcomes, and develop funding, policies and procedures for the administration of Homeless Management Information System (HMIS)

The City does not receive ESG funds as an entitlement; these funds are distributed statewide by the Montana Department of Public Health and Human Services through ten HRDCs throughout the state. Therefore the City does not develop performance standards, evaluate outcomes or develop funding, policies or procedures for the administration of HMIS.

District 7 HRDC utilizes ESG funding for homeless prevention activities and rapid-rehousing. HRDC staff does not maintain a waiting list due to the volume of households in need. HRDC has received additional HUD Continuum of Care funds for rapid-rehousing homeless families living in shelters.

Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdictions consultations with housing, social service agencies and other entities

Table 1 - Agencies, groups, organizations who participated

#	Agency/Group/Organization	Type(s)	Consolidated Plan Section(s)	How Consulted / Outcomes
1.	Housing Authority of Billings	Public Housing Authority; Services - Homeless	Housing Need Assessment; Public Housing Needs; Homeless Needs - Chronically Homeless, Families with Children, Veterans; Homelessness Strategy; Market Analysis; Anti-Poverty Strategy	Email / phone / web retrieval; data exchange for the development of relevant sections
2.	Homeword	Housing	Housing Need Assessment; Market Analysis; Anti-Poverty Strategy	
3.	Rimrock	Housing; Services - Persons with Disabilities	Housing Need Assessment; Homeless Needs - Chronically Homeless; Anti-Poverty Strategy	
4.	Mental Health Center	Housing; Services - Persons with Disabilities	Housing Need Assessment; Non-Homeless Special Needs; Anti-Poverty Strategy	
5.	Family Service, Inc.	Services - Housing	Housing Need Assessment; Market Analysis; Homeless Needs - Families with Children; Homelessness Strategy; Anti-Poverty Strategy	
6.	District 7 HRDC	Housing; Services - Housing, Children, Persons with HIV/AIDs, Homeless	Housing Need Assessment; Homeless Needs - Chronically Homeless, Families with Children; Homelessness Strategy; HOPWA Strategy; Anti-Poverty Strategy	
7.	Adult Resource Alliance	Services - Elderly Persons	Housing Need Assessment; Non-Homeless Special Needs; Anti-Poverty Strategy	
8.	Big Sky Senior Services	Services - Elderly Persons	Housing Need Assessment; Non-Homeless Special Needs; Anti-Poverty Strategy	
9.	Living Independently for Today and Tomorrow	Housing; Services - Persons with Disabilities	Housing Needs Assessment; Market Analysis; Non-Homeless Special Needs	
10.	City of Billings - Planning Division	Local Government; Planning Organization	Housing Needs Assessment; Market Analysis; Economic Development; Anti-Poverty Strategy; Broadband Access; Resiliency	
11.	YWCA Gateway House	Housing; Services - Domestic Violence, Children	Housing Needs Assessment; Market Analysis; Homeless Needs - Families with Children; Anti-Poverty Strategy	
12.	Billings Public Schools	Services - Homeless, Education	Homeless Needs - Families with Children; Anti-Poverty Strategy	
13.	Billings Job Service	Services - Employment	Economic Development; Anti-Poverty Strategy	
14.	Montana Fair Housing	Services - Fair Housing	Housing Needs Assessment; Non-Homeless Special Needs; Anti-Poverty Strategy	
15.	The Alliance	Health Agency	Non-Homeless Special Needs; Anti-Poverty Strategy	
16.	Montana Department of Commerce	State; Housing	Housing Need Assessment; Market Analysis; Anti-Poverty Strategy	
17.	Billings Public Works Department	Local Government	Non-Housing Community Development Needs	
18.	Billings Police Department	Local Government; Services - Domestic Violence, Homeless	Housing Need Assessment; Anti-Poverty Strategy	

#	Agency/Group/Organization	Type(s)	Consolidated Plan Section(s)	How Consulted / Outcomes
19.	Domestic Violence Unit	Local Government; Services - Domestic Violence	Housing Need Assessment; Anti-Poverty Strategy	Email / phone / web retrieval; data exchange for the development of relevant sections
20.	Big Sky Economic Development	County Government	Economic Development; Anti-Poverty Strategy	
21.	Montana Epidemiology, Addictive / Mental Disorders	Health Agency; Services - Health, Persons with HIV/AIDS, Disabilities, Homeless; State Government	Housing Need Assessment; Non-Homeless Special Needs	
22.	Civic Consulting	Services - Homeless	Homeless Strategy	
23.	NeighborWorks Montana	Housing	Housing Need Assessment; Market Analysis; Anti-Poverty Strategy	
24.	RiverStone Health	Health Agency; Services - Homeless	Non-Homeless Special Needs; Homeless Strategy; Lead-Based Paint Strategy; Anti-Poverty Strategy	
25.	Downtown Billings Alliance	Business and Civic Leaders	Homeless Needs - Chronically Homeless; Economic Development; Anti-Poverty Strategy	
26.	Adjacent Neighborhood Task Force	Civic Leaders; low income Area Representatives; Neighborhood Organization	All	Public Meeting
27.	Billings City Council	Local Government; Civic / Business Leaders	All	Public Notices / Public Hearing / Public Meetings
28.	Community Development Board	Civic / Business Leaders, Low income Area Representatives ; Neighborhood Leaders	All	Public Notices / Public Meeting
29.	Yellowstone County Emergency Services	County Government	Resiliency	Email / phone / web retrieval; data exchange for the development of relevant sections

Identify any Agency Types not consulted and provide rationale for not consulting

The City of Billings staff is not aware of any agency types that have not been consulted in preparation of the Consolidated Plan. City staff contacted many agencies to assist with the development of the Consolidated Plan and has widely circulated information relative to proposed programs and funding allocations to garner feedback. Additional efforts were made during the public comment period to distribute the Consolidated Plan for review and feedback.

Describe other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	Montana State Continuum of Care	Identifies Federal and State resources to impact homelessness.
Growth Policy	City of Billings - Planning Division	Promotes affordable housing and infill development.
Infill Policy	City of Billings - Planning Division	Promotes affordable housing and infill development.
Annexation Policy	City of Billings - Planning Division	Promotes infill development.
Transportation Plan	City of Billings - Planning Division	Improves transit impacting project affordability
Neighborhood Plans	City of Billings - Planning Division and Neighborhood Task Forces	Guides development efforts in each neighborhood.
Consolidated Plan	Montana Department of Commerce - Community Development	State CDBG and HOME resources may be available to further projects. Consultation and coordination of statewide Analysis of Impediments to Fair Housing Choice.

HUD Table 3 - Other local / regional / federal planning efforts

Describe cooperation and coordination with other public entities, including the State and any adjacent units of general local government, in the implementation of the Consolidated Plan (91.215(l))

The City of Billings - Community Development Division is included in the Planning and Community Services Department. The Department, overall, includes Code Enforcement, Planning / Transportation (includes the City of Billings and Yellowstone County), and the Building Division. These Divisions work internally to implement the Growth Policy, Annexation Policy, Infill Policy, Transportation Plan and Neighborhood Plans collectively. All projects are reviewed for residential access to public transportation.

PR-15 Citizen Participation

Summary of citizen participation process/Efforts made to broaden citizen participation. Summarize citizen participation process and how it impacted goal-setting.

Public comments are requested at least 30 days prior to submission of reports required under HUD's Consolidated Plan process. City staff has considered all written comments by citizens, public agencies and other interested parties prior to submission of its final Consolidated Plan and related reports to HUD and attach a summary of each comment to the final submission. If written comments were not accepted for inclusion in the Plan, City staff has provided written explanation of why those comments were not accepted.

Staff utilizes data-driven analysis processes along with citizen and community participation to establish goals, strategies and funded activities.

Citizen Participation Outreach

#	Mode of Outreach	Target of Outreach	Summary of response/attendance
Summary of comments not accepted and reasons: No comments were rejected.			
1	Public Notices	Nonprofit and other organizations with an interest in CDBG and / or HOME funding opportunities	Public Notices regarding the availability of CDBG and HOME funding were published through the Yellowstone County News on December 6 and 13, 2019.
	The City received one application for infrastructure development from NeighborWorks Montana for the C & C Community.		
2	Public Notices	Nonprofit organizations with an interest in AmeriCorps VISTA funding opportunities	Public Notices regarding the availability of AmeriCorps VISTA resources were published through the Yellowstone County News on December 6 and 13, 2019.
	The City received numerous proposals for AmeriCorps VISTA placements for projects designed to impact poverty.		
3	Public Notices	Minorities, Disabled, Broad Community, Public & Assisted Housing Residents, All Citizens	Public Notices regarding the publication of the drafted Consolidated Plan on the City's website, the public comment period from March 28 to May 11 and the May 11, 2020 City Council Public Hearing were published in the Yellowstone County News on March 27, April 3, and April 10, 2020. A revised notice was published on April 17 & 24, May 1, 8 & 15, 2020 to include additional public engagement options due to the coronavirus pandemic. Public comment period was extended from 30 to 45 days to accommodate additional planning and outreach efforts to include virtual meeting attendance and participation.
	See the appendix for a summary of responses.		
4	Website	Minorities, Disabled, Broad Community, Public & Assisted Housing Residents, All Citizens	The drafted Consolidated Plan was available online from March 28 to May 11, 2020 for public comment and feedback. Emails were also sent to Billings area nonprofit, healthcare, and housing organizations.
	See the appendix for a summary of responses.		
5	Public Meeting	Minorities, Disabled, Broad Community, Public & Assisted Housing Residents, All Citizens	Community Development Board meeting on May 5, 2020 was streamed live and video is available on demand on the Billings Planning and Community Services Department Facebook page.
	As of mid-June, 130 people were reached, the video was viewed 80 times, and there were 44 public engagements.		
6	Public Meeting	Minorities, Disabled, Broad Community, Public & Assisted Housing Residents, All Citizens	City Council public hearing held on May 11, 2020 was streamed live and video is available on demand at www.comm7tv.com. Streamed live and video is available on demand at www.facebook.com/comm7tv.
	As of mid-June, the video was viewed 324 times. See the appendix for a summary of responses.		

HUD Table 4 - Citizen Participation Outreach

Section III: Needs Assessment

NA-05 Overview

Needs Assessment Overview

The Needs Assessment is intended to provide a clear picture of the City's needs related to affordable housing, special needs housing, community development and homelessness. The overall intent of the Needs Assessment is to identify high priority needs that may be addressed by the Consolidated Plan.

NA-10 Housing Needs Assessment

24 CFR 91.205 (a,b,c)

Summary of Housing Needs

The City's Consolidated Plan must include a precise summary of the City's estimated housing needs projected for the duration of the Plan.

Demographics	Base Year: 2009	Most Recent Year: 2015	% Change
Population	104,170	108,135	4%
Households	41,841	44,095	5%
Median Income	$45,004	$51,012	13%

HUD Table 5 - Housing Needs Assessment Demographics *Data Source: 2005-2009 & 2011-2015 ACS*

Demographics: Billings has an estimated four percent population increase over the past several years. The number of households increased by five percent during this period, slightly exceeding the rate of population change, and median income increased by 13%.

Number of Households Table

	0-30% HAMFI	>30-50% HAMFI	>50-80% HAMFI	>80-100% HAMFI	>100% HAMFI
Total Households*	5,797	5,465	7,985	4,530	20,315
Small Family Households* (two to four members)	1,544	1,414	2,574	1,480	9,700
Large Family Households* (five or more members)	100	230	595	290	1,760
Household contains at least one person 62-74 years of age	1,005	1,065	1,384	1,124	4,195
Household contains at least one person age 75 or older	829	1,115	1,465	455	1,424
Households with one or more children 6 years old or younger*	950	840	1,564	644	1,874
** the highest income category for these family types is >80% HUD Area Median Family Income (HAMFI)*					

HUD Table 6 - Total Households *Data Source: 2011-2015 CHAS*

Total Households: The HUD Area Median Family Income (HAMFI) analysis in the table above indicates the highest number of total households have income over 100% AMI. In this group, the following categories contain the largest number of households in all income categories: small family households and households with at least one person between the ages of 62 and 74. Excluding total households and households with incomes over 80%, the next largest cohort includes households with incomes between 50% and 80% AMI (7,985). The largest cohort in the low income categories is the small family households group (over 30%).

Housing Needs Summary Tables

1. Housing Problems (Households with one of the listed needs)

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
NUMBER OF HOUSEHOLDS										
Substandard Housing - Lacking complete plumbing or kitchen facilities	85	85	135	40	345	4	10	0	0	14
Severely Overcrowded - With >1.51 people per room (and complete kitchen and plumbing)	10	30	25	0	65	0	0	10	0	10
Overcrowded - With 1.01-1.5 people per room (and none of the above problems)	135	120	165	40	460	4	25	75	45	149
Housing cost burden greater than 50% of income (and none of the above problems)	2,549	630	130	70	3,379	909	570	380	85	1,944
Housing cost burden greater than 30% of income (and none of the above problems)	570	1,335	1,045	120	3,070	460	670	1,098	595	2,823
Zero/negative Income (and none of the above problems)	154	0	0	0	154	180	0	0	0	180

HUD Table 7 - Housing Problems *Data Source: 2011-2015 CHAS*

Cost Burden: Over 80% of low income households have been paying more than 30-50% of their income for housing costs and the cohort impacted most significantly are renters with very low incomes less than 50% of the AMI.

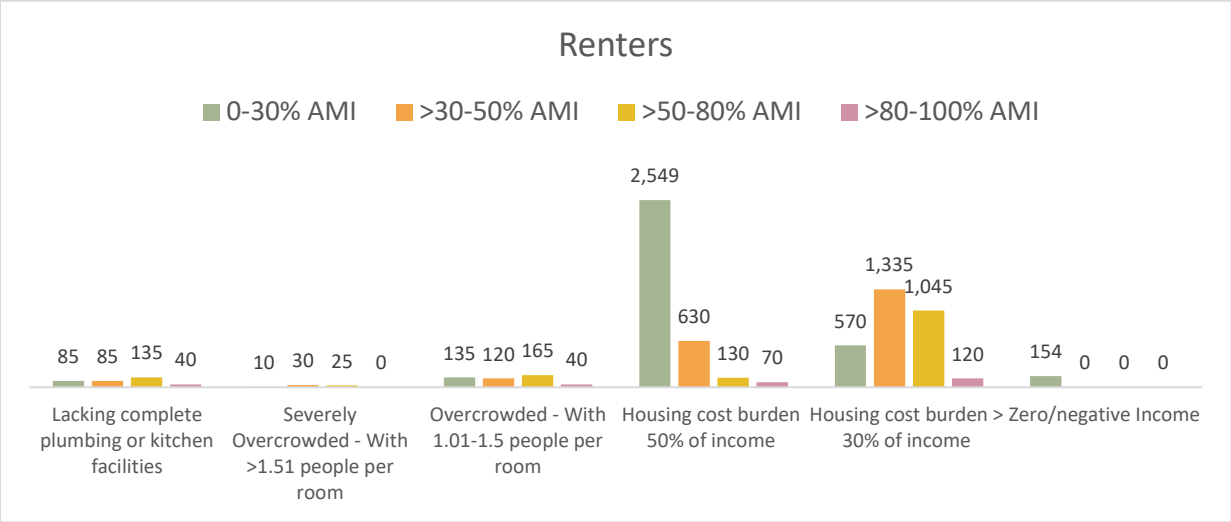


Chart is included in PDF version of the plan - uploaded as an IDIS Attachment

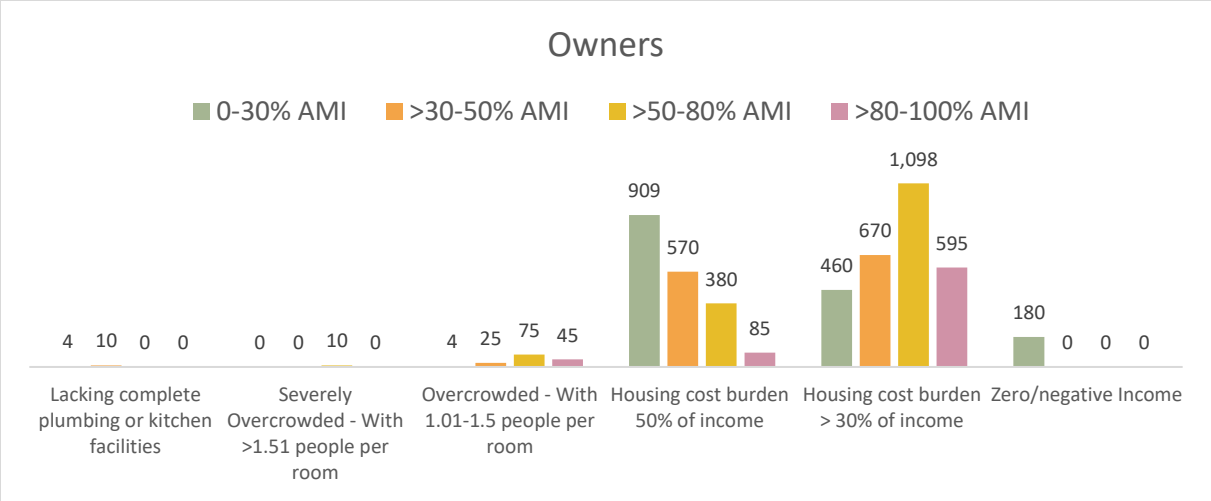


Chart is included in PDF version of the plan - uploaded as an IDIS Attachment

2. Housing Problems 2

Households with One+ Severe Housing Problems: Lacks kitchen or complete plumbing, severe overcrowding, severe cost burden

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
NUMBER OF HOUSEHOLDS										
Having 1 or more of four housing problems	2,779	865	460	150	4,254	919	605	460	130	2,114
Having none of four housing problems	1,044	2,155	3,340	1,409	7,948	725	1,845	3,725	2,840	9,135
Household has negative income, but none of the other housing problems	154	0	0	0	154	180	0	0	0	180

HUD Table 8 - Housing Problems 2 *Data Source: 2011-2015 CHAS*

Housing Problems: The majority of renters and owners in most income categories do not have any of the four identified housing problems. A slightly higher percentage of low income households have one or more of the four housing problems than all households represented in the table above.

3. Cost Burden > 30%

	Renter				Owner			
	0-30% AMI	>30-50% AMI	>50-80% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	Total
NUMBER OF HOUSEHOLDS								
Small Related	1,130	580	394	2,104	140	365	514	1,019
Large Related	45	110	85	240	19	20	205	244
Elderly	655	480	325	1,460	819	545	479	1,843
All Other Households	1,519	950	445	2,914	400	315	325	1,040
Total need by income	3,349	2,120	1,249	6,718	1,378	1,245	1,523	4,146

HUD Table 9 - Cost Burden > 30% *Data Source: 2011-2015 CHAS*

Cost Burdened Over 30%: Small related households *(two to four related members)* and the elderly represent nearly 60% of the total cost burdened renters and owners categories in the table above. Households with incomes less than 30% AMI represent 44% of the group. When separating renters from owners, the largest renter cohort paying over 30% of household income for housing expenses is the small-related cohort (32%). For owners, the largest group is the elderly (44%).

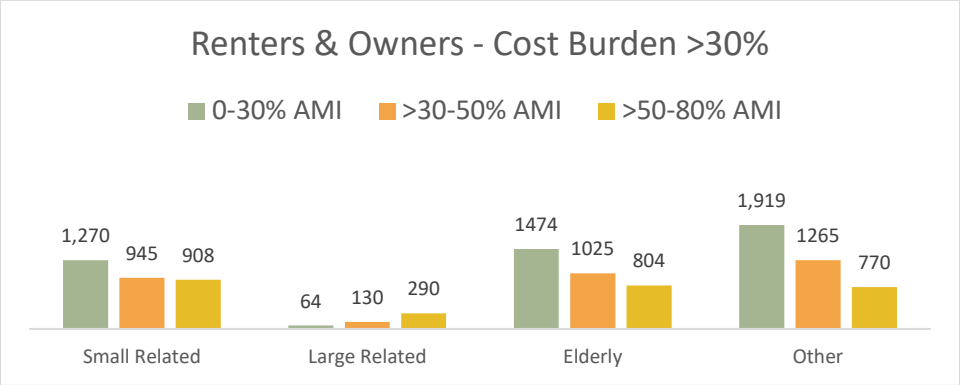


Chart is included in PDF version of the plan - uploaded as an IDIS Attachment

4. Cost Burden > 50%

	Renter				Owner			
	0-30% AMI	>30-50% AMI	>50-80% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	Total
NUMBER OF HOUSEHOLDS								
Small Related	895	170	25	1,090	105	195	160	460
Large Related	35	15	0	50	4	0	10	14
Elderly	530	275	140	945	484	205	145	834
All Other Households	1,244	230	25	1,499	325	170	65	560
Total need by income	2,704	690	190	3,584	918	570	380	1,868

HUD Table 10 - Cost Burden > 50% *Data Source: 2011-2015 CHAS*

Cost Burdened Over 50%: According to data provided in the above table, the highest need for all renter / owner household types is the zero to 30% AMI group, comprising 66% of total households. The highest need populations are the elderly followed by small-related households.

When considering renters alone, 75% of all renters with household incomes less than 30% AMI are cost burdened. Small-related and elderly households are the largest renter cohorts and comprise 57% of the overall group respectively.

Forty-nine percent of owners are in the zero to 30% AMI category. Overall, 45% of owner households are elderly followed by small-related households at 25%. Collectively, the elderly and small-related households comprise 69% of the overall homeownership households identified in the table.

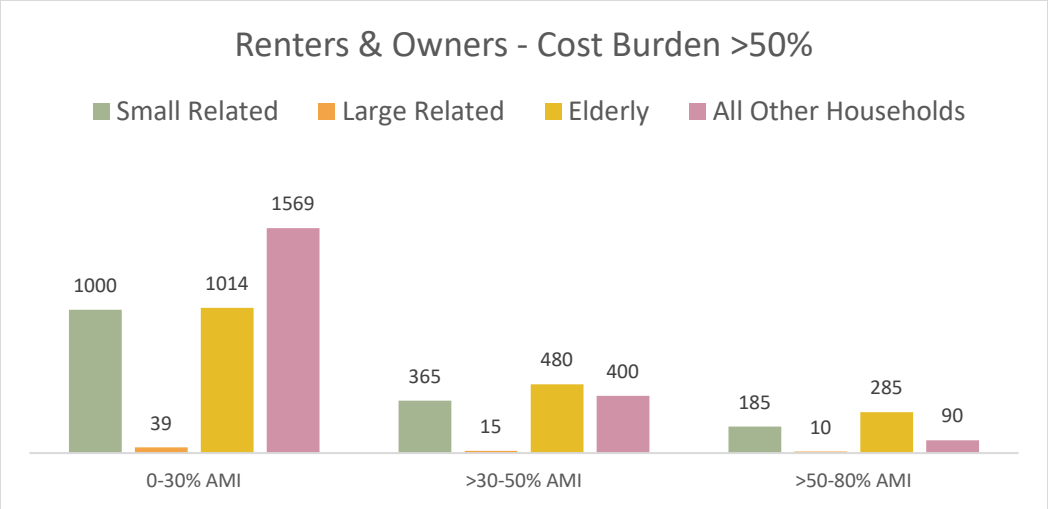


Chart is included in PDF version of the plan - uploaded as an IDIS Attachment

5. Crowding (More than one person per room)

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
NUMBER OF HOUSEHOLDS										
Single family households	145	120	190	40	495	4	0	85	35	124
Multiple, unrelated family households	0	30	0	0	30	0	25	0	15	40
Other, non-family households	10	0	0	0	10	0	0	0	0	0
Total need by income	155	150	190	40	535	4	25	85	50	164

HUD Table 11 - Crowding Information *Data Source: 2011-2015 CHAS*

Crowding: The City of Billings does not appear to have significant issues with crowding although households with very low incomes have a higher prevalence of crowding.

	Renter				Owner			
	0-30% AMI	>30-50% AMI	>50-80% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	Total
# Households with Children Present	42	40	51	133	1	7	23	31

HUD Table 12 - Crowding Information - 2 of 2 *Data Source: Statistical Atlas & 2011-2015 CHAS*

Children – Crowding: For the table above, City staff utilized Statistical Atlas to determine 26.8% of all households in Billings have children under the age of 18 in residence. HUD data was utilized with this percentage to estimate crowding by tenancy and household income.

Describe the number and type of single person households in need of housing assistance.

According to the 2010 Census, Billings had 43,945 households and one person occupied 32.6% of the homes (approximately 14,326 people / units). The percentage of people experiencing poverty may have decreased in recent years. According to Montana Quick Facts from the US Census, the 2009-2013 Billings poverty rate was 15.2%. The 2014-2018 American Community Survey estimated 10.2% of persons in Billings are experiencing poverty. Using the latter poverty estimate, 1,461 single person households may be in need of housing assistance. This estimate does not account for those individuals who have previously received assistance.

The Housing Authority of Billings has 2,220 and 2,166 single person households on their waiting list for public housing units and the Section 8 program, respectively. All of these households have incomes less than 30% of the AMI. This represents a significant need for housing assistance and smaller unit size, as the Housing Authority only manages 32 one-bedroom units at present.

Estimate the number and type of families in need of housing assistance who are disabled or victims of domestic violence, dating violence, sexual assault and stalking.

Disabled: The American Community Survey identified 13,942 disabled residents in Billings (13% of the 107,130 population in 2017).

Living Independently for Today and Tomorrow (LIFTT) is a nonprofit organization employing and serving those with disabilities. The organization provides information and service referrals, linkage with personal care assistants, assists with independent living skills and offers a peer-mentoring program. LIFTT is also an advocacy organization supporting those with disabilities in all facets of life.

According to LIFTT staff, the most pressing needs for disabled citizens in Billings is rental assistance and accessible housing, both in rentals and ownership. LIFTT receives requests for the construction of ramps and for home modifications. LIFTT advocates for the rehabilitation of current housing units and new housing construction conformity to ***visitability*** standards, which includes no-step entrances, wide hallways and an accessible ground-level bathroom. Visitability standards accommodate residents and visitors with disabilities in addition to the aging population in Billings. New housing should be placed in areas of town with accessible sidewalks and public transportation.

The Housing Authority of Billings estimates 736 households classified as *disabled* on the public housing waiting list and an additional 799 disabled households on the waiting list for the Section 8 program; nearly 37% of the total waiting list. The need in this household category is not specific to household size; all bedroom sizes can accommodate these populations.

Domestic Violence: Domestic violence is a significant issue in Billings. In 2019, the Billings Police Department responded to 613 calls, up from a previous five-year high of 580 calls in 2017. This data was retrieved from a recent Billings Gazette article regarding a new domestic violence specialty court.

The Yellowstone Women's Christian Association (YWCA) Gateway program provides housing and services for victims of domestic violence in Billings. YWCA staff previously noted a lack of affordable housing for families transitioning out of Gateway. The organization recently opened a 24 one and two bedroom apartment complex on its campus. Residents have access to YWCA services at no cost, including financial, legal, and clinical counseling; education and skills training and job placement. The Housing Authority of Billings does not collect domestic violence status on housing assistance applications. The number of people in this special needs category on the waiting list cannot be determined.

What are the most common housing problems?

Cost Burden: HUD's data indicates the greatest housing problem in Billings for both owners and renters of all income levels is housing cost burden. Over 80% of low income renter / owner households have been paying more than 30-50% of their income for housing costs. In the renter category, the largest group is small-related households followed by the elderly. For owner households, the largest group is the elderly followed by small-related households.

Other data sources report that the majority of local citizens are not worried about the cost of housing, nor are they experiencing housing cost stress. According to the Community Health Needs Assessment, less than 30% of survey respondents worry about the cost of housing. This data point is in alignment with the City's National Citizen Survey results, as approximately 70% of respondents reported that they were not experiencing housing cost stress.

Access to Housing: The most recent vacancy rates available from the Housing Authority of Billings point to a tight assisted housing rental market. The vacancy rate is less than two percent for public housing and Section 8 housing is 100% leased. There are over 6,000 households on the waiting list for assistance through the Housing Authority and over 4,300 of these are one-person households with income less than 30% AMI. These data indicate an exceptionally high need for smaller housing units affordable to extremely low income citizens.

Overall housing vacancy rates are relatively stable at five percent over the last several years. Homeownership rates have also been stable and new affordable housing development has outpaced the City's population growth. A recent article published by the Federal Reserve Bank of Minneapolis notes the growth in home pricing has greatly exceeded median household income. The median price of a home was nearly three times the median household income in 2000. In 2017, the sale price was four times the median income.

The Community Health Needs Assessment survey respondents indicate housing access issues relative to low income households, and low barrier housing for people living with mental illness. Half of the City's National Citizen Survey respondents indicate adequate housing options are available in the community, although only 32% indicate adequate access to quality, affordable housing.

Housing Quality: Surveys conducted for renters, current and potential homeowners reveals a great need for increased housing affordability, quality and availability. Low income aging, disabled, and single-parent homeowners often need help with routine repairs and maintenance to keep their homes in good condition, but simply cannot perform the work themselves or afford to hire a contractor to complete the work. Disabilities congruent with increasing age may prevent the elderly from performing maintenance and home improvement tasks. Key informants participating in the Community Health Needs Assessment note that the City does not have a housing quality code. Renters may deal with a lack of heat, pests, and substandard housing conditions. Surveys conducted for renters and current homeowners revealed great need for affordable home repair programs, including a desire for enhancements to energy-efficiency.

Are any populations/household types more affected than others by these problems?

Cost burdening impacts extremely low income *(less than 30% AMI)* households the most. In the rental housing market, small families are the most affected followed by the elderly. For owners, the elderly are most cost burdened followed by small families.

Describe the characteristics and needs of low income individuals and families with children (especially extremely low income) who are currently housed but are at imminent risk of either residing in shelters or becoming unsheltered 91.205(c)/91.305(c)). Also discuss the needs of formerly homeless families and individuals who are receiving rapid re-housing assistance and are nearing the termination of that assistance.

Poverty, coupled with limited affordable housing options, contribute to housing instability for many low income individuals and families in Billings. Persons at imminent risk of homelessness typically have a combination of influencing financial factors including a lack of living wage job, rent in excess of 30% of their income, medical or transportation costs. Households with limited incomes can also experience additional hardships, such as family conflict, domestic violence, doubled-up living arrangements, criminal history and / or mental health / chemical dependency. Any of these factors create housing instability, particularly in the event of an unforeseen or unplanned economic hardship.

Formerly homeless individuals and families need stable income commensurate with a livable wage, affordable housing, education, training, reliable transportation, health services, and employment opportunities. Families may also need affordable childcare to accommodate education and employment commitments.

If a jurisdiction provides estimates of the at-risk population(s), it should also include a description of the operational definition of the at-risk group and the methodology used to generate the estimates

The City is not including a numerical estimate of the at-risk population in Billings.

Specify particular housing characteristics that have been linked with instability and an increased risk of homelessness

The high cost of rent and deposits in Billings are contributing factors to housing instability. These issues are compounded when the City's vacancy rate for assisted rental units is below two percent.

Discussion

In conclusion, cost burden is the most significant housing issue for low income households. Smaller families and the elderly are the largest cohorts experiencing housing cost burden. Over 80% of low income households have been paying greater than 30-50% of their income for housing costs. For renters, the cost burden is more significate with small related households followed by the elderly. With homeowners, cost burden is more significant with the elderly followed by small related households.

Homeownership housing pricing has outpaced income levels indicating a continued need for down payment and closing costs assistance to promote housing stability for low income families. The high percentage of elderly homeowners experiencing housing cost burden indicates the need for home repair programs.

There are enough housing units in Billings to accommodate the population, although there is a housing deficit of over 4,700 units for households with incomes less than 30% of the AMI. The total number of affordable units for the 50% and 80% AMI households exceeds the need. This has created a surplus of 1,193 housing units for 50% AMI households and over 9,000 units for households with incomes up to 80%

AMI. Many affordable units are occupied by higher income households. The data indicates a need for the development of housing units affordable to extremely low income families. There appears to be a surplus of housing affordable to higher income cohorts. Housing developers might consider converting existing, larger housing units to accommodate smaller families and single-person households.

The Housing Authority of Billings manages several federal housing programs and maintains a high performance status. The waiting list for access to Housing Authority units is particularly concerning. There are over 6,200 households on the Housing Authority of Billings waiting lists. Single-person households are the largest cohort on the waiting list, indicating a clear need for housing development or conversion to meet the needs of smaller households. Availability of housing affordable to very low income households is also a significant issue. Over 2,000 households are waiting for single-person housing. The high number of single-person households on the Housing Authority's waiting list indicates the need to expand the number of publicly assisted rental units.

NA-15 Disproportionately Greater Need: Housing Problems *91.205 (b)(2)*

Assess the need of any racial or ethnic group that has disproportionately greater need in comparison to the needs of that category of need as a whole. For this purpose, disproportionately greater needs exist when the percentage of persons in a category of need who are members of a particular racial or ethnic group is at least ten percentage points higher than the percentage of persons in the category as a whole.

Introduction

For the purposes of data analysis, HUD has provided data from the 2011-2015 Comprehensive Housing Affordability Strategy (CHAS) to demonstrate the number of households with certain housing problems in each income strata. This data is derived from the American Community Survey (ACS).

0%-30% of Area Median Income

Housing Problems - Lacks complete kitchen facilities - Lacks complete plumbing facilities - More than one person per room - Cost burden > 30%	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems	Percentage in need and comparison to baseline data	
Jurisdiction as a whole	4,728	734	334	82%	Baseline
White	3,814	624	309	80%	Similar
Black / African American	60	0	0	100%	Higher
Asian	35	0	0	100%	Higher
American Indian, Alaska Native	385	100	15	77%	Similar
Pacific Islander	0	0	0	-	-
Hispanic	334	14	10	93%	Higher

HUD Table 13 - Disproportionally Greater Need 0 - 30% AMI *Data Source: 2011-2015 CHAS*

Zero to 30% AMI - Housing Problems: The total number of households for the jurisdiction as a whole is 5,796 in the zero to 30% AMI category. The above table illustrates 82% of the jurisdiction as a whole *(baseline)* is experiencing one or more of the four housing problems, similar to the White and American populations. Black / African American, Asian, and Hispanic households are disproportionately impacted by housing problems. The Black / African American and Asian population represents less than two percent of the total population in this chart. However, the Hispanic cohort represents over six percent of the total population in this chart. Collectively, minorities with higher need than the baseline measurement comprise nearly eight percent of the total cohort.

30%-50% of Area Median Income

Housing Problems - Lacks complete kitchen facilities - Lacks complete plumbing facilities - More than one person per room - Cost burden > 30%	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems	Percentage in need and comparison to baseline data	
Jurisdiction as a whole	3,465	1,995	0	63%	Baseline
White	2,920	1,860	0	61%	Similar
Black / African American	85	0	0	100%	Higher
Asian	0	0	0	-	-
American Indian, Alaska Native	170	25	0	87%	Higher
Pacific Islander	0	0	0	-	-
Hispanic	260	60	0	81%	Higher

HUD Table 14 - Disproportionally Greater Need 30 - 50% AMI *Data Source: 2011-2015 CHAS*

30% to 50% AMI - Housing Problems: The total number of households for the jurisdiction as a whole is 5,460 in the 30% to 50% AMI category. The table above illustrates data showing 63% of the jurisdiction as a whole has one or more housing problems, similar to the White population. When compared to the jurisdiction as a whole, a higher percentage of Black / African American, American Indian, and Hispanic households have at least one housing problem. These minority populations represent nearly 11% of the total households in this category.

50%-80% of Area Median Income

Housing Problems - Lacks complete kitchen facilities - Lacks complete plumbing facilities - More than one person per room - Cost burden > 30%	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems	Percentage in need and comparison to baseline data	
Jurisdiction as a whole	3,059	4,920	0	38%	Baseline
White	2,529	4,420	0	36%	Similar
Black / African American	99	0	0	-	-
Asian	19	0	0	100%	Higher
American Indian, Alaska Native	180	140	0	56%	Higher
Pacific Islander	10	0	0	100%	Higher
Hispanic	130	299	0	30%	Lower

HUD Table 15 - Disproportionally Greater Need 50 - 80% AMI *Data Source: 2011-2015 CHAS*

50% to 80% AMI - Housing Problems: The total number of households for the jurisdiction as a whole is 7,979 in the 50% to 80% AMI category. The table above illustrates data showing 38% of the jurisdiction as a whole has one or more housing problems, similar to the White population. This baseline measurement is eight percent lower than the Hispanic population in the chart. The Asian, American Indian, and Pacific Islander populations in this chart have at least one housing problem. Collectively, this minority cohort represents just over four percent of the total households represented in the chart.

80%-100% of Area Median Income

Housing Problems - Lacks complete kitchen facilities - Lacks complete plumbing facilities - More than one person per room - Cost burden > 30%	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems	Percentage in need and comparison to baseline data	
Jurisdiction as a whole	995	3,533	995	18%	Baseline
White	910	3,283	910	18%	Same
Black / African American	0	0	0	-	-
Asian	20	15	20	36%	Higher
American Indian, Alaska Native	15	55	15	18%	Same
Pacific Islander	0	0	0	-	-
Hispanic	4	120	4	3%	Lower

HUD Table 16 - Disproportionally Greater Need 80 - 100% AMI *Data Source: 2011-2015 CHAS*

80% to 100% AMI - Housing Problems: The total number of households for the jurisdiction as a whole is 5,523 in the 80% to 100% AMI category. The above table illustrates data showing 18% of the jurisdiction as a whole has one or more housing problems, the same as White and American Indian populations. The Asian population has a much higher percentage of households with at least one housing problem. This cohort represents approximately one percent of the table's population.

Discussion

When considering the zero to 80% AMI households collectively, nearly 60% of the households have one or more of the four housing problems. The HUD tables above indicate 1,767 minority households from zero to 80% AMI have disproportionately greater need for resolution of one or more housing problem. A higher percentage of low income Black, Asian, Native American, and Hispanic families have one or more housing problem. Housing problems are impediments to fair housing choice for these cohorts.

The majority of local citizens are White, although the city is becoming more diverse. According to the Diversity Data website, Whites made up 91.5% of the population in Billings in the year 2000. This has decreased to 88.7% of the population by 2010 and to 87% in 2012. The greatest percentage change in the resident population by race and ethnicity appears to be greatest for the City's multi-racial category of two or more races, followed by African Americans, American Indians, Hispanic Americans and Asians. The overall change in population for the White cohort is just over ten percent.

The Analysis of Impediments to Fair Housing Choice identified a dual housing market; one for Whites and Asians and one for American Indians, Hispanics and African Americans. Differences between actual and expected racial / ethnic census tract composition are likely due to housing discrimination. The probability of a dual, discriminative market exacerbates access to local housing, particularly for minorities and special populations.



Chart is included in PDF version of the plan - uploaded as an IDIS Attachment

NA-20 Disproportionately Greater Need: Severe Housing Problems *91.205 (b)(2)*

Assess the need of any racial or ethnic group that has disproportionately greater need in comparison to the needs of that category of need as a whole. For this purpose, disproportionately greater needs exist when the percentage of persons in a category of need who are members of a particular racial or ethnic group is at least ten percentage points higher than the percentage of persons in the category as a whole.

Introduction

For the purposes of data analysis, HUD has provided data from the 2011-2015 Comprehensive Housing Affordability Strategy (CHAS) to demonstrate the number of households with certain housing problems in each income strata. This data is derived from the American Community Survey (ACS).

0%-30% of Area Median Income

Severe Housing Problems - Lacks complete kitchen facilities - Lacks complete plumbing facilities - More than 1.5 persons per room - Cost burden > 50%	**Has one or more of four housing problems**	**Has none of the four housing problems**	**Household has no/negative income, but none of the other housing problems**	**Percentage in need and comparison to baseline data**	
Jurisdiction as a whole	3,698	1,769	334	64%	Baseline
White	3,049	1,384	309	64%	Same
Black / African American	50	10	0	83%	Higher
Asian	0	35	0	0%	Lower
American Indian, Alaska Native	300	185	15	60%	Lower
Pacific Islander	0	0	0	-	-
Hispanic	214	130	10	60%	Lower

HUD Table 17 - Severe Housing Problems 0 - 30% AMI *Data Source: 2011-2015 CHAS*

Zero to 30% AMI - Severe Housing Problems: The majority of households in this income category have one or more of the listed housing problems overall. Asian, American Indian, and Hispanic households rank lower than the jurisdiction as a whole. However, the Black cohort has a higher percentage of households with one or more housing problem than the overall cohort population.

30%-50% of Area Median Income

Severe Housing Problems - Lacks complete kitchen facilities - Lacks complete plumbing facilities - More than 1.5 persons per room - Cost burden > 50%	**Has one or more of four housing problems**	**Has none of the four housing problems**	**Household has no/negative income, but none of the other housing problems**	**Percentage in need and comparison to baseline data**	
Jurisdiction as a whole	1,470	4,000	0	27%	Baseline
White	1,235	3,545	0	26%	Similar
Black / African American	4	80	0	5%	Lower
Asian	0	0	0	-	-
American Indian, Alaska Native	120	75	0	62%	Higher
Pacific Islander	0	0	0	-	-
Hispanic	85	235	0	27%	Same

HUD Table 18 - Severe Housing Problems 30 - 50% AMI *Data Source: 2011-2015 CHAS*

30% to 50% AMI - Severe Housing Problems: African Americans appear to have a lower percentage of persons in need compared to the jurisdiction as a whole. The American Indian population has a much higher percentage of housing problems when compared to any other cohort.

50%-80% of Area Median Income

Severe Housing Problems - Lacks complete kitchen facilities - Lacks complete plumbing facilities - More than 1.5 persons per room - Cost burden > 50%	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems	Percentage in need and comparison to baseline data	
Jurisdiction as a whole	920	7,065	0	12%	Baseline
White	720	6,245	0	10%	Similar
Black / African American	25	74	0	-	-
Asian	0	19	0	0%	Lower
American Indian, Alaska Native	135	185	0	42%	Higher
Pacific Islander	0	10	0	0%	Lower
Hispanic	30	409	0	7%	Lower

HUD Table 19 - Severe Housing Problems 50 - 80% AMI *Data Source: 2011-2015 CHAS*

50% to 80% AMI - Severe Housing Problems: The American Indian population is the only cohort with a higher percentage of housing problems when compared to all other cohorts.

80%-100% of Area Median Income

Severe Housing Problems - Lacks complete kitchen facilities - Lacks complete plumbing facilities - More than 1.5 persons per room - Cost burden > 50%	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems	Percentage in need and comparison to baseline data	
Jurisdiction as a whole	280	4,249	0	6%	Baseline
White	215	3,984	0	5%	Similar
Black / African American	0	0	0	-	-
Asian	20	15	0	57%	Higher
American Indian, Alaska Native	4	60	0	6%	Same
Pacific Islander	0	0	0	-	-
Hispanic	0	125	0	0%	Lower

HUD Table 20 - Severe Housing Problems 80 - 100% AMI *Data Source: 2011-2015 CHAS*

80% to 100% AMI - Severe Housing Problems: The Asian cohort is the only group with a higher percentage of housing problems when compared to all other populations. This cohort accounts for 35 households in the above table.

Discussion

When comparing the baseline percentage of households with housing problems by race and ethnicity, the Black and American Indian cohorts are disproportionately impacted by severe housing problems if the household income is below 80% AMI. Severe housing problems are impediments to fair housing choice for these cohorts.

NA-25 Disproportionately Greater Need: Housing Cost Burdens *91.205 (b)(2)*

Assess the need of any racial or ethnic group that has disproportionately greater need in comparison to the needs of that category of need as a whole. For this purpose, disproportionately greater needs exist when the percentage of persons in a category of need who are members of a particular racial or ethnic group is at least ten percentage points higher than the percentage of persons in the category as a whole.

Introduction

For the purposes of data analysis, HUD has provided data from the 2011-2015 Comprehensive Housing Affordability Strategy (CHAS) to demonstrate the number of households with certain housing problems in each income strata. This data is derived from the American Community Survey (ACS).

The following HUD Table displays the cost burden information for Billings and each racial / ethnic group, including:

- No cost burden for those paying less than 30% of household income for housing
- Cost burden for those paying 30% to 50% of household income for housing
- Severe cost burden for those paying over 50% of household income for housing

Housing Cost Burden

Housing Cost Burden	<=30% No Cost Burden	30-50% Cost Burden	>50% Severe Cost Burden	No / negative income (not computed)	Percentage in need and comparison to baseline data	
Jurisdiction as a whole	31,168	6,919	5,668	334	29%	Baseline
White	28,800	5,875	4,840	309	27%	Similar
Black / African American	105	159	60	0	68%	Higher
Asian	185	65	20	0	31%	Similar
American Indian, Alaska Native	700	290	335	15	47%	Higher
Pacific Islander	0	10	0	0	100%	Higher
Hispanic	945	400	314	10	43%	Higher

HUD Table 21 - Greater Need: Housing Cost Burdens AMI *Data Source: 2011-2015 CHAS*

Discussion

Over 44,000 households are included in the table above. According to this table, the White and Asian populations are not experiencing housing cost burden. All of the ten Pacific Islander households represented in this chart are experiencing cost burden. The Black cohort represents the next highest percentage followed by the American Indian and Hispanic groups. Over 1,600 racial / ethnic minority households under 50% AMI are experiencing housing cost burden. Housing cost burden is an impediment to fair housing choice for these cohorts.

NA-30 Disproportionately Greater Need: Discussion 91.205(b)(2)

Are there any income categories in which a racial or ethnic group has disproportionately greater need than the needs of that income category as a whole?

Disproportionately greater need in racial / ethnic minorities relative to housing problems exists at all income levels. All racial / ethnic minorities have disproportionately greater need than the needs of the overall jurisdiction population. The total number of impacted households for all income categories is 2,698; just over 2,400 of these households qualifies as low income.

The American Indian population is the only cohort that is experiencing disproportionate need relative to one or more severe housing problem. This cohort represents over 1,100 families.

If they have needs not identified above, what are those needs?

The homeownership rate in Billings is much higher for the overall population, predominantly White, when compared to the rate of American Indian, Black, Hispanic and Asian residents. The highest percentage of people living in ownership housing are Whites, followed by Asians, Pacific Islanders, Hispanics, Blacks and American Indians. The percentage of people living in rental housing is directly opposite, with American Indians in the lead.

2010 Census - Billings	*Total Population in Occupied Housing Units*	*Mortgage*	*No Mortgage*	*Owner Occupied*	*% of Population in Owned Housing*	*Renter Occupied*	*% of Population in Rented Housing*
White Alone	92,227	48,969	15,451	64,420	70%	27,807	30%
Asian	597	299	68	367	61%	230	39%
Pacific Islander	105	45	6	51	49%	54	51%
Hispanic	4,182	1,654	336	1,990	48%	2,192	52%
African American	679	229	41	270	40%	409	60%
American Indian	3,964	934	166	1,100	28%	2,864	72%

Data Source: 2010 Census, Table is included in PDF version of the plan - uploaded as an IDIS Attachment

Are any of those racial or ethnic groups located in specific areas or neighborhoods in your community?

Minorities appear more concentrated in several areas of the City. The Billings 2013 Analysis of Impediments to Fair Housing Choice indicated that the City has a rare opportunity to prevent segregation from developing. The early stages of segregation were identified in Census tracts 3.0, 9.02, and 2.0 with a pattern of segregation moving westward. There appears to be an isolated minority concentration on the far west end of Billings (Census Tract 17.03) with a ten percent minority population.

NA-35 Public Housing 91.205(b)

Introduction

The Housing Authority of Billings is responsible for the administration of the public housing and Section 8 programs for the community. The Housing Authority is an independent organization established under the laws of the State of Montana. The City of Billings' Mayor appoints Board members for the Housing Authority.

The mission of the Housing Authority of Billings is to help families and individuals with lower incomes achieve greater stability and self-reliance by providing safe, affordable, quality housing and links to the community. The Housing Authority of Billings' five-year plan describes specific goals and objectives and the plan is available for review at the Housing Authority of Billings office located at 2415 1st Avenue North, Billings, Montana.

Shelter Plus Care, Single Room Occupancy and Supportive Housing Program funding amounts are not included in the City's Action Plan, as the funds are not available for allocation through the City's Consolidated Plan process. Funding allocated to the Housing Authority of Billings is contained in their Annual Action Plan and the City is not duplicating the reporting requirements that already exist in the Public Housing Agency Plan.

City staff enjoy a positive, collaborative relationship with the Housing Authority of Billings for affordable housing and community development projects. The City provided the Housing Authority of Billings $1,543,191 in CDBG and HOME funding from 1996 to 2014 to support affordable housing, including: family self-sufficiency; tenant-based rental assistance; low income area infrastructure; and affordable housing development. This funding has aided in the development of 75 new affordable housing units.

Totals in Use

	Program Type								
				Vouchers					
							Special Purpose Voucher		
	Certificate	Mod-Rehab	Public Housing	Total	Project -based	Tenant -based	Veterans Affairs Supportive Housing	Family Unification Program	Disabled*
# of units vouchers in use	0	0	269	539	0	493	30	0	0

*includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-Year, and Nursing Home Transition

HUD Table 22 - Public Housing by Program Type *Data Source: PIC (PIH Information Center)*

Housing Authority of Billings (HAB) Assistance Program Usage / Demand - February 2020

Assistance Programs	Vouchers / Units in Use	Current Waiting List
HAB Housing Choice Voucher / Section 8 (Certificate)	688	2,168
Moderate Rehabilitation Section 8	33	0
Public Housing (Income Eligibility)	274	3,292
Section 8 Project-Based Vouchers	102	96
Department of Commerce Housing Choice Voucher Managed through HAB	450	469
Veterans Affairs Supportive Housing (VASH) Housing Choice Vouchers	80	50
Shelter Plus Care Vouchers	0	0
HOME Units	35	50
Tax Credit Units	62	100
Total:	**1,724**	**6,225**

Source: Housing Authority of Billings – Entered as Table in IDIS

Characteristics of Residents

	Program Type							
				Vouchers				
							Special Purpose Voucher	
	Certificate	Mod-Rehab	Public Housing	Total	Project -based	Tenant - based	Veterans Affairs Supportive Housing	Family Unification Program
Average Annual Income	0	0	12,898	10,761	0	10,715	8,585	0
Average length of stay	0	0	4	4	0	4	0	0
Average Household size	0	0	3	2	0	2	1	0
# Homeless at admission	0	0	0	0	0	0	0	0
# of Elderly Program Participants (>62)	0	0	18	90	0	83	6	0
# of Disabled Families	0	0	52	205	0	186	10	0
# of Families requesting accessibility features	0	0	269	N/A	N/A	N/A	N/A	N/A
# of HIV/AIDS program participants	0	0	0	0	0	0	0	0
# of DV victims	0	0	0	0	0	0	0	0

HUD Table 23 - Characteristics of Public Housing Residents by Program Type *Data Source: PIC (PIH Information Center)*

Race of Residents

Program Type									
Race	Certificate	Mod-Rehab	Public Housing	Vouchers					
				Total	Project-based	Tenant-based	Special Purpose Voucher		
							Veterans Affairs Supportive Housing	Family Unification Program	Disabled*
White	0	0	162	430	0	390	25	0	0
Black/African American	0	0	6	19	0	18	1	0	0
Asian	0	0	0	4	0	4	0	0	0
American Indian/Alaska Native	0	0	100	84	0	80	3	0	0
Pacific Islander	0	0	1	2	0	1	1	0	0
Other	0	0	0	0	0	0	0	0	0
*includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-Year, and Nursing Home Transition									

HUD Table 24 - Race of Public Housing Residents by Program Type *Data Source: PIC (PIH Information Center)*

Ethnicity of Residents

Program Type									
Ethnicity	Certificate	Mod-Rehab	Public Housing	Vouchers					
				Total	Project-based	Tenant-based	Special Purpose Voucher		
							Veterans Affairs Supportive Housing	Family Unification Program	Disabled*
Hispanic	0	0	9	47	0	41	5	0	0
Not Hispanic	0	0	260	492	0	452	25	0	0
*includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-Year, and Nursing Home Transition									

HUD Table 25 - Ethnicity of Public Housing Residents by Program Type *Data Source: PIC (PIH Information Center)*

Section 504 Needs Assessment: Describe the needs of public housing tenants and applicants on the waiting list for accessible units

Public Housing Tenant Needs: Data provided in the Housing Authority's Usage / Demand table represent the total number of vouchers and units available in the Billings area. The Public Housing program has a waiting list of over 3,000 households while only 274 units are available.

Waiting List for Accessible Units: The Housing Authority serves many households with a variety of special needs due to a disability. The Public Housing program has 37 handicap accessible units and the Housing Authority corporate subsidiary has 31 adaptable units. The Housing Authority has added several fully accessible and adaptable units of varying unit sizes to ensure accessibility for all applicant types including the vision impaired, hearing impaired or wheelchair accessible to accommodate the mobility impaired. When a wheelchair accessible unit becomes available, the Housing Authority staff spend several weeks trying to find an applicant with those needs ready to move, making the units sometimes difficult to fill.

What are the number and type of families on the waiting lists for public housing and Section 8 tenant-based rental assistance? What are the most immediate needs of residents of Public Housing and Housing Choice voucher holders?

There are 3,292 households on the Public Housing waiting list and 2,168 households on the Section 8 tenant-based waiting list. This indicates a high need for deposit, rent, and mortgage assistance. Applicants currently on all waiting lists by unit size are as follows:

- One bedroom: 2,220
- Two bedroom: 622
- Three bedroom: 211
- Four bedroom: 239

This data supports the high need for smaller units, particularly one-bedroom rentals. The Housing Authority of Billings only has 32 one-bedroom public housing units, indicating a high need for access to affordable housing coupled with a need for housing assistance. The elderly and disabled are typically higher need and placed first, leaving the remaining households on the waiting list.

The Housing Authority can meet the needs of hundreds of households through the Housing Choice Voucher / Section 8 program while thousands of households remain on the waiting list. Section 8 clients often have a difficult time finding units they can rent in higher income areas. Many rental units in Billings are too expensive for prospective tenants to use their Section 8 voucher. Housing Authority of Billings staff indicates many of those issued a voucher are actually unable to find a rental unit.

Voucher holders typically have less income, which makes daily life more challenging on most levels. Many need access to basic necessities such as education, literacy, transportation, employment, parenting skills, access to preschool, medical care / coverage and funds to support daycare expenses. They also need support to be able to follow through with program compliance and develop better skills to obtain higher paying jobs in the community.

How do these needs compare to the housing needs of the population at large

The needs of voucher holders greatly exceeds the housing needs of the population at large. Competition to secure housing often favors households who do not have credit barrier, can come up with required deposits and can pay premium rates for housing units. Additionally, the population at large is able to access housing in wide range of income areas, unlike voucher holders who are often unable to find affordable units in higher income areas that will accept their Section 8 voucher.

Introduction

The overall homeless population includes easily visible cohorts and others that are less visible, including unaccompanied youth, families, single adults, veterans and the working poor. Homelessness is not a lifestyle choice for the majority of those experiencing it. According to the Montana point-in-time count, there were 465 people experiencing homelessness in January 2019. Previous surveys indicate a decrease in homelessness in Billings by over 200 people. An article in the Billings Gazette noted that homelessness in Billings increased in 2017 by ~29% with 709 individuals participating in the point-in-time count.

Bob Buzzas, Montana Continuum of Care, provided data for the charts in this section. The grey columns contain information the Montana Continuum of Care does not submit to the HUD Data Exchange nor does it have an effective method for estimating this data.

Homeless Needs Assessment

Population	Estimate # of persons experiencing homelessness on a given night		Estimate # experiencing homelessness each year	Estimate # becoming homeless each year	Estimate # exiting homelessness each year	Estimate the # of days persons experience homelessness
	Unsheltered	Sheltered				
Persons in Households with Adult(s) and Child(ren)	6	45				
Persons in Households with Only Children	0	2				
Persons in Households with Only Adults	47	113				
Chronically Homeless Individuals	8	14				
Chronically Homeless Families	6	25				
Veterans	6	23				
Unaccompanied Youth	0	2				
Persons with HIV	0	0				

HUD Table - Data Source: Bob Buzzas, Montana Continuum of Care, February 2020

If data is not available for the categories "number of persons becoming and exiting homelessness each year," and "number of days that persons experience homelessness," describe these categories for each homeless population type (including chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth):

Chronically homeless individuals are often the most visible amongst the homeless population. HUD defines *chronic homelessness* as having a disability and either having been homeless for over a year or having experienced at least four episodes of homelessness within the past three years. In Billings, only seven percent of those represented in the charts above were chronically homeless individuals. An additional ten percent of those counted were chronically homeless families. Seventeen percent of those experiencing homelessness in Billings are households with adults and children. Veterans comprise ten percent of the overall homeless population and unaccompanied youth represent less than one percent of the total population.

Estimate the number and type of families in need of housing assistance for families with children and the families of veterans

According to the data provided in the above tables, there are 51 persons in households with adults and children and 29 veterans. Data is not available relative to the needs of families of veterans.

Describe the Nature and Extent of Homelessness by Racial and Ethnic Group

According to the data provided herein, the Billings homeless population is predominantly White (52%). American Indians are the largest and most disproportionately represented minority group amongst the homeless community. Despite representing less than four percent of the general population in Billings (2017 American Community Survey), American Indians represent 41% of the total homeless population. The Hispanic population represents 18% of the homeless population identified in the chart below and just over five percent of the overall population is Hispanic in Billings.

Nature and Extent of Homelessness

Race:	Sheltered	Unsheltered
White	70	18
Black or African American	6	1
Asian	1	1
American Indian	44	26
Pacific Islander	1	3
Ethnicity:	**Sheltered**	**Unsheltered**
Hispanic	21	14
Not Hispanic	119	39

HUD Table - Data Source: Bob Buzzas, Montana Continuum of Care Coalition
February 2020

Describe the Nature and Extent of Unsheltered and Sheltered Homelessness

Pursuant to the HEARTH Act, sheltered and unsheltered homeless are defined as follows:

- **Sheltered Homeless:** An individual or family living in a supervised publicly or privately operated shelter designed to provide temporary living arrangements *(including congregated shelters, transitional housing, and hotels and motels paid for by charitable organization or by federal, state, or local government).*
- **Unsheltered Homeless:** An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground.

Seventy-five percent of those represented in the charts above were sheltered and 75% were reportedly sheltered.

Introduction

HUD requires the City to describe, to the greatest extent practicable, the level of housing need for persons who are not homeless but require supportive housing, including the elderly, frail elderly, persons with disabilities, persons with alcohol or other drug addiction, persons with HIV/AIDS and their families, and victims of domestic violence, dating violence, sexual assault and stalking.

American Community Survey and Census estimates may be useful at some level to determine overall disability rates, it is also important to note the margin of error for some data sets is quite large in many combined categories.

Describe the characteristics of special needs populations in your community

Elderly (ages 62+): There are 109,550 people living in Billings (2018 Census estimates) and 16.4% of the total population in Billings is aged 65 and older, totaling 17,966 people.

Frail Elderly *(requires assistance with three or more activities of daily living, such as bathing, walking, and performing light housework):* The 2017 five-year American Community Survey estimated 1,268 people between the ages of 65 and 74 with a disability *(+/-165)* and an additional 1,382 *(+/- 187)* aged 75 years and older with a disability. The survey provided estimates for people over the age of 65 with the following difficulties: hearing *(1,093 people, +/- 324);* vision *(364 people, +/- 138);* self-care *(1,185 people, +/- 746);* or independent living *(4,793 people, +/- 1,067).*

Persons with Disabilities: The American Community Survey estimates indicate a civilian non-institutionalized population of 107,620 individuals, of which, 13.5% / 13,594, have a disability. Just over 12% of the White population is disabled while nearly 19% of those reporting two or more races are disabled.

Addiction: Montana's Office of Epidemiology and Scientific Support provides recent statistics on drug / alcohol use. The annual death rate from alcohol-related causes is much higher than the national rate (42 deaths per 100,000 people versus 29 in the nation). The Community Health Needs Assessment indicates 205 area adults are excessive drinkers.

Mental Health: The Office of Epidemiology and Scientific Support alcohol states 270 Montana citizens die by suicide each year and in 2017, the suicide rate was two times higher than the national *rate (29 deaths per 100,000 people versus 14 deaths per 100,000 people in the United States).* Males account for 80% of suicide deaths in Montana. One in ten high school students reported having attempted suicide in the past twelve months. According to the Community Health Needs Assessment, behavioral health is the most difficult health care option to access in the county.

Persons with HIV/AIDS: According to the Montana Department of Health and Human Services, approximately 21 people are diagnosed with HIV each year. In 2018, 24 newly diagnosed HIV cases were reported in Montana. Data is not currently available relative to the number of cases in Billings.

Domestic Violence Victims: Over 20% of Community Health Needs Assessment survey respondents indicate they have been a victim of domestic violence at least one time in their life. This figure is higher than the nation's 14% data point.

What are the housing and supportive service needs of these populations and how are these needs determined?

One of the most significant housing problems in Billings for both owners and renters of all income levels and populations is housing cost burden. Single-person households with incomes less than 30% AMI are also a very high need as per the Housing Authority of Billings waiting list. Nearly 1,800 minority households with incomes less than 80% AMI are experiencing one or more housing problems.

Elderly: Housing affordability continues to be a challenge for the elderly, particularly those who are homeowners.

Persons with Disabilities, HIV/AIDS and Domestic Violence Victims: Service providers indicate continued need for rental housing assistance and owner-occupied housing rehabilitation. Supportive services include linkage to transportation, medical / dental care, child care, reliable and sustainable food sources, and case management.

Addicted Persons: The development of sober living housing options are in demand in Billings, along with behavioral / addiction health services. Additionally, a short-term sobering center with accelerated access to inpatient, detoxification treatment and long-term addiction treatment options would be helpful in serving addicted persons.

Discuss the size and characteristics of the population with HIV/AIDS and their families within the Eligible Metropolitan Statistical Area

The Community Health Needs Assessment indicates 103 individuals in Yellowstone County are living with HIV. Nearly 75% of new HIV infections occur in men and 45% of new infections occur in African Americans, 35% in Whites, and 17% in Hispanics.

NA-50 Non-Housing Community Development Needs 91.215 (f)

Describe the jurisdiction's need for Public Facilities

Information on local nonprofits who manage senior centers, facilities for the disabled, facilities serving the homeless, youth centers, child care and health facilities can be found in other sections of this Consolidated Plan. Federal HUD funds are not presently utilized for public facilities outside of affordable housing development, but may be included in future Annual Action Plans based on funding applications submitted to the City.

For public facilities specific to City management, the Public Works Department spearheads a five-year Capital Improvement Planning process beginning each November. All City departments are given an opportunity to review past projects and proposed projects for the next five years. Worksheets aid in the development of proposals for new projects and financial or descriptive modifications to existing projects. By mid-January, projects are prioritized based on input from the public during the course of the year. Every two years in February, the Public Works Department holds two public hearings to review the Capital Improvement Plan in order to garner need and prioritize projects over the next five years. For a full listing of CIP projects, the entire plan can be found online here.

Current public facility needs include the development of two new fire stations to meet national standards. The new stations would be located in the Heights (northern Billings) and on the western area of Billings. The area covered by the fire department has increased significantly and needs have outpaced fire station capacity. Construction of the new stations may be included in future efforts to pass a public safety mill levy. Other public facility needs have been identified in the Capital Improvement Plan available online.

How were these needs determined?

Needs are determined through public hearings and input gathered throughout the year. Data from the Billings Police and Fire Departments has also been provided during public meetings and is available on the City's website.

The City has also conducted extensive *Citizen Surveys* to garner feedback regarding community needs. The Citizen Surveys can be found on the City's website at the following link. The survey focuses on many City attributes, including: community quality; design; public safety; environmental stability; recreation and wellness; community inclusiveness; civic engagement; and public trust. Most residents rated the overall quality of life in Billings positively. Compared to national benchmarks, employment opportunities ranked much higher in Billings.

Describe the jurisdiction's need for Public Improvements

The need for public improvements is outlined in the City's current Capital Improvement Plan. Please see information provided above.

How were these needs determined?

Please see information provided above.

Describe the jurisdiction's need for Public Services

City Public Services: The City's Citizen Survey's open-ended questions indicated a strong need for public safety including response to crime and safety services. Data provided by the Billings Police Department indicate historic increases in violent and property crime. Crime rates are driven largely by addiction and mental illness.

Improvements to downtown safety include increased foot, bike, and vehicle patrols along with improved crime mapping analysis and interventions. Staffing needs to be increased to support prosecutor caseloads. Special emphasis on crime prevention efforts, code enforcement, and traffic safety have also been identified as jurisdictional public service needs.

Food Security and Poverty-Impact: According to local social service providers, there is a demonstrated need for food security and poverty-impact initiatives in the Billings area. Many individuals are experiencing housing cost burden, which constrains household income available to meet other basic needs. Social service agencies serving the elderly note specific food security issues as a high need.

Health Care: Lower income residents are experiencing poorer health due to lack of access to medical and dental care, mental and physical health issues, and unhealthy behaviors. They are also classified as having greater health risk and a higher prevalence of chronic conditions than higher income individuals. Access to healthcare coverage continues to be an issue for many low income households.

How were these needs determined?

As previously noted, the City's Citizen Survey reports and Community Health Needs Assessment were utilized to determine needs. Additional consultation was completed with local social service providers.

Section IV: Housing Market Analysis

MA-05 Overview

Housing Market Analysis Overview

Billings is the largest and most populated city in Montana. The City spans over 44 square miles and approximately 110,000 people reside within the city limits. The City has prospered economically and has been able to withstand market changes like the recession. However, there are more significant housing issues that need to be addressed.

The majority of low income households in Billings are experiencing housing cost burden. There are enough housing units to accommodate the population, however there is a significant deficit of affordable housing units available to extremely low and very low income households. Minorities are disproportionately impacted by housing problems; lacking a complete kitchen or plumbing facilities; overcrowding; and / or housing cost burden. Housing problems are a significant impediment to fair housing choice for these cohorts.

MA-10 Number of Housing Units

91.210(a)&(b)(2)

Introduction

The American Community Survey identified over 47,000 housings units in Billings; the majority are single-family residences. Over 80% of the owner-occupied housing units have three or more bedrooms while rental units are slightly smaller; 44% of rental units have two bedrooms.

The City's Growth Policy includes projections for several different growth scenarios in Billings, including anticipated costs and revenues for each. Infill and adjacent neighborhood growth was the lowest cost and highest revenue option, while low density expansion through the west end of Billings was the highest cost option. Infill and adjacent growth also has the highest anticipated return on investment at 14% compared to all other scenarios (under six percent).

The City manages 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.

All residential properties by number of units

Property Type	Number	%
1-unit, detached structure	28,790	61%
1-unit, attached structure	2,850	6%
2-4 units	5,515	12%
5-19 units	3,785	8%
20 or more units	2,934	6%
Mobile Home, boat, RV, van, etc.	3,180	7%
Total	47,054	100%

HUD Table 26 - Residential Properties by Unit Number *Data Source: 2011-2015 ACS*

Unit Size by Tenure

	Owners		Renters	
	Number	%	Number	%
No bedroom	50	0%	515	3%
1 bedroom	325	1%	4,395	27%
2 bedrooms	4,780	17%	7,154	44%
3 or more bedrooms	22,565	81%	4,300	26%
Total	27,720	99%	16,364	100%

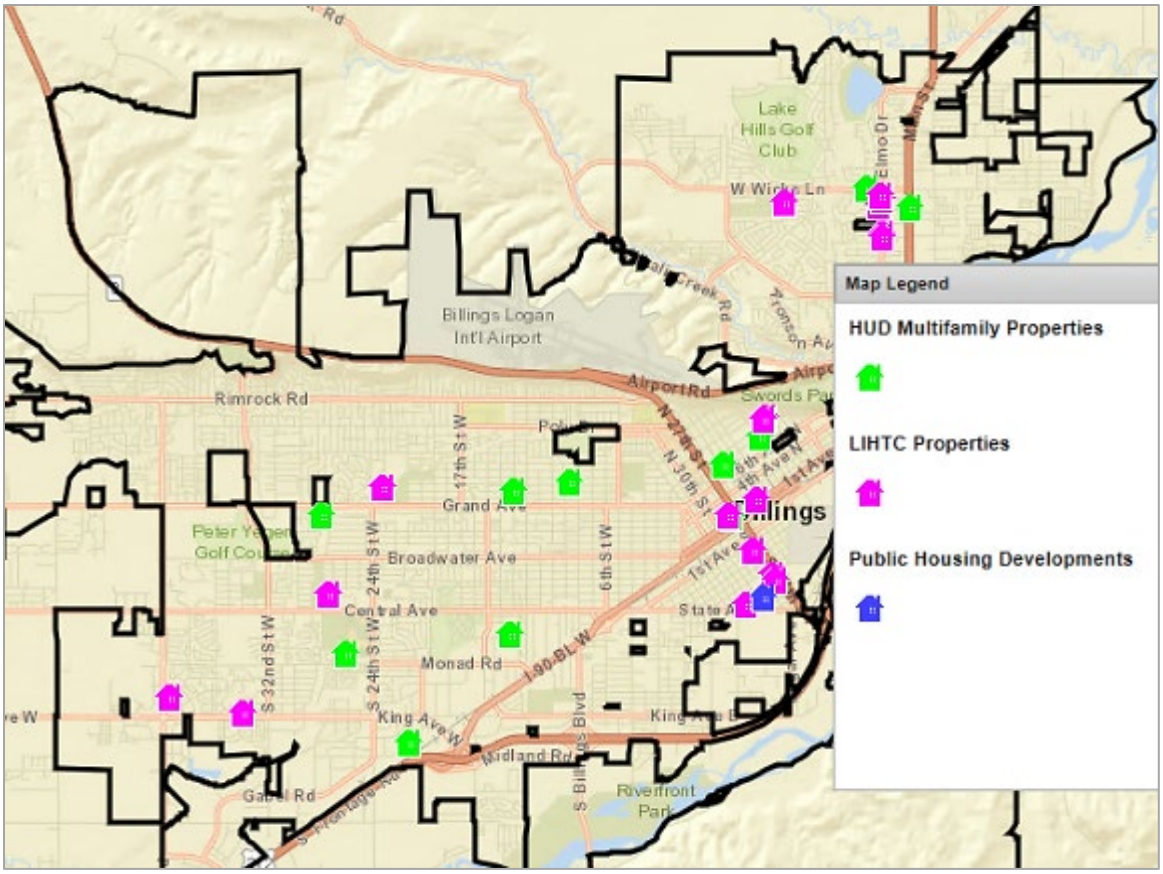
HUD Table 272 - Unit Size by Tenure *Data Source: 2011-2015 ACS*

Describe the number and targeting (income level/type of family served) of units assisted with federal, state, and local programs

Local: The City's First Time Home Buyer program assists 30 to 50 low income households under 80% AMI each year with down payment and closing costs. Several owner-occupied households are assisted in making necessary repairs through the Housing Rehabilitation program. Many of the households served through repair programs require accessibility repairs / installations to accommodate those with disabilities. The City also manages the Foreclosure Acquisition / Rehabilitation program and has acquired, rehabilitated and sold homes for the past decade. Properties are sold to households with incomes less than 80% AMI. Several of these homes have been sold to very low income families and to households with disabled person(s).

The Billings Metro VISTA Project provides health, mental health, housing, and economic development activities for nonprofits working with those experiencing poverty. Over the past five years, the VISTA members assisted nonprofit organizations in assisting 2,000 low income people with services.

The Housing Authority of Billings provides housing for over 1,700 families. Additional information regarding the services provided by the Housing Authority is located in the MA-25 section of this Consolidated Plan.



CPD Maps, https://egis.hud.gov/cpdmaps/

Federal: HUD Multifamily Properties in Billings include (but are not limited to):

- Volunteers of America, Aspen Grove, 64 Units
- Volunteers of America, Magic City Terrace, 84 Units
- Big Sky Apartments, 80 Units (78 Assisted)
- Pleasant View, 101 Units (100 Assisted)
- Sunrise Manor, 24 Units
- Grand View Apartments, 24 Units
- Rose Park Plaza, 112 Units, also a Low Income Housing Tax Credit (LIHTC) project
- Western View Apartments, 84 Units (34 Assisted)
- Beartooth Homes, 15 Units
- Fraser Tower, 64 Units, also a LIHTC project
- Prairie Tower Apartments, 109 Units (108 Assisted)
- Ponderosa Acres, 120 Units

State: Billings LIHTC Projects include (but are not limited to):

- Sage Tower, 81 Units (76 Assisted)
- Acme Hotel Apartments, 19 Units
- Agape Housing, 9 Units
- Southern Lights, 20 Units

- Central Court Village, 81 Units (80 Assisted)
- Spring Garden Apartments, 8 Units
- South Forty Apartments, 100 Units
- Shiloh Glen Apartments, 120 Units
- YWCA Gateway VISTA Apartments
- Chapel Court, 50 Units

Whitetail Run Apartments received additional federal funding to develop 32 units in 2009. An additional public housing unit is identified on the Community Planning Development (CPD) Maps website with a total of 274 units. This figure likely represents the 274 housing units owned and managed by the Housing Authority of Billings.

Affordable Housing Online has identified 27 total federally-assisted affordable rental housing projects in Billings containing 1,517 units. The number of units, on average, for affordable rentals is 56 and the largest project is West Park Village at 179 total units. Seven projects provide 477 housing units for the elderly. A total of 1,378 units also come with rental assistance to make the cost of housing affordable for very low income households.

Provide an assessment of units expected to be lost from the affordable housing inventory for any reason, such as expiration of Section 8 contracts

Outside of the sale of single-family housing units, the Housing Authority does not anticipate any loss in affordable housing units during the period of this plan. The Housing Authority plans on developing smaller housing units to better accommodate waiting list families. City staff does not anticipate the loss of other assisted housing units in the Billings community owned by other nonprofit housing providers during the period of this plan.

Does the availability of housing units meet the needs of the population?

According to the Federal Reserve Bank of Minneapolis, the population in Billings has increased by 12,300 residents, nearly eight percent, from 2010 to 2018. The local housing market has produced about 8,400 units since 2010, representing a nearly 12% increase. The majority of these housing units are single-family residences. Given these figures, housing development is outpacing population growth.

However, the housing needs of extremely and very low income households have been exacerbated by rising costs and there are not enough rental housing units affordable. The number of low income renters outnumber the supply of housing units they can afford.

There are enough housing units in Billings to accommodate the population, although there is a housing deficit of over 4,700 units for households with incomes less than 30% of the AMI. The total number of affordable units for the 50% and 80% AMI households exceeds the need. This has created a surplus of 1,193 housing units for 50% AMI households and over 9,000 units for households with incomes up to 80% AMI. Many affordable units are occupied by higher income households.

The Housing Authority of Billings manages several federal housing programs and maintains a high performance status. The waiting list for access to Housing Authority units is particularly concerning. There

are over 6,200 households on the Housing Authority of Billings waiting lists. Single-person households are the largest cohort on the waiting list, indicating a clear need for housing development or conversion to meet the needs of smaller households. Availability of housing affordable to very low income households is also a significant issue. Over 2,000 households are waiting for single-person housing.

Describe the need for specific types of housing

The greatest housing need in Billings is the development and renovation of affordable housing for both owners and renters with incomes from zero to 80% AMI. Local housing options are limited due to cost burden and increased competition for available units. The Housing Authority of Billings has identified over 2,000 low income households on the waiting list for single-person households, indicating a high need for smaller affordable housing units.

MA-15 Housing Market Analysis: Cost of Housing 91.210(a)

Introduction

Rental and ownership housing costs have increased significantly over time. Utilizing HUD-provided data provided in the City's last Consolidated Plan and the table methodology below, the median home value has increased 98% over the past 15 years and the median contract rent has increased 59%. In the year 2000, the median home value was $96,700 and in 2015 it was $191,200. On average, median home values have increased by 6.5% per year. Median contract rent was $425 in the year 2000 and in 2015, the rent was $677. This represents a 59% increase and an annual average increase of 3.9%. The majority of renters are paying $500 to $999 per month, followed by those paying less than $500 per month.

Cost of Housing

	Base Year: 2009	Most Recent Year: 2015	% Change
Median Home Value	160,300	191,200	19%
Median Contract Rent	546	677	24%

HUD Table 283 - Cost of Housing *Data Source: 2005-2009 & 2011-2015 ACS*

Rent Paid

Rent Paid	Number	%
Less than $500	3,648	22.3%
$500-999	9,968	60.9%
$1,000-1,499	1,969	12.0%
$1,500-1,999	365	2.2%
$2,000 or more	420	2.6%
Total	16,370	100.0%

HUD Table 29 - Rent Paid *Data Source: 2011-2015 ACS*

Housing Affordability

Number of units affordable to households earning	Renter	Owner
30% HAMFI	1,084	No Data
50% HAMFI	4,784	1,874
80% HAMFI	10,643	6,480
100% HAMFI	No Data	10,275
Total	16,511	18,629

HUD Table 30 - Housing Affordability *Data Source: 2011-2015 CHAS*

Monthly Rent

Monthly Rent ($)	Efficiency *(no bedroom)*	One Bedroom	Two Bedroom	Three Bedroom	Four Bedroom
Fair Market Rent	597	708	936	1,308	1,594
High HOME Rent	597	708	936	1,183	1,300
Low HOME Rent	597	668	801	925	1,032

HUD Table 31 - Monthly Rent *Data Source: HUD FMR and HOME Rents*

Is there sufficient housing for households at all income levels?

While there are enough overall affordable housing units in Billings, there are not enough units for extremely low income households. As previously noted, housing cost burden is most acute for households with incomes from zero to 30% AMI.

In the table below, data from HUD Table 30: Housing Affordability are compared to HUD data provided in the Total Households table (NA-10). This comparison estimates the difference between the number of affordable housing units and the number of households by income strata. There appears to be a disparity relative to the very low income households as there is a 4,700 unit deficit. Contrarily, nearly 1,200 units are available but not needed by the 50% AMI group and over 9,000 units available to 80% AMI households but are not needed.

Number of units affordable to households earning	Total # affordable units	Total Households by Income	Difference Between # Units and Households
30% HAMFI	1,084	5,797	(4,713)
50% HAMFI	6,658	5,465	1,193
80% HAMFI	17,123	7,985	9,138
Total	24,865	19,247	5,618

Data Source: HUD IDIS, 2011-2015 CHAS, Table is included in PDF version of the plan - uploaded as an IDIS Attachment

This disparity was also noted by the Federal Reserve Bank of Minneapolis. A recent article included CHAS data from 2012-2016 comparing household income with the number of households in rental units by housing unit affordability. Over 5,600 moderate / > median income households are living in extremely low, very low, or low income housing units (nearly 30% of all low income units).

		Number of households in rental units by housing unit affordability				
		Extremely Low Income Units	*Very Low Income Units*	*Low Income Units*	*Moderate Income Units*	***Total Households***
Household Income	Extremely Low Income	1,453	1,878	1,174	225	**4,730**
	Very Low Income	519	2,123	1,237	289	**4,168**
	Low income	469	2,112	2,184	355	**5,130**
	Moderate Income	182	644	1,130	119	**2,075**
	> Median Income	250	1,228	2,715	864	**4,517**
Total Housing Units		**2,873**	**7,995**	**7,900**	**1,852**	

Federal Reserve Bank of Minneapolis, 2012-2016 CHAS, Table is included in PDF version of the plan - uploaded as an IDIS Attachment

Another way to look at housing affordability is to compare what a household makes at varying income levels compared to fair market rents in Billings. In the following chart, gross income limits for the HOME program are utilized to demonstrate recommended maximum monthly housing costs.

30% Monthly Limits on Household Costs for Mortgage/Taxes/Insurance or Rental Unit

% AMI		30% AMI	50% AMI	80% AMI
HUD Category		Extremely Low Income	Very Low Income	Low Income
Household Size	1	$411	$686	$1,098
	2	$470	$784	$1,254
	3	$533	$881	$1,410
	4	$644	$979	$1,566
	5	$754	$1,058	$1,693
	6	$865	$1,136	$1,818
	7	$975	$1,214	$1,943
	8	$1,086	$1,293	$2,068

Community Development Division, 2019 HOME Income Limits
Table is included in PDF version of the plan - uploaded as an IDIS Attachment

Rental Housing: At fair market rates, a single-person household with an income housing cost limit of 30% AMI ($411) would not be able to afford an efficiency apartment at a rate of $597. Local housing choice is limited for extremely and very low income households, as shown in the table below. Housing choice is greatest for households with incomes over 80% AMI.

Affordability of Fair Market Rental Units by Household Size and Income Level

% AMI		30% AMI	50% AMI	80% AMI
HUD Category		Extremely Low Income	Very Low Income	Low Income
Household Size	1	-	Efficiency	Efficiency, 1 or 2 Bedroom
	2	-	Efficiency, 1 Bedroom	Efficiency, 1 or 2 Bedroom
	3	-		Efficiency, 1, 2, or 3 Bedroom
	4	Efficiency	Efficiency, 1 or 2 Bedroom	Efficiency, 1, 2, 3 or 4 Bedroom
	5	Efficiency, 1 Bedroom		
	6			
	7	Efficiency, 1 or 2 Bedroom		
	8			

Community Development Division, 30% of 2019 HOME Income Limits & Fair Market Rents
Table is included in PDF version of the plan - uploaded as an IDIS Attachment

Ownership Housing: In Yellowstone County, the median price of homes in 2009 was $181,000 and in 2014, the median sales price was just under $220,000. This represents nearly $40,000 increase in home prices over the past five years; $7,780 per year.

How is affordability of housing likely to change considering changes to home values and/or rents?

Housing affordability is expected to be more of a challenge as rent and housing prices continue to increase. Overall, citizens should expect to pay more for both rental and homeownership housing in Billings in future years.

How do HOME rents / Fair Market Rent compare to Area Median Rent? How might this impact your strategy to produce or preserve affordable housing?

HOME rental rates are higher than Fair Market Rent rates for both three and four bedroom units, which is similar to average rental rates in Billings. The Best Places website indicates the average rents are as follows: Studio - $605; One Bedroom - $715; Two Bedrooms - $945; Three Bedrooms - $1,325; and Four Bedrooms - $1,628. Rental housing development and rehabilitation remain primary strategies for the City of Billings to meet priority needs.

Monthly Rent

Monthly Rent ($)	Efficiency *(no bedroom)*	One Bedroom	Two Bedroom	Three Bedroom	Four Bedroom
Fair Market Rent	597	708	936	1,308	1,594
High HOME Rent	597	708	936	1,183	1,300
Low HOME Rent	597	668	801	925	1,032

HUD Table 324 - Monthly Rent *Data Source: HUD FMR and HOME Rents*

MA-20 Housing Market Analysis: Condition of Housing 91.210(a)

Introduction

The City has managed housing rehabilitation programs throughout the years in order to preserve and sustain the affordable housing stock in Billings. Decades of assistance to low income households has resulted in relatively few neighborhoods where the condition of housing is a primary concern. In recent years, the City has purchased foreclosed, vacant properties to help stabilize neighborhoods. All of the foreclosed properties purchased by the City required substantial rehabilitation. When complete, the units have been sold to low income households with affordable mortgages to support the long-term success of each assisted family.

Describe the City's definition for *substandard condition* and *substandard condition but suitable for rehabilitation.*

For the purposes of this plan, *standard condition* is a housing unit that passes Housing Quality Standard or Uniform Physical Condition Standards review via on-site staff inspection. Substandard condition of housing is defined by the City as properties requiring more than $25,000 in funding to complete all required code related improvements to the property. *Substandard condition but suitable for rehabilitation* would be those properties where a $25,000 investment would address all safety hazard conditions related items associated with the house within primary systems ranging from electrical, plumbing, heating, roofing, and foundation repairs.

HUD has defined housing condition problems as follows:

- Lacking a complete kitchen.
- Lacking complete plumbing facilities.
- Cost burdened - paying more than 30% of household income for housing costs.
- Overcrowded - more than one person per room, not including common spaces such as bathrooms, porches, hallways, etc.

Condition of Units

Condition of Units	Owner-Occupied		Renter-Occupied	
	Number	%	Number	%
With one selected Condition	5,610	20%	7,230	44%
With two selected Conditions	85	0%	470	3%
With three selected Conditions	10	0%	20	0%
With four selected Conditions	0	0%	0	0%
No selected Conditions	22,025	79%	8,645	53%
Total	**27,730**	**99%**	**16,365**	**100%**

HUD Table 33 - Condition of Units *Data Source: 2011-2015 ACS*

Year Housing Units Built

Year Unit Built	Owner-Occupied		Renter-Occupied	
	Number	%	Number	%
2000 or later	5,099	18%	2,169	13%
1980-1999	6,440	23%	3,699	23%
1950-1979	13,010	47%	7,075	43%
Before 1950	3,175	11%	3,425	21%
Total	**27,724**	**99%**	**16,368**	**100%**

HUD Table 34 - Year Unit Built *Data Source: 2011-2015 CHAS*

Risk of Lead-Based Paint Hazard

Risk of Lead-Based Paint Hazard	Owner-Occupied		Renter-Occupied	
	Number	%	Number	%
Total Number of Units Built Before 1980	16,185	58%	10,500	64%
Housing Units build before 1980 with children present	2,837	10%	1,735	11%

HUD Table 35 - Risk of Lead-Based Paint *Data Sources: 2011-2015 ACS & 2011-2015 CHAS*

Need for Owner and Rental Rehabilitation

According to data provided in the Condition of Units table, the majority of homes in Billings, both owner- and renter-occupied, do not have any of HUD's defined housing condition problems. A total of 555 units have been identified with two housing condition problems; a very small portion of the overall housing inventory in Billings. Thirty housing units have been identified with three selected conditions.

Housing units with incomplete plumbing or kitchen facilities have been a small portion of the total housing units in the community. Despite their limited numbers, these units are of concern as some may be used by very low income households. Housing units are described as lacking complete plumbing facilities if there is an absence of hot and cold piped water, or a flushing toilet, or a bathtub or shower. Units are described as lacking complete kitchen facilities if there is an absence of a sink with piped water, or range / stove, or a refrigerator.

Most of the owner-occupied units rehabilitated through the City's programs have both complete kitchens and plumbing facilities. However, all of the units remodeled through the City's programs have suffered from extensive deferred maintenance, causing overall property deterioration and neighborhood decline. The City also provides funding through the Affordable Housing Development program to support rental redevelopment and renovations.

Vacant Units: The City of Billings does not have access to HUD data on the number of vacant units suitable for rehabilitation, therefore, the Vacant Units table was not available in IDIS. The rental vacancy rate in Billings was fairly high in 2012 at 7.8% and it has decreased to under five percent in recent years.

Estimated Number of Housing Units Occupied by Low or Moderate Income Families with LBP Hazards

Approximately 60% of all housing units (nearly 27,000 units) in Billings were built before 1979 and are at risk of containing lead-based paint. Not all of the homes built prior to 1979 contain lead-based paint and lead hazards. However, projects involving structures built prior to 1978 are considered to have the

potential for lead-based paint and consistent procedures have been developed to ensure compliance with federal regulations.

There are hundreds of housing units with lead-based paint hazards in each low income neighborhood that are occupied by low income families. For example, the North Park neighborhood is one of the City's lowest-income areas and there are approximately 357 owner-occupied and 473 renter-occupied housing units built before 1980. Just over 70 rental and 22 ownership housing units are in poor condition. The Southside neighborhood has a higher overall homeownership status; 137 rental and 48 homeownership units are in poor condition.

MA-25 Public and Assisted Housing 91.210(b)

Introduction

The Housing Authority of Billings was created in 1973 and ceased new development in the mid-1990s. Thorough information regarding the Housing Authority of Billings has been noted previously in the Needs Assessment - Public Housing (NA-25) section of this plan.

Totals Number of Units

Program Type									
	Certificate	Mod-Rehab	Public Housing	Vouchers					
				Total	Project -based	Tenant -based	Special Purpose Voucher		
							Veterans Affairs Supportive Housing	Family Unification Program	Disabled*
# of units vouchers available			274	618			271	0	0
# of accessible units									
*includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-Year, and Nursing Home Transition									

HUD Table 36 - Total Number of Units by Program Type *Data Source: PIC (PIH Information Center)*

Describe the number and physical condition of public housing units in the jurisdiction, including those that are participating in an approved Public Housing Agency Plan

The Housing Authority of Billings owns and maintains many single- and multi-family housing developments across the City of Billings, totaling 274 units; designed in a variety of configurations. Housing Authority staff note a city the size of Billings should have triple the number of public housing units in comparison to other communities who continued new housing development activities.

The Housing Authority owns and manages 274 scattered site units in good condition. Units are continually upgraded with new siding, efficient mechanical systems, new roofs, appliances, energy efficient windows, lighting, floor coverings, and interior / exterior painting. A new energy performance contracting effort is under way to reduce utility consumption to make the units more energy-efficient.

Local public housing units must be inspected for adherence to quality standards on an annual basis. If the HAB achieves a *High Performer* score through the Public Housing Assessment System (PHAS), HAB staff can complete annual inspections. An outside contractor can then perform the inspections on a bi-annual basis.

Public Housing Condition

Public Housing Development	Average Inspection Score
AMP 1	High Performer / 96

HUD Table 37 - Public Housing Condition

Describe the restoration and revitalization needs of public housing units in the jurisdiction

The Housing Authority develops and implements improvement plans to maintain all of their units. The Housing Authority also plans to continue efforts to improve energy efficiency in lighting and water usage.

Describe the public housing agency's strategy for improving the living environment of low- and moderate-income families residing in public housing

The Housing Authority plans to continue providing prompt and efficient maintenance in order to maintain properties inside and out. The Housing Authority's standards are very high and this assists in maintaining tenant pride in their living environments. The Housing Authority also facilitates connections to community services that benefit tenants and encourages the development and support of whole and healthy families. The Housing Authority enforces lease provisions relative to safe and drug-free living.

The Housing Authority continually encourages involvement in the Family Self-Sufficiency program, promotes the development of sustainable food sources, and provides linkage to literacy and education programs. The promotion of homeownership opportunities through the Section 8 program will continue, which assists two to five households per year achieve homeownership. The Housing Authority also promotes involvement and service opportunities to support the community at large.

MA-30 Homeless Facilities and Services 91.210(c)

Introduction

A network of over 50 local service providers in the community strive to meet the diverse needs of those experiencing homelessness, those who are at-risk of homelessness, and people experiencing poverty. Available resources in the community do not adequately meet the needs of the general homeless population, particularly in regards to housing and temporary shelter beds. The current inventory of beds does not meet the needs of the approximately overall homeless individuals in Billings each night. The following agencies assist in the provision of emergency housing in Billings:

- **Community Crisis Center** provides an intervention services to unique individuals per month who are in crisis due to mental health, substance abuse or social service needs. Individuals who engage in mental health assessment and qualify for extended care may utilize stabilization service for up to 24 hours per visit.
- **Family Promise of Yellowstone Valley** provides emergency shelter to several families at a time in a network of church congregations. The organization also operates a transitional housing program that provides apartments for those who have graduated from the shelter program.
- **YWCA Gateway House** provides housing for female-headed households who have been victims of domestic violence. Additional services provided include case management, mental health treatment, budgeting assistance, and the facilitation of access to benefits. The organization also provides transitional housing and permanent supportive housing.
- **HRDC District 7** receives Emergency Shelter Grant funds and manages a rapid rehousing program to provide deposit and rent payment assistance to help families quickly regain stability into permanent housing.
- **Tumbleweed** provides emergency services for youth and families including emergency shelter placement.
- **Montana Rescue Mission** provides emergency shelter in year-round beds. The **Women and Family Shelter** provides year-round beds and some of the beds are reserved for individuals without children.

Facilities and Housing Targeted to Homeless Households

	Emergency Shelter Beds		Transitional Housing Beds	Permanent Supportive Housing Beds	
	Current & New Year-Round Beds	Voucher / Seasonal / Overflow Beds	Current & New	Current & New	Under Development
Households with Adult(s) and Child(ren)	44	3	28	39	0
Households with Only Adults	67	20	40	80	0
Chronically Homeless Households	0	0	0	21	0
Veterans	0	0	39	103	0
Unaccompanied Youth	4	0	9	1	0

HUD Table 38 - Facilities and Housing Targeted to Homeless Households

Describe mainstream services, such as health, mental health, and employment services to the extent those services are used to complement services targeted to homeless persons

Health and Mental Health Services:

- **RiverStone Health** is an essential provider of personal and public health through medical and dental clinics.
- **Healthcare for the Homeless** provides health / mental health care and serves homeless adults and families who stay in emergency shelters, sleep in makeshift shelters and/or on the streets, temporarily live with friends or family members, eat in soup kitchens or visit drop-in centers or other sites providing temporary assistance.
- **Rimrock** is the largest drug and alcohol services provider in the region and the organization provides mental health and healthcare services for substance abuse and co-occurring disorders.
- Crisis intervention and mental health services are provided by the **Community Crisis Center**, as previously mentioned.
- Mental health services are provided by the **Mental Health Center - The HUB** program; a drop-in day service.

Employment Services:

- **Dress for Success** and **Billings Family Service** provide education for better employment, job training, and interview apparel programs.
- **YWCA Billings** provides services to support economic independency through employment counseling, job skills training, certificate programs, and college education.
- **HRDC District 7** facilitates adult, youth and young adult employment opportunities and job training and retention services for those in need. The organization also assists families with transportation needs to and from work.
- **Family Promise of Yellowstone Valley** provides skills training in housing, employment, family and social relations, life skills, budgeting, and community involvement.
- **Tumbleweed** provides life and skills development for youth and young adults.
- Employment services can also be accessed through **Job Service** and **The HUB**.

List and describe services and facilities that meet the needs of homeless persons, particularly chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth. If the services and facilities are listed on screen SP-40 Institutional Delivery Structure or screen MA-35 Special Needs Facilities and Services, describe how these facilities and services specifically address the needs of these populations.

Chronically Homeless: Those experiencing chronic homelessness can be served through Enterprise House; Rimrock's sober living unit specifically designed to provide housing, addiction treatment, and employment services. The YWCA administers Shelter Plus Care units to house people experiencing chronic homelessness, mental illness, addiction issues, and co-occurring mental illness / addiction. The Community Crisis Center also provides intervention services for the chronically homeless. Rimrock provides addiction treatment and mental health counseling.

Families with Children: Family Promise of Yellowstone Valley provides transitional housing for chronically homeless families. The YWCA provides shelter and transitional housing opportunities for homeless families with children.

Veterans and Unaccompanied Youth: Volunteers of America - Independence Hall provides transitional housing for veterans who have experienced homelessness. The organization also provides homeless prevention, rapid rehousing, and supportive services. City staff facilitated the development of a Veteran Resource List as part of an overall effort to support veterans and military families in Billings with the assistance of Elizabeth Donald, an AmeriCorps VISTA member. Unaccompanied youth are provided with shelter and supportive services through Tumbleweed.

Resource Map & Notepad: The following documents were developed through the Community Development Division as part of an overall effort to impact homelessness and was sponsored by the Mayor's Committee on Homelessness. Kelly Fessler, an AmeriCorps VISTA member through the Billings Metro VISTA Project, facilitated initial development and design.

- The Resource Map a portable, user friendly guide that quickly connects individuals and families experiencing homelessness with downtown community resources. The map illustrates direct access points for shelter, food, clothing, health care, legal aid, restroom, shower and laundry facilities.
- The Resource Notepad is a tool designed for case managers, organizations and individuals to quickly make referrals to community resources providing direct services to anyone within the following major categories: Food Assistance & Household Needs, Housing, Transportation, Healthcare, Shelter, Employment Services, Education Opportunities, Financial Assistance, Children's Services, and Addiction Treatment Options.

The first printing of these resources was supported through the City of Billings and RiverStone Health; 4,000 maps and 120 notepads. Each notepad contains 25 service guides, resulting in the distribution of 7,000 total maps and notepads combined. After quickly distributing the initial run, the Montana Rescue Mission and District 7 HRDC sponsored the second printing of 10,000 maps and 500 notepads / 12,500 service guides. A third printing was sponsored by the Center for Children & Families, Rimrock and the City of Billings totaling 10,000 maps and 500 notepads /12,500 guides.

Overall reach of the project to date includes the printing and distribution of 24,000 total maps and 27,750 service guides. City staff recently connected several community partners to update the Resource Map and Notepad and the documents should be published in 2020.

MA-35 Special Needs Facilities and Services 91.210(d)

Introduction

There are many organizations serving the needs of the elderly, those with disabilities, addicted persons and individuals who have been diagnosed with HIV/AIDS. A number of supportive services serving the elderly and disabled are available through the Adult Resource Alliance organization, including nutrition programs, minor home repair, and volunteer engagement. The Alliance also operates an aging and disability resource center to provide long-term care information and referral services, options for counseling, and access to private and public benefits.

Big Sky Senior Services serves the elderly through nursing, respite care, homemaking services, prevention of elder abuse and personal care. There are also two senior centers in Billings; the Southside Senior Center and the Billings Community & Senior Center. Food services are provided at the Southside Senior Center and the Billings Community & Senior Center provides access to computers, a health and fitness center, a variety of classes and activities, free or low-cost screenings, trips and tours.

A comprehensive service array is available to assist those with disabilities in Billings. Organizations providing housing and services include: AWARE, Inc.; Living Independently for Today and Tomorrow; the Montana Center on Disabilities, Support and Technologies for Empowering People, COR Enterprises, Easter Seals Goodwill, and Job Connection. Organizations serving those with addictions or who have been diagnosed with HIV/AIDS have been mentioned previously in this Consolidated Plan and include: Rimrock; Mental Health Center; and HRDC District 7.

Including the elderly, frail elderly, persons with disabilities (mental, physical, developmental), persons with alcohol or other drug addictions, persons with HIV/AIDS and their families, public housing residents and any other categories the jurisdiction may specify, and describe their supportive housing needs

As previously mentioned, the greatest housing problem in Billings for both owners and renters of all income levels and populations is housing cost burden, followed by access to housing in tight rental and ownership markets. Housing quality is also a concern, as renters and owners with incomes less than 80% AMI are dealing with one or more housing problems. The need for case management and supportive services has been a consistent concern with special needs populations.

Elderly: Demand for special living facilities for the elderly appears to remain high, according to facility and Census Bureau data. Housing affordability continues to be a challenge for the elderly and disabled like other populations. The Housing Authority owns a 102-unit Section 8 project-based complex which exclusively serves the elderly. Affordable Housing Online lists 34 total federally-assisted affordable rental housing projects in Billings containing 1,972 units; an increase of 455 units over the past five years. Thirteen housing projects provide housing units for the elderly.

The State of Montana Quality Assurance Division provides data on the number and types of facilities available in Billings to assist the elderly and disabled. In 2010, there were 47 facilities in Billings classified as providing assisted living services, long term care, or retirement with a total of more than 2,569 beds in Billings. In 2020, there are now 48 facilities with 2,635 beds; a total increase of 66 beds. These facilitates should alleviate some of the housing needs for the elderly. There is continued need for the

implementation of Universal Design concepts in housing construction and rehabilitation.

Persons with Disabilities, HIV/AIDS and Domestic Violence Victims: Service providers indicate a high need for rental housing assistance and owner-occupied housing rehabilitation. Supportive services include linkage to transportation, medical / dental care, child care, reliable and sustainable food sources, and case management.

Addicted Persons: The development of sober living apartments would assist those exiting inpatient treatment in Billings. A short-term sobering center with accelerated access to inpatient, detoxification treatment and long-term addiction treatment options would also meet the needs of addicted persons in Billings.

Describe programs for ensuring that persons returning from mental and physical health institutions receive appropriate supportive housing

The **South Central Montana Regional Mental Health Center** provides mental health and chemical dependency care in the Billings area and surrounding region. The organization owns and manages several supportive housing programs including an eight-bed adult group home, cooperative living settings, and independent living apartments. These supportive housing placements require involvement in case management and treatment planning.

Rainbow House, the Mental Health Center's day treatment program, has provided an important service to the community since de-institutionalization of Montana State Hospital in 1975. Although Rainbow House is not a live-in facility, the program is designed to assist clients in successful independent living while incorporating support from other Mental Health Center programs and community care providers.

The HUB, the Mental Health Center's drop-in center, serves homeless and at-risk individuals by acting as a resource site to connect individuals with community resources and supportive services. HUB case managers as well as outreach liaisons from the Projects for Assistance in Transition from Homelessness (PATH) engage individuals with disabling mental illness or serious emotional disturbance and are homeless or at risk of homelessness because of their mental illness. Liaisons provide sources of community support and enrollment in mental health services.

The **Community Crisis Center** serves a vital role in the community as a crisis management facility. Previous to the Community Crisis Center, emergency departments of the two local hospitals served as the de facto option for people in mental health / substance abuse crisis. The Crisis Center operates 24 hours per day and provides assessment and referral services.

Specify the activities that the jurisdiction plans to undertake during the next year to address the housing and supportive services needs identified in accordance with 91.215(e) with respect to persons who are not homeless but have other special needs. Link to one-year goals. 91.315(e)

The City of Billings offers several programs to address the housing needs for households with members having special needs, and will continue to offer these programs for the next year and foreseeable future:

- **First Time Home Buyer:** This program provides down payment and closing cost assistance to low income households to purchase their first home. Priority is given to large households and

households including a disabled individual requiring special home modifications or other considerations.

- **Housing Rehabilitation / Manufactured Home Repair:** These programs provide affordable financing to low income households to make necessary repairs to owner-occupied housing units to create safe, stable access to housing. Improvements are based on safety hazard and address special needs including construction of wheelchair ramps, the installation of grab bars, retrofitting bathrooms for accessibility, etc.
- **Affordable Housing Development:** This program provides affordable financing to housing developers to build or renovate housing units for low income households and may include housing options for those with special needs. The City requires a percentage of the units be accessible for the mobility, visual and hearing impaired.
- **Foreclosure Acquisition / Rehabilitation:** The City purchases vacant, foreclosed homes for the purpose of rehabilitation and sale to income qualified, first time home buyers.
- **Billings Metro VISTA Project:** This AmeriCorps VISTA program places full-time and summer associate volunteers with nonprofit host sites to build capacity for serving those in need, including those experiencing poverty.

Please refer to the City's one-year goals in the Action Plan.

MA-40 Barriers to Affordable Housing *91.210(e)*

Negative Effects of Public Policies on Affordable Housing and Residential Investment

According to the City's most recent Analysis of Impediments to Fair Housing Choice, most of the typical exclusionary provisions that would hinder affordable housing development do not exist in current zoning codes. However, the following issues may act as barriers to affordable housing investment:

- Density bonuses (increasing the number of dwelling units per acre) have not been established to offset the cost of development if a project contains a certain percentage of affordable housing.
- There is currently not a way to fast-track the approval processes for affordable housing development projects. However, fast-tracking may not be as important in Billings as it is in other parts of the country. Subdivision review times are set by the Montana State Legislature. Building permit reviews for single-family homes (one to four units) are three to five days and commercial permits, including multi-family with five or more units in a structure, take four to six weeks to review. Other areas of the country, and some cities in Montana, take 30 days or longer for single-family reviews and four to six months for commercial reor leviews.
- The City does not currently permit a waiver or reduction of impact fees, including water and wastewater system development fees, to promote affordable housing development.
- The use of accessory dwelling units is not currently a widely practiced housing development strategy.

Other public policy concerns relate to a dated zoning code and inadequate funding to further affordable housing development. The City is currently in the process of revising the zoning code and one of the main goals of the project is to expand affordable housing choice across the City. The Billings City Council is expected to act on the adoption of the new zoning code in 2020. Additional information can be found online at Project Re:Code.

MA-45 Non-Housing Community Development Assets 91.215 (f)

Introduction

Billings is one of the nation's largest trade areas covering over 125,000 square miles and serving nearly 400,000 people with medical, retail, educational and business services. According to the Bureau of Labor Statistics, the civilian labor force has been relatively stable over the past several years; approximately 87,000. The average annual unemployment rate has also been level, ranging between three and four percent.

Economic Development Market Analysis

Business Activity

Business by Sector	Number of Workers	Number of Jobs	Share of Workers %	Share of Jobs %	Jobs less workers %
Agriculture, Mining, Oil & Gas Extraction	1,290	366	3	1	-2
Arts, Entertainment, Accommodations	7,593	9,505	15	16	0
Construction	3,234	2,890	6	5	-2
Education and Health Care Services	9,353	12,392	19	20	2
Finance, Insurance, and Real Estate	3,038	3,962	6	6	0
Information	983	1,233	2	2	0
Manufacturing	2,011	2,305	4	4	0
Other Services	2,441	3,013	5	5	0
Professional, Scientific, Management Services	4,004	5,414	8	9	1
Public Administration	0	0	0	0	0
Retail Trade	7,729	10,066	15	16	1
Transportation and Warehousing	2,056	2,176	4	4	-1
Wholesale Trade	3,552	4,365	7	7	0
Total	47,284	57,687	--	--	--

HUD Table 39 - Business Activity Data: 2011-2015 ACS (Workers), 2015 Longitudinal Employer-Household Dynamics (Jobs)

Labor Force

Total Population in the Civilian Labor Force	57,933
Civilian Employed Population 16 years and over	55,655
Unemployment Rate	3.91
Unemployment Rate for Ages 16-24	14.60
Unemployment Rate for Ages 25-65	2.58

HUD Table 40 - Labor Force Data Source: 2011-2015 ACS

Occupations by Sector

Occupations by Sector	Number of People
Management, business and financial	12,360
Farming, fisheries and forestry occupations	2,205
Service	6,909
Sales and office	13,895
Construction, extraction, maintenance, repair	5,755
Production, transport, material moving	2,590

HUD Table 41 - Occupations Sector, Data: 2011-2015 ACS

Travel Time

Travel Time	Number	Percentage
< 30 Minutes	48,077	91%
30-59 Minutes	3,374	6%
60 or More Minutes	1,614	3%
Total	53,065	100%

HUD Table 42 - Travel Time Data: 2011-2015 ACS

Education

Educational Attainment by Employment Status (Population 16 and Older)

Educational Attainment	In Labor Force		
	Civilian Employed	Unemployed	Not in Labor Force
Less than high school graduate	2,160	225	1,204
High school graduate (includes equivalency)	11,585	545	3,655
Some college or Associate's degree	15,135	398	3,700
Bachelor's degree or higher	15,550	294	1,979

HUD Table 43 - Educational Attainment by Employment Status *Data Source: 2011-2015 ACS*

Educational Attainment by Age

	Age in Years					Totals	%
	18-24	25-34	35-44	45-65	65+		
Less than 9th grade	134	240	135	325	600	1434	**2%**
9th to 12th grade, no diploma	1,515	1,144	665	1,080	1,085	5,489	**7%**
High school graduate, GED, or alternative	3,619	4,354	3,302	8,200	5,385	24,860	**31%**
Some college, no degree	3,874	4,779	3,382	6,679	4,074	22,788	**29%**
Associate's degree	450	1,068	1,185	2,164	750	5,617	**7%**
Bachelor's degree	708	3,636	2,835	6,214	2,925	16,318	**21%**
Graduate or professional degree	70	1,244	1,309	2,650	1,589	6,862	**9%**
Totals	10,370	16,465	12,813	27,312	16,408		
%	**13%**	**21%**	**16%**	**34%**	**21%**		

HUD Table 44 - Educational Attainment by Age *Data Source: 2011-2015 ACS*

Educational Attainment - Median Earnings in the Past 12 Months

Educational Attainment	Median Earnings in the Past 12 Months
Less than high school graduate	19,500
High school graduate (includes equivalency)	120,069
Some college or Associate's degree	183,470
Bachelor's degree	208,626
Graduate or professional degree	230,334

HUD Table 45 - Median Earnings in the Past 12 Months *Data Source: 2011-2015 ACS*

Based on the Business Activity table above, what are the major employment sectors within your jurisdiction?

The largest business industries noted in the Business Activity table are education and health care services, followed by retail trade and arts, entertainment and accommodations. The number of jobs exceeds the number of workers in all of these business categories. The table also illustrates that there are more workers than jobs in the agriculture, mining, oil / gas extraction and construction businesses.

According to the Long Streets Project, mining and healthcare job opportunities have the highest income potential coupled with recent increases in new job opportunities. Billings offers the most employment positions (109,000) and the highest wages in the State of Montana ($51,400 in 2016). Employment change in Billings is greatest with service positions followed by healthcare, trade, construction, natural resources, government, and manufacturing.

Describe the workforce and infrastructure needs of the business community.

Big Sky Economic Development Authority recently published a State of the Workforce report that includes data and projections for the Billings workforce. The report noted employers do not have an adequate supply of talent to meet industry needs and for most, the lack of available workers inhibits industry growth. There is a gap of 2,221 employment positions between current jobs with job growth compared to new college graduates. In this report. growth rates are most promising with Physician Assistant, Respiratory Therapists, and other medical professions. Additional training in general employability skills is also needed, including emphasis on drug-free status, decision making, problem solving, and critical thinking.

Travel time is less than 30 minutes for over 90% of the citizens in Billings and very few people travel more than 60 minutes. Infrastructure needs cited by the region's Comprehensive Economic Development Strategy include, but are not limited to:

- Housing availability, variety, and condition
- Shortage of long-term planning efforts
- Infrastructure improvements
- Access to funding and funding incentives
- Reductions in revenue for local and state governing bodies

Describe any major changes that may have an economic impact, such as planned local or regional public or private sector investments or initiatives that have affected or may affect job and business growth opportunities during the planning period. Describe any needs for workforce development, business support or infrastructure these changes may create.

In a recently posted video, BillingsWorks notes that there will be 7,660 new jobs in Billings over the next 10 years and an additional 42,683 jobs due to baby-boomer retirements and job exits. This results in over 50,000 new positions by 2030. BillingsWorks is focusing on attracting millennials and others to Billings to meet business employment demands.

Downtown Billings has been designated an Opportunity Zone to encourage long-term investments in low income areas. This program provides federal tax incentives to taxpayers who reinvest capital gains in development activities such as revitalization, workforce development, affordable housing, infrastructure, business startup, and business expansion.

How do the skills and education of the current workforce correspond to employment opportunities in the jurisdiction?

Out of a total of 83,368 persons noted in the Educational Attainment by Age table, the largest cohort are those between the ages of 45 to 65; 34% of the total population. Those between the ages of 25 and 34 and 65+ each represent 21% of the population. Ninety-six percent graduated with at least a high school diploma or equivalent (five percent higher than in 2015). Sixty-five percent have attended some college or earned a college degree (four percent higher than in 2015). Median earnings are highest for those with graduate or professional degrees and lowest for those without a high school diploma.

As noted in the State of the Workforce Report, employers have been challenged in finding workers with the required education, experience and employability skill set to fill vacant positions. The report noted

employers do not have an adequate supply of talent to meet industry needs and for most, the lack of available workers inhibits industry growth. The most difficult positions to fill are in the following areas: manufacturing, engineering, energy, technical / skilled trade positions; information technology and professional services; health care positions; and retail / hospitality.

Describe any current workforce training initiatives, including those supported by Workforce Investment Boards, community colleges and other organizations. Describe how these efforts will support the jurisdiction's Consolidated Plan.

The Big Sky Economic Development Authority created BillingsWorks to increase collaboration, accountability and reporting related to workforce needs. BillingsWorks supports the Consolidated Plan by working to address workforce development and attraction needs, providing linkage to and coordination with higher education systems in the community, and developing talent attraction campaigns.

Does your jurisdiction participate in a Comprehensive Economic Development Strategy (CEDS)? If so, what economic development initiatives are you undertaking that may be coordinated with the Consolidated Plan? If not, describe other local/regional plans or initiatives that impact economic growth.

Yellowstone County is covered by the Beartooth Resource Conservation and Development District's Comprehensive Economic Development Strategy. The latest plan was developed in 2019 and includes projections through 2023.

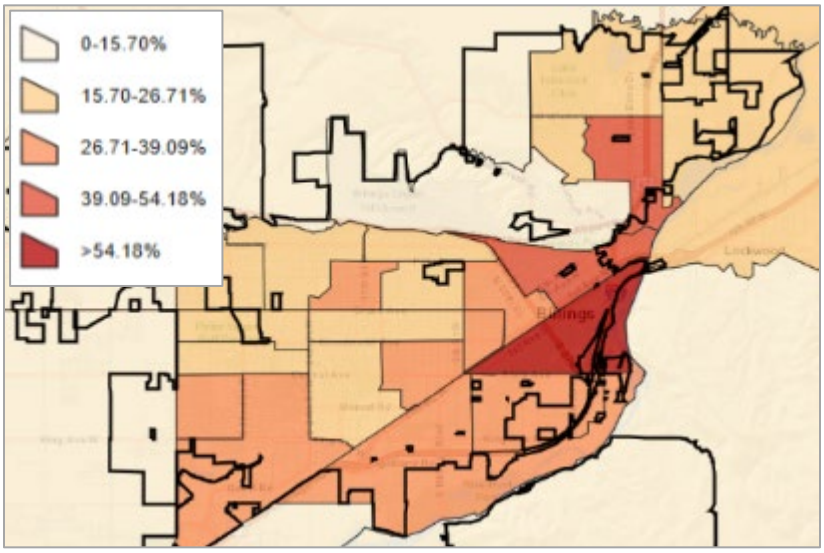
The Community Development Division has collaborated with Beartooth Resource Conservation and Development on the provision of first time homebuyer education and is now collaborating on the Home Center initiative. The Big Sky Economic Development Authority is also working on economic development activities for Yellowstone County including a new campaign, Better off in Billings.

MA-50 Needs and Market Analysis Discussion

Are there areas where households with multiple housing problems are concentrated? (include a definition of "concentration")

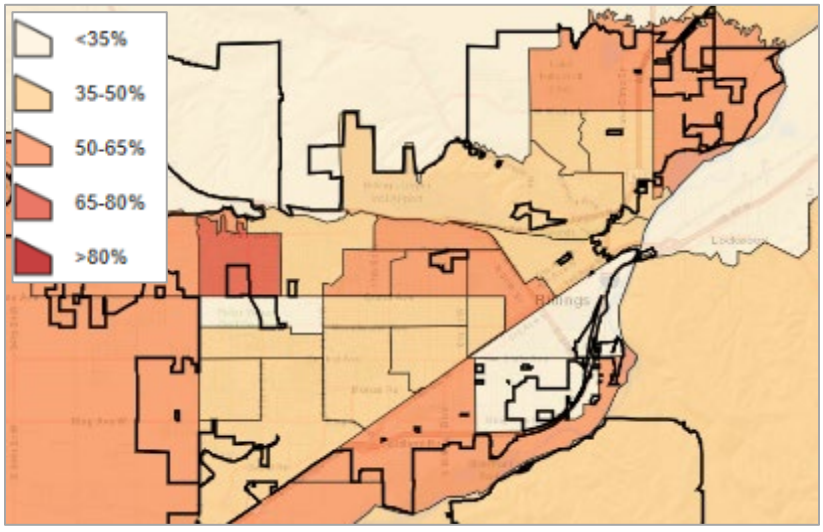
HUD's Community Planning Development mapping system identified the highest concentration of low income households; the south side, followed by north park, and lower Billings heights neighborhoods. Other neighborhoods with higher concentrations of low income households are in the southwest corridor and throughout central and west end neighborhoods. Interestingly, the south side and part of the southwest corridor neighborhoods have the lowest concentration (35%) of low income households with any of the four severe housing problems. Less than 50% of the households in central Billings and part of the heights neighborhoods have any of the four severe housing problems. A small area in the northwest Billings has the highest concentration (between 65% and 80%) of severe housing problems.

Percent Low income Households



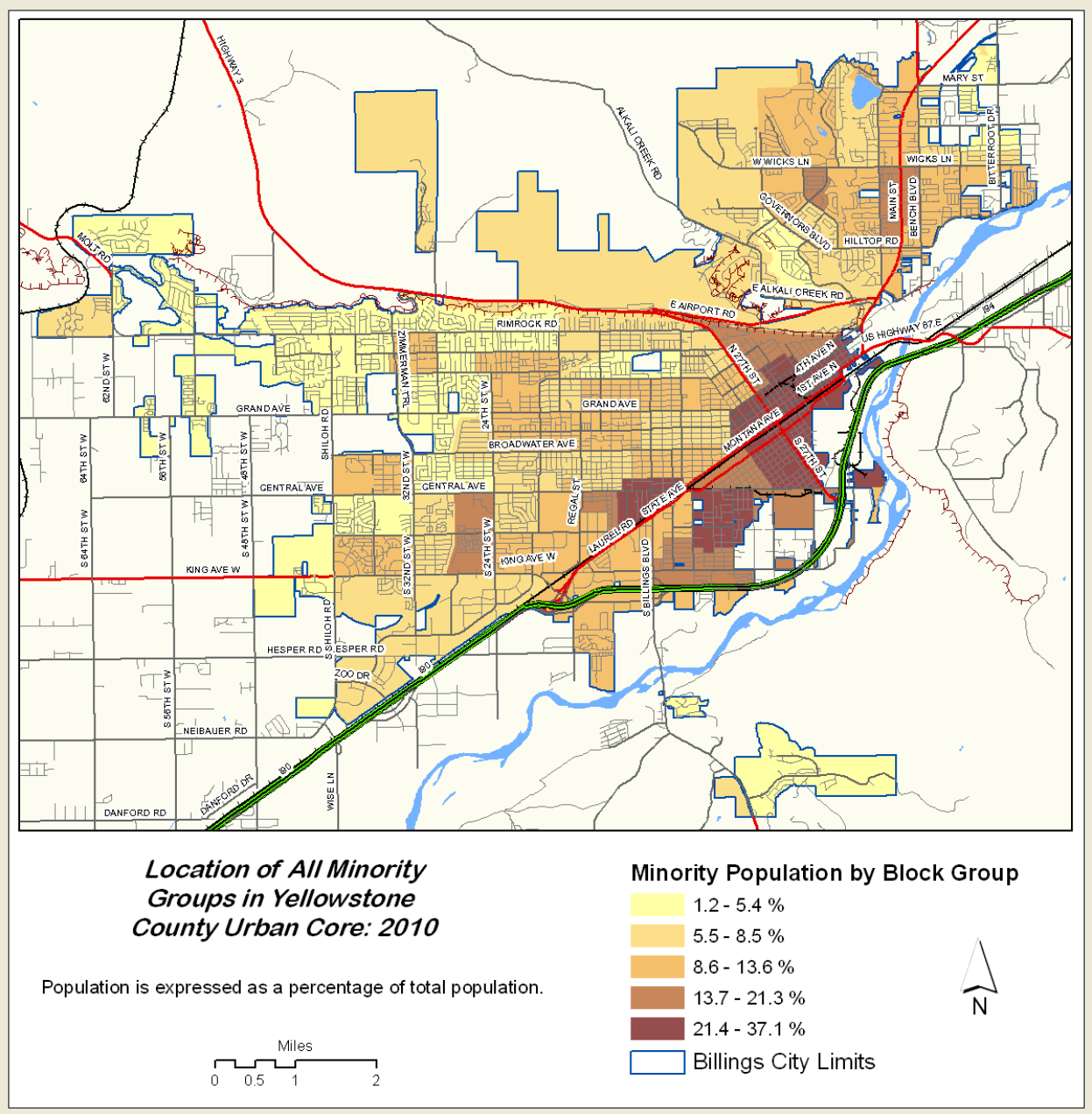
Percent of Low income Households with Any of Four Severe Housing Problems

Lacks complete kitchen / plumbing facilities, more than 1.5 persons per room, or cost burden >50%



Are there any areas in the jurisdiction where racial or ethnic minorities or low income families are concentrated? (include a definition of "concentration")

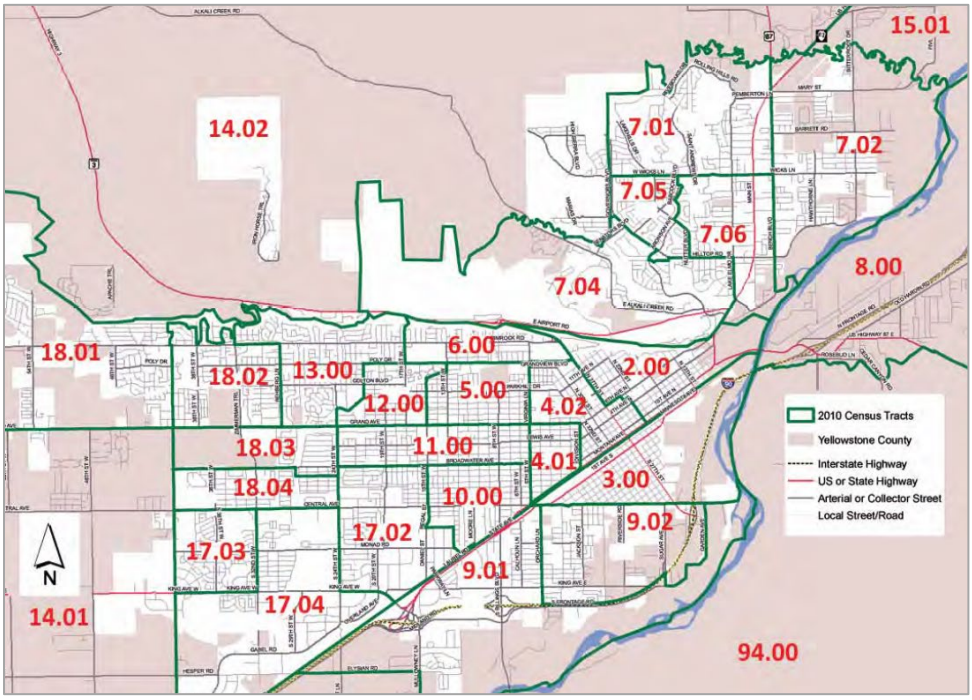
The following map illustrates the concentrations of racial / ethnic households within the City of Billings limits. The term *concentration* refers to those areas in town where at least 5.5% of the households are occupied by racial / ethnic minorities. Higher numbers of racial / ethnic households are evident in the central, southwest, downtown, and central heights areas of Billings.



City of Billings Planning / GIS Division

What are the characteristics of the market in these areas/neighborhoods?

Data from the American Community Survey has been utilized to detail neighborhood characteristics. Neighborhood graphics were constructed by Candi Millar, Planning & Community Services Department. The following map illustrates the location of the City's Census Tracts for ease of reference.



City of Billings Planning / GIS Division

North Park: Comprising a total of 3.5% of the City's population, the North Park neighborhood is located in Census Tract Two. There are 2,054 housing units in this area and the majority are renter-occupied (1,416). There are a total of 155 vacant units noted in this area of town, and the average family size is 3.07 and household median income is $24,656.



A comparison of racial and Hispanic household compositions was conducted by utilizing U.S. Census data from the year 2000 (households) and 2010 (individuals). Most of the households in this area of town are living in poverty (over 94% as per the Best Beginnings Council Neighborhood Analysis). The neighborhood contains older, rental housing and mixed commercial / industrial areas. The Analysis of Impediments identified the possibility that minorities, American Indians in particular, are being steered to this tract and that low income non-Hispanic Whites are being steered away from this neighborhood.

The Billings Industrial Revitalization District was created in 2006 to capture tax increments to improve the North Park neighborhood. This area of town contains a very large, well developed park with playground and spray park features in addition to a community center.

South Side: This neighborhood is identified as Census Tract Three and residents comprise 3.8% of the total population in Billings. The neighborhood contains a total of 1,684 housing units, 974 of which are renter-occupied and 133 are vacant. The average family size is 2.96 members per household and the median household income is $25,851. Many of the homes in this neighborhood were built in the early 1900s and have historic significance. Part of this neighborhood is supported by the North 27th Street Tax Increment District.



A comparison of the racial and Hispanic household compositions was conducted by utilizing U.S. Census data from the year 2000 (households) and 2010 (individuals). In 2000, the proportion of Hispanics and American Indians is much higher than what would be expected in a housing market free of discrimination for this Census tract. By 2010, nearly half of Census Tract Three were members of minority groups; indicating the beginnings of segregation.

Southwest Corridor: Census Tract 9.02 contains just over five percent of the total population in Billings. The area has 2,015 housing units, predominantly owner-occupied (1,290). Eighty-nine of the units are vacant and the average family size is 3.21. The median household income is $40,050. This area is supported by the South Billings Boulevard Urban Renewal District and the master plan set long-term goals for land use, community design, transportation development and capital improvements through 2032.



A comparison of the racial and Hispanic household compositions was conducted by utilizing Census data from the year 2000 (households) and 2010 (individuals). In 2000, the proportion of minorities was much higher than what would be expected in a housing market free of discrimination for this Census Tract. By 2010, the proportion of Whites decreased by nearly eight percent while minorities increased nearly nine percent. American Indians were cited as nearly half of this increase.

Are there any community assets in these areas/neighborhoods?

All three neighborhoods are part of established Tax Increment Districts, which should substantially contribute to meeting infrastructure, housing and other development needs. All of the areas have established City parks, affordable housing, and networks of community members who are engaged in the development and long-term success of their neighborhoods.

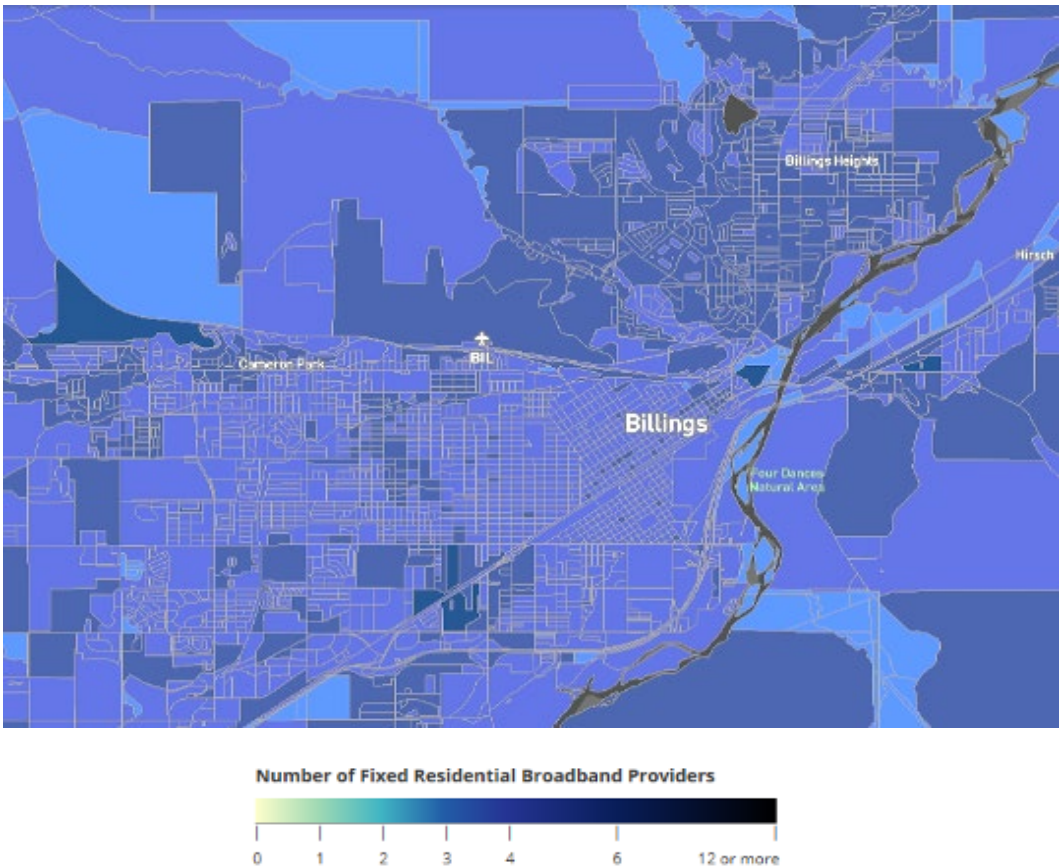
Are there other strategic opportunities in any of these areas?

Strategic opportunities are present in all three neighborhoods, bolstered by the availability of Tax Increment Financing through established Districts. A complete list of opportunities can be found in current Neighborhood and Urban Renewal Plans; available online.

MA-60 Broadband Needs of Housing *91.210(a)(4), 91.310(a)(2)*

Describe the need for broadband wiring and connection for households, including low- and moderate-income households and neighborhoods.

The City must determine the broadband internet access needs of housing occupied by low / moderate income households based on analysis of data for low income neighborhoods. The National Broadband Map indicates the vast majority of Billings residents, including those residing in lower-income neighborhoods, have adequate access to internet / broadband service providers. According to the 2014-2018 ACS, nearly 82% of households have a broadband internet subscription.



National Broadband Map, Federal Communications Commission

Describe the need for increased competition by having more than one broadband internet service provider serve the jurisdiction.

According to BroadbandNow, there are a total of seven broadband internet service providers serving residents in the City with speeds from 140 Mbps to 940 Mbps. The average location in Billings has three providers at any given address or 3.05 ISPs in each census block. Less than six percent of Billings residents has one option for residential broadband. BusinessInternet reports Billings is more competitive than 95 percent of cities in the State of Montana and 66 percent of cities nationally with 36 providers offering business services. Each business in Billings has an average of 2.2 wired internet service providers available at their location.

MA-65 Hazard Mitigation

91.210(a)(5), 91.310(a)(3)

Describe the jurisdiction's increased natural hazard risks associated with climate change.

The City is required to describe the vulnerability of housing occupied by low / moderate income households to increased natural hazards associated with climate change based on an analysis of data, findings, and methods to analyze this vulnerability.

On July 1, 2019, Governor Bullock issued Executive Order 8-2019, creating the Montana Climate Solutions Council and joining the State of Montana to the U.S. Climate Alliance. The Council is tasked with creating a plan including recommendations and strategies aimed at preparing Montanans for climate impacts:

- Reducing greenhouse gas emissions
- Advancing the research, development and commercialization of new technologies necessary to meet these goals
- Addressing the needs of communities and workers in transitions through economic and workforce development efforts

The Montana Climate Solutions Plan indicates state temperatures are three degrees warmer on average than a few decades ago. Early spring runoff impacts water availability and causes flooding. Fire seasons are more severe and nearly 80 days longer than they were 30 years ago. The plan includes verbiage related building on the Montana Ready Communities Initiative to promote resiliency for the state's lower income communities. This initiative was sponsored by the City of Billings' AmeriCorps VISTA program and three VISTA members participated in the development of the state's strategic framework.

The Yellowstone County Multi-Hazard Mitigation Plan was updated in May 2019. The plan mentions its obligation to identify and address any disproportionately high adverse human health or environmental effects of its projects on minority or low income populations (page 511), although impact is not identified.

Describe the vulnerability to these risks of housing occupied by low- and moderate-income households based on an analysis of data, findings, and methods.

The Yellowstone River is south of Billings and historic flooding events may impact the Southwest Corridor and Southside neighborhoods. Fire is a seasonal concern for the entire city, although all of the neighborhoods in Billings are serviced by the Billings Fire Department. While risk of natural hazards in Billings are low, City resources can be rerouted to meet the needs of lower income neighborhoods if impacted by natural hazards.

Section V: Strategic Plan

SP-05 Overview

Strategic Plan Overview

The Community Development Division's strategies for addressing community needs are included herein. The City's primary needs are affordable housing and poverty impact. As per findings and recommendations from the City's Analysis of Impediments to Fair Housing Choice, the investment of federal funds is not predominantly geographically distributed; funds are invested based on the needs of low income households and citizens.

SP-10 Geographic Priorities 91.215 (a)(1)

Geographic Area

The City of Billings utilizes federal funding on a citywide basis, targeting qualified low income households for investment and programs.

General Allocation Priorities

Describe the basis for allocating investments geographically within the jurisdiction (or within the EMSA for HOPWA)

Priorities for funding are based on both the most recent Needs Assessment in this Consolidated Plan and the Analysis of Impediments to Fair Housing Choice. Citation 24 CFR 91.220(f) reads as follows, *"When appropriate, jurisdictions should estimate the percentage of funds they plan to dedicate to target areas."* Estimating the percentage of funds planned for dedication to target areas is not appropriate for the Billings community due to the following reasons:

- Geographic area is defined by the current City of Billings limits.
- Target areas include high concentrations of low income households, particularly those with higher concentrations of racial / minority households.
- Citywide strategies encourage the distribution of resources to support affirmatively furthering fair housing and equal opportunity to avoid segregation in Billings.
- Geographic distribution of investments description includes the focus of resources on a citywide basis to support diversity across the community.
- The City of Billings is classified as a smaller city on a national scale.
- The actual dollar amount dedicated to each program is included in the Annual Action Plan.

The City plans to focus distribution of investments on a citywide basis in order to support diversity and mixed-income development across the community. The City's performance in serving predominantly low income households is clear via Integrated Distribution Information System reporting; nearly 100%. Neighborhood Revitalization Strategy areas ***have not been established*** in Billings and there is no specific amount of funding allocated for a target area in the City's geographic distribution of resources. **Therefore, the City plans to dedicate zero percent of funding to target areas in favor of supporting a citywide approach to further fair housing, equal opportunity and anti-segregation efforts.**

SP-25 Priority Needs 91.215(a)(2)

#	Priority Need	Priority Level	Population	Family Types	Homeless Categories		Non-Homeless Special Needs	
1	**Affordable Housing**	High	Extremely Low Low Income	Large Families With Children Elderly Public Housing	Chronic Homeless Individuals Families w/Children Mentally Ill Chronic Substance Abuse	Veterans HIV/AIDS Domestic Violence Victims Unaccompanied Youth	Elderly Frail Elderly Disabled – All Addicted Persons	HIV/AIDS Domestic Violence Victims
		Description: The city will prioritize activities to promote affordable housing access, quality, and availability for low income citizens.						
		Basis for Relative Priority: The majority of low income renters and owners in Billings are experiencing housing cost burden as determined by the Needs Assessment, Market Analysis, and community outreach activities. Affordable housing is highlighted as a priority and continues to be a strong focus for the City's programs and funding allocation.						
2	**Poverty Impact**	High	Extremely Low Low Income	Large With Children Elderly Public Housing	Chronic Homeless Individuals Families w/Children Mentally Ill Chronic Substance Abuse	Veterans HIV/AIDS Domestic Violence Victims Unaccompanied Youth	Elderly Frail Elderly Disabled - All Addicted Persons	HIV/AIDS Domestic Violence Victims
		Description: The city will support housing and community development activities specific to lower income and special needs households through poverty-impact initiatives.						
		Basis for Relative Priority: According to the Needs Assessment, Market Analysis, and community outreach activities, at least ten percent of the people in Billings are experiencing poverty. Public service organizations require support to better meet poverty / homeless needs in the community.						

HUD Table 46

SP-30 Influence of Market Conditions 91.215 (b)

Influence of Market Conditions

Affordable Housing Type	Market Characteristics that will influence the use of funds available for housing type
Tenant Based Rental Assistance (TBRA)	There is great need in the Billings community for tenant housing assistance as evidenced by the Needs Assessment and Market Analysis. Those most in need may not have positive credit or rental histories to secure housing.
TBRA for Non-Homeless Special Needs	See above. The needs for special needs populations remains consistent, particularly for the disabled and elderly.
New Unit Production	The majority of rental and owner households are cost burdened. Affordable housing development, particularly smaller rental units for extremely low and low income households, is paramount to the City's success in meeting current housing needs in Billings.
Rehabilitation	Rental and owner rehabilitation greatly influences the quality of affordable housing stock in Billings. For owners, rehabilitation has been shown as an effective neighborhood stabilization tool that effectively lowers the costs to maintain housing. For renters, investment in the affordable housing stock where housing currently exists benefits both the neighborhood overall and maintains the quality of the rental market. Rehabilitation is also utilized as a tool to make accessibility improvements to sustain the affordable housing stock in order to meet the needs of those who are disabled and the elderly.
Acquisition, including preservation	Acquisition for affordable housing development, foreclosure rehabilitation, and first time homebuyer remains a high priority due to the high percentage of households experiencing housing cost burdens. Investment in the acquisition and rehabilitation of the affordable housing stock in Billings meets the needs of extremely low and low income households.

HUD Table 47 - Influence of Market Conditions

SP-35 Anticipated Resources

91.215(a)(4), 91.220(c)(1,2)

Introduction

The following table illustrates the CDBG and HOME resources expected for the first year of this Consolidated Plan. The total amount expected for the remaining four years of the Consolidated Plan are based on average allocations over the past five years. Other types of funding, including Emergency Shelter Grants, HOPWA funds, Section 8 funds, etc. are not included in the following table as the City of Billings is not a direct recipient.

CDBG administration allocations are capped at 20% of the new CDBG allocation in addition to eligible program income received during the project year. Maximum amounts for public service activities are capped at 15% of the new CDBG allocation and 15% of the previous year's program income. HOME administration activities are capped at 10% of the new HOME allocation and eligible program income received following the required affordability period. Revenue received during a project's affordability period is considered recaptured and may not be used for administration.

Expected revenues from the CDBG program include repayments for funding loaned through the Housing Rehabilitation Loan program and other revitalization efforts. The City expects to receive approximately $75,000 in repayments for the upcoming fiscal year which will be reprogrammed for programs identified herein. The City will not receive proceeds for Section 108 loan guarantees, surplus funds from urban renewal settlements, or float-funded activities.

Revenue expected for the HOME program includes recaptured and program income funding generated by the First Time Homebuyer Loan program. The City expects to receive approximately $150,000 in HOME funding through these venues, and the funding will be utilized to further programs identified in this Consolidated Plan. The City of Billings programs utilize 100% of CDBG and HOME funding to benefit low to moderate income households and / or areas. The City may also receive program income attributable to the Neighborhood Stabilization Program and other previously funded federal and state programs.

Routine revenues including program income, recaptured / repaid funds, and re-programmed monies will be utilized for existing and previously approved programs as it is received during each fiscal year. Routine revenues are allocated on a close- and shovel-ready basis to ensure timely commitment and expenditure. These changes are customary and facilitate funding allocations to projects and activities most in demand and do not require a substantial or minor amendment to the Consolidated Plan. The City also received $909,126 in CARES Act CDBG-CV funding to prevent, prepare for, and respond to the coronavirus. Funding will be allocated to public service and public facility improvements.

Program	Source of Funds	Expected Amount Available Year 1				Expected Amount Available Reminder of Con Plan	Narrative Description
		Annual Allocation	Program Income	Prior Year Resources	Total		
CDBG	Public / Federal	$657,719	$75,000	$0	$732,719	$2,520,000	Entitlement Allocation
	Uses of Funds: Administration, Homeowner Rehabilitation, Homebuyer Acquisition, New Housing Development, Public Services						
HOME	Public / Federal	$349,053	$150,000	$0	$499,053	$1,280,000	Entitlement Allocation
	Uses of Funds: Administration, Homebuyer Acquisition, New Housing Development						
CDBG-CV	Public / Federal	$909,126	$0	$0	$909,126	Leave Blank	CDBG-CV funds to be used to prevent, prepare for and respond to the Coronavirus.
	Uses of Funds: To prevent, prepare for, and respond to coronavirus						

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

The HOME program requires 25% match funding for projects be dedicated from non-federal sources. The City of Billings meets HOME matching requirements through low-interest financing available for First Time Homebuyer Loans issued through the Montana Board of Housing (MBOH) and matching funds provided for other affordable housing projects undertaken with HOME funds, such as private contributions and other local bank financing.

If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

City staff does not anticipate publically owned land will be utilized to address needs identified in the Consolidated Plan.

SP-40 Institutional Delivery Structure 91.215(k)

Explain the institutional structure through which the jurisdiction will carry out its consolidated plan including private industry, nonprofit organizations, and public institutions.

The City of Billings is the lead government entity responsible for Consolidated Plan activities funded through CDBG and HOME.

Responsible Entity	Responsible Entity Type	Role	Geographic Area Served
City of Billings	Government	Planning Affordable Housing Ownership Affordable Housing Rental Public Services	City of Billings Jurisdiction
Housing Authority of Billings	PHA	Public Housing Affordable Housing Ownership Affordable Housing Rental	Billings Area

HUD Table 49 - Institutional Delivery Structure

Assess of Strengths and Gaps in the Institutional Delivery System

The City of Billings - Community Development Division is a small branch of the City's government with a total of 4.5 full time equivalent staff positions. Strengths of the Division include:

- **Longevity:** Staff have worked, on average, over 11 years in the Division and have over 42 years of collective experience in working with federal grant programs in the Division.
- **Advanced Training and Certifications:** Several of the staff members have HOME certifications, including: Regulations; Administration; and Rental Compliance. Staff members have also been trained in Lead-Based Paint Risk Assessment and Environmental Review.
- **Focused Goals and Programs:** When funding levels were higher, the Division was able to fund and manage many diverse programs to meet community needs. As funding levels diminished, staff has condensed program development, management and implementation on a few core programs, including: First Time Home Buyer; Home Repair programs; Foreclosure Acquisition / Rehabilitation; Affordable Housing Development; and the Billings Metro VISTA Project as the City's primary anti-poverty initiative. Streamlining programs has resulted in the development of comprehensive procedures and forms to maintain program compliance, including: Section 3, Lead-Based Paint, Subsidy Layering, Labor Standards, Environmental Review, etc.
- **Affordable Housing Partnerships:** City staff have forged strong relationships with the Housing Authority of Billings, local developers, realtors, contractors, lenders, and agencies interested in affordable housing development and preservation. City staff also maintains relationships with the staff working in HOME and CDBG programs across the state, including the Montana Department of Commerce, the Missoula Department of Grants and Community Programs, and the Great Falls Planning and Community Development Department.
- **Poverty and Homeless Services Partnerships:** Through the development and implementation of the City's anti-poverty initiative, the ***Billings Metro VISTA Project***, and the City's ten-year plan to impact homelessness, ***Welcome Home Billings***, City staff has created partnerships with over 50 social service

agencies, benefit providers, faith communities, philanthropic organizations and private industry leaders to expand coordination, collaboration and efficacy. Information on local Continuum of Care efforts can be found in the PR-10 Consultation section of this Consolidated Plan.

Gaps in the local institutional delivery system exist primarily due to funding limitations, particularly for administrative functions. Billings offers a great number of services to its citizens, but needs for funding, staffing, innovative programs and coordination exist. The ability to effectively relay information regarding the service array in Billings to those in need has been one of the community's greatest challenges. A comprehensive strategy for overcoming service gaps in the institutional delivery system is a priority of many organizations involved in overall community development initiatives.

Availability of services targeted to homeless persons and persons with HIV and mainstream services

Service Continuum	Available in the Community	Targeted to Homeless	Targeted to People with HIV
Homelessness Prevention Services			
Counseling/Advocacy	X	X	X
Legal Assistance	X		X
Mortgage Assistance	X		X
Rental Assistance	X	X	X
Utilities Assistance	X	X	X
Street Outreach Services			
Law Enforcement	X	X	
Mobile Clinics	X	X	
Other Street Outreach Services	X	X	X
Supportive Services			
Alcohol & Drug Abuse	X	X	X
Child Care	X	X	X
Education	X		X
Employment / Training	X		X
Healthcare	X	X	X
HIV/AIDS	X		X
Life Skills	X		X
Mental Health Counseling	X	X	X
Transportation	X	X	X
Other			
Housing First	X	X	

HUD Table 50 - Homeless Prevention Services Summary

Describe how the service delivery system including, but not limited to, the services listed above meet the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth)

A complete listing of services to meet the needs of the homeless is located in MA-30 Homeless Facilities and Services. The services listed herein meet the needs of some who are experiencing homelessness in the Billings community. The main issue with service delivery is the lack of resources relative to the number of people seeking assistance. The greatest barrier in the coordination of the institutional delivery structure to serve the homeless is community capacity and funding sources to manage long-term efforts. Several nonprofits have greatly limited services due to overwhelming need and a greatly diminished donor pool.

Through efforts of the Community Development Division, with the support of the capacity building efforts of the Billings Metro VISTA Project, the community has benefitted from several initiatives aimed at

improving public awareness of service delivery structure including: Resource Notepads / Maps; Illuminate Homelessness; Faith Engagement; and resource development for over 50 nonprofit organizations.

Describe the strengths and gaps of the service delivery system for special needs population and persons experiencing homelessness, including, but not limited to, the services listed above

The service delivery system for special needs populations and the homeless in Billings is bolstered by the vast service array available for those seeking assistance. The Community Development Division has spearheaded many initiatives based on national best practices, including the development and implementation of the State's first ten-year plan to impact homelessness. The City has funded two *housing first* projects to provide chronically homeless families and individuals *housing first* to create a solid foundation prior to enhancing support service and benefits delivery. City staff have also created the Billings Metro VISTA Project to enhance capacity building efforts to support local nonprofit organizations serving special needs and the homeless.

While Billings provides a vast array of services to persons experiencing homelessness, the majority of services are only available to individuals enrolled to receive services. For others, the basic services are adequate to meet basic human needs such as food, clothing, toiletries, and referrals.

Resources are not adequate to meet the need of the general homeless population, including housing, temporary shelter beds, dental care, vision care, and day centers. The most urgent need in the community is housing, both *long-term affordable housing* and *safe sleeping / low-barrier facility* for those not meeting eligibility requirements for other programs.

Provide a summary of the strategy for overcoming gaps in the institutional structure and service delivery system for carrying out a strategy to address priority needs

The City's goals are to: create, preserve, and expand affordable housing options; promote neighborhood revitalization through foreclosure program, and to impact poverty. The City has the comprehensive ability to address priority needs through home repair programs such as Housing Rehabilitation, and Foreclosure Acquisition / Rehabilitation. Contractors trained in lead-safe work methods are limited and staff advertises contractor opportunity through print media, on the City's website, through the Neighborhood Task Forces and holding public informational meetings when requested. Emphasis on the provision of opportunity to Section 3 and minority and women-owned businesses ensures furthering equal opportunity to low income owners / employers, racial / ethnic minorities and businesses owned by women.

The City maintains positive relations with the Housing Authority of Billings, developers, lenders, realtors and others to ensure collaboration and engagement in the implementation of First Time Home Buyer and Affordable Housing Development programs. The City has two certified Community Housing Development Organizations and is actively seeking additional organizations for the purposes of affordable housing development.

City staff maintain positive and close relationships with the staff at Montana Fair Housing, who is the primary organization in fair housing education and enforcement for the state. The City's Analysis of Impediments to Fair Housing Choice revealed the beginnings of segregated neighborhoods and for Hispanic Americans in Billings. The Analysis contained the following recommendation:

Billings should establish a housing service center, much like the Oak Park Regional Housing Center, where home seekers are introduced to housing options beyond the racial or ethnic neighborhoods to which they often feel they are limited. In Billings, the housing service center should seek to expand the housing search of minorities beyond the census tracts where the proportion of minorities is significantly greater than would be expected in a free market without discrimination. It should seek to expand the housing choices of Whites to those parts of the city where the proportion of Whites is less than would be expected in a discrimination-free housing market.

At the invitation of the City, NeighborWorks Montana researched the potential of a comprehensive housing center to serve low income renters and homeowners. All of the Billings housing organizations, including City of Billings, the Housing Authority of Billings, Rebuilding Together, District 7 HRDC, Rural Dynamics, Beartooth Resource Conservation and Development, and Homeword agreed to join together to form the Home Center of Billings. The Home Center building is located in downtown Billings, which is central to the City's low income and minority neighborhoods. The Home Center provides comprehensive housing services including fair housing information, housing education, counseling, development and revitalization.

CDBG and HOME resources are not adequate to meet the needs of the homeless and those experiencing poverty in Billings. The City's main anti-poverty initiative is the implementation of the Billings Metro VISTA Project. The City has provided full-year and summer associate support to over 50 nonprofit organizations to date and the continuance of this initiative is imperative to strengthen service delivery to those in need. The Billings Metro VISTA Project enables the City to support nonprofit organizations in a sustainable fashion since the provision of public service grants is no longer an option due to dwindling CDBG allocations.

SP-45 Goals Summary

91.215(a)(4)

Goal Summary Information for 2020-2024: Projects are funded on a close- and shovel-ready basis for core programs as described in this Plan.
An asterisk indicates *Housing development organizations housing development activities must be implemented by housing development organizations.

#	Goal Name	Category	Outcome	Objective	$	City Program	Goal Outcome Indicator	One Year Goal
1	**Create, preserve, and expand affordable housing options**	Affordable Housing	Affordability	Decent Affordable Housing	CDBG $351,256 HOME $314,216 NSP TBD	Affordable Housing Development	Public Infrastructure: Low-Income Housing Benefit	60 Households Assisted
							Rental Units Constructed	# Housing Units*
							Rental Units Rehabilitated	40 Housing Units*
							Homeowner Housing Added	# Housing Units*
						Housing Rehabilitation	Homeowner Housing Rehabilitated	4 Housing Units
						First Time Home buyer	Direct Financial Assistance to Homebuyers	35 Households Assisted
		• Encourage the citywide development of new affordable single-family, multi-family and special needs housing in the community through private developers and nonprofit organizations. • Provide direct, affordable financing and assistance to low-income homeowners for the completion of needed repairs citywide. • Provide affordable financing and support to promote homeownership opportunities citywide.						
2	**Neighborhood Revitalization: Foreclosures**	Affordable Housing	Affordability	Decent Affordable Housing	CDBG $100,000	Foreclosure Acquisition Rehabilitation	Homeowner housing rehabilitated	1 Housing Unit
							Buildings Demolished	# Buildings*
		• Revitalize neighborhoods through foreclosure remediation, redevelopment and infill development.						
3	**Impact Poverty**	Other: Poverty Impact	Availability / Accessibility	Create Suitable Living Environment	CDBG $75,000 CNCS TBD	Billings Metro VISTA Project	Public service activity for low-income benefit	200 Persons Assisted
		• Provide public service activity funding to support the Billings Metro VISTA Project to support local nonprofit organizations expand services for the homeless and special needs populations: Healthcare; Food Security; Education; Employment; Financial Literacy; and Housing.						
4	**Prevent, prepare for, and respond to coronavirus**	Other: Prevent, prepare for, and respond to coronavirus	Availability / Accessibility	Prevent, prepare for, and respond to coronavirus	CDBG-CV $909,126	CDBG-CV: Public Services	Public service activity for low-income benefit	500 Low-Income Persons Assisted
						CDBG-CV: Public Facility Improvements	Public facility or infrastructure activities	500 Low-Income Persons Assisted
		• Provide public service activity and public facility improvement funding to prevent, prepare for, and respond to the coronavirus. Priority needs have been identified in the City's Community Assessment Report, including, but not limited to: ○ **Low-Income Beneficiaries:** Rent, mental health care, meal distribution, mortgage payments, internet access, utility assistance, childcare, etc. ○ **Public Improvements & Facilities:** Handwashing stations, additional public restrooms / cleaning, infrastructure, etc. ○ **Social Service Agencies & Public Health Support:** Client remote access, vaccination activities, virtual service ability, exposure prevention - staff training, unmet hospital / public health needs, FEMA match, facility social distancing, etc.						

HOME Investment Partnerships Program(HOME), Community Development Block Grant (CDBG), Corporation for National and Community Service (CNCS), CARES Act (CDBG-CV)

HUD Table 51 - Goals Summary

Estimate the number of extremely low income, low income, and moderate-income families to whom the jurisdiction will provide affordable housing as defined by HOME 91.315(b)(2)

The City expects to:

- Assist 60 households with infrastructure improvements to support long-term housing affordability.
- Develop 10 new affordable rental housing units through new construction or rehabilitation.
- Assist 20 low income households with home repair programs.
- Assist 175 low income households through the First Time Home Buyer program.
- Acquire and rehabilitate five foreclosed, vacant homes to sell to low income households citywide.
- Serve 1,000 extremely low and low income individuals through poverty impact initiatives through the Billings Metro VISTA Project.

SP-50 Public Housing Accessibility and Involvement 91.215(c)

Need to Increase the Number of Accessible Units (if Required by a Section 504 Voluntary Compliance Agreement)

The Housing Authority of Billings performed a baseline Section 504 Needs Assessment that was updated in detail for physical changes in 1992 and the assessment is reviewed annually. The Housing Authority keeps track of demand for accessible units and wait list needs to determine when more accessible units may be needed. The Housing Authority also keeps a list of accessible units in the community for the Section 8 and Shelter Plus Care participants to assist them in their search. This is completed via outreach survey to all landlords participating in the program. Outreach is facilitated throughout the year to those who may need housing in accessible units.

The Housing Authority performs outreach to many agencies several times annually and to other program lists to make sure staff are able to fill accessible units with a family or individual who may need such a unit. If staff is not able to serve households for accessible units when their application comes to the top of the waiting list, they are offered a voucher to look for housing within the community. If an accessible unit at another program managed by the Housing Authority has not been filled, applicants are allowed to transfer to that program.

The Housing Authority will continue to review 504 Assessment results to determine when additional units and bedroom sizes may be needed in the inventory and research how to best implement those needs as they arise. As part of all Housing Authority programs, the disabled and handicapped are encouraged and allowed to request reasonable accommodations using approved Fair Housing Office forms to assist with whatever physical or assistance needs they may have.

Activities to Increase Resident Involvements

Each year the Housing Authority assesses physical needs identified by tenants through their Resident Advisory Board for the Annual Plan process; comments are also solicited via Resident Council functions throughout the year. These comments, Board participation, tenant commissioners, and Public Housing Administration's daily communications with the Housing Authority's client base serve to assist in assessing client needs for physical adjustments, security issues, and needed links with the community. The physical needs improvements are implemented along with staff recommendations in the Capital Fund planning process.

Is the public housing agency designated as troubled under 24 CFR part 902?

No.

Plan to remove the 'troubled' designation

Not applicable to the Housing Authority of Billings.

SP-55 Barriers to Affordable Housing 91.215(h)

Barriers to Affordable Housing

According to the City's most recent Analysis of Impediments to Fair Housing Choice, most of the typical exclusionary provisions that would hinder affordable housing development do not exist in current zoning codes. However, the following issues may act as barriers to affordable housing investment:

- Density bonuses have not been established to offset the cost of development if a project contains a certain percentage of affordable housing.
- There is currently not a way to fast-track the approval processes for affordable housing development projects. However, fast-tracking may not be as important in Billings as it is in other parts of the country. Subdivision review times are set by the Montana State Legislature. Building permit reviews for single-family homes (one to four units) are three to five days and commercial permits, including multi-family with five or more units in a structure, take four to six weeks to review. Other areas of the country, and some cities in Montana, take 30 days or longer for single-family reviews and four to six months for commercial reviews.
- The City does not currently permit a waiver or reduction of impact fees, including water and wastewater system development fees, to promote affordable housing development.
- The use of accessory dwelling units is not a widely practiced housing development strategy.

Other public policy concerns relate to a dated zoning code and inadequate funding to further affordable housing development. The City is currently in the process of revising the zoning code and one of the main goals of the project is to expand affordable housing choice across the City. The Billings City Council is expected to act on the adoption of the new zoning code in 2020. Additional information can be found online at Project Re:Code.

Strategy to Remove or Ameliorate the Barriers to Affordable Housing

The City plans on assisting with: housing affordability for renters / owners; cost of development; difficulty in paying for needed repairs; manufactured housing developments; and tax structure by implementing the following programs:

- Housing Rehabilitation
- Foreclosure Acquisition / Rehabilitation
- First Time Home Buyer
- Affordable Housing Development

Relative to the barriers identified in the City's Analysis of Impediments to Fair Housing Choice, the City plans on the following activities:

- Produce and disseminate consumer education on Fair Housing issues through ongoing publicity campaigns to make people aware they can move anywhere in the area they can afford.

- Work to expand housing choices of existing and potential new residents beyond neighborhoods identified by their own race or ethnicity.
- Continue to partner with enforcement agencies providing testing of the real estate industry practitioners to identify discriminatory practices in rental and for-sale housing.
- Support the efforts of local housing counseling agencies, especially to Latinos, before they apply for a mortgage.
- Continue to provide brochures containing information apprising potential home buyers of the availability of housing counseling and how to spot / report discriminatory lending practices.
- Continue to work toward the provision of affordable housing through Community Development programs.
- Support the efforts of the Planning Division to implement Project Re:Code.
- Support efforts to promote economic diversity in all schools to ensure every school has a majority of pupils coming from middle-class / higher-income households.
- Support the Housing Authority's efforts to expand the geographic range where holders of Housing Choice Vouchers look for housing.

SP-60 Homelessness Strategy 91.215(d)

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The City does not directly receive Continuum of Care, Emergency Shelter Grant, or other federal funds to exclusively support efforts to impact homelessness. City staff does not provide direct services to those experiencing homelessness.

A network of over 50 local service providers in the community strive to meet the diverse needs of those experiencing homelessness, those who are at-risk of homelessness, and people experiencing poverty. The Mental Health Center manages a Projects for Assistance in Transition from Homelessness (PATH) outreach program to engage those living outside or in areas unfit for human habitation. Tumbleweed runs a Street Outreach program to seek out unaccompanied youth to engage them in services. A complete listing of services, including outreach, is included in the MA-30 Homeless Facilities and Services section of this Consolidated Plan.

To the greatest extent possible, City staff will continue to provide local nonprofit organizations access to AmeriCorps VISTA members through the ***Billings Metro VISTA Project*** resources. VISTA members may be placed at the City to undertake objective citywide initiatives. VISTA members may also be placed at nonprofit Host Site organizations to work on specific anti-poverty initiatives.

Addressing the emergency and transitional housing needs of homeless persons

The shelter needs for people experiencing homelessness in the Billings community are primarily met by the Montana Rescue Mission as they operate a men's shelter and a shelter to serve women and their children. Montana Rescue Mission does not seek nor utilize federal funds for its operation. Several local service providers assist homeless families by providing funding for rent, mortgage, utility, and deposit assistance.

The Community Crisis Center provides crisis intervention and 23 hour stays as a technique to impact chronic homelessness. The YWCA provides transitional housing for victims of domestic violence. A complete listing of services, including emergency and transitional housing, is included in the MA-30 Homeless Facilities and Services section of this Consolidated Plan.

YWCA Gateway House provides housing for female-headed households who have been victims of domestic violence. Additional services provided include case management, mental health treatment, budgeting assistance, and the facilitation of access to benefits. The organization also provides transitional housing and permanent supportive housing.

HRDC District 7 receives Emergency Shelter Grant funds and manages a rapid rehousing program to provide deposit and rent payment assistance to help families quickly regain stability into permanent housing.

A complete list of service providers offering housing, services and prevention support is located in MA-30 Homeless Facilities and Services.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again.

Family Promise of Yellowstone Valley provides emergency shelter to several families at a time in a network of church congregations. The organization also operates a transitional housing program that provides apartments for those who have graduated from the shelter program.

YWCA Gateway House provides housing for female-headed households who have been victims of domestic violence. Additional services provided include case management, mental health treatment, budgeting assistance, and the facilitation of access to benefits. The organization also provides transitional housing and permanent supportive housing.

HRDC District 7 receives Emergency Shelter Grant funds and manages a rapid rehousing program to provide deposit and rent payment assistance to help families quickly regain stability into permanent housing.

Help low income individuals and families avoid becoming homeless, especially extremely low income individuals and families who are likely to become homeless after being discharged from a publicly funded institution or system of care, or who are receiving assistance from public and private agencies that address housing, health, social services, employment, education or youth needs

The City does not receive McKinney-Vento Homeless Assistance Act funds and is not required to develop and implement a Discharge Coordination Policy. The Montana Continuum of Care (MT CoC) for the Homeless Coalition is the state's lead agency for addressing homeless activities, and is a statewide collaboration of diverse homeless service providers, nonprofit organizations and local and state governments. The coalition was formed to address homelessness with very few resources to cover Montana's vast geographical area. The system is established upon community and regionally based continuum of care systems, which form the statewide coalition and continuum of care process. The City supports the MT CoC in their efforts to establish a Statewide Discharge Coordination Policy.

The City does not receive Emergency Shelter Grant funds. These funds are distributed statewide by the Montana Department of Public Health and Human Services through ten HRDCs throughout the state. The local District 7 HRDC utilizes these funds to support rapid re-housing activities in conjunction with the local shelters.

SP-65 Lead Based Paint Hazards 91.215(i)

Actions to address Lead-Based Paint (LBP) hazards and increase access to housing without LBP hazards

The City continues to be in compliance with HUD's lead-based paint requirements as established in September of 2000. Projects involving structures built prior to 1978 are considered to have the potential for lead-based paint and consistent procedures have been developed to ensure compliance with federal regulations.

The City will continue diligence while undertaking rehabilitation and construction activities in order to maintain the safety of households participating in federal programs. Participants in the City's housing programs are made aware of the requirements the City must follow when providing assistance. Education on the hazards of exposure to lead is provided for each rehabilitation project. The City currently offers risk assessments, through certified staff, paint inspections, clearance testing, and has access to lead-safe certified contractors to ensure compliance.

How are the actions listed above related to the extent of lead poisoning and hazards?

Unlike many larger jurisdictions, the City of Billings does not have a high prevalence of lead poisoning. The City's actions related to housing rehabilitation and development activities are preventive in nature.

How are the actions listed above integrated into housing policies and procedures?

The City's procedures contain provisions for lead-based paint compliance in all programs. A complete set of forms is currently utilized by staff for the purposes of lead-paint inspection, assessment, notification, reporting and compliance.

SP-70 Anti-Poverty Strategy 91.215(j)

Jurisdiction Goals, Programs and Policies for reducing the number of Poverty-Level Families

The Needs Assessment contains comprehensive information on the lower income status of local households. All of the Consolidated Plan strategies target the improvement of economic conditions of lower income households in the community, including housing development, financing home repair, continuing partnerships and funding public service activities. The City proposes to support the following specific activities in this Consolidated Plan to address economic conditions of low and moderate-income households in Billings:

- Continue to work with nonprofit organizations to help address the human service needs of lower income residents of the community in general and of our lower income neighborhoods in particular. This would be achieved primarily through supporting capacity building efforts of social service agencies through implementation of the ***Billings Metro VISTA Project***.
- Continue to apply for the AmeriCorps VISTA project status in order to bring full-time and summer associate volunteers to work on poverty-impact programs.

AmeriCorps VISTA is a national anti-poverty initiative that places full-year and Summer Associate volunteers with local projects. Full-year VISTA members are recruited locally and nationally, are college graduates and commit to at least a year of service with a project. Summer Associates are at least 18 years old and commit to ten weeks of service.

Focus Area	*Objective*	*Programming Area: Specific to People Experiencing Poverty*
Economic Opportunity	**Financial Literacy**	Financial services and related programs to enhance financial literacy.
	Housing	Services to improve housing situations and access to affordable housing, including transitioning individuals into or helping them remain in safe, healthy, affordable housing.
	Employment	Efforts to train and employ low income individuals. This includes literacy, vocational training aimed at building and gaining work-related skills.
Education	**School Readiness**	Services for children to make gains in school readiness in the following areas: Social / Emotional Development; Literacy Skills; and Numeracy / Math Skills.
	K-12 Success	Services to improve academic performance and engagement for students, particularly for students in low-achieving schools.
	Post-Secondary Success	Services to increase enrollment and completion of post-secondary education.
Healthy Futures	**Food Security**	Services to gain access to food resources and access to nutritious food.
	Access to Health Care	Services to gain access to preventative and primary health care services.
Veterans & Military Families	**Veterans Served**	Any of the above programming areas targeting services for low income veterans, family members, members of active duty military and military service members.

The structure of the Billings Metro VISTA Project serves to assist nonprofit organizations working on poverty issues. VISTA members may serve at the City to work on initiatives with citywide benefit such as: Faith Engagement in Homelessness; Illuminate Poverty; Resource Map and Notepad; Veterans and Military Families; and Food Security. More information on citywide initiatives can be found on the City's Poverty Impact Initiatives website. Information on VISTA can be found online at www.BillingsMT.gov/vista.

VISTA members may also be placed at nonprofit Host Site organizations to work on specific anti-poverty projects to benefit the organization's clients. Examples of organizations served include:

- Philanthropic organizations:
  - United Way of Yellowstone County

- Housing organizations:
  - Housing Authority of Billings
  - Rebuilding Together for Yellowstone County
  - NeighborWorks Montana

- Social service organizations:
  - Family Support Network
  - Center for Children and Families
  - Mental Health Center
  - Montana Rescue Mission
  - District 7 HRDC
  - Self Help Law Center
  - National Alliance on Mental Illness Billings
  - Tumbleweed Program, Inc.
  - Boys & Girls Club
  - Independence Hall, serving homeless veterans
  - Billings Family Service
  - Billings Head Start – Explorer's Academy
  - Friendship House
  - Family Promise of Yellowstone Valley
  - Crow Veteran's Affairs
  - YWCA Billings

- Adjacent public entities have also been served by the VISTA program, including:
  - Billings Public Library
  - Billings Public Schools
  - Downtown Billings Association
  - Billings Police Department
  - Planning & Parks Divisions

How are the Jurisdiction's poverty-reducing goals, programs, and policies coordinated with this affordable housing plan?

Poverty reduction is addressed through the Billings Metro VISTA Project and the City's affordable housing programs. Priority needs, program goals, policies and procedures are all in alignment with poverty impact and affordable housing activities.

Affordable Housing Development

- Expand access and availability of decent, affordable housing citywide.
- Improve the physical quality of affordable housing.
- Foster suitable living environment and quality of life through the improvement of physical conditions including infrastructure for housing projects and housing development.

Housing Rehabilitation

- Help current homeowners maintain their homes in safe, quality condition.
- Increase value, quality, and durability of existing affordable housing stock.

First Time Home Buyer

- Promote financial security, home equity, housing self-sufficiency, housing and neighborhood quality and stability.
- Increase minority homeownership, promote equal access and opportunity, and decrease segregation citywide.
- Improve affordable housing opportunities for the elderly, persons with disabilities, and other special populations.
- Reduce predatory lending through education and standardized procedures.

Foreclosure, Acquisition, Rehabilitation

- Mitigate the negative community impact of vacant, foreclosed properties.
- Improve affordable housing quality, condition, safety, livability, and accessibility.
- Stabilize property values in neighborhoods with existing vacant, foreclosed homes.
- Eliminate the potential for crime related to existing vacant, foreclosed properties.

SP-80 Monitoring 91.230

Describe the standards and procedures that the jurisdiction will use to monitor activities carried out in furtherance of the plan and will use to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements

The goals to be achieved through the Consolidated Plan will be monitored on a yearly basis as required as part of the CAPER submitted to HUD for the Consolidated Plan. Monitoring consists of:

- Examination of the community's use of available HUD, state, and local resources to meet the affordable housing and community development needs as outlined in the Consolidated Plan.
- Examination of the effectiveness of the programs in place.
- Review of public comments received on the community's performance in meeting the affordable housing and community development needs described in the City's Consolidated Plan.

The City may fund a variety of organizations to carry out City-funded activities each year and would enter into a written agreement specifically describing scope of work and funding use. Organizations receiving City funds will generally be monitored on-site by Community Development staff at to ensure compliance with the terms of the agreement and applicable regulations. Site visits will include monitoring in the following areas:

- Compliance with agreement timeframe
- Rate of expenditures
- Continued eligibility of the activities under the agreement
- Adequate documentation concerning client eligibility and service delivery

Compliance with federal regulations will also be monitored, including (but not limited to) a review of the following:

- American Disabilities Act
- Fair Housing Act
- Equal Employment Opportunity
- Section 3 of the Housing and Urban Development Act of 1968
- Uniform Administrative Requirements
- Davis-Bacon Labor Standards

Community Housing Development Organizations

The City requires Community Housing Development Organizations (CHDOs) apply for recertification on an annual basis to ensure continued requirements are being met for CHDO designation, including (but not limited to) maintenance of Board composition, including at least one-third membership by residents of low income neighborhoods and no more than one-third may be public officials or local / state employees. Staff also conducts a CHDO capacity review every time a new project is funded to ensure the organization has the ability to carry out functions of the proposed project.

Affordable Housing Projects

Housing projects are monitored via desk review and / or site-visits, including inspections, on a schedule based on the number of units in the project. On-site visits include property standards compliance

inspections, tenant file review, household income verification, etc. City staff will also conduct annual desk reviews to ensure leases are in compliance with HOME regulations; rents are compliant with HOME limits; tenant incomes are reviewed annually and they are within eligibility limits; the property owner/manager is inspecting the property at least annually; that adequate project reserves have been established and annual reports are received; and the year-end profit and loss statements show the project is profitable and/or sustainable for the period of affordability.

Affordable housing projects are also scrutinized via routine Risk Assessment in order for City staff to evaluate the relative level of risk of noncompliance for each project in the assisted portfolio. Projects with higher risk assessment scores are prioritized for intensive case management efforts to bring the project into compliance and may receive multiple site visits and technical assistance from City staff.

First Time Home Buyers

Homebuyers receiving assistance are monitored for residency requirements by US Postal Service and noncompliant projects are prioritized for intervention through the City's legal office.

Section VI: Annual Action Plan

AP-15 Expected Resources

Section is duplication – SP-35 *91.220(c)(1,2)*

Introduction

CDBG administration allocations are capped at 20% of the new CDBG allocation in addition to eligible program income received during the project year. Maximum amounts for public service activities are capped at 15% of the new CDBG allocation and 15% of the previous year's program income. HOME administration activities are capped at 10% of the new HOME allocation and eligible program income received following the required affordability period. Revenue received during a project's affordability period is considered recaptured and may not be used for administration.

Expected revenues from the CDBG program include repayments for funding loaned through the Housing Rehabilitation Loan program and other revitalization efforts. The City expects to receive approximately $75,000 in repayments for the upcoming fiscal year which will be reprogrammed for programs identified herein. The City will not receive proceeds for Section 108 loan guarantees, surplus funds from urban renewal settlements, or float-funded activities.

Revenue expected for the HOME program includes recaptured and program income funding generated by the First Time Homebuyer Loan program. The City expects to receive approximately $150,000 in HOME funding through these venues, and the funding will be utilized to further programs identified in this Consolidated Plan. The City of Billings programs utilize 100% of CDBG and HOME funding to benefit low to moderate income households and / or areas. The City may also receive program income attributable to the Neighborhood Stabilization Program and other previously funded federal and state programs.

Routine revenues including program income, recaptured / repaid funds, and re-programmed monies will be utilized for existing and previously approved programs as it is received during each fiscal year. Routine revenues are allocated on a close- and shovel-ready basis to ensure timely commitment and expenditure. These changes are customary and facilitate funding allocations to projects and activities most in demand and do not require a substantial or minor amendment to the Consolidated Plan.

The City also received $909,126 in CARES Act CDBG-CV funding to prevent, prepare for, and respond to the coronavirus. Funding will be allocated to public service and public facility improvements.

Anticipated Resources

Program	Source of Funds	Expected Amount Available Year 1				Expected Amount Available Reminder of Con Plan	Narrative Description
		Annual Allocation	Program Income	Prior Year Resources	Total		
CDBG	Public / Federal	$657,719	$75,000	$0	$732,719	$2,520,000	Entitlement Allocation
	Uses of Funds: Administration, Homeowner Rehabilitation, Homebuyer Acquisition, New Housing Development, Public Services						
HOME	Public / Federal	$349,053	$150,000	$0	$499,053	$1,280,000	Entitlement Allocation
	Uses of Funds: Administration, Homebuyer Acquisition, New Housing Development						
CDBG-CV	Public / Federal	$909,126	$0	$0	$909,126	Leave Blank	CARES Act
	Uses of Funds: Prevent, prepare for, and respond to coronavirus						

HUD Table 52 - Expected Resources - Priority Table, Duplicated from SP-35

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

The HOME program requires 25% match funding for projects be dedicated from non-federal sources. The City of Billings meets HOME matching requirements through low-interest financing available for First Time Homebuyer Loans issued through the Montana Board of Housing and matching funds provided for other affordable housing projects undertaken with HOME funds, such as private contributions and other local bank financing.

If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

City staff does not anticipate publically owned land will be utilized to address needs identified in the Consolidated Plan.

AP-20 Annual Goals and Objectives, table is AP-23 in IDIS

Goal Summary Information: Projects are funded on a close- and shovel-ready basis for core programs as described in this Plan.
An asterisk indicates *Housing development organizations housing development activities must be implemented by housing development organizations.

#	Goal Name	Category	Outcome	Objective	$	City Program	Goal Outcome Indicator	One Year Goal
1	**Create, preserve, and expand affordable housing options**	Affordable Housing	Affordability	Decent Affordable Housing	CDBG $351,256 HOME $314,216 NSP TBD	Affordable Housing Development	Public Infrastructure: Low-Income Housing Benefit	60 Households Assisted
							Rental Units Constructed	# Housing Units*
							Rental Units Rehabilitated	# Housing Units*
							Homeowner Housing Added	# Housing Units*
						Housing Rehabilitation	Homeowner Housing Rehabilitated	4 Housing Units
						First Time Home buyer	Direct Financial Assistance to Homebuyers	35 Households Assisted
		• Encourage the citywide development of new affordable single-family, multi-family and special needs housing in the community through private developers and nonprofit organizations. • Provide direct, affordable financing and assistance to low-income homeowners for the completion of needed repairs citywide. • Provide affordable financing and support to promote homeownership opportunities citywide.						
2	**Neighborhood Revitalization: Foreclosures**	Affordable Housing	Affordability	Decent Affordable Housing	CDBG $100,000	Foreclosure Acquisition Rehabilitation	Homeowner housing rehabilitated	1 Housing Unit
							Buildings Demolished	# Buildings*
		• Revitalize neighborhoods through foreclosure remediation, redevelopment and infill development.						
3	**Impact Poverty**	Other: Poverty Impact	Availability / Accessibility	Create Suitable Living Environment	CDBG $75,000 CNCS TBD	Billings Metro VISTA Project	Public service activity for low-income benefit	200 Persons Assisted
		• Provide public service activity funding to support the Billings Metro VISTA Project to support local nonprofit organizations expand services for the homeless and special needs populations: Healthcare; Food Security; Education; Employment; Financial Literacy; and Housing.						
4	**Prevent, prepare for, and respond to coronavirus**	Other: (Blank - does not display SP-45 text)	Availability / Accessibility	Prevent, prepare for, and respond to coronavirus	CDBG-CV $909,126	CDBG-CV: Public Services	Public service activity for low-income benefit (GOI 3)	500 Low-Income Persons Assisted
						CDBG-CV: Public Facility Improvements	Public facility or infrastructure activities (GOI 1)	500 Low-Income Persons Assisted
		• Provide public service activity and public facility improvement funding to prevent, prepare for, and respond to the coronavirus. Priority needs have been identified in the City's Community Assessment Report, including, but not limited to: ○ **Low-Income Beneficiaries:** Rent, mental health care, meal distribution, mortgage payments, internet access, utility assistance, childcare, etc. ○ **Public Improvements & Facilities:** Handwashing stations, additional public restrooms / cleaning, infrastructure, etc. ○ **Social Service Agencies & Public Health Support:** Client remote access, vaccination activities, virtual service ability, exposure prevention - staff training, unmet hospital / public health needs, FEMA match, facility social distancing, etc.						

HOME Investment Partnerships Program(HOME), Community Development Block Grant (CDBG), Corporation for National and Community Service (CNCS), CARES Act (CDBG-CV)
HUD Table 53 - Goals Summary

AP-35 Projects *91.220(d)*

Introduction

The City of Billings is recommending the following projects for CDBG and HOME funding this fiscal year. Revenues received from CDBG, HOME, and other sources will be allocated to current programs under a close- / shovel-ready basis to ensure commitment and expenditure timeliness.

#	Project Name	FY2020-2021 Allocations	
		CDBG	HOME
4 & 5	Administration	$131,463	$34,837
6	Affordable Housing Development *In addition to $150,000 in current fiscal year repayment revenue*	$235,000	-
7	Community Housing Development Organizations	-	$52,358
8	Housing Rehabilitation	$50,000	-
9	First Time Home Buyer	$66,256	$261,858
10	Foreclosure Acquisition and Rehabilitation	$100,000	-
11	Billings Metro VISTA Project	$75,000	-
12	CDBG-CV: Administration	$181,825	-
13	CDBG-CV: Public Services	$363,650	-
14	CDBG-CV: Public Facility Improvements	$363,651	-

HUD Table 54 - Project Information, Funding Allocations do not include Program Income

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

The allocation priorities were established by identifying community needs through the Needs Assessment and Market Analysis:

- **Affordable Housing:** Single- and multi-housing development, Housing Rehabilitation, and First Time Home Buyer, and Foreclosure Acquisition and Rehabilitation.
- **Poverty Impact:** Billings Metro VISTA Project.

The primary obstacle faced by the City in undertaking the activities described in its Consolidated Plan and meeting under-served needs is limited funding. The Needs Assessment identified the affordable housing needs and conditions of our community. These conditions, particularly the cost burden faced by very low income renters and homeowners, is difficult to address given existing resources.

AP-38 Project Summary

#	Project Name	Target Area	Goals / Needs	Funding – No Program Income	Target Date	Estimate # / Type Families Benefitting
4 & 5	Administration	City of Billings	Affordable Housing	CDBG $131,463 HOME $34,837	June 30, 2021	Not Applicable
		Description: General grant administration for CDBG and HOME programs.				
6	Affordable Housing Development	City of Billings	Affordable Housing	CDBG $235,000 In addition to $150,000 current repayment revenue	June 30, 2021	60 Low-Income Households Assisted
		Description: Encourage the citywide development of new affordable single-family, multi-family and special needs housing in the community through private developers and nonprofit organizations. Planned Activities: This funding would be utilized to facilitate the development of new affordable housing.				
7	Community Housing Development Organization	City of Billings	Affordable Housing	HOME $52,358	June 30, 2023	# Housing Units: Rentals constructed, rehabbed, or owner housing added
		Description: Encourage the citywide development of new affordable single-family, multi-family and special needs housing in the community through private developers and nonprofit organizations. Planned Activities: This funding would be utilized to facilitate the development of new affordable housing.				
8	Housing Rehabilitation	City of Billings	Affordable Housing	CDBG $50,000	June 30, 2021	4 Low-Income Housing Units
		Description: Provide direct, affordable financing and assistance to low-income homeowners for the completion of needed repairs citywide. Preserve existing affordable housing supply, particularly in older neighborhoods, to support the stability of the current affordable housing stock. Planned Activities: This program provides low-income households with zero interest, no payment financing to make needed improvements. This program revitalizes established neighborhoods and preserve the existing affordable housing stock through the completion of repairs to housing.				
9	First Time Home Buyer	City of Billings	Affordable Housing	HOME $261,858 CDBG $66,256	June 30, 2021	35 Low-Income Households Assisted
		Description: Provide affordable financing and support to promote homeownership opportunities citywide. Planned Activities: This program provides financial resources to support low-income first time homebuyers with down payment and closing costs.				
10	Foreclosure Acquisition & Rehabilitation	City of Billings	Affordable Housing	CDBG $100,000	June 30, 2021	1 Housing Unit – Low-Income Household
		Description: Provide direct, affordable financing and assistance to low-income homeowners for the completion of needed repairs citywide. Revitalize low-income neighborhoods through foreclosure remediation, redevelopment and infill development. Planned Activities: Funding to support the purchase of vacant and foreclosed properties for the purpose of rehabilitation and direct homeownership assistance to income-qualified homebuyers as their primary residence. Properties may also be demolished to make way for new construction of affordable housing. The purpose of the program is to stabilize neighborhoods, stem the decline of house values of neighboring homes due to foreclosure, and to preserve decent affordable housing.				
11	Billings Metro VISTA Project	City of Billings	Poverty Impact	CDBG $75,000	June 30, 2021	200 Low-Income Persons Assisted
		Description: Provide public service activity funding to support the Billings Metro VISTA Project to support local nonprofit organizations expand services for the homeless and special needs populations: Healthcare; Food Security; Education; Employment; Financial Literacy; and Housing. Planned Activities: AmeriCorps members work on poverty impact issues in the community including hunger, homelessness, education, and veterans / military family support. Members are placed at nonprofit organization Host Sites and the City to assist in strengthening services in the poverty-impact service continuum.				

#	Project Name	Target Area	Goals / Needs	Funding – No Program Income	Target Date	Estimate # / Type Families Benefitting
12	CDBG-CV: Administration	City of Billings	Prevent, prepare for, respond to coronavirus	CDBG-CV $181,825	August 31, 2022	Not Applicable
		Description: General grant administration for CDBG-CV programs.				
13	CDBG-CV: Public Services	City of Billings	Prevent, prepare for, respond to coronavirus	$363,650	August 31, 2022	500 Low-Income Persons Assisted
		Description: Provide public service activity funding to prevent, prepare for, and respond to the coronavirus. • **Activities benefitting low-Income beneficiaries:** Rent, mental health care, meal distribution, mortgage payments, internet access, utility assistance, childcare, etc. • **Social Service Agencies & Public Health Support:** Client remote access, vaccination activities, virtual service ability, exposure prevention - staff training, unmet hospital / public health needs, FEMA match, etc.				
14	CDBG-CV: Public Facility Improvements	City of Billings	Prevent, prepare for, respond to coronavirus	$363,651	August 31, 2022	500 Low-Income Persons Assisted
		Description: Provide public facility improvements funding to prevent, prepare for, and respond to the coronavirus. Priority needs have been identified in the City's Community Assessment Report, including, but not limited to: ○ **Public Improvements & Facilities:** Handwashing stations, additional public restrooms / cleaning, infrastructure, etc. ○ **Social Service Agencies & Public Health Support:** Client remote access, virtual service ability, unmet hospital / public health needs, FEMA match, facility social distancing, etc..				
Community Development Block Grant (CDBG) HOME Investment Partnerships Program (HOME) CARES Act (CDBG-CV)						

AP-50 Geographic Distribution 91.220(f)

Description of the geographic areas of the entitlement (including areas of low income and minority concentration) where assistance will be directed

The geographic area served by the Consolidated Plan is defined by the current City of Billings limits. Citation 24 CFR 91.220(f) reads as follows, *"When appropriate, jurisdictions should estimate the percentage of funds they plan to dedicate to target areas."* Estimating the percentage of funds planned for dedication to target areas is not appropriate for the Billings community due to the following reasons:

- Geographic area is defined by the current City of Billings limits.
- Target areas include high concentrations of low income households, particularly those with higher concentrations of racial / minority households.
- Citywide strategies encourage the distribution of resources support affirmatively furthering fair housing and equal opportunity to avoid segregation in Billings.
- Geographic distribution of investments description includes the focus of resources on a citywide basis to support diversity across the community.
- The City of Billings is classified as a smaller city on a national scale.
- The actual dollar amount dedicated to each program is included in this Action Plan.

The City will focus distribution of investments on a citywide basis in order to support diversity and mixed-income development across the community. Neighborhood Revitalization Strategy areas ***have not been established*** in Billings and there is no specific amount of funding allocated for a target area in the City's geographic distribution of resources. **Therefore, the City plans to dedicate zero percent of funding to target areas in favor of supporting a citywide approach to further fair housing, equal opportunity and anti-segregation efforts.**

Geographic Distribution

Target Area	Percentage of Funds
Citywide	100%

HUD Table 55 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

The strategies identified in the Consolidated Plan will be addressed on a citywide basis to encourage the distribution of low income affordable housing and other assistance to lower income households throughout the community.

AP-55 Affordable Housing 91.220(g)

Introduction

Planned affordable housing for the upcoming year include Housing Rehabilitation, Foreclosure Acquisition / Rehabilitation, Affordable Housing Development, and First Time Home Buyer. While many of these programs may serve the homeless or special needs households, the programs are not designed to exclusively serve one or more of the following cohorts.

One Year Goals for the Number of Households to be Supported	
Homeless	
Non-Homeless	100
Special-Needs	
Total	100

HUD Table 56 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	
The Production of New Units	
Rehab of Existing Units	5
Acquisition of Existing Units	
Total	5

HUD Table 57 - One Year Goals for Affordable Housing by Support Type

AP-60 Public Housing 91.220(h)

Introduction

The Housing Authority of Billings serves extremely low income, very low income, and low income citizens. The Housing Authority plans to apply for all grants that will assist the organization in adding units to its existing programs and any programs that complement existing services and are able to be implemented. The Housing Authority will continue to assess and implement modernization funds to upgrade and restore units and complete energy efficient repairs as needed.

Actions planned during the next year to address the needs to public housing

The Housing Authority may apply for funding to develop affordable housing through the Affordable Housing Development Program. In the past, the City has granted funds to build new units through the HOME and CDBG programs in neighborhoods where Housing Authority property exists. The City has also provided funding for a variety of rehabilitation and new construction projects to neighborhoods that have public housing units in need of upgrading.

The City has helped rehabilitate properties, sold land for new businesses, and granted land to nonprofits to assist with neighborhood revitalization efforts in neighborhoods where Housing Authority complexes have been built. The City has provided funding for parks and play areas for the neighborhoods where Housing Authority families reside. In addition, the businesses that have moved into areas where Housing Authority properties are located have contributed to the economic stability of the Housing Authority clients. The City's First Time Home Buyer program assists with home ownership down payment assistance and home ownership counseling for clients considering homeownership.

The City coordinates with the Housing Authority for housing needs assessments, assists in funding new projects when appropriate, and assists with applications for supportive services when called upon for needed assistance.

Actions to encourage public housing residents to become more involved in management and participate in homeownership

The Housing Authority implements the Family Self-Sufficiency program. This program links participants to community agencies to help them become self-sufficient through individual goal setting. Fifty-five families participated in the program in 2014. Three families moved into homeownership, two with continued assistance and one without. Forty-one households have achieved homeownership through this program to date. Resident councils, an Advisory Board and the Family Self-Sufficiency Panel are involved in providing input on program needs and assisting others to become actively involved in the process. Additional information is included in the five-year plan on file at the Housing Authority office.

Each year, the Housing Authority goes through a process to assess physical needs addressed by tenants through their Resident Advisory Board for the Annual Plan process; comments are also solicited via Resident Council functions throughout the year. These comments, Board participation, tenant commissioners, and Public Housing Administration's daily communications with the Housing Authority's client base serve to assist in assessing client needs for physical adjustments, security issues, and needed

links with the community. The physical needs requests are implemented along with staff recommendations in the Capital Fund planning process.

If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance

Not applicable. The Housing Authority is a High Performer for PHAS and, therefore, a review of troubled status needs is not required.

AP-65 Homeless and Other Special Needs Activities 91.220(i)

Introduction

As previously stated in the SP-60 Homelessness Strategy of this Consolidated Plan, the Community Development Division's ongoing activities include:

- Continuing to distribute the City's *Resource Map*, *Notepad*, and the *Veteran's Resource Map.* These documents include comprehensive service directories for anyone seeking assistance.
- To the greatest extent possible, City staff will continue to provide local nonprofit organizations access to AmeriCorps VISTA members through the ***Billings Metro VISTA Project*** resources. VISTA members may be placed at the City to undertake objective citywide initiatives. VISTA members may also be placed at nonprofit Host Site organizations to work on specific anti-poverty initiatives.

The City does not directly receive Continuum of Care, Emergency Shelter Grant, or other federal funds to exclusively support efforts to impact homelessness. City staff does not provide direct services to those experiencing homelessness.

A network of over 50 local service providers in the community strive to meet the diverse needs of those experiencing homelessness, those who are at-risk of homelessness, and people experiencing poverty. The Mental Health Center manages a Projects for Assistance in Transition from Homelessness (PATH) outreach program to engage those living outside or in areas unfit for human habitation. Tumbleweed runs a Street Outreach program to seek out unaccompanied youth to engage them in services. A complete listing of services, including outreach, is included in the MA-30 Homeless Facilities and Services section of this Consolidated Plan.

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The Mental Health Center manages the PATH outreach program to engage those living outside or in areas unfit for human habitation. Tumbleweed runs a Street Outreach program to seek out unaccompanied youth to engage them in services. Additional services for the homeless are included in the MA-30 Homeless Facilities and Services section of this Consolidated Plan.

Addressing the emergency shelter and transitional housing needs of homeless persons

The shelter needs for those experiencing homelessness in the Billings community are primarily met by the Montana Rescue Mission. The organization operates men's shelter and a shelter to serve women and their children. Montana Rescue Mission does not seek nor utilize federal funds for its operation. Several local service providers assist homeless families by providing funding for rent, mortgage, utility, and deposit assistance.

The Community Crisis Center provides crisis intervention and 23 hour stays as a technique to impact chronic homelessness. The YWCA provides transitional housing for victims of domestic violence. Additional services for the homeless are included in the MA-30 Homeless Facilities and Services section of this Consolidated Plan.

For those living on the downtown streets of Billings, a new position has been created for an addiction / mental health counselor to accompany two downtown police officers when engaging people living on the streets. This initiative was undertaken as one of the many outcomes from the Community Innovations Summit, which was facilitated by the Community Development Division and the Downtown Billings Alliance. Non-federal funding through the City of Billings has been allocated to support the counselor staff position.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

Family Promise of Yellowstone Valley provides emergency shelter to several families at a time in a network of church congregations. The organization also operates a transitional housing program that provides apartments for those who have graduated from the shelter program.

YWCA Gateway House provides housing for female-headed households who have been victims of domestic violence. Additional services provided include case management, mental health treatment, budgeting assistance, and the facilitation of access to benefits. The organization also provides transitional housing and permanent supportive housing.

HRDC District 7 receives Emergency Shelter Grant funds and manages a rapid rehousing program to provide deposit and rent payment assistance to help families quickly regain stability into permanent housing.

Helping low income individuals and families avoid becoming homeless, especially extremely low income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs

The City does not receive McKinney-Vento Homeless Assistance Act funds and is not required to develop and implement a Discharge Coordination Policy. The Montana Continuum of Care (MT CoC) for the Homeless Coalition is the state's lead agency for addressing homeless activities, and is a statewide collaboration of diverse homeless service providers, nonprofit organizations and local and state governments. The coalition was formed to address homelessness with very few resources to cover Montana's vast geographical area. The system is established upon community and regionally based continuum of care systems, which form the statewide coalition and continuum of care process. The City supports the MT CoC in their efforts to establish a Statewide Discharge Coordination Policy.

The City does not receive Emergency Shelter Grant funds. These funds are distributed statewide by the Montana Department of Public Health and Human Services through ten HRDCs throughout the state. The local District 7 HRDC utilizes these funds to support rapid re-housing activities in conjunction with the local shelters.

AP-75 Barriers to Affordable Housing *91.220(j)*

Introduction

Barriers to affordable housing are noted in the MA-40 and SP-55 Barriers to Affordable Housing sections of this Consolidated Plan.

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

The City plans on assisting with housing affordability and poverty impact through the following programs:

- Housing Rehabilitation
- Foreclosure Acquisition / Rehabilitation
- First Time Home Buyer
- Affordable Housing Development
- Billings Metro VISTA Project

AP-85 Other Actions 91.220(k)

Introduction

The City's programs have been designed to meet priority needs in the community. However, there is very limited funding coming through the City to meet the needs of local citizens.

Actions planned to address obstacles to meeting underserved needs

The City plans on meeting underserved needs through the following programs:

- **First Time Home Buyer**
  - Promote financial security, home equity, housing self-sufficiency, housing and neighborhood quality and stability.
  - Increase minority homeownership, promote equal access and opportunity, and decrease segregation citywide.
  - Improve affordable housing opportunities for the elderly, persons with disabilities, and other special populations.
  - Reduce predatory lending through education and standardized procedures.

- **Housing Rehabilitation**
  - Help current homeowners maintain their homes in safe, quality condition.
  - Increase value, quality, and durability of existing affordable housing stock.

- **Affordable Housing Development**
  - Expand access and availability of decent, affordable housing citywide.
  - Improve the physical quality of affordable housing.
  - Foster suitable living environment and quality of life through the improvement of physical conditions including infrastructure for housing projects and housing development.

- **Foreclosure, Acquisition, Rehabilitation**
  - Mitigate the negative community impact of vacant, foreclosed properties.
  - Improve affordable housing quality, condition, safety, livability, and accessibility.
  - Stabilize property values in neighborhoods with existing vacant, foreclosed homes.
  - Eliminate the potential for crime related to existing vacant, foreclosed properties.

- **Billings Metro VISTA Project**
  - Provide resources to nonprofit organizations to undertake poverty impact activities and to support the low income individuals and families they serve.
  - Focus areas include: education, healthcare, food security, economic opportunity, housing, financial literacy, and others.

Actions planned to foster and maintain affordable housing

The City plans on maintaining affordable housing through the following:

- **Create, preserve, and expand affordable housing options:** Affordable Housing Development; Housing Rehabilitation; and First Time Home Buyer.
- **Neighborhood Revitalization – Foreclosures**: Foreclosure Acquisition Rehabilitation
- **Impact Poverty:** Billings Metro VISTA Project

Actions planned to reduce lead-based paint hazards

The City continues to be in compliance with HUD's lead-based paint requirements as established in September of 2000. Projects involving structures built prior to 1978 are considered to have the potential for lead-based paint and consistent procedures have been developed to ensure compliance with federal regulations.

The City will continue diligence while undertaking rehabilitation and construction activities in order to maintain the safety of households participating in federal programs. Participants in the City's housing programs are made aware of the requirements the City must follow when providing assistance. Education on the hazards of exposure to lead is provided for each rehabilitation project. The City currently offers risk assessments, through certified staff, paint inspections, clearance testing, and has access to lead-safe certified contractors to ensure compliance.

Actions planned to reduce the number of poverty-level families

As stated in the SP-70 Anti-Poverty Strategy section of the Consolidated Plan, the Needs Assessment contains comprehensive information on the lower income status of local households. All of the Consolidated Plan strategies target the improvement of economic conditions of lower income households in the community, including housing development, financing home repair, continuing partnerships and funding public service activities. The City proposes to support the following specific activities in this Consolidated Plan to address economic conditions of low and moderate-income households in Billings:

- Continue to work with nonprofit organizations to help address the human service needs of lower income residents of the community in general and of our lower income neighborhoods in particular. This would be achieved primarily through supporting capacity building efforts of social service agencies through implementation of the ***Billings Metro VISTA Project***.
- Continue to apply for the AmeriCorps VISTA project status in order to bring full-time and summer associate volunteers to work on poverty-impact programs.

AmeriCorps VISTA is a national anti-poverty initiative that places full-year and Summer Associate volunteers with local projects. Full-year VISTA members are recruited locally and nationally, are college graduates and commit to at least a year of service with a project. Summer Associates are at least 18 years old and commit to ten weeks of service.

Actions planned to develop institutional structure

As described in the SP-40 Institutional Delivery Structure section of the Consolidated Plan, the City of Billings maintains strong partnerships with housing and social service agencies. The only gaps in the institutional structure relate to funding limitations and the City's inability to dedicate time and resources to additional projects outside of the current funding structure.

Actions planned to enhance coordination between public and private housing & social service agencies

The City will continue coordinating with public, private, and social service agencies to further activities and projects identified herein, including participation in the following groups and initiatives:

- Nonprofit Organizations
- Neighborhood Task Forces
- Community Innovations Initiatives
- Resource Map and Notepad
- Veteran's Resource Map
- Billings Metro VISTA Project

AP-90 Program Specific Requirements 91.220(l)(1,2,4)

Introduction

The City of Billings has programmed all available revenues in current programs identified herein.

Community Development Block Grant Program (CDBG)
Reference 24 CFR 91.220(l)(1)

1.	Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.	$0
2.	The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	$0
3.	The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan	$0
4.	The amount of surplus funds from urban renewal settlements	$0
5.	The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan.	$0
6.	The amount of income from float-funded activities.	$0
	Total Program Income:	**$0**

Other CDBG Requirements

1.	The amount of urgent need activities.	$0
2.	The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two, or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specific the years covered that include this Annual Action Plan.	100%
	Years Covered are 2020-2021	

HOME Investment Partnership Program (HOME)
Reference 24 CFR 91.220(l)(2)

1. **A description of other forms of investment being used beyond those identified in Section 92.205 is as follows:**

   The above-noted regulation refers to the use of HOME funds for eligible activities. The City of Billings will not utilize HOME funds outside of the following allowable investments:

   - Equity investments, interest-bearing loans or advances, non-interest-bearing loans or advances, interest subsidies consistent with the purposes of this part, deferred payment loans, grants, or other forms of assistance that HUD determines to be consistent with the purposes of this part. Each participating jurisdiction has the right to establish the terms of assistance, subject to the requirements of this part.
   - Guarantee loans made by lenders and, if required, the participating jurisdiction may establish a loan guarantee account with HOME funds. The HOME funds may be used to guarantee the timely payment of principal and interest or payment of the outstanding principal and interest upon foreclosure of the loan. The amount of the loan guarantee account must be based on a reasonable estimate of the default rate on the guaranteed loans, but under no circumstances may the amount on deposit exceed 20% of the total outstanding principal amount guaranteed; except that the account may include a reasonable minimum balance. While loan funds guaranteed with HOME funds are subject to all HOME requirements, funds which are used to repay the guaranteed loans are not.

2. **A description of the guidelines that will be used for resale or recapture of HOME funds when used for homebuyer activities as required in 92.254, is as follows:**

   Recapture provisions permit the original homebuyer to sell the assisted property to any willing buyer during the period of affordability while the City is able to recapture all or a portion of the HOME assistance provided to the original homebuyer. The City utilizes recapture provisions exclusively when assisting homeowners and the provisions are enforced via a Promissory Note (not recorded), the use of a Deed Restriction Agreement and a Montana Trust Indenture that are both recorded at the Yellowstone County Clerk and Recorder's office. These written, legal documents contain language outlining the recapture provisions as established herein. The City does not use subrecipients or other grantees to carry out these activities.

   Homebuyer Requirements: In order for homeownership housing to qualify as affordable housing eligible for HOME funding, it must be: single-family; considered modest housing; be acquired by a low income household for their principal residence; and meet affordability requirements for a single period of time as determined by the amount of assistance provided.

   Direct HOME Subsidy: The amount of HOME assistance that enabled the homebuyer to buy the unit. The direct subsidy includes down payment and closing costs provided directly to the homebuyer, which resulted in a reduced purchase price from the fair market value of the home to an affordable price. The entire amount of HOME assistance is subject to recapture.

   Net Proceeds: The sales price, less the superior loan repayment and any closing costs. The City will only recapture the net proceeds from a sale. Any loans or improvements made to the property after the time of the HOME assistance will be paid after the City is repaid the amount owed under its

recapture provisions. If the net proceeds are not sufficient to recapture the full HOME investment, the City will accept the available net proceeds as full payment.

Recapture Model - City Recaptures Entire HOME Assistance Amount: The City allows the assisted homebuyer to retain all appreciation and the City expects to recapture the entire direct HOME subsidy invested in the project. Therefore, the homeowner will retain any value of the appreciation of the property after the City's HOME assistance has been recaptured / repaid. The homeowner's down payment, principal payments, and any capital improvement investment made in the property after the HOME assistance was provided will be returned to the homeowner at closing after the City's HOME assistance is recaptured and repaid from the net proceeds as described above.

Subordination: The City does not subordinate loans in the First Time Homebuyer program and other homeowner-assisted projects without City Council approval. Therefore, if an assisted homeowner refinances the property, the City will need to be repaid the full amount of HOME assistance provided. Assisted homeowners wishing to pursue City Council approval may write a letter explaining the need for the subordination and submit it to the Community Development Division. Staff will then prepare a memo and place the subordination on the Community Development Board agenda for recommendation to the City Council.

Use of Recaptured Funds: Recaptured HOME funds will be used to assist other first time homebuyers to purchase property in Billings or other HOME-eligible activities to be determined through the City's budget allocation process in accordance with the Citizen Participation Plan. Homebuyers must be low income and must use the assisted property with the recaptured funds as their principal residence. Low income and first time homebuyer status will be determined based on HOME program regulations.

Resale: the objective of the resale provision is to continue the affordability of a property in the event of resale and applies to HOME assisted projects restricting assistance to a development subsidy; construction, infrastructure, land acquisition, etc. In the event the City provides HOME assistance as an exclusive development subsidy, the seller would be obligated to either find an income-eligible buyer (under 80% AMI) who could afford the sales price or would have to sell the property back to the City / Developer at a price that will keep the property affordable for the next low income buyer.

Housing providers may find the resale option beneficial as they may be able to retain control of the unit to ensure long-term affordability. Property sellers are entitled to a fair return on their investment; percentage of change in area median income over the period of ownership. The base price is the original homebuyer investment plus the value of any upgrades beyond maintenance. The sales price is the comparative price to the base price. In the event of a declining market, a loss on investment may constitute a fair return.

3. **A description of the guidelines for resale or recapture that ensures the affordability of units acquired with HOME funds. See 24 CFR 92.254(a)(4) are as follows:**

Long Term Affordability: Under the recapture provision, there is no requirement that the original HOME-assisted homebuyer sell the unit to another low income homebuyer.

Affordability Periods: For City-assisted homebuyer units under the recapture provision, the period of affordability is based upon the direct HOME subsidy provided to the homebuyer that enabled the homebuyer to purchase the unit. Any program income used to provide direct assistance to the homebuyer is included when determining the period of affordability. Recapture provisions for the First Time Homebuyer program are either five or ten years for each assisted property beginning after

the transfer of the property to the property owner as evidenced by the Deed Restriction Agreement, Montana Trust Indenture and Promissory Note.

4. **Plans for using HOME funds to refinance existing debt secured by multifamily housing that is rehabilitated with HOME funds along with a description of the refinancing guidelines required that will be used under 24 CFR 92.206(b), are as follows:**

   The City of Billings does not propose the use of HOME funds to refinance existing debt secured by multi-family housing that is being rehabilitated with HOME funds.

Section VII: Appendix

Appendix A: CDBG Application for Federal Assistance (SF-424)

OMB Number: 4040-0004
Expiration Date: 12/31/2022

Application for Federal Assistance SF-424

* 1. Type of Submission: ☐ Preapplication ☒ Application ☐ Changed/Corrected Application	* 2. Type of Application: ☐ New ☒ Continuation ☐ Revision	* If Revision, select appropriate letter(s): * Other (Specify):
* 3. Date Received: 07/01/2020	4. Applicant Identifier: CDBG Entitlement Funding	
5a. Federal Entity Identifier: MT300066 Billings	5b. Federal Award Identifier: B-20-MC-30-0001	
State Use Only:		
6. Date Received by State:	7. State Application Identifier:	
8. APPLICANT INFORMATION:		
* a. Legal Name: City of Billings		
* b. Employer/Taxpayer Identification Number (EIN/TIN): 81-6001237	* c. Organizational DUNS: 1947827800000	
d. Address:		
* Street1: PO Box 1178		
Street2:		
* City: Billings		
County/Parish:		
* State: MT: Montana		
Province:		
* Country: USA: UNITED STATES		
* Zip / Postal Code: 59103-1178		
e. Organizational Unit:		
Department Name: Planning & Community Services	Division Name: Community Development Division	
f. Name and contact information of person to be contacted on matters involving this application:		
Prefix:	* First Name: Brenda	
Middle Name:		
* Last Name: Beckett		
Suffix:		
Title: Community Development Manager		
Organizational Affiliation: City of Billings		
* Telephone Number: 406-657-8286	Fax Number:	
* Email: beckettb@billingsmt.gov		

OMB Control No: 2506-0117 (exp. 06/30/2018)

Application for Federal Assistance SF-424

*** 9. Type of Applicant 1: Select Applicant Type:**

C: City or Township Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

*** 10. Name of Federal Agency:**

United States Department of Housing & Urban Development

11. Catalog of Federal Domestic Assistance Number:

14.218

CFDA Title:

CDBG Entitlement Grant

*** 12. Funding Opportunity Number:**

FY2020

* Title:

Community Development Block Grant Program - Entitlement

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Add Attachment | Delete Attachment | View Attachment

*** 15. Descriptive Title of Applicant's Project:**

City of Billings, Montana

Activities for approved use through the CDBG program, as indicated in the FY2020-2021 Annual Action Plan.

Attach supporting documents as specified in agency instructions.

Add Attachments | Delete Attachments | View Attachments

OMB Control No: 2506-0117 (exp. 06/30/2018)

Application for Federal Assistance SF-424

16. Congressional Districts Of:

* a. Applicant: MT-001 * b. Program/Project: MT-001

Attach an additional list of Program/Project Congressional Districts if needed.

Add Attachment | Delete Attachment | View Attachment

17. Proposed Project:

* a. Start Date: 07/01/2020 * b. End Date: 06/30/2021

18. Estimated Funding ($):

* a. Federal	657,719.00
* b. Applicant	
* c. State	
* d. Local	
* e. Other	
* f. Program Income	
* g. TOTAL	657,719.00

*** 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

☐ a. This application was made available to the State under the Executive Order 12372 Process for review on .

☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review.

☒ c. Program is not covered by E.O. 12372.

*** 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**

☐ Yes ☒ No

If "Yes", provide explanation and attach

Add Attachment | Delete Attachment | View Attachment

21. *By signing this application, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

☒ ** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: * First Name: Chris

Middle Name: A.

* Last Name: Kukulski

Suffix:

* Title: city Administrator

* Telephone Number: 406-657-8430 Fax Number:

* Email: kukulskic@billingsmt.gov

* Signature of Authorized Representative: Christ A Kukulski * Date Signed: 11-10-12

OMB Control No: 2506-0117 (exp. 06/30/2018)

Appendix B: HOME Application for Federal Assistance (SF-424)

OMB Number: 4040-0004
Expiration Date: 12/31/2022

Application for Federal Assistance SF-424

* 1. Type of Submission:	* 2. Type of Application:	* If Revision, select appropriate letter(s):
☐ Preapplication	☐ New	
☒ Application	☒ Continuation	* Other (Specify):
☐ Changed/Corrected Application	☐ Revision	

* 3. Date Received: 07/01/2020	4. Applicant Identifier: HOME Entitlement Funding
5a. Federal Entity Identifier: MT300066 Billings	5b. Federal Award Identifier: M-20-MC-30-0213
State Use Only:	
6. Date Received by State:	7. State Application Identifier:

8. APPLICANT INFORMATION:

* a. Legal Name:	City of Billings
* b. Employer/Taxpayer Identification Number (EIN/TIN): 81-6001237	* c. Organizational DUNS: 1947827800000

d. Address:

* Street1:	PO Box 1178
Street2:	
* City:	Billings
County/Parish:	
* State:	MT: Montana
Province:	
* Country:	USA: UNITED STATES
* Zip / Postal Code:	59103-1178

e. Organizational Unit:

Department Name: Planning & Community Services	Division Name: Community Development Division

f. Name and contact information of person to be contacted on matters involving this application:

Prefix:		* First Name:	Brenda
Middle Name:			
* Last Name:	Beckett		
Suffix:			

Title:	Community Development Manager
Organizational Affiliation:	City of Billings
* Telephone Number: 406-657-8286	Fax Number:
* Email:	beckettb@billingsmt.gov

OMB Control No: 2506-0117 (exp. 06/30/2018)

Application for Federal Assistance SF-424

*** 9. Type of Applicant 1: Select Applicant Type:**

C: City or Township Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

*** 10. Name of Federal Agency:**

United States Department of Housing & Urban Development

11. Catalog of Federal Domestic Assistance Number:

14.239

CFDA Title:

HOME Investment Partnerships Program - Entitlement

*** 12. Funding Opportunity Number:**

FY2020 HOME

* Title:

HOME Investment Partnerships Program - Entitlement to Cities

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Add Attachment | Delete Attachment | View Attachment

*** 15. Descriptive Title of Applicant's Project:**

City of Billings, Montana

Activities for approved use through the HOME program, as indicated in the FY2020-2021 Annual Action Plan.

Attach supporting documents as specified in agency instructions.

Add Attachments | Delete Attachments | View Attachments

OMB Control No: 2506-0117 (exp. 06/30/2018)

Application for Federal Assistance SF-424

16. Congressional Districts Of:

* a. Applicant: MT-001 * b. Program/Project: MT-001

Attach an additional list of Program/Project Congressional Districts if needed.

Add Attachment | Delete Attachment | View Attachment

17. Proposed Project:

* a. Start Date: 07/01/2020 * b. End Date: 06/30/2021

18. Estimated Funding ($):

* a. Federal	349,053.00
* b. Applicant	0.00
* c. State	0.00
* d. Local	0.00
* e. Other	0.00
* f. Program Income	0.00
* g. TOTAL	349,053.00

*** 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

☐ a. This application was made available to the State under the Executive Order 12372 Process for review on .

☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review.

☒ c. Program is not covered by E.O. 12372.

*** 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**

☐ Yes ☒ No

If "Yes", provide explanation and attach

Add Attachment | Delete Attachment | View Attachment

21. *By signing this application, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

☒ ** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: * First Name: Chris

Middle Name: A.

* Last Name: Kukulski

Suffix:

* Title: City Administrator

* Telephone Number: 406-657-8430 Fax Number:

* Email: kukulskic@billingsmt.gov

* Signature of Authorized Representative: Chris A Kukulski * Date Signed: 11-10-20

OMB Control No: 2506-0117 (exp. 06/30/2018)

Appendix C: CDBG-CV Application for Federal Assistance (SF-424)

OMB Number: 4040-0004
Expiration Date: 12/31/2022

Application for Federal Assistance SF-424

* 1. Type of Submission:	* 2. Type of Application:	* If Revision, select appropriate letter(s):
☐ Preapplication	☐ New	
☒ Application	☒ Continuation	* Other (Specify):
☐ Changed/Corrected Application	☐ Revision	

* 3. Date Received:	4. Applicant Identifier:
	CDBG Entitlement Funding
5a. Federal Entity Identifier:	5b. Federal Award Identifier:
MT300066 Billings	B-20-MW-30-0001
State Use Only:	
6. Date Received by State:	7. State Application Identifier:

8. APPLICANT INFORMATION:

* a. Legal Name:	City of Billings
* b. Employer/Taxpayer Identification Number (EIN/TIN):	* c. Organizational DUNS:
81-6001237	1947827800000

d. Address:

* Street1:	PO Box 1178
Street2:	
* City:	Billings
County/Parish:	
* State:	MT: Montana
Province:	
* Country:	USA: UNITED STATES
* Zip / Postal Code:	59103-1178

e. Organizational Unit:

Department Name:	Division Name:
Planning & Community Services	Community Development Division

f. Name and contact information of person to be contacted on matters involving this application:

Prefix:	* First Name: Brenda
Middle Name:	
* Last Name:	Beckett
Suffix:	
Title:	Community Development Manager
Organizational Affiliation:	
* Telephone Number:	406-657-8286 Fax Number:
* Email:	beckettb@BillingsMT.gov

OMB Control No: 2506-0117 (exp. 06/30/2018)

Application for Federal Assistance SF-424

*** 9. Type of Applicant 1: Select Applicant Type:**

C: City or Township Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

*** 10. Name of Federal Agency:**

United States Department of Housing and Urban Development

11. Catalog of Federal Domestic Assistance Number:

14.218

CFDA Title:

Community Development Block Grants/Entitlement Grants

*** 12. Funding Opportunity Number:**

FY2020

* Title:

Community Development Block Grant Program - Entitlement

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Add Attachment | Delete Attachment | View Attachment

*** 15. Descriptive Title of Applicant's Project:**

Activities Expected To Respond to Covid19 virus with CARES Act funds.

OMB Control No: 2506-0117 (exp. 06/30/2018)

Application for Federal Assistance SF-424

16. Congressional Districts Of:

* a. Applicant: MT-001 * b. Program/Project: MT-001

Attach an additional list of Program/Project Congressional Districts if needed.

Add Attachment | Delete Attachment | View Attachment

17. Proposed Project:

* a. Start Date: 07/01/2021 * b. End Date: 06/30/2024

18. Estimated Funding ($):

* a. Federal	909,126.00
* b. Applicant	0.00
* c. State	0.00
* d. Local	0.00
* e. Other	0.00
* f. Program Income	0.00
* g. TOTAL	909,126.00

*** 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

☐ a. This application was made available to the State under the Executive Order 12372 Process for review on

☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review.

☒ c. Program is not covered by E.O. 12372.

*** 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**

☐ Yes ☒ No

If "Yes", provide explanation and attach

Add Attachment | Delete Attachment | View Attachment

21. *By signing this application, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

☒ ** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix:	
* First Name:	Chris
Middle Name:	A.
* Last Name:	Kukulski
Suffix:	
* Title:	City Administrator
* Telephone Number:	406-657-8430
Fax Number:	
* Email:	kukulskic@billingsmt.gov

* Signature of Authorized Representative: Chris A Kukulski * Date Signed: 5.20.2021

Appendix D: Local Government Certifications

CERTIFICATIONS

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the jurisdiction certifies that:

Affirmatively Further Fair Housing --The jurisdiction will affirmatively further fair housing.

Uniform Relocation Act and Anti-displacement and Relocation Plan -- It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (42 U.S.C. 4601-4655) and implementing regulations at 49 CFR Part 24. It has in effect and is following a residential anti-displacement and relocation assistance plan required under 24 CFR Part 42 in connection with any activity assisted with funding under the Community Development Block Grant or HOME programs.

Anti-Lobbying --To the best of the jurisdiction's knowledge and belief:

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

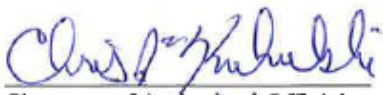
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this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

3. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Authority of Jurisdiction --The consolidated plan is authorized under State and local law (as applicable) and the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations.

Consistency with plan --The housing activities to be undertaken with Community Development Block Grant, HOME, Emergency Solutions Grant, and Housing Opportunities for Persons With AIDS funds are consistent with the strategic plan in the jurisdiction's consolidated plan.

Section 3 -- It will comply with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and implementing regulations at 24 CFR Part 135.



Signature of Authorized Official

6-18-20

Date

City Administrator

Title

Specific Community Development Block Grant Certifications

The Entitlement Community certifies that:

Citizen Participation -- It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105.

Community Development Plan -- Its consolidated plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that that have been developed in accordance with the primary objective of the CDBG program (i.e., the development of viable urban communities, by providing decent housing and expanding economic opportunities, primarily for persons of low and moderate income) and requirements of 24 CFR Parts 91 and 570.

Following a Plan -- It is following a current consolidated plan that has been approved by HUD.

Use of Funds -- It has complied with the following criteria:

1. Maximum Feasible Priority. With respect to activities expected to be assisted with CDBG funds, it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low- and moderate-income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include CDBG-assisted activities which the grantee certifies are designed to meet other community development needs having particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available (see Optional CDBG Certification).

2. Overall Benefit. The aggregate use of CDBG funds, including Section 108 guaranteed loans, during program year(s) 2020 [a period specified by the grantee of one, two, or three specific consecutive program years], shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period.

3. Special Assessments. It will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108 loan guaranteed funds, by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements.

However, if CDBG funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds.

In addition, in the case of properties owned and occupied by moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

Excessive Force -- It has adopted and is enforcing:

1. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction.

Compliance with Anti-discrimination laws -- The grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and the Fair Housing Act (42 U.S.C. 3601-3619) and implementing regulations.

Lead-Based Paint -- Its activities concerning lead-based paint will comply with the requirements of 24 CFR Part 35, Subparts A, B, J, K and R.

Compliance with Laws -- It will comply with applicable laws.

Chris Kukulski — Signature of Authorized Official

6-18-20 — Date

City Administrator — Title

APPENDIX TO CERTIFICATIONS

INSTRUCTIONS CONCERNING LOBBYING CERTIFICATION:

Lobbying Certification

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

Appendix E: CDBG-CV Local Government Certifications

CERTIFICATIONS

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the jurisdiction certifies that:

Affirmatively Further Fair Housing --The jurisdiction will affirmatively further fair housing.

Uniform Relocation Act and Anti-displacement and Relocation Plan -- It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (42 U.S.C. 4601-4655) and implementing regulations at 49 CFR Part 24. It has in effect and is following a residential anti-displacement and relocation assistance plan required under 24 CFR Part 42 in connection with any activity assisted with funding under the Community Development Block Grant or HOME programs.

Anti-Lobbying --To the best of the jurisdiction's knowledge and belief:

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

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

3. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Authority of Jurisdiction --The consolidated plan is authorized under State and local law (as applicable) and the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations.

Consistency with plan --The housing activities to be undertaken with Community Development Block Grant, HOME, Emergency Solutions Grant, and Housing Opportunities for Persons With AIDS funds are consistent with the strategic plan in the jurisdiction's consolidated plan.

Section 3 -- It will comply with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and implementing regulations at 24 CFR Part 135.

Signature of Authorized Official

5-20-2021
Date

City Administrator
Title

Specific Community Development Block Grant Certifications

The Entitlement Community certifies that:

Citizen Participation -- It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105.

Community Development Plan -- Its consolidated plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that that have been developed in accordance with the primary objective of the CDBG program (i.e., the development of viable urban communities, by providing decent housing and expanding economic opportunities, primarily for persons of low and moderate income) and requirements of 24 CFR Parts 91 and 570.

Following a Plan -- It is following a current consolidated plan that has been approved by HUD.

Use of Funds -- It has complied with the following criteria:

1. Maximum Feasible Priority. With respect to activities expected to be assisted with CDBG funds, it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low- and moderate-income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include CDBG-assisted activities which the grantee certifies are designed to meet other community development needs having particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available (see Optional CDBG Certification).

2. Overall Benefit. The aggregate use of CDBG funds, including Section 108 guaranteed loans, during program year(s) 2020 [a period specified by the grantee of one, two, or three specific consecutive program years], shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period.

3. Special Assessments. It will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108 loan guaranteed funds, by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements.

However, if CDBG funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds.

In addition, in the case of properties owned and occupied by moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

Excessive Force -- It has adopted and is enforcing:

1. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction.

Compliance with Anti-discrimination laws -- The grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and the Fair Housing Act (42 U.S.C. 3601-3619) and implementing regulations.

Lead-Based Paint -- Its activities concerning lead-based paint will comply with the requirements of 24 CFR Part 35, Subparts A, B, J, K and R.

Compliance with Laws -- It will comply with applicable laws.

Signature of Authorized Official

5.20.2021
Date

City Administrator
Title

OPTIONAL Community Development Block Grant Certification

Submit the following certification only when one or more of the activities in the action plan are designed to meet other community development needs having particular urgency as specified in 24 CFR 570.208(c):

The grantee hereby certifies that the Annual Plan includes one or more specifically identified CDBG-assisted activities which are designed to meet other community development needs having particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community and other financial resources are not available to meet such needs.

Signature of Authorized Official

5.20.2021
Date

City Administrator
Title

APPENDIX TO CERTIFICATIONS

INSTRUCTIONS CONCERNING LOBBYING CERTIFICATION:

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

Appendix F: CDBG Assurances - Construction Programs

CDBG

ASSURANCES - CONSTRUCTION PROGRAMS

OMB Number: 4040-0009
Expiration Date: 02/28/2022

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0042), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the Awarding Agency. Further, certain Federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant:, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure non-discrimination during the useful life of the project.
4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards of merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
10. Will comply with all Federal statutes relating to non-discrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681 1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29) U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statue(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statue(s) which may apply to the application.

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CDBG

11. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

12. Will comply with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

13. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333) regarding labor standards for federally-assisted construction subagreements.

14. Will comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).

16. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

17. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq).

18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."

19. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

20. Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
[signature]	city Administrator
APPLICANT ORGANIZATION	DATE SUBMITTED
City of Billings	

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Appendix G: HOME Assurances - Construction Programs

HOME

ASSURANCES - CONSTRUCTION PROGRAMS

OMB Number: 4040-0009
Expiration Date: 02/28/2022

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0042), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the Awarding Agency. Further, certain Federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant:, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure non-discrimination during the useful life of the project.
4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards of merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
10. Will comply with all Federal statutes relating to non-discrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681 1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29) U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statue(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statue(s) which may apply to the application.

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HOME

11. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

12. Will comply with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

13. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333) regarding labor standards for federally-assisted construction subagreements.

14. Will comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).

16. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

17. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq).

18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."

19. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

20. Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
Chris A Kukuchi	City Administrator
APPLICANT ORGANIZATION	DATE SUBMITTED
City of Billings	6-20-2020

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Appendix H: CDBG-CV Assurances - Construction Programs

CDBG-CV

ASSURANCES - CONSTRUCTION PROGRAMS

OMB Number: 4040-0009
Expiration Date: 02/28/2022

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0042), Washington, DC 20503.

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As the duly authorized representative of the applicant:, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure non-discrimination during the useful life of the project.
4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards of merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
10. Will comply with all Federal statutes relating to non-discrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681 1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29) U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statue(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statue(s) which may apply to the application.

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CDBG-CV

11. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

12. Will comply with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

13. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333) regarding labor standards for federally-assisted construction subagreements.

14. Will comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).

16. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

17. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq).

18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."

19. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

20. Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
[signature]	City Administrator
APPLICANT ORGANIZATION	DATE SUBMITTED
City of Billings	5-20-2021

SF-424D (Rev. 7-97) Back

OMB Control No: 2506-0117 (exp. 06/30/2018)

Appendix I: Citizen Participation Plan - Slated for Revision, FY22

Citizen participation is the foundation of housing and community development programs. The Citizen Participation Plan for the City of Billings is designed to ensure citizen involvement in the planning and reporting on the City's programs covered under the HUD Consolidated Plan requirements. The purpose of the Citizen Participation Plan is to ensure that citizens, nonprofit organizations, and other interested parties are afforded adequate opportunity to review and comment on plans, programs, activities and reports regarding the City's federally funded housing and community development programs. Citizen participation pertains to the following documents herein referred to as "plans and reports":

- Consolidated Plan
- Annual Action Plans
- Citizen Participation Plan
- Limited English Proficiency Plan
- Comprehensive Annual Performance and Evaluation Reports
- Analysis of Impediments to Fair Housing Choice

Citizen Participation Plan Objectives

The primary objectives of the City's participation plan are to:

- Encourage citizen participation in the development of the City's plans and reports with emphasis on participation from individuals and households identified as:
    - Low / moderate income
    - Residents of blighted areas
    - Minorities and all protected class members
    - Those with limited English proficiency
    - Elderly
    - Disabled
    - Those with HIV / AIDS diagnoses
    - Homeless
    - Families with children
    - Those residing in areas where funding will be utilized
- Provide citizens with reasonable and timely access to meetings, information and records relating to the City's plan for utilizing funding in addition to allowing reasonable opportunity to comment on the above-noted plans and reports. All records regarding these activities are maintained according to the City Record Retention Schedule and as required by federal regulations.
- Consult with the local Public Housing Authority (Housing Authority of Billings) on the development and implementation of the above noted plans and reports, which includes input from residents of public and assisted housing.
- The City's Planning and Community Services Department will also continue to support the activities for the Adjacent Neighborhood Committee, which is comprised of Task Force Officers who meet bi-monthly to collaborate and exchange information regarding the lower-income neighborhood task force areas. The Community Development Division staff attends meetings of lower-income task force neighborhoods when requested for specific presentations. The lower-

income neighborhoods are comprised of higher concentrations of ethnic and racial minority populations.

- Facilitate public hearings to obtain citizen views and to respond to proposals and questions at all stages in developing and implementing activities as outlined in the City's plans and reports. All hearings and meetings shall be provided in areas where accommodations for the disabled can be provided.
- Consult with public and private agencies and organizations during the development of the City's plans and reports:
    - Assisted housing
    - Health and social services
    - Regional and local government agencies
    - Public Housing Authority
    - Fair Housing education and enforcement agencies
    - Continuum of Care organizations
    - Businesses
    - Housing developers
    - Nonprofit organizations
    - Philanthropic agencies
    - Faith-based communities

HUD Data

The City of Billings will share any HUD-provided data and other supplemental information relative to the City's plans and reports. HUD-provided data is also currently provided on the City's website at www.BillingsMT.gov/HUDdata.

Public Access and Engagement

The City of Billings takes the following actions to ensure public access to drafted / proposed plans and reports are published and accessible to ensure the public has reasonable opportunities to examine content and to submit comments.

- **Public Comment Periods:**
    - The City will publish and accept public comment on drafted Consolidated Plans, Annual Action Plans, Citizen Participation Plans, Limited English Proficiency Plans, and the Analysis of Impediments to Fair Housing Choice for a period of at least 30 days. The same timeline applies to amendments to the aforementioned documents.
    - The City will publish and accept public comment on drafted Comprehensive Annual Performance Evaluation Reports (CAPER) for a period of at least 15 days. The same timeline applies to amendments to the CAPER.
    - The City may request public comment for one or more plans / reports during the same public comment period for efficiency.

- Staff will consider citizen comments and views made prior to document finalization and comment summaries will also be included or attached to the document.
- The City will strive to provide written responses to all written complaints and grievances related to the City's housing and community development programs within 15 working days of receipt of the complaint or grievance where practical.
- In the event of a pandemic or other infectious disease, the City may alter public participation to include social distancing, virtual attendance, and other forms of virtual participation in lieu of or in addition to efforts described herein. The City may also implement shorter public comment periods as allowed by HUD.

- **Public Hearings:**
  - City staff will facilitate a public hearing during a Billings City Council business meeting to accept public comment prior to adoption or approval of the City's plans and reports.
  - Public hearings will be scheduled during a routine and televised Billings City Council business meeting to ensure and promote community access and participation. The hearings are also published on social media through the community's public television channel.
  - The City may facilitate one public hearing to accept public comment on one or more plans / reports for efficiency.
  - Staff will consider public hearing comments made prior to document finalization and comment summaries will also be included or attached to the document.
  - All public hearings are accessible to disabled individuals, publicized as required by State law and allow for accommodation of individuals with hearing, visual, or mobility impairments.
- **Published Notices:**
  - City staff will issue notices via widely-circulated print press in advance of public comment periods.
  - Notices will include the purpose of the document, a summary of the document contents, and instructions on how to access documents in their entirety.
  - Statements are included in notices of public hearings and service brochures indicating that office, meeting, and public hearing locations are accessible to persons with disabilities and they include the Montana Relay phone number 711.
- **Online Access:**
  - City staff will post drafted / proposed reports and plans online for free download at www.BillingsMT.gov/CDreports.
- **Hard Copy Access:**
  - City staff will make available free hard copies of drafted / proposed documents to the public including residents, groups, and organizations upon request at the City's Community Development office.
  - City staff will provide reasonable and timely access to information and records relating to all plans and reports, including the use of assistance under the programs managed by the

Community Development Division. Those requesting records can complete a Public Records Request and submit it to the City's Legal Department.

- **Access for the Disabled and Limited English Proficiency:**
    - The City will provide accommodations for individuals with disabilities in public meetings, public hearings and in written documentation regarding programs and services available from the Division.
    - Community Development offices and City Hall are accessible to those with disabilities.
    - Statements are included in notices of public hearings and service brochures indicating that office and hearing locations are accessible to persons with disabilities. Accommodations can be made for other disabilities as well.
    - Special arrangements for participation by individuals with hearing, speech, or vision impairment may be made upon request with three business days advanced notice.
    - Non-English speaking persons wishing to participate will also be accommodated through translation and / or interpretation in accordance with the City's Language Assistance Plan.

Public Decision-Making Processes

The *Community Development Board* is a citizen's advisory board consisting of nine members who are appointed by the Mayor of Billings with the consent of the City Council. Six members are appointed from lower-income neighborhoods of the City as defined by federal regulations for the Community Development Block Grant (CDBG) program and three members represent the community at large. Staff is available to provide technical assistance to the Board in all aspects of planning and reporting processes.

This board serves in an advisory capacity to the City Council for the purpose of providing citizen input on policy decisions to the City Council. The primary responsibilities of the board are to review existing and proposed City policies and to review the Community Development Division's activities to ensure policies are being implemented and carried out. As six of the nine Board positions are held by low income area representatives, board composition meets basic federal requirements for low income citizen input and engagement.

The Community Development Board makes recommendations to the City Council relative to all plans and reports. In addition, the Community Development Board reviews applications submitted for CDBG and HOME funding in order to make funding recommendations to the City Council for approval.

The *Billings City Council* is the final citizen policy body that reviews and takes action on plans and reports. The Community Development Board presents recommendations to the City Council during a scheduled work session preceding the public hearing in April in order to deliver information on decisions made regarding recommendations. After receipt and consideration of public comments, the City Council approves reports / plans and proposed funding allocations.

Public notices announcing Community Development Board and City Council meetings are published in a widely-circulated newspaper prior to the meeting date. These notices are designed to provide reasonable and timely access to local meetings consistent with accessibility and reasonable accommodation requirements.

Plans and reports on the City's housing and community development activities are made available for review by citizens, public agencies, and other interested parties. These documents are available at the Community Development Division and posted on its website at www.BillingsMT.gov.

Criteria for amending the Consolidated Plan

24 CFR part 91.105(c) of the Final Rule requires grantees of CDBG and HOME programs make public the criteria the City will use for determining what changes in planned or actual activities constitute a substantial amendment to the five-year Consolidated Plan and the Analysis of Impediments to Fair Housing Choice.

Substantial changes to the Consolidated Plan are defined as *the creation of any new program, project, or activity to be funded or carried out under the City's CDBG and / or HOME programs.* All substantial changes to the Consolidated Plan must meet demonstrated need substantiated by HUD-approved data sources. Minor amendments include the *expansion of an existing program, project, or activity funded or carried out under the City's CDBG and / or HOME programs.* Minor changes must also meet demonstrated need by HUD-approved data sources.

Prior to the submission of any substantial change in the proposed use of federal housing and community development funds or to the Analysis of Impediments to Fair Housing Choice, the City will hold a public hearing to allow citizens reasonable notice of, and opportunity to comment on, proposed amendments. Public comment periods will not be less than thirty (30) days unless otherwise allowed by HUD.

Routine revenues including program income, recaptured / repaid funds, and re-programmed monies will be utilized for existing and previously approved programs as it is received during each fiscal year. Routine revenues are allocated on a close- and shovel-ready basis to ensure timely commitment and expenditure. These changes are customary and facilitate funding allocations to projects and activities most in demand and do not require a substantial or minor amendment to the Consolidated Plan.

City staff cannot predict annual HUD entitlement allocation amounts or repayment revenues for CDBG or HOME. Therefore, five-year Consolidated Plan numerical goals are established as estimates that may fluctuate during the five-year period based on funding received and demand for the City's programs. These changes are customary and do not require a substantial or minor amendment to the Consolidated Plan.

Technical Assistance

The Community Development Division provides technical assistance, as requested and as staff time allows, to lower income groups to develop proposals for the Division's housing and community development activities in the City limits. Technical assistance is offered any time proposals for the use of funding are requested, and is offered routinely in January prior to application deadlines for CDBG / HOME funding allocations.

Nondiscrimination, Accommodations & Grievances

The Community Development Division receives federal funding to support housing acquisition, repair, development and poverty impact programs and is required to adhere to the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, the Fair Housing Act, the Montana Human Rights Act, and other equal opportunity regulations. These regulations are designed to protect individuals with disabilities with equal access to employment opportunities and the services, programs and activities the City offers.

It is essential that all individuals have equal access to the Community Development Division's communication, open meetings, programs and services including: First Time Home Buyer; Home Repair; Housing Development; and the Billings Metro VISTA Project.

- **Federally Protected Classes:** Disability, including people with HIV / AIDS and people in recovery from alcohol / drugs; Race / Color; Religion; Sex, includes protection against sexual harassment; Familial Status, includes the presence of children under the age of 18 and / or pregnancy; and National Origin.
- **HUD Protected Classes:** Sexual Orientation; Gender Identity; and Marital Status.
- **Montana's Protected Classes:** Marital Status; Creed; and Age.

Accommodations: Auxiliary aids and services are available to facilitate effective communication to individuals with disabilities to ensure equal participation. Such aids and services are free to the public and may include sign-language interpreters, large print formats, and other aids to make information and communications accessible to individuals with speech, hearing or vision impairments.

Public Notices: The City of Billings - Community Development Division encourages all members of the community to participate. Special arrangements for participation by individuals with hearing, speech, vision impairment or physical disabilities can be made upon request. Non-English speaking persons wishing to participate will also be accommodated through translation and / or interpretation in accordance the City's Language Assistance Plan. Fair Housing Equal Opportunity.

Grievance Procedure: If a citizen feels they have been denied equal access to Community Development programs, services or activities, they may file a written complaint including their contact information and a description of the alleged act(s) of discrimination, including the date and place of the act(s). The written complaint may be submitted to any Community Development employee or specifically directed to the Community Development Manager by phone at 406.657.8286 (Montana Relay 711), email beckettb@billingsmt.gov, in person (appointment recommended) or U.S. Postal Service at 2825 3rd Avenue North, 6th Floor, Billings, MT 59101. City staff will provide a timely, substantive written response to written citizen complaints as soon as practicable. Complaints may also be filed with the Denver HUD FHEO Office at 1670 Broadway, Denver, CO 80202.

Program Eligibility: If a citizen disagrees with a staff decision relative to program eligibility unrelated to discrimination, they may submit a written appeal to the Community Development Division. The letter must be received at least two weeks prior to the Community Development Board meeting when the appeal would be reviewed. If the Community Development Board upholds the staff decision, the citizen has the option to have the appeal reviewed during the next City Council meeting.

ADA / 504 Coordinator: The City of Billings ADA Coordinator is responsible for the City's overall Grievance Procedure and is also available to ensure compliance with the physical and general program accessibility

requirements of the ADA for other City Departments and Divisions. Please call 406.237.6294 (Montana Relay 711) with any questions.

Fair Housing Complaints: Please see the City's fair housing webpages for information on how to file a fair housing compliant.

Affidavit of Publication

STATE OF MONTANA

County of Yellowstone

RECEIVED
DEC 13 2019
CITY CLERK

Jonathan McNiven

Being duly sworn, deposes and says:

That he is the Legal Advertising Clerk of Yellowstone County News, a newspaper of general circulation published weekly in the Town of Huntley, in the County of Yellowstone, State of Montana, and that the **(3)** folio legal **Public Notice,** a true copy of which is hereto **Included**, was published in said newspaper on the following dates:

December 6, 2019; December 13, 2019;

making in all **(2)** publication(s).

Jonathan D McNiven

STATE OF MONTANA

County of Yellowstone

On this 13th day of December 2019, before me, the undersigned, a Notary Public for the State of Montana, personally appeared Jonathan McNiven, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal that day and year first above written.

Victoria Walker

Victoria Walker

NOTARY PUBLIC for the State of Montana, residing at Huntley, MT.

My commission expires: June 30, 2022

VICTORIA WALKER NOTARIAL SEAL STATE OF MONTANA

VICTORIA WALKER
NOTARY PUBLIC for the
State of Montana
Residing at Huntley, Montana
My Commission Expires
June 30, 2022

PUBLIC NOTICE

HOUSING & COMMUNITY DEVELOPMENT FUNDING REQUESTS

As a part of the City of Billings' Consolidated Planning process, the City is accepting loan applications for FY2020-2021 Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) funding. The City of Billings anticipates allocating an estimated $650,000 in new CDBG funding for community development activities, which primarily benefit lower income neighborhoods or households. The City of Billings also anticipates allocating an estimated $300,000 in new HOME funding for activities to preserve or increase the supply of affordable housing for lower income households in Billings. Actual allocation figures are not available as of publication date. Applications may be downloaded from the City's website at www.CityofBillings.net/allocations. Requests for funding must be submitted to the Community Development Office by 5:00 p.m., Wednesday, January 22, 2020.

For further information on eligible activities or to obtain the application materials via email, please call Brenda Beckett, Community Development Manager, at 406-657-8286 (TTY 711) or contact via email beckettb@billingsmt.gov or write to:

Community Development Division
City of Billings
P.O. Box 1178
Billings, MT 59103

Technical assistance is available upon request to interested parties through the Community Development Office. The City of Billings encourages all members of the community to participate in the Consolidated Planning process. Special arrangements for participation by individuals with hearing, speech, vision impairment or physical disabilities can be made upon request. Non-English speaking persons wishing to participate will also be accommodated through translation and / or interpretation in accordance the City's Language Assistance Plan. Fair Housing Equal Opportunity.

Published on December 6 & 13, 2019.

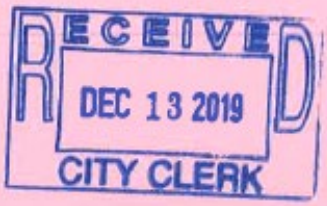
Denise R. Bohlman
Billings City Clerk
P.O. Box 1178
Billings, MT 59103

12/06, 12/13 2019
MNAXLP

Affidavit of Publication

STATE OF MONTANA

County of Yellowstone



Jonathan McNiven

Being duly sworn, deposes and says:

That he is the Legal Advertising Clerk of Yellowstone County News, a newspaper of general circulation published weekly in the Town of Huntley, in the County of Yellowstone, State of Montana, and that the **(4)** folio legal **Request for Proposals,** a true copy of which is hereto **Included**, was published in said newspaper on the following dates:

December 6, 2019; December 13, 2019;

making in all **(2)** publication(s).

Jonathan D. McNiven

STATE OF MONTANA

County of Yellowstone

On this 13th day of December 2019, before me, the undersigned, a Notary Public for the State of Montana, personally appeared Jonathan McNiven, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal that day and year first above written.

Victoria Walker

Victoria Walker

NOTARY PUBLIC for the State of Montana, residing at Huntley, MT.

My commission expires: June 30, 2022

REQUEST FOR PROPOSALS
OPPORTUNITY FOR PARTNERSHIP
BILLINGS METRO VISTA PROJECT
FY 2020-2021

The Billings Metro VISTA Project (B-MVP) has been an AmeriCorps Volunteers In Service To America (VISTA) site since 2009. The B-MVP is sponsored by the Corporation for National and Community Service and is facilitated by the City of Billings - Community Development Division. In order to prepare an application to continue the BMVP through FY2020-2021, the Community Development Division is seeking partnerships with non-profit organizations and government agencies in acquiring Host Site status through a Request for Proposals process.

AmeriCorps VISTA is a national anti-poverty initiative placing volunteers with local projects through local and national recruitment efforts. The B-MVP supports community projects that address the following priority programming areas: Military Members, Veterans and their families; Housing; Financial Literacy; Employment; Food Security; Access to Health Care; School Readiness; Success in School; STEM Education; and Employment. Full-year VISTA members typically begin in January or July and are college graduates. Summer Associate VISTA members are at least 18 years old and commit to serving ten weeks beginning in May / June and ending in August.

More information on becoming a Host Site is available online at www.CityofBillingsnet/hostsite. A Request for Proposals Guide Book and Proposal form is available by request to Carly Collins via: phone 406.247.8675 (TTY 711); email collinsc@billingsmt.gov; or in person at the Community Development Division office located at 2825 3rd Avenue North, Sixth Floor, Billings, Montana 59101 (appointment recommended).

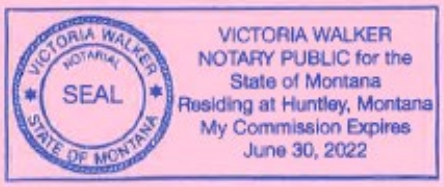
Proposals received by 5:00 pm on January 22, 2020 will be prioritized for July member placement consideration. However, proposals will be accepted throughout the year.

Technical assistance is available, upon request, to interested parties through the Community Development Division. Special arrangements for participation by individuals with hearing, speech, vision impairment or physical disabilities can be made upon request. Non-English speaking persons wishing to participate will also be accommodated through translation and / or interpretation in accordance the City's Language Assistance Plan, Fair Housing Equal Opportunity.

Published on December 6 & 13, 2019.

Denise R. Bohlman
Billings City Clerk
P.O. Box 1178
Billings, MT 59103

12/06, 12/13 2019
MNAXLP



Affidavit of Publication

STATE OF MONTANA

County of Yellowstone

RECEIVED
MAY 15 2020
CITY CLERK

Jonathan McNiven

Being duly sworn, deposes and says:

That he is the Legal Advertising Clerk of Yellowstone County News, a newspaper of general circulation published weekly in the town of Huntley, in the County of Yellowstone, State of Montana, and that the **(9)** folio Legal **Revised Notice of Public Hearing,** a true copy of which is hereto **included**, was published in said newspaper on the following dates:

April 17, 2020; April 24, 2020; May 1, 2020; May 8, 2020; May 15, 2020;

making in all **(5)** publication(s).

Jonathan McNiven

STATE OF MONTANA

County of Yellowstone

On this 15th day of May 2020, before me, the undersigned, a Notary Public for the State of Montana, personally appeared Jonathan McNiven, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal that day and year first above written.

Tana McNiven

Tana McNiven

NOTARY PUBLIC for the State of Montana, residing at Huntley, MT.

My commission expires: August 23, 2020

REVISED NOTICE OF PUBLIC HEARING

City of Billings, **FY2020-2024 Consolidated Plan and FY2020-2021 Annual Action Plan** Community Development Block Grant (CDBG) and HOME Investment Partnership Programs (HOME)

The City of Billings will hold a PUBLIC HEARING on its FY2020-2024 Consolidated Plan and FY2020-2021 Annual Action Plan. Due to the COVID-19 health concerns, the format of the City Council meeting will be held in a virtual videoconferencing environment. 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:

- The Agenda Packet is available for viewing on the City's website at: Agenda Packet
- Councilmembers will attend the meeting via a remote location, using a virtual meeting method. City Hall and the Council Chambers will be closed during the meeting.
- The Public may view the meeting on the Community 7 TV - Channel 7 or Channel 607 – Spectrum Cable. The Public may also view online at www.comm7tv.com and click on the "Watch Live" icon. Community 7 also has links to their Facebook page and YouTube channel in which to view the meeting.
- Public comment will be taken only during the Public Comment periods as indicated on the agenda, and during the Public Hearings under the Regular agenda. Comments may be sent to Council via email before 3:00 PM on Monday, April 27th, at: https://ci.billings.mt.us/1538/City-Council-E-mail-Messages
- Emails received after 3:00 PM and prior to 5:00 PM, may be read during the meeting.
- The Public may call in during specific Public Comment periods at 406.237.8196. All callers will be in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be restricted to 3 minutes of testimony as is customary.

The purpose of the public hearing is to obtain public comment on local housing and community development needs relative to proposed CDBG and HOME funding recommendations. The comments will be used along with special outreach to individuals and organizations currently involved with housing to finalize the plans for the use of CDBG and HOME resources and other housing and community development resources in Billings. The City of Billings anticipates allocating approximately $650,000 in new CDBG and $350,000 in new HOME funding annually over the next five years. In addition, the city anticipates receiving an additional $386,972 in CDBG-CV funding as a result of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act, Public Law 116-136).

The FY2020-2024 Consolidated Plan is intended to be a strategic planning document which identifies housing and community development needs, evaluates available resources, and develops workable strategies to address these needs in Billings for a five-year period; July 1, 2020 to June 30, 2025. The FY2020-2021 Annual Action Plan covers projects to be undertaken from July 1, 2020 to June 30, 2021. City staff is currently coordinating with Riverstone Health to plan and undertake pandemic response activities to meet the health care needs of low-income residents in Billings.

The Consolidated and Annual Action Plans will be available for public comment from March 28 through May 11, 2020. The plan will then be revised, as required, and the estimated date for submittal to the U.S. Department of Housing and Urban Development is May 15, 2020.

Proposed Consolidated / Annual Action Plans will be available on March 26, 2020 via the City's website at www.CityofBillings.net/CDreports. The public may also request hard copies of the plans by calling 406.247.8675 or 711 for TTY. Hard copies may be picked up at the front door of the Community Development office Monday through Friday, 8:00am to 5:00pm; 2825 3rd Avenue North, 6th Floor, Billings, MT. Hard copies can also be mailed via the U.S. Postal Service by request.

The City of Billings encourages all members of the community to participate in the Consolidated Planning process. The public hearing is accessible to individuals with physical disabilities. Special arrangements for participation in the public hearings by individuals with hearing, speech, or vision impairment may be made upon request at least three days prior to the hearing. Non-English speaking persons wishing to participate will also be accommodated through translation and / or interpretation in accordance with the City's Language Assistance Plan.

Due to the current Novel Coronavirus (COVID-19) pandemic, the Centers of Disease Control and Prevention recommend implementing precautionary safety measures for meetings indoors. Those choosing to attend a City Council meeting in person may be assigned seating to promote the avoidance of close contact with others. The public comment period has been extended to a 45 day period to accommodate additional efforts to encourage public involvement in the development of the Consolidated Plan during the COVID-19 pandemic.

The public is also encouraged to participate via the following:

- Email written comments to beckettbl@BillingsMT.gov
- Leave a voice mail message by calling 406.657.8286
- Send a written letter to Community Development, PO Box 1178, Billings, MT 59103
- Community Seven Television also provides the following options to view City Council meetings:
  - o Streamed live or video on demand: www.comm7tv.com
  - o Facebook: www.facebook.com/comm7tv

Additional information regarding the proposed plans or the public hearing can be obtained by contacting Carly Collins at the Community Development office; phone 406.247.8675 (711 for TTY); or email collinsc@BillingsMT.gov.

Fair Housing Equal Opportunity.

04/17, 04/24, 05/01, 05/08, 05/15 2020
MNAXLP

Denise R. Bohlman
Billings City Clerk
P.O. Box 1178
Billings, MT 59103

TANA MCNIVEN
NOTARY PUBLIC for the
State of Montana
Residing at Huntley, Montana
My Commission Expires
August 23, 2020

Affidavit of Publication

STATE OF MONTANA

County of Yellowstone

Jonathan McNiven

Being duly sworn, deposes and says:

That he is the Legal Advertising Clerk of Yellowstone County News, a newspaper of general circulation published weekly in the town of Huntley, in the County of Yellowstone, State of Montana, and that the **(7)** folio Legal **Notice of Public Hearing,** a true copy of which is hereto **included**, was published in said newspaper on the following dates:

March 27, 2020; April 3, 2020; April 10, 2020;

making in all **(3)** publication(s).

Jonathan D. McNiven

STATE OF MONTANA

County of Yellowstone

On this 17th day of April 2020, before me, the undersigned, a Notary Public for the State of Montana, personally appeared Jonathan McNiven, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal that day and year first above written.

Tana McNiven

Tana McNiven

NOTARY PUBLIC for the State of Montana, residing at Huntley, MT.

My commission expires: August 23, 2020

TANA MCNIVEN NOTARY PUBLIC for the State of Montana Residing at Huntley, Montana My Commission Expires August 23, 2020

RECEIVED APR 17 2020 CITY CLERK

NOTICE OF PUBLIC HEARING

City of Billings, FY2020-2024 Consolidated Plan and FY2020-2021 Annual Action Plan Community Development Block Grant (CDBG) and HOME Investment Partnership Programs (HOME)

The City of Billings will hold a PUBLIC HEARING on its FY2020-2024 Consolidated Plan and FY2020-2021 Annual Action Plan on Monday, May 11, 2020 at 5:30 p.m. at the City Council meeting in Council Chambers at City Hall, 210 North 27th in Billings, Montana. Community Seven Television also provides the following options to view City Council meetings:

- Streamed live or video on demand: www.comm7tv.com
- Facebook: www.facebook.com/comm7tv

The purpose of the public hearing is to obtain public comment on local housing and community development needs relative to proposed CDBG and HOME funding recommendations. The comments will be used along with special outreach to individuals and organizations currently involved with housing to finalize the plans for the use of CDBG and HOME resources and other housing and community development resources in Billings. The City of Billings anticipates allocating approximately $800,000 in new CDBG and $350,000 in new HOME funding annually over the next five years.

The FY2020-2024 Consolidated Plan is intended to be a strategic planning document which identifies housing and community development needs, evaluates available resources, and develops workable strategies to address these needs in Billings for a five-year period; July 1, 2020 to June 30, 2025. The FY2020-2021 Annual Action Plan covers projects to be undertaken from July 1, 2020 to June 30, 2021.

The Consolidated and Annual Action Plans will be available for public comment from March 28 through May 11, 2020. The plan will then be revised, as required, and the estimated date for submittal to the U.S. Department of Housing and Urban Development is May 15, 2020.

Proposed Consolidated / Annual Action Plans will be available on March 28, 2020 via the City's website at www.CityofBillings.net/CDreports. The public may also request hard copies of the plans by calling 406.247.8675 or 711 for TTY. Hard copies may be picked up at the front door of the Community Development office Monday through Friday, 8:00am to 5:00pm; 2825 3rd Avenue North, 6th Floor Billings, MT. Hard copies can also be mailed via the U.S. Postal Service by request.

The City of Billings encourages all members of the community to participate in the Consolidated Planning process. The public hearing is accessible to individuals with physical disabilities. Special arrangements for participation in the public hearings by individuals with hearing, speech, or vision impairment may be made upon request at least three days prior to the hearing. Non-English speaking persons wishing to participate will also be accommodated through translation and / or interpretation in accordance with the City's Language Assistance Plan.

Due to the current Novel Coronavirus (COVID-19) pandemic, the Centers of Disease Control and Prevention recommend implementing precautionary safety measures for meetings indoors. Those choosing to attend a City Council meeting in person may be assigned seating to promote the avoidance of close contact with others. The public comment period has been extended to a 45 day period to accommodate additional efforts to encourage public involvement in the development of the Consolidated Plan during the COVID-19 pandemic.

The public is also encouraged to participate via the following:

- Email written comments to bodwtb@BillingsMT.gov
- Leave a voice mail message by calling 406.657.8666
- Send a written letter to Community Development, PO Box 1178, Billings, MT 59103
- Community Seven Television also provides the following options to view City Council meetings:
- Streamed live or video on demand: www.comm7tv.com
- Facebook: www.facebook.com/comm7tv

Additional information regarding the proposed plans or the public hearing can be obtained by contacting Cary Collins at the Community Development office: phone 406.247.8675 (711 for TTY), or email collinsc@BillingsMT.gov.

Fair Housing Equal Opportunity

Published on March 27th, April 3rd, April 10th, April 17th, April 24th, May 1st, and May 8th 2020.

03/27, 04/03, 04/10, 2020
MNAXLP

Denise R. Bohlman
Billings City Clerk
P.O. Box 1178
Billings, MT 59103

Affidavit of Publication

STATE OF MONTANA

County of Yellowstone



Jonathan McNiven

Being duly sworn, deposes and says:

That he is the Legal Advertising Clerk of Yellowstone County News, a newspaper of general circulation published weekly in the town of Huntley, in the County of Yellowstone, State of Montana, and that the **(3)** folio Legal **Public Notice,** a true copy of which is hereto **Included**, was published in said newspaper on the following dates:

April 16, 2021; April 23, 2021;

making in all **(2)** publication(s).

Jonathan D. McNiven

STATE OF MONTANA

County of Yellowstone

On this 23rd day of April 2021, before me, the undersigned, a Notary Public for the State of Montana, personally appeared Jonathan McNiven, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal that day and year first above written.

Tana McNiven

Tana McNiven

NOTARY PUBLIC for the State of Montana, residing at Huntley, MT.

My commission expires: August 23, 2024

PUBLIC NOTICE
COMMUNITY DEVELOPMENT BLOCK GRANT - CORONAVIRUS (CDBG-CV)
Funding Requests

As a part of the City of Billings' Consolidated Planning process, the City is accepting applications for FY2021-2022 Community Development Block Grant - Coronavirus (CDBG-CV) funding. The City of Billings anticipates allocating $909,126 in new CDBG-CV funding for activities to prepare, respond, and prevent coronavirus. Twenty percent of the total funding allocation can be used for administration activities, leaving $727,301 to allocate to nonprofit organizations and other governmental entities. All activities must primarily benefit lower income neighborhoods or households. Applications and an application guidebook may be downloaded from the City's website at www.BillingsMT.gov/CDBGcv. Requests for funding must be submitted to the Community Development Office by 5:00 p.m. on Friday, May 14, 2021.

For further information on eligible activities or to obtain the application materials via email, please call Tam Rodier, Community Development Coordinator, at 406-657-8284 (TTY 711) or contact via email rodiert@billingsmt.gov or write to:

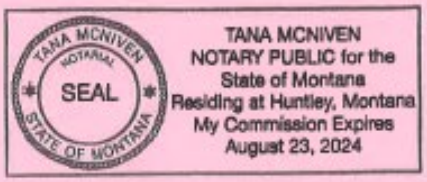
Community Development Division
City of Billings
P.O. Box 1178
Billings, MT 59103

Technical assistance is available upon request to interested parties through the Community Development Office. The City of Billings encourages all members of the community to participate in this planning process. Special arrangements for participation by individuals with hearing, speech, vision impairment or physical disabilities can be made upon request. Non-English speaking persons wishing to participate will also be accommodated through translation and / or interpretation in accordance the City's Language Assistance Plan. Fair Housing Equal Opportunity.

Published April 16 and April 23, 2021.

Denise R. Bohlman
Billings City Clerk
P.O. Box 1178
Billings, MT 59103

04/16, 04/23 2021
MNAXLP



Affidavit of Publication

STATE OF MONTANA

County of Yellowstone

RECEIVED
JUN 25 2021
CITY CLERK

Jonathan McNiven

Being duly sworn, deposes and says:

That he is the Legal Advertising Clerk of Yellowstone County News, a newspaper of general circulation published weekly in the town of Huntley, in the County of Yellowstone, State of Montana, and that the **(6)** folio Legal **Notice of Public Hearing,** a true copy of which is hereto **Included**, was published in said newspaper on the following dates:

June 11, 2021; June 18, 2021; June 25, 2021;

making in all **(3)** publication(s).

Jonathan D. McNiven

STATE OF MONTANA

County of Yellowstone

On this 25th day of June 2021, before me, the undersigned, a Notary Public for the State of Montana, personally appeared Jonathan McNiven, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal that day and year first above written.

Tana McNiven

Tana McNiven

NOTARY PUBLIC for the State of Montana, residing at Huntley, MT.

My commission expires: August 23, 2024

TANA MCNIVEN NOTARIAL SEAL STATE OF MONTANA

TANA MCNIVEN
NOTARY PUBLIC for the
State of Montana
Residing at Huntley, Montana
My Commission Expires
August 23, 2024

NOTICE OF PUBLIC HEARING
City of Billings FY2020-2021
Annual Action Plan
and Consolidated Plan
CARES Act - Community
Development Block Grant (CDBG-CV)
Amendment

The City of Billings will hold a PUBLIC HEARING on an amendment to its FY2020-2021 Annual Action Plan and Consolidated Plan on **Monday, June 28, 2021 at 5:30** p.m. at the City Council meeting in Billings, Montana. The purpose of the public hearing is to obtain public comment on local housing and community development needs relative to proposed CDBG-CV funding recommendations.

ANNUAL ACTION PLAN AMENDMENT AND CONSOLIDATED PLAN: The City of Billings anticipates allocating $809,126 in new CDBG-CV funding to prepare for, prevent, and respond to the coronavirus. The City's proposed amendment will be available on the City's website at www.BillingsMT.gov/CDBGcv and open for public comment from June 12 through June 28, 2021. The amended plan will then be revised, as required, and submitted to the U.S. Department of Housing and Urban Development.

Detailed information about the rules and regulations governing CDBG-CV program, proposed projects, and the upcoming public hearing can be requested via email at robert@billingsmt.gov or calling 406-657-8284 or 711 for TTY.

PUBLIC PARTICIPATION: The City of Billings encourages all members of the community to participate in the City's decision-making process. Meetings are accessible to individuals with physical disabilities. Special arrangements for participation in meetings by individuals with hearing, speech, or vision impairment may be made upon request at least three days prior to the meeting. Non-English speaking persons wishing to participate will also be accommodated through translation and / or interpretation in accordance with the City's Language Assistance Plan.

The City Council meeting will be held in a hybrid format that includes both in-person attendance AND virtual attendance via the Zoom online platform. Councilmembers may choose to attend the meeting virtually or in person at the Billings Public Library Community Room, 510 North Broadway, Billings, Montana. 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 open meeting law requirements.

Citizens are invited to:

- Review the Agenda Packet on the City's website at: City Council Agendas-Minutes
- View the meeting:
  - On Community 7 TV - Channel 7 or Channel 507 – Spectrum Cable. (On evenings when there is a conflict with School District No. 2 Board meetings, the City Council meeting will be broadcast on Channel 8 - Spectrum Cable.)
  - Online at www.comm7tv.com and click on the "Watch Live" icon. Community 7 also has links to their Facebook page and YouTube channel.
  - Watch Live click on "Watch Meetings Online"
  - In-Person – capacity is limited in order to practice social distancing. Mask and social distancing requirements will be enforced.

Citizens may submit public comment via the following methods:

- Mail: City Clerk, P.O. Box 1178, Billings, MT 59103
- Email Council
  - 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 (limited to approximately 15 spectators with overflow available in lobby). Speakers may be asked to exit after speaking to comply with social distancing protocols.
- Attend virtually through Zoom by registering per instructions found on the City Council webpage.

Fair Housing Equal Opportunity.

Published on June 11, 18, and 25, 2021.

Denise R. Bohlman
Billings City Clerk
P.O. Box 1178
Billings, MT 59103

06/11, 06/18, 06/25 2021
MNAXLP

Appendix K: Public Comments - Consolidated Plan and Annual Action Plan

Public Comment Period: The City of Billings' Consolidated Plan and Annual Action Plan was open for public comment from March 28, 2020 to May 11, 2020. Staff received inquiries relative to the CARES Act funding awarded to the City in April 2020. There are many competing interests relative to accessing this funding source, although the City has not received and processed necessary HUD regulatory guidance to move forward with a funding allocation to a specific agency.

The City also received an email inquiry from Patti Webster, Executive Director, Housing Authority of Billings on April 14, 2020. She asked if there was an opportunity to utilize HOME funds for rental assistance. The comment was in reference to a forwarded HUD email regarding suspensions and waivers for the HOME program for COVID-19 response. City staff was aware of several rental and mortgage assistance programs implemented by the State of Montana in response to COVID-19. Funding for several months of rent / mortgage payments continues to be available to address immediate housing needs for low income households across the state. Therefore, the City would not be pursuing waivers or suspensions to move forward with tenant assistance to avoid duplication of services.

The City of Billings received no other comments during the public comment period.

Public Hearing: On May 11, 2020, a Public Hearing was held at the Billings City Council meeting at City Hall, 210 North 27th Street, Billings, Montana. To facilitate an open public involvement process, the public hearing was available live and remains available on demand at the www.comm7tv.com website and also on Community 7's public Facebook page at www.facebook.com/comm7tv.

Councilmember Yakawich: He has heard the City's presentation seven times and this presentation was the best ever. He was inspired by the infrastructure project planned in the [Southwest Corridor] as he has been in the area and has had a friend living in the C & C Community for a long time. The idea [of moving from rental to homeownership] is rockin'! City staff noted that the C & C Community had to incorporate and become an official organization while NeighborWorks Montana facilitated the process. Beckett noted that the staff is excited about the project and are pleased with the improvements already made in the community after it was purchased by the residents.

Councilmember Joy: Totally supports this and wanted to thank City staff and the Community Development Board for doing a fabulous job on this. Wonderful job – the C & C Community happens to be in Ward 3, wonderful, absolutely wonderful. She said she was glad that the Community Development Board wanted to take on this infrastructure project; it's going to turn out really fabulous.

Councilmember Neese: Noted a question about the data pointing to adequate affordable housing availability and how it is not available [to low income households] because people are living below their means. He said, "Why do you think that is and how can we rectify that?" Staff noted they could only offer a personal opinion; everyone learned a lot in the recession. Living below household means is something everyone talks about. People with greater incomes occupy units affordable to low and very low income households, so City staff has prioritized development of affordable housing units in the Consolidated Plan. Staff noted the very high number of households on the waiting list for the Housing Authority of Billings, particularly single-person households.

Councilmember Neese asked if we could duplicate the [C & C Community ownership] process with other trailer / mobile home parks. Staff said they really hoped so. The model of collecting lot rents is very lucrative for manufactured housing park owners, particularly if they are not making improvements to the site. They can increase the density of the park to further increase their income. There has to be an owner willing to sell a park and there has to be an organization like NeighborWorks Montana. Mary Lou Affleck facilitated the incorporation and purchasing process for the residents. There were persons living in the units for decades that never spoke to one another while they were renters. As owners, they are working together and helping one another out during the pandemic, cleaning up the properties together, etc. Staff hopes the City can fund more of these types of projects and would recommend funding any infrastructure project in any low income neighborhood in the City. Councilmember Neese also asked about the total amount of funding used for CDBG and HOME administration.

Councilmember Ronning: The Housing Authority waiting list number is over 7,000 households; staff notes that this is the largest number we have ever seen. Councilmember Ronning really appreciates the presentation and she watched staff online on the Facebook livestreaming of the Community Development Board meeting. They are a great Board and they are really participating – exciting to see.

The AmeriCorps VISTA program is very significant on many different levels. One of the areas she hopes staff adds to the list [of VISTA accomplishments] is the Indian Child Welfare Act (ICWA) Court. That is massive – not just significant in Billings. ICWA Court was developed by a Billings VISTA volunteer and it was the fourth court established nationwide. The Billings ICWA Court now travels nationwide to give presentations, trainings, and teachings and that really put Billings on the national level due to the work of the Billings VISTA member. Staff noted that the VISTA member who put the ICWA Court together is Shannen Keene and she now is working at the Seattle Indian Health Board and there is also another VISTA alum working there as well.

Councilmember Purinton: Requested a copy of the presentation and also requested a breakdown of what administration would pay for. Staff explained that administration pays for staff salaries, training costs, printers, paper, office supplies, etc. There are 15 spaces in the Miller Building and the City Council pays for the office space. We can have over 50 VISTA members per year and 15 to 30 members on board at any one time, so a lot goes on in the office.

Jim Corson – Public Hearing Call-In Hotline: Noted he is on the Community Development Board. He praised City staff; they are absolutely wonderful, the best, so helpful, and everyone is great to work with. He was going to hype the presentation but the City Council seemed to like it. He encouraged the City Council to support the Consolidated Plan and funding recommendations. Mayor Cole thanked Mr. Corson for his work on the Board and his contribution to the community.

No other comments were made during the public hearing.

Appendix L: Public Comments - CDBG-CV Substantial Amendment

Applications: City of Billings anticipated allocating $909,126 in new CDBG-CV funding for activities to prepare, respond, and prevent coronavirus. Twenty percent of the total funding allocation was reserved for administration activities, leaving $727,301 to allocate to nonprofit organizations and other governmental entities. All activities must primarily benefit lower income neighborhoods or households. As of April 19, 2021, applications and an application guidebook were available for download from the City's website at www.BillingsMT.gov/CDBGcv. Requests for funding had to be submitted to the Community Development Office by 5:00 p.m. on Friday, May 14, 2021. Public notices relative to CDBG-CV application availability were published on April 16 and 23, 2021 through the Yellowstone County News paper and also through several email listservs including neighborhood task forces, nonprofit organizations, City departments, the local housing authority, and other local, county, and state governmental organizations.

Adult Resource Alliance
Ag Workers Health and Services (AMHS)
Alliance Yellowstone County
Alternatives, Inc.
Angela's Piazza
Big Sky Economic Development Agency
Big Sky Senior Services
Billings Food Bank
Billings Police Department
Billings Public Schools
Billings Public Works
Billings Urban Indian Health and Wellness Clinic
Bureau of Indian Affairs - Rocky Mountain Region
Carbon County Commissioners
Community Crisis Center
Community Leadership Development, Inc.
Dental Lifeline Network Montana
Downtown Billings Business Improvement District
Downtown Billings Alliance
Dress for Success
Easter Seals Goodwill
Education Foundation
Emergency Services, YWCA
Family Promise of Yellowstone Valley
Family Service, Inc.
Habitat for Humanity
HomeFront - Public Housing Authority
Homeword - CHDO
Human Community Services Division
Human Resource Development Council - District 7
Jefferson Bus Lines - COVID-19
Job Connection, Inc
Job Corps
Job Service Billings
Living Independently for Today and Tomorrow
Mental Health Center
MET Transit
Montana Community Services, Inc
Montana Department of Commerce
Montana Fair Housing
Montana Healthcare Association
Montana Legal Services Association
Montana Legal Services
Montana Migrant Council
Montana Native American Center
Montana Rescue Mission
Montana State University - Billings
Montana United Indian Association
Montana Veterans Affairs Division
Montana Youth Challenge Academy
MT.gov, Adult Protective Services
MT.gov, Billings Job Service
MT.gov, Blind and Low Vision Services, Job Service
MT.gov, Dept Health Human Services
MT.gov, Job Service
MT.gov, Job Service
MT.gov, Mental Health First Aid
MT.gov, MT Federation of Public Employees, Job Service
MT.gov, Operations Bureau Chief
MT.gov, Public Assistance Manager
MT.gov, Vocational Rehab
National Alliance on Mental Health
Native American Development Corporation
Neighborhood Task Force Chairs - Heights
Neighborhood Task Force Chairs - Central / Terry
Neighborhood Task Force Chairs - Pioneer Park
Neighborhood Task Force Chairs - North Park
Neighborhood Task Force Chairs - Rimrock
Neighborhood Task Force Chairs - Southside
Neighborhood Task Force Chairs - Southwest Corridor
Neighborhood Task Force Chairs - West End
NeighborWorks Montana - CHDO
Northern News Network
Office of Public Assistance - Yellowstone County

Peoples Community Outreach
Residential Support Services, INC.
Rimrock - Addiction Treatment
RiverStone Health - Public Health
Rocky Mountain Tribal Leaders Council
Rural Employment Opportunities - Billings Office
Saint Vincent de Paul
Social Security Administration
South Side Neighborhood Member
St. Vincent Healthcare
Staff, Board Members, Council Liaison
STEP - Disability Services
Sweet Grass County Commissioners
The Salvation Army
Tumbleweed - Youth Homelessness, Crisis Counseling
United Way of Yellowstone County
University of Montana, Missoula
US Department of Veteran Affairs
USDA-Food and Nutrition Service - Montana Department of Health and Human Services
Veteran's Meat Locker
Veterans Upward Bound
VISTA Alum!
Volunteers of America
Walla Walla University - Billings Campus
Yellowstone Boys & Girls Ranch
Yellowstone Youth Services Center
YWCA - Gateway House
YWCA Billings

Technical assistance was available upon request to interested parties through the Community Development Office. The City of Billings encouraged all members of the community to participate in this planning process. Special arrangements for participation by individuals with hearing, speech, vision impairment or physical disabilities was available upon request. Non-English speaking persons wishing to participate could also be accommodated through translation and / or interpretation in accordance the City's Language Assistance Plan.

Applications Received: The City received two applications for CDBG-CV funding by the May 14, 2021 deadline. The Salvation Army requested $55,000 for food delivery, food boxes, etc. The Downtown Billings Business Improvement District requested $117,715 to install a new public restroom and handwashing facilities. Both applications can be viewed online at www.BillingsMT.gov/CDBGcv. The applications were forwarded to the City's Community Development Board on May 17, 2021 for review.

Public Meeting: The City of Billings - Community Development Board met on Tuesday, June 1, 2021 to make funding recommendations for CDBG-CV allocations. As with all Community Development Board meetings, this meeting was publicly advertised in the Yellowstone County News. This particular meeting was also available to join in Zoom and view via the City's Planning and Community Services Facebook webpage.

Public Comment Period: The City of Billings' CDBG-CV Substantial Amendment was open for public comment from June 12 through June 28, 2021.

Public Hearing: The Billings City Council held a public hearing on Monday, June 28, 2021. The purpose of the public hearing was to obtain public comment on local housing and community development needs relative to proposed CDBG-CV funding recommendations. This meeting was publicly advertised, available to join in-person, via zoom, and was featured live and archived for viewing on the Community 7 Facebook page. Various councilmembers asked questions and made comments, representatives from one applicant organization participated in-person, and another application representative participated virtually via Zoom.

Councilmember Ronning: Considering the housing crisis and the possibility for people to lose their housing, are the CDBG-CV funding available for affordable housing development? Staff explained that CDBG-CV can pay for rent and mortgage assistance. The typical project funding cycle for larger-scale

construction projects. However, the HOME-ARP funding that the City is receiving could potentially be used for longer-term funding projects including new and rehabilitation construction. Rent, mortgage, and utility assistance is readily available through the State's CARES Act and American Recovery Plan funding, so this may be a reason that the City did not receive applications for this type of assistance. Staff further noted that housing costs are increasing very quickly in Billings. This is a huge issue that will not be fixed with limited CDBG-CV and / or HOME-ARP funding. It will take a much larger initiative. CM Ronning also asked what non-congregant shelter is and staff explained that it is shelter that can accommodate individuals and or families in separate units, rather than housing lots of individuals and families in a larger room.

Lieutenant Pederson, The Salvation Army: The organization served 85,000 residents in this community last year and it costs $100,000 to supply the food and materials needed to feed those in need.

Lieutenant Felicia Pederson, The Salvation Army: The organization's mission is to meet human need without discrimination and that's what they want to continue to do. One of those ways is through the mobile meals program and this funding would allow them to feed people six days a week. These people are low-income and in need. She thanked the City Council. There were no additional questions for The Salvation Army.

Katy Easton, Downtown Billings Business Improvement District: Apologized for not being at the meeting in person. She is in Houston meeting with Houston's homeless outreach team. She is excited to install a public restroom and handwashing facilities - and the project is like the "Portland Loo". It is one unit and can be installed downtown in the alleyway off of 29th between 2nd and 3rd. There is a construction-style porta-potty there - to manage urination and defecation in the public garages. It will be cleaned daily by the downtown team.

Councilmember Purinton: CM Purinton is seeing a lot of overlap in the service providers and what the CDBG-CV money is being offered for. Will applications be opened again for just the two applicants or for all organizations? Staff noted that the applications would be opened for all to apply. She also questioned the need for a twenty percent administration cost allocation as it seems high. Staff noted that this is the same percentage allocation used for all other CDBG programs. Mayor Cole noted that just because the government will allow it does not mean that the City will need to take it. Staff explained that a lower allocation to administration will impair the City's ability to effectively manage the CDBG-CV program long-term. CDBG-CV is an entirely new program and it doubles current staff workloads.

Councilmember Neese: He can see how The Salvation Army will be reimbursed only after reporting on beneficiaries to the food program, but how will beneficiaries be reported for the restroom? Staff explained that a public restroom will serve a specified area and census data has been utilized to determine project eligibility.

Councilmember Ronning: Recommends a better explanation on the costs for administration to help educate the City Council.

Councilmember Purington: Supports the motion and as we are serving the low-income population and takin the maximum administration costs is a lot. She would almost make amendment to change the twenty percent allocation, although she does not know what would be acceptable. Mayor Cole responded that "almost" doesn't count except in horseshoes and hand grenades and he will not treat her comment as an amendment, although he appreciates her angst. If she comes back with something more specific, they can consider an amendment.

Councilmember Joy: She is unaware of exactly how administration costs are calculated, but if anyone here has read the regulations and federal register on the information that needs to be assimilated into all of the documents that are prepared to be sent to HUD, everything has to comply with those regulations. That is not a small task. For a very long time, the [Community Development Board] was working while waiting for the CARES Act regulations to be published. You cannot appropriate, allocate or even plan or program money until those regulations come forward. The administrative side of coming to Council with federal money is very intensive.

Councilmember Neese: Are we not addressing the issue by having a porta-potty in an alleyway? Can the City address the location for the public restroom? Will they be charged a fee to access the right-of-way? Wyeth Friday, Planning and Community Services Director, noted that he has been in discussions with the Downtown folks about location and utilities. Downtown staff say that having a bathroom in one location is definitely better than what they are dealing with now all over town, in front of businesses, etc.

Councilmember Shaw: She absolutely loves the public bathroom project. The only other restroom available is the public library. The two projects proposed for CDBG-CV are critical for our community and she would like to see the City continue investing in these types of projects.

Councilmember Yakawich: He is impressed that we have so much money and said, "our nation is rich". Giving to a lot of good causes. His hope is that people are held accountable and be successful. There are public restrooms in the courthouse, city hall, the library, and coffee shops. He hopes we can address the misuse of facilities. When we provide funding for these organizations, he wants to move the dial to be more successful rather than throwing money out there without seeing a big change. Can we feed less people by understanding what is their need and help them get on their feet and help themselves? It is a quandary that he faces when we have all this money and we almost seem to be struggling to get rid of the money. He thanked staff, Brenda Beckett, for her work in helping people be successful, holding them accountable for the money, and we can see a difference in our city.

Mayor Cole: Council has questions about administration costs and if they are not needed, we can fund these other good programs. As for the bathroom, he hopes there is a crackdown on public defecation. Regarding administration costs, staff noted that members of the Community Development team track each and every hour they work by grant program and funding is only drawn for actual time spent managing each of the programs. If there is funding left over, it is allocated to projects - this is the same way the Division manages all of their programs. The Mayor noted it is just a cap and we still have to justify each dollar that is spent.

Staff Response - Administration Costs: On June 29, 2021 City staff forwarded federal regulations relative to standards for documentation of personnel expenses, an example of how Community Development staff track time by grant, and the City's internal procedures on tracking and accounting for staff time and all administrative costs. Time-tracking practices and accounting methods are monitored and approved by the City's Finance Department, external auditors, and other federal grant-making entities.

No other public comments were made during the public hearing.

CITY OF Billings

Annual Action Plan
FY2024-2025

DRAFT

Community Development Division
2825 Third Avenue North
Billings, Montana 59101
www.BillingsMT.gov/comdev
406.657.8281 TTY711



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Section I: Executive Summary

AP-O5 Executive Summary

24 CFR 91.200(c), 91.220(b)

Introduction

Five-year Consolidated Plans and one-year action plans are required by the United States Department of Housing and Urban Development (HUD) for the City of Billings to receive funding through the Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) programs. The City's five-year Consolidated Plan for FY2020-2024 identifies activities to be carried out from July 1, 2020 through June 30, 2025 to address priority needs in the community and serves as a guiding document for the use of the City's CDBG and HOME funding.

This one-year Annual Action Plan addresses priority needs and outlines the use of the City's CDBG and HOME funding for activities to be carried out from July 1, 2024 to June 30, 2025. Plans should be submitted to HUD 45 days prior to the start of the City's program year start date: July 1.

Focused on CDBG and HOME activities, the Consolidated and Annual Action Plans combine the planning and application requirements for the CDBG and HOME programs. Consolidation of the submission requirements for the CDBG and HOME programs allows program planning and citizen participation to take place in a comprehensive context covering both programs. The CDBG and HOME programs covered by the Consolidated Plan have three basic goals:

- **To provide decent housing,** including maintaining the affordable housing stock in the community; increasing the availability of permanent housing that is affordable to low-income households without discrimination; increasing support of housing that enables persons with special needs to live independently; and assisting homeless persons to obtain affordable housing.
- **To provide a suitable living environment**, including improving the safety and livability of neighborhoods; increasing access to quality facilities and services; reducing the isolation of low-income households within areas by de-concentrating housing opportunities and revitalizing deteriorating neighborhoods; restoring and preserving natural and physical features of special value for historic, architectural, or aesthetic reasons; and conserving energy resources.
- **To expand economic opportunities**, including creating jobs accessible to low-income individuals; providing access to credit for community development activities promoting long-term economic and social viability; and empowering low-income persons living in public and federally assisted housing to achieve self-sufficiency.

All activities undertaken by the City utilizing CDBG and HOME funding must primarily benefit low-income persons. The strategies described in the Consolidated and Annual Action Plans outline a specific course of action for the community's housing and community development activities. The plan builds on local assets to meet the needs of the community and sets forth goals, objectives, and performance measures to ensure progress in achieving the strategies described herein.

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Pandemic Response

The Community Development Division spearheaded new initiatives in response to worldwide and national pandemic variant surges. Several pandemic projects and programs were funded:

- **The Salvation Army:** $55,000 was allocated to increase food service by 20 percent through the mobile meals program.
- **Downtown Billings Improvement District:** $117,715 was allocated to procure and install a public handwashing and restroom facility in an area facilitating use by people who are experiencing homelessness.
- **Parks Improvements:** A number of improvements within low-income area neighborhoods parks were funded to specifically address pandemic concerns, including touchless bathroom features. Other improvements were designed to provide suitable outdoor fitness and create spaces to support social distancing. Other projects include accessibility improvements, playground equipment, ensuring airflow exchange in a community building, and the installation of adult exercise equipment to encourage physical activity and social distancing outdoors.
- **Fast-Track Public Services:** The Community Development staff and the Community Development Board also recommended implementing a fast-track public services application process, which was approved by the City Council at the end of December, 2021. The streamlined procedure accommodated applications up to $15,000 from social service agencies to prevent, prepare for, and respond to the coronavirus. Several organizations were funded to provide social services, including mental health care, substance abuse services, homeless programs, and programs benefitting children www.BillingsMT.gov/CDBGcvfast.
- **Alternatives, Inc.:** $47,000 in CDBG funding was used to strengthen information technology and app development to provide mental health treatment options, at a distance, to low-income clients. The ability to provide distance services protects clients and Alternatives staff from the spread of the coronavirus. According to the City's pandemic needs assessment, one in two survey respondents experienced higher levels of stress, and one in five respondents expressed mental health care as a primary need.
- **Boys & Girls Club:** $140,000 in CDBG funding was used to renovate an insufficient front reception area at the Boys & Girls Club in order to provide room for social distancing.
- **Billings Public Schools:** $313,300 in CDBG funding was used to replace an insufficient HVAC system at Washington Elementary School to improve indoor air quality and ventilation. Improvements to public health will prevent spread of coronavirus to ensure the building's continued usefulness during an outbreak. The Delta variant significantly impacted children attending school in Billings and accelerated the spread of the coronavirus across the city.

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Summarize the objectives and outcomes identified in the Plan

This could be a restatement of items or a table listed elsewhere in the plan or a reference to another location. It may also contain any essential items from the housing and homeless needs assessment, the housing market analysis or the strategic plan.

According to the City's most recent Consolidated Plan, the most significant housing issues in Billings include housing cost burden, the availability of affordable housing, and equal opportunity in homeownership for minority households.

- **Housing Cost Burden:** Over 80% of low-income households have been paying 30-50% or more of their income for housing costs. Minorities are disproportionately impacted by housing cost burden including Black / African American, Asian, Native American, and Hispanic families.
- **Affordable Housing Availability:** Housing affordability and availability are the most significant factors in limiting housing choice for both renters and homeowners. While there are an adequate number of housing units in Billings to accommodate the population, there appears to be a housing deficit of over 4,700 units for households with incomes less than 30% of the AMI.
- **Homeownership and Opportunity:** Racial and ethnic minorities have a lower homeownership rate than the White population (67%) in Billings. The Black cohort has the lowest homeownership rate at 16% followed by Native Americans at 31%. Thirty-three percent of the Hispanic cohort are homeowners.
- **Crime Prevention:** Violent and property crime continues to be significant in Billings and have been higher than national rates for several years. The Billings City Council has made crime prevention and public safety a strategic plan priority.

The City's goals are to: create, preserve, and expand affordable housing options; promote neighborhood revitalization through foreclosure program; to impact poverty; to prepare for, respond to, and prevent the coronavirus; and to implement Crime Prevention Through Environmental Design activities in low-income neighborhood parks. The City will continue to offer programs on a citywide basis to ensure equal opportunity in all Billings neighborhoods:

- **First Time Home Buyer -** Promote financial security, home equity, housing self-sufficiency, housing and neighborhood quality and stability; increase minority homeownership, promote equal access and opportunity, and decrease segregation citywide; improve affordable housing opportunities for the elderly, persons with disabilities, and other special populations; and reduce predatory lending through education and standardized procedures.
- **Affordable Housing Development -** Expand access and availability of decent, affordable housing citywide; improve the physical quality of affordable housing; and foster suitable living environment and quality of life through the improvement of physical conditions including infrastructure for housing projects and housing development.
- **Foreclosure, Acquisition, Rehabilitation -** Mitigate the negative community impact of vacant, foreclosed properties; improve affordable housing quality, condition, safety, livability, and accessibility; stabilize property values in neighborhoods with existing vacant, foreclosed homes; and eliminate the potential for crime related to existing vacant, foreclosed properties.
- **Billings Metro VISTA Project -** Provide resources to nonprofit organizations to undertake poverty impact activities and to support the low-income individuals and families they serve; and focus areas include education, healthcare, food security, economic opportunity, housing, financial literacy, and others.

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Evaluation of past performance

An evaluation of past performance that help the City choose goals or projects.

Performance on past goals and projects has been adequate and progress on goals is summarized below.

- **Create, preserve, and expand affordable housing options:**
    - **Affordable Housing Development:** The C & C Community, a resident owned manufactured housing project, completed infrastructure improvements in 2021. Sixty households have benefitted from this project. The project was completed in 2023.
    - **First Time Home Buyer:** In FY2022-2024, the City provided assistance to 7 households and did not meet the Annual Action Plan goal of 8 households. As predicted, the number of available affordable homes has significantly declined as families from across the nation relocate to Montana and this has significantly impacted sales. The City will continue this program to ensure families can purchase their first homes, although funding may be diverted to assist with other close- and shovel-ready projects.
- **Neighborhood revitalization:**
    - **Foreclosure Acquisition / Rehabilitation Program:** A contract was completed to reconstruct one single-family home on the Steffanich property in the Billings Heights. Construction has been substantially completed and xeriscaping is currently being completed on the property. It will be sold to an income-qualified household in spring 2024.
- **Impact poverty:**
    - **Billings Metro VISTA Project:** Full-time AmeriCorps members have been working on poverty-impact programs this fiscal year. They focus on expanding services for the homeless and special needs populations: Healthcare; Food Security; Education; Employment; Financial Literacy; and Housing.
- **Pandemic Response:** Progress in pandemic projects is described in the Executive Summary and include: food distribution; downtown handwashing / restroom facility; park improvements; and public services to assist those impacted by the pandemic including mental health care, substance abuse services, homeless programs, and child services to date.
- **CDBG Timeliness:** The City did not meet the national timeliness goal by having more than 1.5 times its annual grant left in HUD's disbursement system in May 2023. National increases in building supply costs and lack of availability, workforce / contractor shortages, and the foreclosure moratorium significantly slowed the City's ability to carry out programs. The Wall Street Journal also named Billings the hottest housing market in the nation in 2021. When households moved away from highly populated areas, the housing prices in Billings drastically increased and very few affordable homes were, and are, available for purchase by low-income households. The City expects to meet the timeliness goal for 2024.

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Summary of citizen participation process and consultation process

91.200(b)

Summary from citizen participation section of plan.

Citizen participation is the foundation of housing and community development programs. The City of Billings has adopted a *Citizen Participation Plan* which is implemented during Consolidated and Annual Action Plan processes to ensure active participation by residents and affiliate organizations. The City has also adopted a *Language Assistance Plan* to ensure meaningful access to program information and equal opportunity for persons with hearing impairment and limited English proficiency. Both plans can be found online at www.Billingsmt.gov/CDreports.

The Citizen Participation Plan describes public access and engagement through public comment periods, public hearings, published notices, online and hard copy access to documents, and access for the disabled and limited English proficiency. The Plan also details the public decision-making processes via the Community Development Board and the Billings City Council.

First Public Hearing: HUD requires the City to hold at least two public hearings a year to obtain citizens' views and to respond to proposals and questions. One of the hearings should be held during the development of the Consolidated / Annual Action Plan. To meet this requirement, the Community Development Board has chosen to hold the first public hearing in September in order to assist them in designing the application process for the upcoming program year, before the publication of drafted Consolidated / Annual Action Plans. **The first public hearing was held on September 11, 2023.** No public comments were made.

Substantial Amendment: The City proposed adding Crime Prevention through Environmental Design (CPTED) projects to the Annual Action Plan in order to decrease crime rates in low-income neighborhood parks. The amendment was available online from August 11 and the public comment period was held from August 12 through September 11, 2023. The City Council held a public hearing on September 11, 2023. Public comments are included in the appendices.

Second Public Hearing: The City held its second public hearing ion April 22, 2024 to garner citizens' views on proposed activities.

Summary of public comments

Brief narrative summary or reference an attached document from the Citizen Participation section of the Con Plan.

The FY2024-2025 Annual Action Plan's public comment period began on March 23 and ended on April 22, 2024. A public hearing was held on April 22, 2024 during the Billings City Council meeting to accept public comments on the Annual Action Plan and Community Development Board recommendations for funding allocation. To facilitate an open public involvement process, the public hearing was available live and remains available on demand at the www.comm7tv.com website and also on Community 7's public Facebook page at www.facebook.com/comm7tv.

Public Comment & Hearing: See additional information relative to public comments in the appendices.

Summary of comments or views not accepted and the reasons for not accepting them

All comments are taken into consideration during the development of the Annual Action Plan.

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Section II: The Process

PR-05 Lead & Responsible Agencies 24 CFR 91.200(b)

Describe agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

The City of Billings - Community Development Division staff is responsible for preparing the Consolidated Plan and administration of CDBG and HOME grant programs.

Agency Role	Name	Department/Agency
CDBG Administrator	City of Billings Brenda Beckett, Division Manager	Community Development Division
HOME Administrator		

Table 1 – Responsible Agencies

Consolidated Plan Public Contact Information

Brenda Beckett, Community Development Manager
Community Development Division, 2825 3rd Avenue North, Suite 610, Billings, MT
Phone: 406-657-8286 (TTY 711)
Email: beckettb@billingsmt.gov
Web: www.Billingsmt.gov/comdev

AP-10 Consultation 91.100, 91.200(b), 91.215(l)

Introduction

Several organizations in the community are involved in affordable housing and community development-related activities in Billings and are asked to comment on the Consolidated Plan. The continued cooperation of these organizations in pursuing affordable housing for the community is required to meet the Consolidated Plan goals. Consultations include review of the plan with public and private agencies that provide health care, social services, and fair housing education. Populations targeted for consultation include agencies that provide services for children, the elderly, the disabled, minorities, single-headed households, persons with HIV / AIDS and their families, and homeless individuals and families.

The Consolidated and Annual Action Plans are available during the public comment period and interested persons were invited to attend several staff-facilitated, regularly scheduled meetings to find out more about Community Development initiatives. Routine meetings were facilitated through staff for the Community Development Board; six of the nine total members represent and reside in low-income neighborhoods.

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Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health, and service agencies (91.215(I)).

Low-Income and Minority Households: To ensure citizen participation emphasizing the involvement of low-income and minority residents in areas where housing and community development funds may be spent, the City's Community Development Board is comprised of six members representing lower-income neighborhoods. The City's Planning and Community Services Department also continues to coordinate meetings with the Adjacent Neighborhood Committee including those representing the City's low-income areas with high concentrations of minorities.

Public Housing: The City's public housing authority, HomeFront, is primarily responsible for administration of the public housing and Section 8 Programs for the community. HomeFront is a municipal housing authority established under the laws of the State of Montana *(MCA 7-15-44).* Board members for HomeFront are appointed by the Mayor of the City of Billings. The City supports HomeFront and regularly communicates and consults with HomeFront staff on a variety of housing issues. *91.100(c)*

Housing Opportunities for Persons with AIDS: Public and private agencies have assisted the City in reviewing the Consolidated Plan. Organizations providing housing, health services, and social services have been involved in planning processes for the homeless and chronically homeless**.** The City supports the Human Resources Development Council District 7 in their implementation of Housing Opportunities for Persons with AIDS (HOPWA) goals and objectives. *91.100(b)*

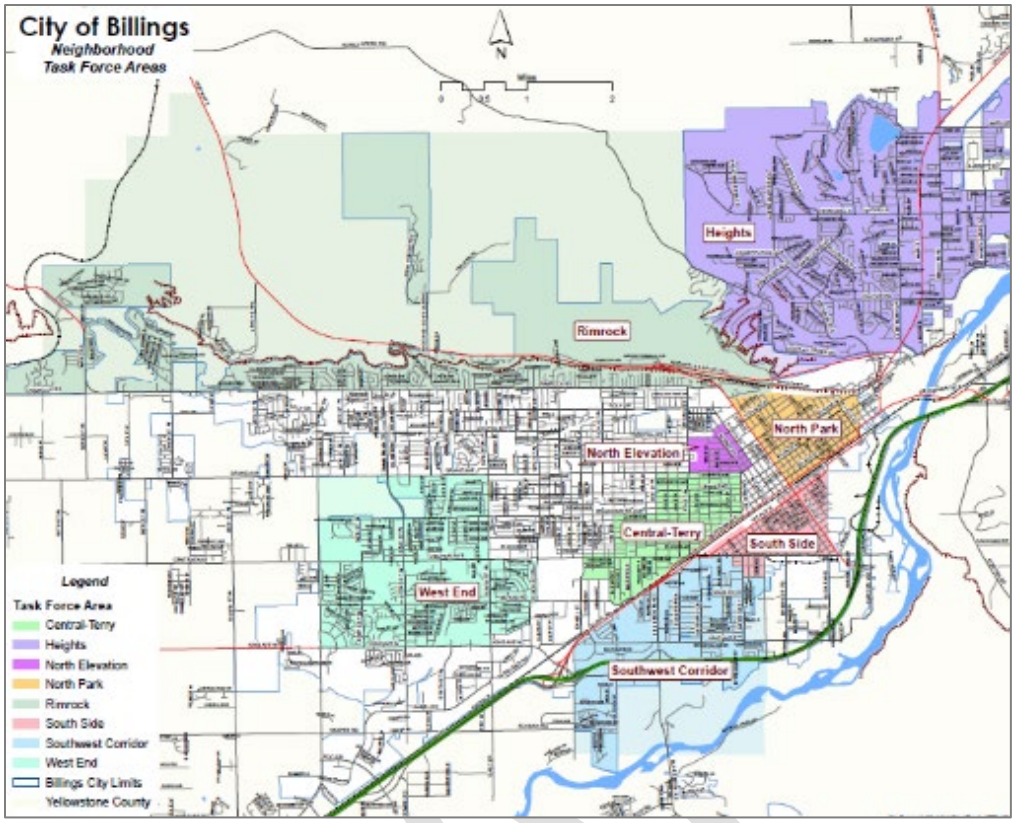
Adjacent Governments: Communication regarding non-housing community development needs is conducted via collaboration through adjacent units of local government including the State of Montana and Yellowstone County. *91.100(a)(4)*

Metropolitan Planning: The City of Billings - Community Development Division is included in the Planning and Community Services Department. The department, overall, includes Code Enforcement, and Planning / Transportation (includes the City of Billings and Yellowstone County). These Divisions work internally to implement the Growth Policy, Infill Policy, Transportation Plan and Neighborhood Plans collectively. All City-assisted projects are reviewed for residential access to public transportation and broadband infrastructure. *91.100(a)(5)*

Community Development Board: The Community Development Board is a citizen's advisory board consisting of nine members who are appointed by the Mayor of Billings with the consent of the City Council. Six members are appointed to represent low-income neighborhoods of the City as defined by federal regulations for the CDBG program and three members represent the community at large. The Community Development Board makes recommendations to the City Council regarding the Consolidated Plan, the Annual Action Plan, the Citizen Participation Plan, and the CAPER (Consolidated Annual Performance and Evaluation Report). In addition, the Board reviews applications submitted for CDBG and HOME funding to make recommendations to the City Council for approval.

Billings City Council: The *Billings City Council* is the final governmental policy body that reviews and acts on the Consolidated / Annual Action Plans, including the Citizen Participation Plan. Recommendations are presented to the City Council and a public hearing is held. After receipt and consideration of public comments, the City Council may approve proposed plan(s) and funding allocations.

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City of Billings
Neighborhood
Task Force Areas
N
Heights
Rimrock
North Park
North Elevation
Central-Terry
South Side
West End
Southwest Corridor
Legend
Task Force Area
Central-Terry
Heights
North Elevation
North Park
Rimrock
South Side
Southwest Corridor
West End
Billings City Limits
Yellowstone County

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Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.

Continuum of Care Funding: Funding is provided to the State of Montana and are distributed by the State to various regions in Montana through the Human Resource Development Councils (HRDCs). A Continuum of Care application is prepared on a statewide basis and the City plays a small role in this process through annual Certifications of Consistency with the Consolidated Plan. One or two organizations in Billings may receive Continuum of Care funding, but a very small percentage of the available statewide Continuum of Care funding is allocated to local projects: five to seven percent annually.

The Billings City Council allocated an amount not to exceed $210,000 to the Yellowstone County Continuum of Care for the FY23 low-barrier winter shelter for one year. The City Council also approved an allocation not to exceed $76,700 to the Montana Rescue Mission (MRM) to support data entry into the Coordinated Entry system in the Homeless Management Information System (September 26, 2022, City Council meeting minutes). The contract has not been signed to date.

Billings Metro VISTA Project: To maintain momentum for City's ten-year plan to impact homelessness, the City's Community Development Division created an AmeriCorps Volunteers in Service to America (VISTA) program known as the *Billings Metro VISTA Project*; sponsored by the Corporation for National and Community Service. VISTA members work to create or expand community-based programs, services, and systems that prevent and intervene in homelessness. VISTA members may be supervised by City staff for over-arching, community-wide benefit programs and they can also be supervised by nonprofit organization staff that are spearheading efforts to impact poverty and homelessness.

Statewide Continuum of Care: The Montana Continuum of Care Coalition (MT CoC) is the statewide organization designed to bring homeless service providers together from across the state to identify needs, inventory resources, recognize gaps and prioritize HUD funding as part of a greater planning effort to eradicate homelessness in Montana. The coalition was formed to address homelessness with very few resources to cover Montana's vast geographical area. In 2012, MT CoC restructured to incorporate a Board of Directors to oversee the operations of the coalition. The MT CoC consists of 15 delegates; ten from districts mirroring the same planning districts used by the Montana Department of Health and Human Services and five at-large delegates. The Board of Directors is the decision-making entity for the MT CoC and is responsible for ensuring compliance with the Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act.

Local Continuum of Care: The South-Central Montana Continuum of Care serves as the City's local Continuum of Care organization. It is a subsidiary of the MT CoC and represents Big Horn, Carbon, Stillwater, Sweet Grass, and Yellowstone counties. The South-Central Montana Continuum of Care collaboratively works to develop, support, and promote a continuum of resources, services, and housing opportunities that prevent homelessness and promote long-term stability.

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Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate Emergency Solutions Grant (ESG) funds, develop performance standards and evaluate outcomes, and develop funding, policies, and procedures for the administration of Homeless Management Information System (HMIS).

The City does not receive ESG funds as an entitlement; these funds are distributed statewide by the Montana Department of Public Health and Human Services through ten HRDCs throughout the state. Therefore, the City does not develop performance standards, evaluate outcomes, or develop funding, policies, or procedures for the administration of HMIS. District 7 HRDC utilizes ESG funding for homeless prevention activities and rapid rehousing. HRDC has received additional HUD Continuum of Care funds for rapid-rehousing homeless families living in shelters.

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Describe Agencies, groups, organizations, and others who participated in the process and describe the jurisdictions consultations with housing, social service agencies and other entities.

Table 2 – Agencies, groups, organizations who participated in 2020 Consolidated Planning

#	Agency/Group/Organization	Type(s)	Consolidated Plan Section(s)	How Consulted / Outcomes
1.	HomeFront	Public Housing Authority; Services - Homeless	Housing Need Assessment; Public Housing Needs; Homeless Needs - Chronically Homeless, Families with Children, Veterans; Homelessness Strategy; Market Analysis; Anti-Poverty Strategy	Email / phone / web retrieval; data exchange for the development of relevant sections
2.	Homeword	Housing	Housing Need Assessment; Market Analysis; Anti-Poverty Strategy	
3.	Rimrock	Housing; Services - Persons with Disabilities	Housing Need Assessment; Homeless Needs - Chronically Homeless; Anti-Poverty Strategy	
4.	Mental Health Center	Housing; Services - Persons with Disabilities	Housing Need Assessment; Non-Homeless Special Needs; Anti-Poverty Strategy	
5.	Family Service, Inc.	Services - Housing	Housing Need Assessment; Market Analysis; Homeless Needs - Families with Children; Homelessness Strategy; Anti-Poverty Strategy	
6.	District 7 HRDC	Housing; Services - Housing, Children, Persons with HIV/AIDs, Homeless	Housing Need Assessment; Homeless Needs - Chronically Homeless, Families with Children; Homelessness Strategy; HOPWA Strategy; Anti-Poverty Strategy	
7.	Adult Resource Alliance	Services - Elderly Persons	Housing Need Assessment; Non-Homeless Special Needs; Anti-Poverty Strategy	
8.	Big Sky Senior Services	Services - Elderly Persons	Housing Need Assessment; Non-Homeless Special Needs; Anti-Poverty Strategy	
9.	Living Independently for Today and Tomorrow	Housing; Services - Persons with Disabilities	Housing Needs Assessment; Market Analysis; Non-Homeless Special Needs	
10.	City of Billings - Planning Division	Local Government; Planning Organization	Housing Needs Assessment; Market Analysis; Economic Development; Anti-Poverty Strategy; Broadband Access; Resiliency	
11.	YWCA Gateway House	Housing; Services - Domestic Violence, Children	Housing Needs Assessment; Market Analysis; Homeless Needs - Families with Children; Anti-Poverty Strategy	
12.	Billings Public Schools	Services - Homeless, Education	Homeless Needs - Families with Children; Anti-Poverty Strategy	
13.	Billings Job Service	Services - Employment	Economic Development; Anti-Poverty Strategy	
14.	Montana Fair Housing	Services - Fair Housing	Housing Needs Assessment; Non-Homeless Special Needs; Anti-Poverty Strategy	
15.	The Alliance	Health Agency	Non-Homeless Special Needs; Anti-Poverty Strategy	
16.	Montana Department of Commerce	State; Housing	Housing Need Assessment; Market Analysis; Anti-Poverty Strategy	
17.	Billings Public Works Department	Local Government	Non-Housing Community Development Needs	
18.	Billings Police Department	Local Government; Services - Domestic Violence, Homeless	Housing Need Assessment; Anti-Poverty Strategy	

Identify any Agency Types not consulted and provide rationale for not consulting.

The City of Billings staff is not aware of any agency types that have not been consulted in preparation of the Consolidated Plan. City staff contacted many agencies to assist with the development of the Consolidated Plans and has widely circulated information relative to proposed programs and funding allocations to garner feedback. Additional efforts were made during the public comment period to distribute the Consolidated Plan for review and feedback.

Describe other local/regional/state/federal planning efforts considered when preparing the Plan.

	Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
1	Continuum of Care	Montana State Continuum of Care	Identifies Federal and State resources to impact homelessness.
2	Growth Policy	City of Billings - Planning Division	Promotes affordable housing and infill development.
3	Infill Policy	City of Billings - Planning Division	Promotes affordable housing and infill development.
4	Annexation Policy	City of Billings - Planning Division	Promotes infill development.
5	Transportation Plan	City of Billings - Planning Division	Improves transit impacting project affordability.
6	Neighborhood Plans	City of Billings - Planning Division and Neighborhood Task Forces	Guides development efforts in each neighborhood.
7	Consolidated Plan	Montana Department of Commerce - Community Development	State CDBG and HOME resources may be available to further projects. Consultation and coordination of statewide Analysis of Impediments to Fair Housing Choice.

Table 3 – Other local / regional / federal planning efforts

AP-12 Participation *91.105, 91.200(c)*

Summary of citizen participation process/Efforts made to broaden citizen participation. Summarize citizen participation process and how it impacted goal setting.

Public comments are requested at least 30 days prior to submission of reports required under HUD's Consolidated Plan process. City staff has considered all written comments by citizens, public agencies, and other interested parties prior to submission of its final Consolidated Plan and related reports to HUD and attach a summary of each comment to the final submission. If written comments were not accepted for inclusion in the Plan, City staff has provided written explanation of why those comments were not accepted.

Staff utilizes data-driven analysis processes along with citizen and community participation to establish goals, strategies, and funded activities.

Citizen Participation Outreach			
#	**Mode of Outreach**	**Target of Outreach**	**Summary of response/attendance**
1	Public Notices	Minorities, Disabled, Broad Community, Public & Assisted Housing Residents	Public Notices regarding the publication of the drafted HOME-ARP Allocation Plan on the City's website, the public comment period from February 25 through March 13, 2023. Notice of the public hearing, to be held during the March 13, 2023, City Council meeting, was published in the Yellowstone County News on February 24 and March 3 & 10, 2023.
	Public comments are summarized in the HOME-ARP Allocation Plan at www.BillingsMT.gov/HOMEarp.		
2	Public Hearing	Nonprofit organizations with an interest in HOME-ARP funding opportunities, Broad Community	Public hearing was held during the City Council meeting on March 13, 2023.
	Public comments are summarized in the HOME-ARP Allocation Plan at www.BillingsMT.gov/HOMEarp.		
3	Public Notices	Nonprofit and other organizations with an interest in CDBG and/or HOME funding opportunities, Broad Community	Public Notices to obtain public comment on: performance for the prior program year and current community needs to assist the Community Development Board in designing the application process for the upcoming program year, before the publication of the drafted Annual Action Plan. The notices were published through the Yellowstone County News on August 18, 25, and September 1, 2023.
	The City did not receive public comments.		
4	Public Notice	Minorities, Disabled, Broad Community, Public & Assisted Housing Residents	Amendment to add crime prevention projects for low-income neighborhood parks was available online on Friday, August 11, 2023. Public comment period was held from August 12 through September 11, 2023.
	See the appendix for a summary of responses.		
5	Public Hearing / Public Meeting	Minorities, Disabled, Broad Community, Public & Assisted Housing Residents	The City Council held a public hearing on September 11, 2023 for a substantial amendment to add crime prevention projects for low-income neighborhood parks. City Council meetings are streamed live and the videos are available on demand at www.comm7tv.com and www.facebook.com/comm7tv.
	See the appendix for a summary of responses.		
6	Public Hearing	Nonprofit and other organizations with an interest in CDBG and/or HOME funding opportunities, Broad Community	Public Hearing on September 11, 2023 to obtain public comment on: performance for the prior program year; current community needs to assist the Community Development Board in designing the application process for the upcoming program year, before the publication of the drafted Annual Action Plan; and regarding the needs of those experiencing homelessness in preparation for HOME-ARP assessment and planning activities.
	Please reference the appendices for public comments.		
7	Public Notices	Nonprofit and other organizations with an interest in HOME-ARP funding opportunities, Broad Community	Public Notices regarding the availability of HOME -ARP funding and application process were published through the Yellowstone County News on October 6, 13, and 20, 2023.
	The City received seven applications for HOME-ARP funding from local nonprofit organizations.		
8	Public Notices	Nonprofit and other organizations with an interest in CDBG and/or HOME funding opportunities, Broad Community	Public Notices regarding the availability of CDBG and HOME funding and application process were published through the Yellowstone County News on December 29, January 5, and January 12, 2024.
	The City received one incomplete application for CDBG or HOME funding from organizations outside of Community Development.		

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Citizen Participation Outreach			
#	**Mode of Outreach**	**Target of Outreach**	**Summary of response/attendance**
9	Email Notification	Nonprofit organizations with an interest in AmeriCorps VISTA funding opportunities, Broad Community	Email notification regarding the availability of AmeriCorps VISTA resources.
	The City received numerous proposals for AmeriCorps VISTA placements for projects designed to impact poverty.		
10	Public Notices	Minorities, Disabled, Broad Community, Public & Assisted Housing Residents	Public Notices regarding the publication of the drafted Annual Action Plan on the City's website, the public comment period from March 25 through April 25, 2023. Notice of the public hearing, to be held during the April 25, 2023, City Council meeting, was published in the Yellowstone County News on March 24, 31, and April 7, 2023.
	No responses or comments were received.		
11	Website	Minorities, Disabled, Broad Community, Public & Assisted Housing Residents	The drafted Annual Action Plan was available online, from March 22 through April 22, 2024, for public comment and feedback. Emails were also sent to local nonprofit, healthcare, and housing organizations.
	No responses or comments were received.		
12	Public Meetings	Minorities, Disabled, Broad Community, Public & Assisted Housing Residents	Monthly Community Development Board meetings are open to the public. Meetings are held on the first Tuesday of each month and are advertised.
	There were no public comments made during the meetings.		
13	Public Hearing / Public Meeting	Minorities, Disabled, Broad Community, Public & Assisted Housing Residents	The City Council public hearing held April 22, 2024, was streamed live. The videos are available on demand at www.comm7tv.com and www.facebook.com/comm7tv.
	See the appendix for a summary of responses.		

Table 4 – Citizen Participation Outreach

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Section III: Annual Action Plan

AP-15 Expected Resources 91.220(c)(1,2)

Introduction

The table below illustrates the CDBG and HOME resources expected for the program year. CDBG administration allocations are capped at 20% of the new CDBG allocation in addition to eligible program income received during the project year. Maximum amounts for public service activities are capped at 15% of the new CDBG allocation and 15% of the previous year's program income. HOME administration activities are capped at 10% of the new HOME allocation and eligible program income received following the required affordability period. Revenue received during a project's affordability period is considered recaptured and may not be used for administration.

Expected revenues from the CDBG program include repayments for funding loaned through the Housing Rehabilitation program, First Time Home Buyer program, and other revitalization efforts. The City expects to receive approximately $75,000 to $300,000+ in repayments for the upcoming fiscal year and this funding will be reprogrammed for programs identified herein. The City will not receive proceeds for Section 108 loan guarantees, surplus funds from urban renewal settlements, or float-funded activities.

Revenue expected for the HOME program includes recaptured and program income funding generated by the First Time Homebuyer Loan program. The City expects to receive approximately $150,000 to $300,000+ in HOME funding through these venues, and the funding will be utilized to further programs identified in this Plan. City of Billings programs utilize 100% of CDBG and HOME funding to benefit low- to moderate-income households and/or areas. The City may also receive program income attributable to the Neighborhood Stabilization Program and other previously funded federal and state programs.

Routine revenues including program income, recaptured / repaid funds, and re-programmed monies will be utilized for existing and previously approved programs as it is received during each fiscal year. Routine revenues are allocated on a close- and shovel-ready basis to ensure timely commitment and expenditure. These changes are customary and facilitate funding allocations to projects and activities most in demand and do not require a substantial or minor amendment to the Consolidated Plan.

The City was awarded $1.2 million in HOME-ARP funding through the American Recovery Act. An assessment was designed and conducted in 2022-2023 and the HOME-ARP allocation plan was submitted to HUD by March 31, 2023 and subsequently approved. Awards to nonprofit organizations will be made by the City Council in April 2024.

Estimated Anticipated Resources

Program	Source of Funds	Expected Amount Available				Expected Amount Available Reminder of Con Plan	Narrative Description
		Annual Allocation	Program Income	Prior Year Resources	Total		
CDBG	Public / Federal	$650,000	$0	$0	$650,000	$0	Entitlement Allocation
	Uses of Funds: Administration, Foreclosure Acquisition / Rehabilitation / Homebuyer Acquisition, New Housing Development						
HOME	Public / Federal	$300,000	$0	$0	$300,000	$0	Entitlement Allocation
	Uses of Funds: Administration, Homebuyer Acquisition, New Housing Development						

Table 5 - Expected Resources – Priority Table

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Explain how federal funds will leverage those additional resources (private, state, and local funds), including a description of how matching requirements will be satisfied.

The HOME program requires 25% match funding for projects be dedicated from non-federal sources. The City of Billings meets HOME matching requirements through low-interest financing available for First Time Homebuyer Loans issued through the Montana Board of Housing (MBOH) and matching funds provided for other affordable housing projects undertaken with HOME funds, such as private contributions and other local bank financing.

If appropriate, describe publicly owned land or property located within the jurisdiction that may be used to address the needs identified in the plan.

The City of Billings does not have plans to use publicly-owned land to address needs identified in the Consolidated Plan and is not required to do so, as per federal regulation.

Requirements set forth in CFR 24 91.220 and 91.520 indicate the City *may indicate* publicly-owned land or property located within the jurisdiction that *may be used* to address the needs identified in the Consolidated / Annual Action Plan.

While the City has not dedicated land to the Community Development Division, the Billings City Council supported the Division's housing programs by dedicating nearly $450,000 in non-federal funds to support Consolidated Plan activities.

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AP-20 Annual Goals and Objectives

Projects are funded on a close- and shovel-ready for core programs. An asterisk*indicates activities must be implemented by housing development organizations.

#	Goal Name	Category & Needs Addressed	Outcome	Objective	$	City Program	Goal Outcome Indicator	One Year Goal
1	**Create, preserve, and expand affordable housing options**	Affordable Housing	Affordability	Decent Affordable Housing	CDBG $0 HOME / CHDO $315,000 NSP TBD	Affordable Housing Development	Public Infrastructure: Low-income Housing Benefit	0 Households Assisted*
							Rental Units Constructed	4 Housing Units*
							Rental Units Rehabilitated	0 Housing Units*
							Homeowner Housing Added	0 Housing Units*
						First Time Home buyer	Direct Financial Assistance to Homebuyers	5 Households Assisted
		• Encourage the citywide development of new affordable single-family, multi-family and special needs housing in the community via financing through the Affordable Housing Development program to private developers and nonprofit organizations. • Provide affordable financing and support to promote homeownership opportunities citywide.						
		Estimate the number of extremely low-income, low-income, and moderate-income families to whom the jurisdiction will provide affordable housing as defined by HOME 91.215(b): The City's intent is to assist 20 low-income (under 80% AMI) families this fiscal year through the HOME First Time Home Buyer program. Of these households, zero are expected to be extremely low-income.						
2	**Neighborhood Revitalization: Foreclosures**	Affordable Housing	Affordability	Decent Affordable Housing	CDBG $345,000	Foreclosure Acquisition Rehabilitation	Homeowner housing rehabilitated	1 or 2 Housing Units
							Buildings Demolished	0 Buildings
		• Revitalize neighborhoods through foreclosure remediation, redevelopment, and infill development.						
3	**Impact Poverty**	Other: Poverty Impact	Availability / Accessibility	Create Suitable Living Environment	CDBG $75,000 CNCS pending	Billings Metro VISTA Project	Public service activity for low-income benefit	200 Persons Assisted
		• Provide public service activity funding to support the Billings Metro VISTA Project to support local nonprofit organizations expand services for the homeless, special needs populations, and veterans: Healthcare; Food Security; Education; Employment; Financial Literacy; and Housing.						
4	**Impact Poverty: Neighborhood Revitalization - Crime Prevention**	Other: Crime Prevention	Availability / Accessibility	Create Suitable Living Environment	CDBG $100,000	Crime Prevention through Environmental Design	Public Facilities	1 Public Facility 50 Persons Assisted
		• Revitalize neighborhoods through improvements to low-income neighborhood parks in compliance with Crime Prevention Through Environmental Design concepts.						

HOME Investment Partnerships Program (HOME) *Community Development Block Grant (CDBG)* *Corporation for National and Community Service (CNCS)*

Table 6: Goals Summary Information – linked to AP-38, Project Summary

AP-35 Projects 91.220(d)

Introduction

The City of Billings is recommending the following projects for CDBG and HOME funding for FY2024-2025. Revenues received from CDBG, HOME, and other sources will be allocated to current programs under a close- or shovel-ready basis to ensure commitment and expenditure timeliness. The City will be receiving an estimated $650,000 in new CDBG funds and approximately $300,000 in new HOME funds. CDBG and HOME administration will be funded at the maximum allowable caps (20 and 10 percent, respectively). Last fiscal year's available CDBG and HOME funding will be rolled over for the First Time Home Buyer program (pending).

CDBG programs will be funded with entitlement and program income funding as follows: $100,000 for Crime Prevention through Environmental Design in low-income neighborhood parks; $75,000 to the Billings Metro VISTA Project; $82,340 to the Foreclosure Acquisition / Rehabilitation program for the St. Johns property and all remaining funding to purchase another foreclosed home (estimated at $262,660). These funding allocations are subject to the City's standard close- and shovel-ready allocation process.

Fifteen percent of new HOME entitlement funding will be dedicated to Community Housing Development Organizations for affordable housing development. Zero dollars would be reserved for the First Time Home Buyer program and current funding allocations would be carried into the new fiscal year. All remaining entitlement and program income HOME funding would be allocated to the Affordable Housing Development program. These funding allocations are also subject to the City's standard close- and shovel-ready allocation process.

FY2024-2025 Allocations

#	Project Name	CDBG			HOME			TOTALS
		EN	PI	Last FY	EN	PI	Last FY	
1 & 2	Administration	130,000	-	-	35,000	-	-	165,000
3	Foreclosure Acq / Rehab	345,000		-	-	-	-	345,000
4	Community Housing Dev Orgs	-	-	-	52,500	-	-	315,000
	Affordable Housing Devel	0	-	-	262,500		-	
5	First Time Home Buyer	-	-	-	0	-	*pending*	*pending*
6	Billings Metro VISTA Project	75,000	-	-	-	-	-	75,000
7	Crime Prevention through Environmental Design	100,000						100,000
TOTALS		650,000			350,000			1,000,000

Table 7 – Project Information, Allocations including unallocated program income - Data Entry Following Page on AP-35 in IDIS

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

The allocation priorities were established by identifying community needs through the Needs Assessment and Market Analysis:

- **Affordable Housing:** Single- and multi-housing development, First Time Home Buyer, and Foreclosure Acquisition and Rehabilitation.
- **Poverty Impact:** Billings Metro VISTA Project.

Limited funding is the primary obstacle faced by the City in undertaking the activities described in its Consolidated Plan and meeting under-served needs. The Needs Assessment identified the affordable housing needs and conditions of our community. These conditions, particularly the cost burden faced by very low-income renters and homeowners, is difficult to address given existing resources.

AP-38 Project Summary

Entered into AP-35 in IDIS

#	Project Name	Target Area	Goals / Needs	Funding	Target Date	Estimate # / Type Families Benefitting
1 & 2	Administration	City of Billings	Affordable Housing	CDBG $130,000 HOME $35,000	June 30, 2025	Not Applicable
		General grant administration for CDBG and HOME programs.				
3	Foreclosure Acquisition & Rehabilitation	City of Billings	Affordable Housing	CDBG $345,000	June 30, 2025	1 or 2 Housing Units – Low-Income Household (IDIS Category 10)
		Description: Revitalize low-income neighborhoods through foreclosure remediation, redevelopment, and infill development. **Planned Activities:** Funding to support the purchase of vacant and foreclosed properties for the purpose of rehabilitation and direct homeownership assistance to income-qualified homebuyers as their primary residence. Properties may also be demolished to make way for new construction of affordable housing. The purpose of the program is to stabilize neighborhoods, stem the decline of house values of neighboring homes due to foreclosure, and to preserve decent affordable housing.				
4	Affordable Housing Development	City of Billings	Affordable Housing	CDBG $0 HOME CHDO: $52,500 HOME EN: $262,500	June 30, 2025	4 Household Housing Units - Low-Income Household, Rental Units Constructed (IDIS Category 7)
		Description: Encourage the citywide development of new affordable single-family, multi-family and special needs housing in the community via offering financing through the Affordable Housing Development program to private developers and nonprofit organizations. **Planned Activities:** CDBG, HOME, and HOME CHDO funding would be utilized to facilitate the development of new affordable housing.				
5	First Time Home Buyer	City of Billings	Affordable Housing	HOME $0 Utilizing Rollover Funding from Last Fiscal Year	June 30, 2025	5 Low-Income Households Assisted (IDIS Category 11)
		Description: Provide affordable financing and support to promote homeownership opportunities citywide. **Planned Activities:** This program provides financial resources to support low-income first-time homebuyers with down payment and closing costs.				
6	Billings Metro VISTA Project	City of Billings	Poverty Impact	CDBG $75,000	June 30, 2025	200 Low-Income Persons Assisted (IDIS Category 3)
		Description: Provide public service activity funding to support the Billings Metro VISTA Project to help local nonprofit organizations expand services for the homeless and special needs populations: Healthcare; Food Security; Education; Employment; Financial Literacy; and Housing. **Planned Activities:** AmeriCorps members work on poverty impact issues in the community including hunger, homelessness, education, and veterans / military family support. Members are placed at nonprofit organization Host Sites and the City to assist in strengthening services in the poverty-impact service continuum.				
7	Crime Prevention through Environmental Design	City of Billings	Crime Prevention	CDBG $100,000	June 30, 2025	1 Public Facility 50 Persons Assisted (IDIS Category #1 & 23)
		Description: Provide funding to support Crime Prevention through Environmental Design for improvements to low-income neighborhood parks. **Planned Activities:** This program is designed to add amenities to reduce crime in low-income neighborhoods including, lighting, design, landscaping, social engagement, etc.				
		Community Development Block Grant (CDBG) HOME Investment Partnerships Program (HOME)				

Table 6: Goals Summary Information – linked to Table 6 in AP-20, Annual Goals and Objectives

AP-50 Geographic Distribution 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

The geographic area served by the Consolidated and Annual Action Plans is defined by the current City of Billings limits. Citation 24 CFR 91.220(f) reads as follows, *"When appropriate, jurisdictions should estimate the percentage of funds they plan to dedicate to target areas."* Estimating the percentage of funds planned for dedication to target areas is not appropriate for the Billings community due to the following reasons:

- Geographic area is defined by the current Billings city limits.
- Citywide strategies encourage the distribution of resources to support affirmatively furthering fair housing and equal opportunity to avoid segregation in Billings.
- Geographic distribution of investments description includes the focus of resources on a citywide basis to support diversity across the community.
- The City of Billings is classified as a smaller city on a national scale.
- The actual dollar amount planned for allocation to each program is included in this Action Plan.

The City will focus distribution of investments on a citywide basis to support diversity and mixed-income development across the community. Neighborhood Revitalization Strategy Areas ***have not been established*** in Billings and there is no specific amount of funding allocated for a target area in the City's geographic distribution of resources. **Therefore, the City plans to dedicate zero percent of funding to target areas in favor of supporting a citywide approach to further fair housing, equal opportunity, and anti-segregation efforts.**

Geographic Distribution

Target Area	Percentage of Funds
Citywide	100%

Table 6 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

The strategies identified in the Consolidated and Annual Action Plans will be addressed on a citywide basis to encourage the distribution of low-income affordable housing and other assistance to lower-income households throughout the community.

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AP-55 Affordable Housing 91.220(g)

Introduction

Planned affordable housing activities for the upcoming year include Foreclosure Acquisition / Rehabilitation, Affordable Housing Development, and First Time Home Buyer. While many of these programs may serve the homeless or special needs households, the programs are not designed to exclusively serve one or more of the following cohorts.

One Year Goals for the Number of Households to be Supported	
Homeless	0
Non-Homeless	10
Special-Needs	0
Total	**10**

Table 7 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	0
The Production of New Units	4
Rehab of Existing Units	1
Acquisition of Existing Units	1
Total	**6**

Table 8 - One Year Goals for Affordable Housing by Support Type

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AP-60 Public Housing 91.220(h)

Introduction

The City's public housing authority, HomeFront, serves extremely low-income, very low-income, and low-income citizens. HomeFront plans to apply for all grants that will assist the organization in adding units to its existing programs and any programs that complement existing services and are able to be implemented. HomeFront will continue to assess and implement modernization funds to upgrade and restore units, (with sustainability as the priority) and complete energy efficient repairs as needed.

Actions planned during the next year to address the needs to public housing

The City has allocated over $2 million to HomeFront to develop 95 affordable housing units. HomeFront may apply for funding to develop affordable housing through the Affordable Housing Development Program. In the past, the City has granted funds to build new units through the HOME and CDBG programs in neighborhoods where HomeFront property exists. The City has also provided funding for a variety of rehabilitation and new construction projects to neighborhoods that have public housing units in need of upgrading.

The City has helped rehabilitate properties, sold land for new businesses, and granted land to nonprofits to assist with neighborhood revitalization efforts in neighborhoods where HomeFront complexes have been built. The City has provided funding for parks and play areas for the neighborhoods where HomeFront families reside. In addition, the businesses that have moved into areas where HomeFront properties are located have contributed to the economic stability of HomeFront clients. The City's First Time Home Buyer program assists with home ownership down payment assistance and home ownership counseling for clients considering homeownership.

The City coordinates with HomeFront for housing needs assessments, assists in funding new projects when appropriate, and assists with applications for supportive services when called upon.

Actions to encourage public housing residents to become more involved in management and participate in homeownership

HomeFront implements the Family Self-Sufficiency program. This program links participants to community agencies to help them become self-sufficient through individual goal setting. Forty-one households have achieved homeownership through this program to date. Resident councils, an Advisory Board and the Family Self-Sufficiency Panel are involved in providing input on program needs and assisting others to become actively involved in the process. Additional information is included in the five-year plan on file at the HomeFront office.

Each year, HomeFront goes through a process to assess physical needs addressed by tenants through their Resident Advisory Board for the Annual Plan process; comments are also solicited via Resident Council functions throughout the year. These comments, Board participation, tenant commissioners, and Public Housing Administration's daily communications with HomeFront's client base serve to assist in assessing client needs for physical adjustments, security issues, and needed links with the community. The physical needs requests are implemented along with staff recommendations in the Capital Fund planning process.

If the PHA is designated as troubled, describe the way financial assistance will be provided or other assistance

Not applicable. HomeFront is a High Performer for the Public Housing Assessment System (PHAS) and the Section 8 Management Assessment Program (SEMAP). Therefore, a review of troubled status needs is not required as part of the Consolidated and Annual Action Plans. HomeFront can always apply for funding through the City's Affordable Housing Development program if funding is needed.

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AP-65 Homeless and Other Special Needs Activities 91.220(i)

Introduction

As previously stated in the SP-60 Homelessness Strategy of the Consolidated Plan, the Community Development Division's ongoing activities, to the greatest extent possible:

- Continuing to maintain the most recent version of the *Resource Map*, *Notepad*, and the *Veteran's Resource Map* on the City's website. These documents include comprehensive service directories for anyone seeking assistance. The Montana 211 phone and online directory is available and is expected to replace these resources.
- Staff will continue to provide local nonprofit organizations access to AmeriCorps VISTA members through the ***Billings Metro VISTA Project*** resources. VISTA members may be placed at the City to undertake objective citywide initiatives. VISTA members may also be placed at nonprofit Host Site organizations to work on specific anti-poverty initiatives.

The City does not directly receive Continuum of Care, Emergency Shelter Grant, or other federal funds to exclusively support efforts to impact homelessness. City staff does not provide direct services to those experiencing homelessness.

A network of over 50 local service providers in the community strive to meet the diverse needs of those experiencing homelessness, those who are at-risk of homelessness, and people experiencing poverty. The Mental Health Center manages a Projects for Assistance in Transition from Homelessness (PATH) outreach program to engage those living outside or in areas unfit for human habitation. Tumbleweed runs a Street Outreach program to seek out unaccompanied youth to engage them in services. A complete listing of services, including outreach, is included in the MA-30 Homeless Facilities and Services section of this Consolidated Plan.

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The Mental Health Center manages the PATH outreach program to engage those living outside or in areas unfit for human habitation. Tumbleweed runs a Street Outreach program to seek out unaccompanied youth to engage them in services. Additional services for the homeless are included in the MA-30 Homeless Facilities and Services section of the Consolidated Plan (www.BillingsMT.gov/ConPlan).

While not funded with federal funds, the City of Billings recently implemented a new Crisis Response Unit (CRU) in partnership with Rimrock Foundation and the Substance Abuse Connect Coalition. The goal is to help people going through a mental health crisis. The CRU team consists of a peer specialist from the Rimrock Foundation, a licensed counselor, and an EMT from the Billings Fire Department. A care coordinator will follow up with the individual for any treatment and recovery support.

Addressing the emergency shelter and transitional housing needs of homeless persons

The shelter needs for those experiencing homelessness in the Billings community are primarily met by the Montana Rescue Mission (MRM). The organization operates a men's shelter and a shelter to serve women and their children. The City of Billings recently offered a one-year grant to the MRM to implement the Homeless Management Information System (HMIS) and Coordinated Entry System. Several local service providers assist homeless families by providing funding for rent, mortgage, utility, and deposit assistance.

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The Community Crisis Center provides crisis intervention, and 23-hour stays as a technique to impact chronic homelessness. The YWCA provides transitional housing for victims of domestic violence. Additional services for the homeless are included in the MA-30 Homeless Facilities and Services section of the Consolidated Plan *(*www.BillingsMT.gov/ConPlan*).*

For those living on the downtown streets of Billings, a position was created for an addiction / mental health counselor to accompany two downtown police officers when engaging people living on the streets. This initiative was undertaken as one of the many outcomes from the Community Innovations Summit, which was facilitated by the Community Development Division and the Downtown Billings Alliance. Non-federal funding through the City of Billings has been allocated to support the counselor staff position.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again.

Family Promise of Yellowstone Valley provides emergency shelter to several families at a time in a network of church congregations. The organization also operates a transitional housing program that provides apartments for those who have graduated from the shelter program.

YWCA Gateway House provides housing for female-headed households who have been victims of domestic violence. Additional services provided include case management, mental health treatment, budgeting assistance, and the facilitation of access to benefits. The organization also provides transitional housing and permanent supportive housing.

HRDC District 7 receives Emergency Shelter Grant funds and manages a rapid rehousing program to provide deposit and rent payment assistance to help families to quickly regain stability into permanent housing.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly-funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.

The City does not receive McKinney-Vento Homeless Assistance Act funds and is not required to develop and implement a Discharge Coordination Policy. The Montana Continuum of Care (MT CoC) for the Homeless Coalition is the state's lead agency for addressing homeless activities and is a statewide collaboration of diverse homeless service providers, nonprofit organizations, and local and state governments. The coalition was formed to address homelessness with very few resources to cover Montana's vast geographical area. The system is established upon community and regionally-based continuum of care systems, which form the statewide coalition and continuum of care process. The City supports the MT CoC in their efforts to establish a Statewide Discharge Coordination Policy.

The City does not receive Emergency Shelter Grant funds. These funds are distributed statewide by the Montana Department of Public Health and Human Services through ten HRDCs throughout the state. The local District 7 HRDC utilizes these funds to support rapid re-housing activities in conjunction with the local shelters.

AP-75 Barriers to Affordable Housing 91.220(j)

Introduction

Barriers to affordable housing are noted in the MA-40 and SP-55 Barriers to Affordable Housing sections of the Consolidated Plan, which can be found online at www.BillingsMT.gov/ConPlan.

Additional barriers have been identified in the City's Analysis of Impediments to Fair Housing Choice, including:

- Concentrations of minorities that would not exist in a free market not distorted by discrimination suggest that Billings has a dual housing market; one for non-Hispanics, Whites and Asians and another for all other minorities.
- Discriminatory real estate industry practices such as racial and ethnic steering distort the free market in housing.
- Discrimination against Latinos in issuing government-backed mortgage and refinancing loans continues unabated in Billings as it does throughout the nation.
- The relatively high cost of housing continues to pose a barrier to fair housing choice in Billings.
- A review of Unified Zoning Regulations and review requirements was needed to foster compliance with fair housing law and to promote inclusionary zoning. Project Re:Code was completed in 2021.
- There is a serious shortage of housing affordable to holders of Housing Choice Vouchers in the areas where the proportion of public-school students from low-income neighborhoods is relatively low.

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment.

The City plans on assisting with housing affordability and poverty impact through the following programs:

- Foreclosure Acquisition / Rehabilitation
- First Time Home Buyer
- Affordable Housing Development
- Billings Metro VISTA Project

The City of Billings recently adopted, and has begun implementing, a new zoning code that includes several provisions to expand affordable housing options and choice citywide. Project Re:Code was a three-year process to modernize zoning codes, diversify neighborhoods, and remove barriers to affordable housing development. The new code allows for smaller, accessory dwelling units to create more compact, affordable housing options in existing residential neighborhoods. With the assistance of AmeriCorps VISTA members through the Billings Metro VISTA Project, the City also built a new Pattern Guide website to provide guidance to homeowners and small business owners investing in Billings' First Neighborhoods.

In 2019, City officials met locally with several HUD officials from the Office of Fair Housing and Equal Opportunity: Assistant Secretary Anna Maria Farias; Regional Director Amy Frisk; and Enforcement Branch Chief Chris Vogel. After reviewing Project Re:Code, Farías…commended the effort, saying [Project Re:Code] was "very impressive," before adding her thoughts on the importance of zoning codes. "If you are serious about affordable housing, then somebody has to be willing to start talking about zoning." (Billings Gazette)

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AP-85 Other Actions 91.220(k)

Introduction

The City's programs have been designed to meet priority needs in the community. However, there is very limited funding coming through the City to meet the needs of local citizens.

Actions planned to address obstacles to meeting underserved needs

The City plans on meeting underserved needs through the following programs:

- **First Time Home Buyer**
  - Promote financial security, home equity, housing self-sufficiency, housing and neighborhood quality and stability.
  - Increase minority homeownership, promote equal access and opportunity, and decrease segregation citywide.
  - Improve affordable housing opportunities for the elderly, persons with disabilities, and other special populations.
  - Reduce predatory lending through education and standardized procedures.

- **Affordable Housing Development**
  - Expand access and availability of decent, affordable housing citywide.
  - Improve the physical quality of affordable housing.
  - Foster suitable living environment and quality of life through the improvement of physical conditions including infrastructure for housing projects and housing development.

- **Foreclosure, Acquisition, Rehabilitation**
  - Mitigate the negative community impact of vacant, foreclosed properties.
  - Improve affordable housing quality, condition, safety, livability, and accessibility.
  - Stabilize property values in neighborhoods with existing vacant, foreclosed homes.
  - Eliminate the potential for crime related to existing vacant, foreclosed properties.

- **Billings Metro VISTA Project**
  - Provide resources to nonprofit organizations to undertake poverty impact activities and to support the low-income individuals and families they serve.
  - Focus areas include education, healthcare, food security, economic opportunity, housing, financial literacy, and others.

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Actions planned to foster and maintain affordable housing

The City plans on maintaining affordable housing through the following:

- **Create, preserve, and expand affordable housing options:** Affordable Housing Development and First Time Home Buyer
- **Neighborhood Revitalization – Foreclosures**: Foreclosure Acquisition Rehabilitation
- **Impact Poverty:** Billings Metro VISTA Project

Actions planned to reduce lead-based paint hazards

The City continues to follow HUD's lead-based paint requirements as established in September of 2000. Projects involving structures built prior to 1978 are considered to have the potential for lead-based paint and consistent procedures have been developed to ensure compliance with federal regulations.

The City will continue diligence while undertaking rehabilitation and construction activities to maintain the safety of households participating in federal programs. Participants in the City's housing programs are made aware of the requirements the City must follow. Education on the hazards of exposure to lead is provided for each rehabilitation project. The City currently offers risk assessments, through certified staff, paint inspections, clearance testing, and has access to lead-safe certified contractors to ensure compliance.

Actions planned to reduce the number of poverty-level families

As stated in the SP-70 Anti-Poverty Strategy section of the Consolidated Plan (BillingsMT.gov/ConPlan), the Needs Assessment contains comprehensive information on the lower-income status of local households. All the Consolidated Plan strategies target the improvement of economic conditions of lower-income households in the community, including housing development, financing home repair, continuing partnerships, and funding public service activities. The City proposes to support the following specific activities in the Consolidated Plan to address economic conditions of low-income households in Billings:

- Continue to work with nonprofit organizations to help address the human service needs of lower-income residents of the community in general and of our lower-income neighborhoods. This would be achieved primarily through supporting capacity building efforts of social service agencies through implementation of the *Billings Metro VISTA Project*.
- If available, continue to apply for the AmeriCorps VISTA project status to bring full-time and summer associate volunteers to work on poverty-impact programs.

AmeriCorps VISTA is a national anti-poverty initiative that places full-year and Summer Associate volunteers with local projects. Full-year VISTA members are recruited locally and nationally, are college graduates, and commit to at least a year of service with a project. Summer Associates are at least 18 years old and commit to ten weeks of service.

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Actions planned to develop institutional structure

As described in the SP-40 Institutional Delivery Structure section of the Consolidated Plan, the City of Billings maintains strong partnerships with housing and social service agencies. The only gaps in the institutional structure relate to funding limitations and the City's inability to dedicate time and resources to additional projects outside of the current funding structure.

Actions planned to enhance coordination between public and private housing & social service agencies

The City will continue coordinating with public, private, and social service agencies to further activities and projects identified herein, including participation in the following groups and initiatives:

- Nonprofit Organizations
- Neighborhood Task Forces
- Community Innovations Initiatives
- Resource Map and Notepad
- Veteran's Resource Map
- Coronavirus (COVID-19) Resource Guide
- Billings Metro VISTA Project

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AP-90 Program Specific Requirements 91.220(l)(1,2,4)

Introduction

The City of Billings has programmed all available revenues in current programs identified herein.

Community Development Block Grant Program (CDBG)
Reference 24 CFR 91.220(l)(1)

1.	Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.	$0
2.	The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed.	$0
3.	The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	$0
4.	The amount of surplus funds from urban renewal settlements.	$0
5.	The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan.	$0
6.	The amount of income from float-funded activities.	$0
	Total Program Income:	**$0**

Other CDBG Requirements

1.	The amount of urgent need activities.	$0
2.	The estimated percentage of CDBG funds that will be used for activities that benefit persons of low- and moderate-income. Overall Benefit - A consecutive period of one, two, or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specific the years covered that include this Annual Action Plan.	100%
	FY Year Covered 2024	

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Reference 24 CFR 91.220(l)(2)

1. **A description of other forms of investment being used beyond those identified in Section 92.205 is as follows:**

The above-noted regulation refers to the use of HOME funds for eligible activities. The City of Billings will not utilize HOME funds outside of the following allowable investments:

- Equity investments, interest-bearing loans or advances, non-interest-bearing loans or advances, interest subsidies consistent with the purposes of this part, deferred payment loans, grants, or other forms of assistance that HUD determines to be consistent with the purposes of this part. Each participating jurisdiction has the right to establish the terms of assistance, subject to the requirements of this part.
- Guarantee loans made by lenders and, if required, the participating jurisdiction may establish a loan guarantee account with HOME funds. The HOME funds may be used to guarantee the timely payment of principal and interest or payment of the outstanding principal and interest upon foreclosure of the loan. The amount of the loan guarantee account must be based on a reasonable estimate of the default rate on the guaranteed loans, but under no circumstances may the amount on deposit exceed 20% of the total outstanding principal amount guaranteed; except that the account may include a reasonable minimum balance. While loan funds guaranteed with HOME funds are subject to all HOME requirements, funds which are used to repay the guaranteed loans are not.

2. **A description of the guidelines that will be used for resale or recapture of HOME funds when used for homebuyer activities as required in 92.254, is as follows:**

Recapture provisions permit the original homebuyer to sell the assisted property to any willing buyer during the period of affordability while the City can recapture all, or a portion of the HOME assistance provided to the original homebuyer. The City utilizes recapture provisions exclusively when assisting homeowners and the provisions are enforced via a Promissory Note (not recorded), the use of a Deed Restriction Agreement and a Montana Trust Indenture that are both recorded at the Yellowstone County Clerk and Recorder's office. These written, legal documents contain language outlining the recapture provisions as established herein. The City does not use subrecipients or other grantees to carry out these activities.

Homebuyer Requirements: For homeownership housing to qualify as affordable housing eligible for HOME funding, it must be single-family; considered modest housing; be acquired by a low-income household for their principal residence; and meet affordability requirements for a single period as determined by the amount of assistance provided. The City utilizes single family mortgage limits set by HUD.

Direct HOME Subsidy: The amount of HOME assistance that enabled the homebuyer to buy the unit. The direct subsidy includes down payment and closing costs provided directly to the homebuyer, which resulted in a reduced purchase price from the fair market value of the home to an affordable price. The entire amount of HOME assistance is subject to recapture.

Net Proceeds: The sales price, less the superior loan repayment and any closing costs. The City will only recapture the net proceeds from a sale. Any loans or improvements made to the property after the time of the HOME assistance will be paid after the City is repaid the amount owed under its

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recapture provisions. If the net proceeds are not sufficient to recapture the full HOME investment, the City will accept the available net proceeds as full payment.

Recapture Model - City Recaptures Entire HOME Assistance Amount: The City allows the assisted homebuyer to retain all appreciation and the City expects to recapture the entire direct HOME subsidy invested in the project. Therefore, the homeowner will retain any value of the appreciation of the property after the City's HOME assistance has been recaptured / repaid. The homeowner's down payment, principal payments, and any capital improvement investment made in the property after the HOME assistance was provided will be returned to the homeowner at closing after the City's HOME assistance is recaptured and repaid from the net proceeds as described above.

Subordination: The City does not subordinate loans in the First Time Homebuyer program and other homeowner-assisted projects without City Administrator approval. Therefore, if an assisted homeowner refinances the property, the City will need to be repaid the full amount of HOME assistance provided.

Use of Recaptured Funds: Recaptured HOME funds will be used to assist other first-time homebuyers to purchase property in Billings or other HOME-eligible activities to be determined through the City's budget allocation process in accordance with the Citizen Participation Plan. Homebuyers must be low-income and must use the assisted property with the recaptured funds as their principal residence. Low-income and first-time homebuyer status will be determined based on HOME program regulations.

3. **A description of the guidelines for resale or recapture that ensures the affordability of units acquired with HOME funds. See 24 CFR 92.254(a)(4) are as follows:**

Long Term Affordability: Under the recapture provision, there is no requirement that the original HOME-assisted homebuyer sell the unit to another low-income homebuyer.

Affordability Periods: For City-assisted homebuyer units under the recapture provision, the period of affordability is based upon the direct HOME subsidy provided to the homebuyer that enabled the homebuyer to purchase the unit. Any program income used to provide direct assistance to the homebuyer is included when determining the period of affordability. Recapture provisions for the First Time Home Buyer program are either five or ten years for each assisted property beginning after the transfer of the property to the property owner as evidenced by the Deed Restriction Agreement, Montana Trust Indenture and Promissory Note.

4. **Plans for using HOME funds to refinance existing debt secured by multifamily housing that is rehabilitated with HOME funds along with a description of the refinancing guidelines required that will be used under 24 CFR 92.206(b), are as follows:**

The City of Billings does not propose the use of HOME funds to refinance existing debt secured by multi-family housing that is being rehabilitated with HOME funds.

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Section IV: Appendix

Appendix A: CDBG Application for Federal Assistance (SF-424)

Appendix B: HOME Application for Federal Assistance (SF-424)

Appendix C: Local Government Certifications

Appendix D: CDBG Construction Assurances (SF-424D)

Appendix E: HOME Construction Assurances (SF-424D)

Appendix F: CDBG Non-Construction Assurances (SF-424B)

Appendix G: HOME Non-Construction Assurances (SF-424B)

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Appendix H: Citizen Participation Plan

Citizen participation is the foundation of housing and community development programs. The Citizen Participation Plan for the City of Billings is designed to ensure citizen involvement in the planning and reporting on the City's programs covered under the HUD Consolidated Plan requirements. The purpose of the Citizen Participation Plan is to ensure that citizens, nonprofit organizations, and other interested parties are afforded adequate opportunity to review and comment on plans, programs, activities and reports regarding the City's federally funded housing and community development programs. Citizen participation pertains to the following documents herein referred to as "plans and reports":

- Consolidated Plan
- Annual Action Plans
- Citizen Participation Plan
- Limited English Proficiency Plan
- Comprehensive Annual Performance and Evaluation Reports
- Analysis of Impediments to Fair Housing Choice

Citizen Participation Plan Objectives

The primary objectives of the City's participation plan are to:

- Encourage citizen participation in the development of the City's plans and reports with emphasis on participation from individuals and households identified as:
    - Low / moderate income
    - Residents of blighted areas
    - Minorities and all protected class members
    - Those with limited English proficiency
    - Elderly
    - Disabled
    - Those with HIV / AIDS diagnoses
    - Homeless
    - Families with children
    - Those residing in areas where funding will be utilized
- Provide citizens with reasonable and timely access to meetings, information and records relating to the City's plan for utilizing funding in addition to allowing reasonable opportunity to comment on the above-noted plans and reports. All records regarding these activities are maintained according to the City Record Retention Schedule and as required by federal regulations.
- Consult with the local Public Housing Authority (HomeFront, formerly known as the Housing Authority of Billings) on the development and implementation of the above noted plans and reports, which includes input from residents of public and assisted housing.
- The City's Planning and Community Services Department will also continue to support the activities for the Adjacent Neighborhood Committee, which is comprised of Task Force Officers who meet bi-monthly to collaborate and exchange information regarding the lower-income neighborhood task force areas. The Community Development Division staff attends meetings of

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lower-income task force neighborhoods when requested for specific presentations. The lower-income neighborhoods are comprised of higher concentrations of ethnic and racial minority populations.

- Facilitate public hearings to obtain citizen views and to respond to proposals and questions at all stages in developing and implementing activities as outlined in the City's plans and reports. All hearings and meetings shall be provided in areas where accommodations for the disabled can be provided.
- Consult with public and private agencies and organizations during the development of the City's plans and reports:
    - Assisted housing
    - Health and social services
    - Regional and local government agencies
    - Public Housing Authority
    - Fair Housing education and enforcement agencies
    - Continuum of Care organizations
    - Businesses
    - Housing developers
    - Nonprofit organizations
    - Philanthropic agencies
    - Faith-based communities

HUD Data

The City of Billings will share any HUD-provided data and other supplemental information relative to the City's plans and reports. HUD-provided data is also currently provided on the City's website at www.BillingsMT.gov/HUDdata.

Public Decision-Making Processes

The *Community Development Board* is a citizen's advisory board consisting of nine members who are appointed by the Mayor of Billings with the consent of the City Council. Six members are appointed from, and represent, lower-income neighborhoods of the City as defined by federal regulations for the Community Development Block Grant (CDBG) program and three members represent the community at large. Staff is available to provide technical assistance to the Board in all aspects of planning and reporting processes.

This board serves in an advisory capacity to the City Council for the purpose of providing citizen input on policy decisions to the City Council. The primary responsibilities of the board are to review existing and proposed City policies and to review the Community Development Division's activities to ensure policies are being implemented and carried out. As six of the nine Board positions are held by low income area representatives, board composition meets basic federal requirements for low income citizen input and engagement.

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The Community Development Board makes recommendations to the City Council relative to all plans and reports. In addition, the Community Development Board reviews applications submitted for CDBG and HOME funding in order to make funding recommendations to the City Council for approval.

The *Billings City Council* is the final citizen policy body that reviews and takes action on plans and reports. The Community Development Board presents recommendations to the City Council during a scheduled work session preceding the public hearing in April in order to deliver information on decisions made regarding recommendations. After receipt and consideration of public comments, the City Council approves reports / plans and proposed funding allocations.

Public notices announcing Community Development Board and City Council meetings are published in a widely-circulated newspaper prior to the meeting date. These notices are designed to provide reasonable and timely access to local meetings consistent with accessibility and reasonable accommodation requirements.

Plans and reports on the City's housing and community development activities are made available for review by citizens, public agencies, and other interested parties. These documents are available at the Community Development Division and posted on its website at www.BillingsMT.gov.

Public Access and Engagement

The City of Billings takes the following actions to ensure public access to drafted / proposed plans and reports are published and accessible to ensure the public has reasonable opportunities to examine content and to submit comments. City staff will strive to explore alternative public involvement techniques and quantitative ways to measure efforts that encourage citizen participation in a shared vision for change in communities and neighborhoods, where practical.

Public Comment Periods: The City will publish and accept public comment on drafted Consolidated Plans, Annual Action Plans, Citizen Participation Plans, Limited English Proficiency Plans, and the Analysis of Impediments to Fair Housing Choice for a period of at least 30 days. The same timeline applies to substantial amendments to the aforementioned documents.

The City will publish and accept public comment on drafted Comprehensive Annual Performance Evaluation Reports (CAPER) for a period of at least 15 days. The same timeline applies to amendments to the CAPER.

The City may request public comment for one or more activities, plans, and / or reports during the same public comment period for efficiency. Staff will consider citizen comments and views made prior to document finalization and comment summaries will also be included or attached to the document.

The City will strive to provide written responses to all written complaints and grievances related to the City's housing and community development programs within 15 working days of receipt of the complaint or grievance where practical. Grievances at the City Council level will require significantly more time.

In the event of a pandemic or other infectious disease, the City may alter public participation to include social distancing, virtual attendance, and other forms of virtual participation in lieu of or in addition to efforts described herein. The City may also implement shorter public comment periods as allowed by HUD. As per federal regulation, the City of Billings may publish its application for CDBG-CV funds for no less than five calendar days to solicit public comments.

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Published Notices: City staff will issue notices via widely-circulated print press in advance of public comment periods. Notices will include the purpose of the document, a summary of the document contents, and instructions on how to access documents in their entirety. Statements are included in notices of public hearings and service brochures indicating that office, meeting, and public hearing locations are accessible to persons with disabilities and they include the Montana Relay phone number 711.

Plan Online Access: City staff will post drafted / proposed reports and plans online for free download at www.BillingsMT.gov/CDreports.

Plan Hard Copy Access: City staff will make available free hard copies of drafted / proposed documents to the public including residents, groups, and organizations upon request at the City's Community Development office. City staff will provide reasonable and timely access to information and records relating to all plans and reports, including the use of assistance under the programs managed by the Community Development Division. Those requesting records can complete a Public Records Request and submit it to the City's Legal Department.

Public Hearings: The City will hold at least two public hearings during City Council meetings each year to obtain residents' views and to respond to proposals and questions. Council meetings promote community access and participation and the meetings are aired live on social media and the local community television access station website and local free channels. Citizens may also access recordings of the meetings on social media and Channel 7's website.

The hearings will be held at two different stages of the program year and together they will address housing and community development needs, development of proposed activities, proposed strategies and actions for affirmatively furthering fair housing, and a review of program performance.

- **September:** One public hearing will be held each September, before publishing the proposed Consolidated and / or Annual Action Plan. The purpose of this hearing is to obtain public comment on:
    - CDBG and HOME Comprehensive Annual Performance Evaluation Report (CAPER) for the prior program year; and
    - Current community needs to assist the Community Development Board in designing the application process for the upcoming program year, before the publication of the drafted Consolidated and / or Annual Action Plan.
- **April:** One public hearing will be held during the development of the Consolidated and / or Annual Action Plan. This hearing is typically held on the last day of the public comment period and prior to staff's adjustments to Consolidated and / or Annual Action Plans and subsequent submission to HUD.
    - In the event HUD releases allocation amounts later than the public comment period, the Consolidated / Annual Action Plans will include descriptions of activities with specific recommended dollar amounts and one activity each for CDBG and HOME that will be allocated the remaining funding amounts. This will ensure only one activity for each program will be allocated variable funding amounts.
    - The City Council maintains authority to change the allocation amounts recommended by the Community Development Boards during the April public hearing meeting.

The City may facilitate one public hearing to accept public comment on one or more plans / reports for efficiency. Staff will consider public hearing comments made prior to document finalization and comment summaries will also be included or attached to the document.

All public hearings are accessible to disabled individuals, publicized as required by State law and allow for accommodation of individuals with hearing, visual, or mobility impairments.

City staff makes every effort to encourage public participation in the City Council public hearings and meetings:

- **Agenda Packet:** Available for viewing on the City's website www.BillingsMT.gov/councilagendas.
- **Viewing the Meeting:** The Public may view the meeting on the Community 7 TV - Channel 7 or Channel 507 – Spectrum Cable. The Public may also view online at www.comm7tv.com and click the *Watch Live* icon. Community 7 also has links to their Facebook page and YouTube channel in which to view the meeting. Meeting recordings are also available after the meeting for viewing online via the Community 7 TV website, Facebook page, or YouTube channel.
- **Public Participation:** Verbal comments are taken only during the Public Comment periods as indicated on the agenda and during the Public Hearings under the regular agenda. Written communication can be submitted any time prior to or during the public comment period.
    - **In-Person:** The public may attend City Council meetings in person in the Council's Chambers, City Hall, 210 North 27th Street, Billings, Montana.
    - **Email:** Emails can be sent to the City Council before 3:00 pm on the date of the Public Hearing at council@BillingsMT.gov.
    - **Viewing Council Emails:** All emails sent to the City Council can be viewed online at www.BillingsMT.gov/councilemails. Emails received after 3:00 pm and prior to 5:00 pm, may be read during the meeting.

Access for the Disabled and Limited English Proficiency: The City will provide accommodations for individuals with disabilities in public meetings, public hearings and in written documentation regarding programs and services available from the Division. Community Development offices and City Hall are accessible to those with disabilities. Statements are included in notices of public hearings and service brochures indicating that office and hearing locations are accessible to persons with disabilities. Accommodations can be made for other disabilities as well.

Special arrangements for participation by individuals with hearing, speech, or vision impairment may be made upon request with three business days advanced notice. Non-English speaking persons wishing to participate will also be accommodated through translation and / or interpretation in accordance with the City's Language Assistance Plan.

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Criteria for amending the Consolidated Plan

24 CFR part 91.105(c) of the Final Rule requires grantees of CDBG and HOME programs make public the criteria the City will use for determining what changes in planned or actual activities constitute a substantial amendment to the five-year Consolidated Plan and the Analysis of Impediments to Fair Housing Choice.

Substantial changes to the Consolidated Plan are defined as *the creation of any new program, project, or activity to be funded or carried out under the City's CDBG and / or HOME programs.* All substantial changes to the Consolidated Plan must meet demonstrated need substantiated by HUD-approved data sources. Minor amendments include the *expansion of an existing program, project, or activity funded or carried out under the City's CDBG and / or HOME programs.* Minor changes must also meet demonstrated need by HUD-approved data sources.

Prior to the submission of any substantial change in the proposed use of federal housing and community development funds or to the Analysis of Impediments to Fair Housing Choice, the City will hold a public hearing to allow citizens reasonable notice of, and opportunity to comment on, proposed amendments. Public comment periods will not be less than thirty (30) days unless otherwise allowed by HUD.

Routine revenues including program income, recaptured / repaid funds, and re-programmed monies will be utilized for existing and previously approved programs as it is received during each fiscal year. Routine revenues are allocated on a close- and shovel-ready basis to ensure timely commitment and expenditure. These changes are customary and facilitate funding allocations to projects and activities most in demand and do not require a substantial or minor amendment to the Consolidated Plan.

City staff cannot predict annual HUD entitlement allocation amounts or repayment revenues for CDBG or HOME. Therefore, five-year Consolidated Plan numerical goals are established as estimates that may fluctuate during the five-year period based on funding received and demand for the City's programs. These changes are customary and do not require a substantial or minor amendment to the Consolidated Plan.

Technical Assistance

The Community Development Division provides technical assistance, as requested and as staff time allows, to lower income groups to develop proposals for the Division's housing and community development activities in the City limits. Technical assistance is offered any time proposals for the use of funding are requested, and is offered routinely in December and January - prior to application deadlines for CDBG / HOME funding allocations.

Nondiscrimination, Accommodations & Grievances

The Community Development Division receives federal funding to support housing acquisition, repair, development and poverty impact programs and is required to adhere to the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, the Fair Housing Act, the Montana Human Rights Act, and other equal opportunity regulations. These regulations are designed to protect individuals with disabilities with equal access to employment opportunities and the services, programs and activities the City offers.

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It is essential that all individuals have equal access to the Community Development Division's communication, open meetings, programs and services including: First Time Home Buyer; Home Repair; Housing Development; and the Billings Metro VISTA Project.

- **Federally Protected Classes:** Disability, including people with HIV / AIDS and people in recovery from alcohol / drugs; Race / Color; Religion; Sex, includes protection against sexual harassment; Familial Status, includes the presence of children under the age of 18 and / or pregnancy; and National Origin.
- **HUD Protected Classes:** Sexual Orientation; Gender Identity; and Marital Status.
- **Montana's Protected Classes:** Marital Status; Creed; and Age.

Accommodations: Auxiliary aids and services are available to facilitate effective communication to individuals with disabilities to ensure equal participation. Such aids and services are free to the public and may include sign-language interpreters, large print formats, and other aids to make information and communications accessible to individuals with speech, hearing or vision impairments.

Public Notices: The City of Billings - Community Development Division encourages all members of the community to participate. Special arrangements for participation by individuals with hearing, speech, vision impairment or physical disabilities can be made upon request. Non-English speaking persons wishing to participate will also be accommodated through translation and / or interpretation in accordance the City's Language Assistance Plan. Fair Housing Equal Opportunity.

Grievance Procedure: If a citizen feels they have been denied equal access to Community Development programs, services or activities, they may file a written complaint including their contact information and a description of the alleged act(s) of discrimination, including the date and place of the act(s). The written complaint may be submitted to any Community Development employee or specifically directed to the Community Development Manager by phone at 406.657.8286 (Montana Relay 711), email beckettb@billingsmt.gov, in person (appointment recommended) or U.S. Postal Service at 2825 3rd Avenue North, 6th Floor, Billings, MT 59101. City staff will provide a timely, substantive written response to written citizen complaints as soon as practicable. Complaints may also be filed in writing with the Denver HUD FHEO Office at 1670 Broadway, Denver, CO 80202 or by calling 303.672.5155.

Program Eligibility: If a citizen disagrees with a staff decision relative to program eligibility unrelated to discrimination, they may submit a written appeal to the Community Development Division. The letter must be received at least two weeks prior to the Community Development Board meeting when the appeal would be reviewed. If the Community Development Board upholds the staff decision, the citizen has the option to have the appeal reviewed during a future City Council meeting. Please note, it can take several months to prepare an appeal for City Council review and determination.

ADA / 504 Coordinator: The City of Billings ADA Coordinator is responsible for the City's overall Grievance Procedure and is also available to ensure compliance with the physical and general program accessibility requirements of the ADA for other City Departments and Divisions. Please call 406.237.6294 (Montana Relay 711) with any questions.

Fair Housing Complaints: Please see the City's fair housing webpages for information on how to file a fair housing compliant.

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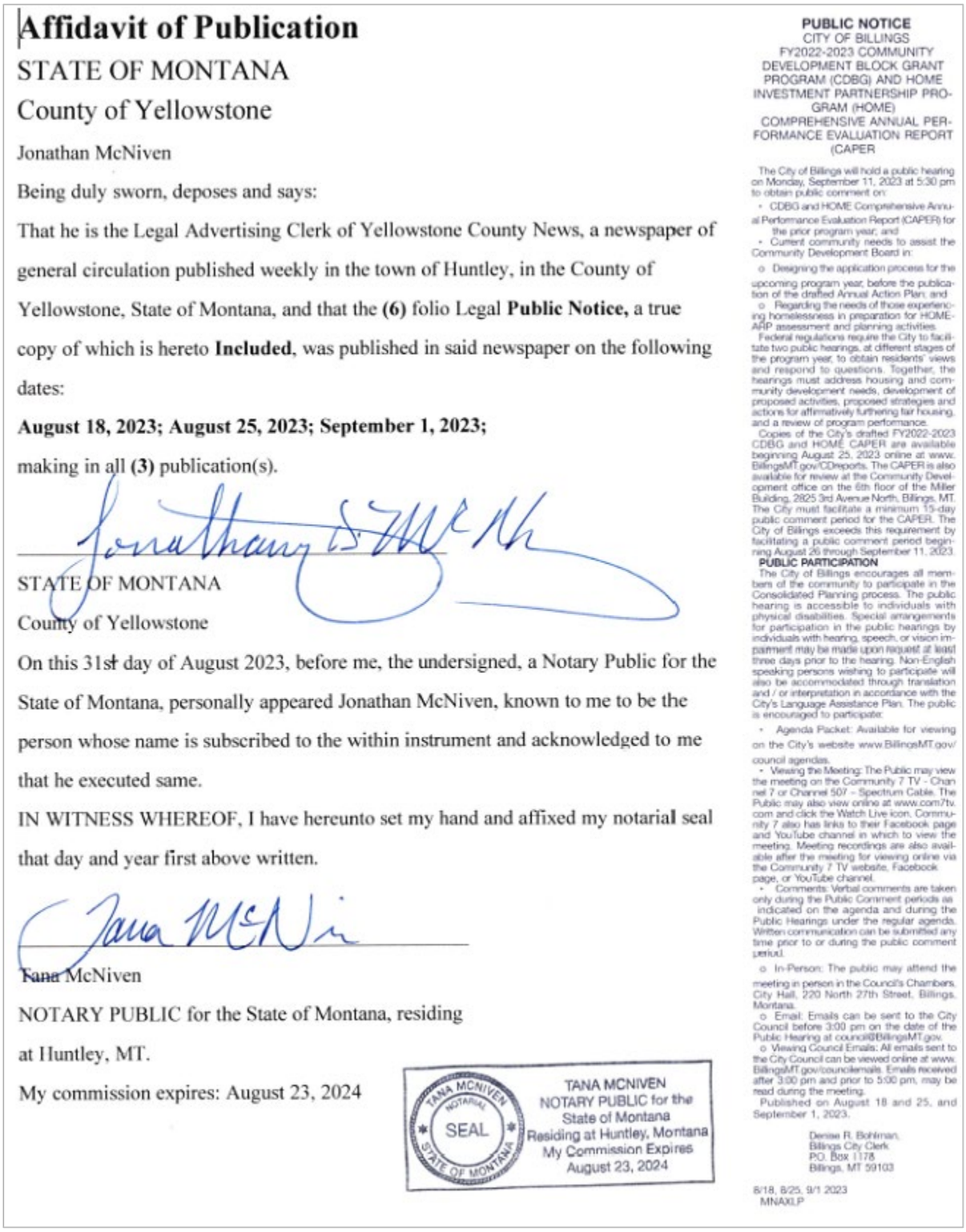
Appendix I: Public Notices

Federal regulations require the City to facilitate two public hearings, at different stages of the program year, to obtain residents' views and respond to questions. Together, the hearings must address housing and community development needs, development of proposed activities, proposed strategies and actions for affirmatively furthering fair housing, and a review of program performance.

First Public Hearing – Held Prior to Publishing Drafted Consolidated / Annual Action Plan(s)

The City of Billings held a public hearing on Monday, September 11, 2023, at 5:30 pm to obtain public comment on:

- CDBG and HOME Comprehensive Annual Performance Evaluation Report (CAPER) for the prior program year; and
- Current community needs to assist the Community Development Board in designing the application process for the upcoming program year, before the publication of the drafted Consolidated or Annual Action Plan.



Affidavit of Publication

STATE OF MONTANA

County of Yellowstone

Jonathan McNiven

Being duly sworn, deposes and says:

That he is the Legal Advertising Clerk of Yellowstone County News, a newspaper of general circulation published weekly in the town of Huntley, in the County of Yellowstone, State of Montana, and that the **(6)** folio Legal **Public Notice,** a true copy of which is hereto **Included**, was published in said newspaper on the following dates:

August 18, 2023; August 25, 2023; September 1, 2023;

making in all **(3)** publication(s).

STATE OF MONTANA

County of Yellowstone

On this 31st day of August 2023, before me, the undersigned, a Notary Public for the State of Montana, personally appeared Jonathan McNiven, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal that day and year first above written.

Tana McNiven

NOTARY PUBLIC for the State of Montana, residing at Huntley, MT.

My commission expires: August 23, 2024

TANA MCNIVEN NOTARIAL SEAL STATE OF MONTANA

TANA MCNIVEN
NOTARY PUBLIC for the
State of Montana
Residing at Huntley, Montana
My Commission Expires
August 23, 2024

PUBLIC NOTICE
CITY OF BILLINGS
FY2022-2023 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CDBG) AND HOME INVESTMENT PARTNERSHIP PROGRAM (HOME)
COMPREHENSIVE ANNUAL PERFORMANCE EVALUATION REPORT (CAPER

The City of Billings will hold a public hearing on Monday, September 11, 2023 at 5:30 pm to obtain public comment on:

- CDBG and HOME Comprehensive Annual Performance Evaluation Report (CAPER) for the prior program year; and
- Current community needs to assist the Community Development Board in:
  - Designing the application process for the upcoming program year, before the publication of the drafted Annual Action Plan; and
  - Regarding the needs of those experiencing homelessness in preparation for HOME-ARP assessment and planning activities.

Federal regulations require the City to facilitate two public hearings, at different stages of the program year, to obtain residents' views and respond to questions. Together, the hearings must address housing and community development needs, development of proposed activities, proposed strategies and actions for affirmatively furthering fair housing, and a review of program performance.

Copies of the City's drafted FY2022-2023 CDBG and HOME CAPER are available beginning August 25, 2023 online at www.BillingsMT.gov/CDreports. The CAPER is also available for review at the Community Development office on the 6th floor of the Miller Building, 2825 3rd Avenue North, Billings, MT. The City must facilitate a minimum 15-day public comment period for the CAPER. The City of Billings exceeds this requirement by facilitating a public comment period beginning August 26 through September 11, 2023.

PUBLIC PARTICIPATION

The City of Billings encourages all members of the community to participate in the Consolidated Planning process. The public hearing is accessible to individuals with physical disabilities. Special arrangements for participation in the public hearings by individuals with hearing, speech, or vision impairment may be made upon request at least three days prior to the hearing. Non-English speaking persons wishing to participate will also be accommodated through translation and / or interpretation in accordance with the City's Language Assistance Plan. The public is encouraged to participate:

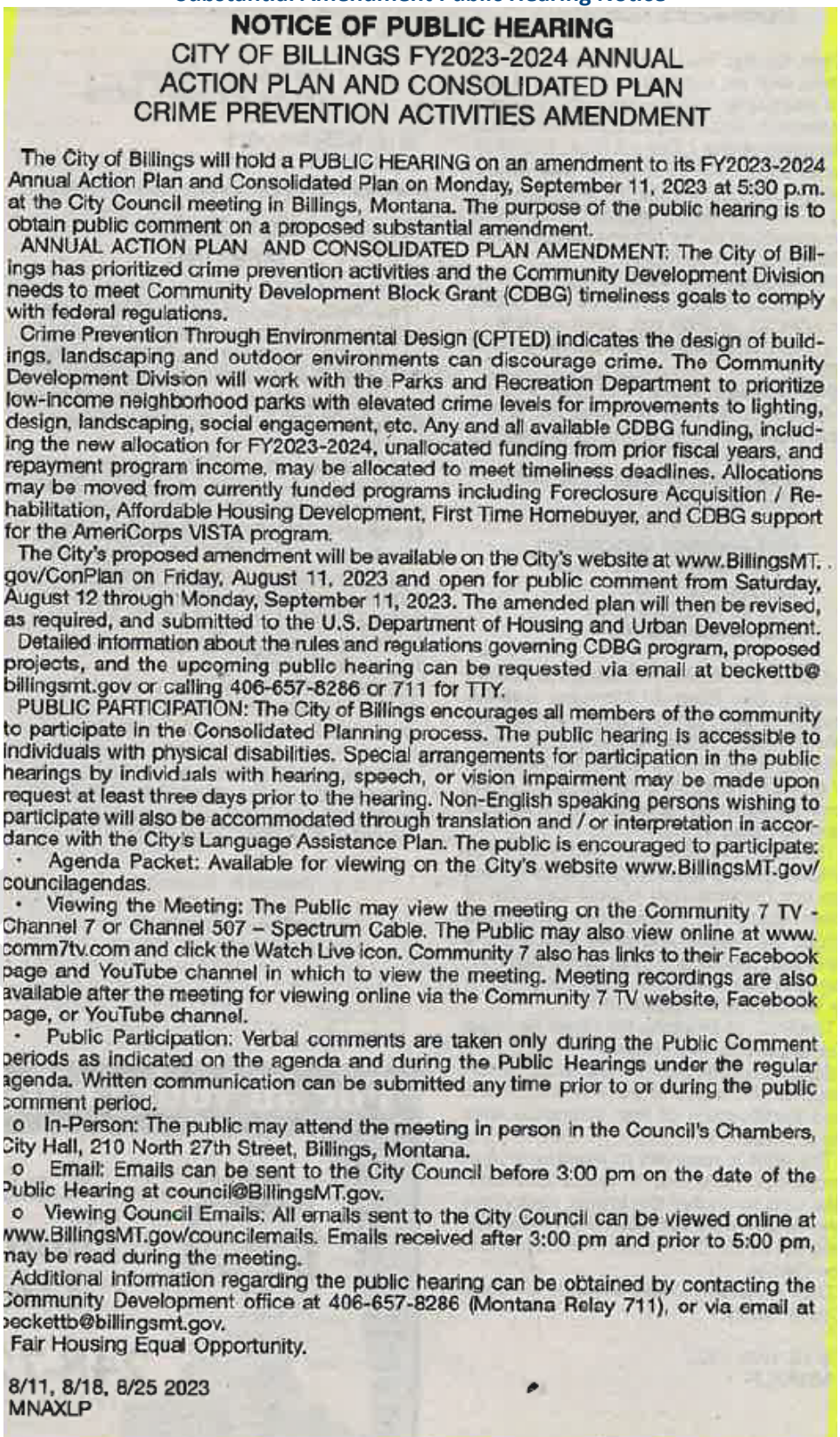
- Agenda Packet: Available for viewing on the City's website www.BillingsMT.gov/council agendas.
- Viewing the Meeting: The Public may view the meeting on the Community 7 TV - Channel 7 or Channel 507 - Spectrum Cable. The Public may also view online at www.com7tv.com and click the Watch Live icon. Community 7 also has links to their Facebook page and YouTube channel in which to view the meeting. Meeting recordings are also available after the meeting for viewing online via the Community 7 TV website, Facebook page, or YouTube channel.
- Comments: Verbal comments are taken only during the Public Comment periods as indicated on the agenda and during the Public Hearings under the regular agenda. Written communication can be submitted any time prior to or during the public comment period.
  - In-Person: The public may attend the meeting in person in the Council's Chambers, City Hall, 220 North 27th Street, Billings, Montana.
  - Email: Emails can be sent to the City Council before 3:00 pm on the date of the Public Hearing at council@BillingsMT.gov.
  - Viewing Council Emails: All emails sent to the City Council can be viewed online at www.BillingsMT.gov/councilemails. Emails received after 3:00 pm and prior to 5:00 pm, may be read during the meeting.

Published on August 18 and 25, and September 1, 2023.

Denise R. Bohlman,
Billings City Clerk
P.O. Box 1178
Billings, MT 59103

8/18, 8/25, 9/1 2023
MNAXLP

Substantial Amendment Public Hearing Notice



NOTICE OF PUBLIC HEARING
CITY OF BILLINGS FY2023-2024 ANNUAL ACTION PLAN AND CONSOLIDATED PLAN CRIME PREVENTION ACTIVITIES AMENDMENT

The City of Billings will hold a PUBLIC HEARING on an amendment to its FY2023-2024 Annual Action Plan and Consolidated Plan on Monday, September 11, 2023 at 5:30 p.m. at the City Council meeting in Billings, Montana. The purpose of the public hearing is to obtain public comment on a proposed substantial amendment.

ANNUAL ACTION PLAN AND CONSOLIDATED PLAN AMENDMENT: The City of Billings has prioritized crime prevention activities and the Community Development Division needs to meet Community Development Block Grant (CDBG) timeliness goals to comply with federal regulations.

Crime Prevention Through Environmental Design (CPTED) indicates the design of buildings, landscaping and outdoor environments can discourage crime. The Community Development Division will work with the Parks and Recreation Department to prioritize low-income neighborhood parks with elevated crime levels for improvements to lighting, design, landscaping, social engagement, etc. Any and all available CDBG funding, including the new allocation for FY2023-2024, unallocated funding from prior fiscal years, and repayment program income, may be allocated to meet timeliness deadlines. Allocations may be moved from currently funded programs including Foreclosure Acquisition / Rehabilitation, Affordable Housing Development, First Time Homebuyer, and CDBG support for the AmeriCorps VISTA program.

The City's proposed amendment will be available on the City's website at www.BillingsMT.gov/ConPlan on Friday, August 11, 2023 and open for public comment from Saturday, August 12 through Monday, September 11, 2023. The amended plan will then be revised, as required, and submitted to the U.S. Department of Housing and Urban Development.

Detailed information about the rules and regulations governing CDBG program, proposed projects, and the upcoming public hearing can be requested via email at beckettb@billingsmt.gov or calling 406-657-8286 or 711 for TTY.

PUBLIC PARTICIPATION: The City of Billings encourages all members of the community to participate in the Consolidated Planning process. The public hearing is accessible to individuals with physical disabilities. Special arrangements for participation in the public hearings by individuals with hearing, speech, or vision impairment may be made upon request at least three days prior to the hearing. Non-English speaking persons wishing to participate will also be accommodated through translation and / or interpretation in accordance with the City's Language Assistance Plan. The public is encouraged to participate:

- Agenda Packet: Available for viewing on the City's website www.BillingsMT.gov/councilagendas.
- Viewing the Meeting: The Public may view the meeting on the Community 7 TV - Channel 7 or Channel 507 – Spectrum Cable. The Public may also view online at www.comm7tv.com and click the Watch Live icon. Community 7 also has links to their Facebook page and YouTube channel in which to view the meeting. Meeting recordings are also available after the meeting for viewing online via the Community 7 TV website, Facebook page, or YouTube channel.
- Public Participation: Verbal comments are taken only during the Public Comment periods as indicated on the agenda and during the Public Hearings under the regular agenda. Written communication can be submitted any time prior to or during the public comment period.
  - o In-Person: The public may attend the meeting in person in the Council's Chambers, City Hall, 210 North 27th Street, Billings, Montana.
  - o Email: Emails can be sent to the City Council before 3:00 pm on the date of the Public Hearing at council@BillingsMT.gov.
  - o Viewing Council Emails: All emails sent to the City Council can be viewed online at www.BillingsMT.gov/councilemails. Emails received after 3:00 pm and prior to 5:00 pm, may be read during the meeting.

Additional information regarding the public hearing can be obtained by contacting the Community Development office at 406-657-8286 (Montana Relay 711), or via email at beckettb@billingsmt.gov.

Fair Housing Equal Opportunity.

8/11, 8/18, 8/25 2023
MNAXLP

Affidavit of Publication

STATE OF MONTANA

County of Yellowstone

Jonathan McNiven

Being duly sworn, deposes and says:

That he is the Legal Advertising Clerk of Yellowstone County News, a newspaper of general circulation published weekly in the town of Huntley, in the County of Yellowstone, State of Montana, and that the **(3)** folio Legal **Public Notice,** a true copy of which is hereto **Included**, was published in said newspaper on the following dates:

December 29, 2023; January 5, 2024: January 12, 2024:

making in all **(3)** publication(s).

Jonathan D. McNiven

STATE OF MONTANA

County of Yellowstone

On this 12th day of January 2024, before me, the undersigned, a Notary Public for the State of Montana, personally appeared Jonathan McNiven, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal that day and year first above written.

Tana McNiven

Tana McNiven

NOTARY PUBLIC for the State of Montana, residing at Huntley, MT.

My commission expires: August 23, 2024

TANA MCNIVEN NOTARIAL SEAL STATE OF MONTANA

TANA MCNIVEN
NOTARY PUBLIC for the
State of Montana
Residing at Huntley, Montana
My Commission Expires
August 23, 2024

PUBLIC NOTICE

Housing & Community Development Funding Requests

As a part of the City of Billings' Consolidated Planning process, the City is accepting loan applications for FY2024-2025 Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) funding. The City of Billings anticipates allocating an estimated $650,000 in new CDBG funding for community development activities, which primarily benefit lower income neighborhoods or households. The City of Billings also anticipates allocating an estimated $300,000 in new HOME funding for activities to preserve or increase the supply of affordable housing for lower income households in Billings. Actual allocation figures are not available as of publication date. Applications and an application guidebook may be downloaded from the City's website at www.BillingsMT.gov/allocations. Requests for funding must be submitted to the Community Development Office by 5:00 pm on Friday, January 19, 2024.

For further information on eligible activities or to obtain the application materials via email, please call Brenda Beckett, Community Development Manager, at 406-657-8286 (TTY 711) or contact via email beckettb@billingsmt.gov or write to:

Community Development Division
City of Billings
P.O. Box 1178
Billings, MT 59103

Technical assistance is available upon request to interested parties through the Community Development Office. The City of Billings encourages all members of the community to participate in the Consolidated Planning process. Special arrangements for participation by individuals with hearing, speech, vision impairment or physical disabilities can be made upon request. Non-English speaking persons wishing to participate will also be accommodated through translation and / or interpretation in accordance the City's Language Assistance Plan. Fair Housing Equal Opportunity.

Published on December 29, 2023 and January 5 and 12, 2024.

Denise R. Bohlman
Billings City Clerk
PO Box 1178
Billings, MT 59103

12/29 2023, 1/5, 1/12, 2024
MNAXLP

Second Public Hearing – Held During the Public Comment Period

pending

DRAFT

Appendix J: Public Comments - Summarized

City Council Public Hearing, September 11, 2023

Community Development Board has chosen to hold the first public hearing in September in order to assist them in designing the application process for the upcoming program year, before the publication of drafted Consolidated / Annual Action Plans. No public comments were made.

City Council Public Hearing for Substantial Amendment, September 11, 2023

The City of Billings held a public hearing on an amendment to the FY2023-2024 Annual Action Plan and Consolidated Plan on Monday, September 11, 2023 during the City Council meeting. The purpose of the public hearing was to obtain public comment on a substantial amendment to include Crime Prevention Through Environmental Design (CPTED) for improvements to parks located in low-income neighborhoods.

No public comments were made during the hearing.

City Council Public Hearing, April 22, 2024

pending

DRAFT

COMMUNITY DEVELOPMENT DIVISION

Estimated Revenue & Recommended Budget FY2024-2025

	CDBG	HOME	Totals
HUD Entitlement Grant	650,000	350,000	1,000,000
Total Available	**650,000**	**350,000**	**1,000,000**

Balances as of March 31, 2023

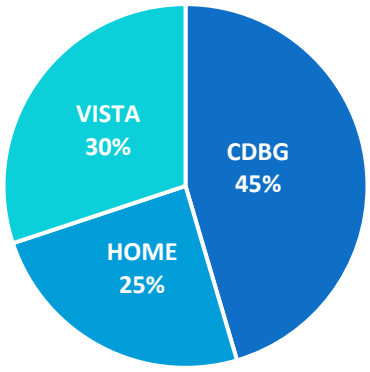
Accounts	*CDBG*	*HOME*	*Balance*	*Notes*
CDBG for VISTA Cost Share	72,124	-	**72,124**	100% obligated, need 75k for FY24-25
First Time Home Buyer	0	330,000	**330,000**	- 4 closed this fiscal year - 26 households shopping for homes - 4 may close before June 30
Affordable Housing Development	0	0	**0**	$1.2 million HOME for Mitchell Court
Community Housing Dev Org	-	162,808	**162,808**	Certified CHDO org must apply
CDBG Foreclosure - Steffanich	23,920	-	**23,920**	Xeriscaping underway
CDBG Foreclosure - St. Johns Rehab	117,660	-	**117,660**	Will need additional $ for rehab

Community Development Applications & Funding Recommendations

Programs	*CDBG*	*HOME*	*Totals*	*Notes*
CDBG Administration 20% Cap	130,000	-	**130,000**	
HOME Administration 10% Cap	-	35,000	**35,000**	
Foreclosure Rehab - St. Johns	82,340	-	**82,340**	This will budget $200k for maintenance and rehab
Foreclosure - New Property	262,660	-	**262,660**	Purchase one foreclosed home
Set-Aside for CHDOs	-	52,500	**52,500**	Certified CHDO org must apply
Affordable Housing Development	0	262,500	**262,500**	Pending application for development
VISTA Admin (Public Service)	75,000	-	**75,000**	Need additional $75k for FY24-25
First Time Home Buyer Program	0	0	**0**	Last year's remaining funding would be "rolled" into new fiscal year
Crime Prev Through Environ Design	100,000	-	**100,000**	Safety improvements to low-income neighborhood parks

Subtotal Allocated	**650,000**	**350,000**
Remaining to Allocate	**0**	**0**

**Continue close- and shovel-ready allocations*



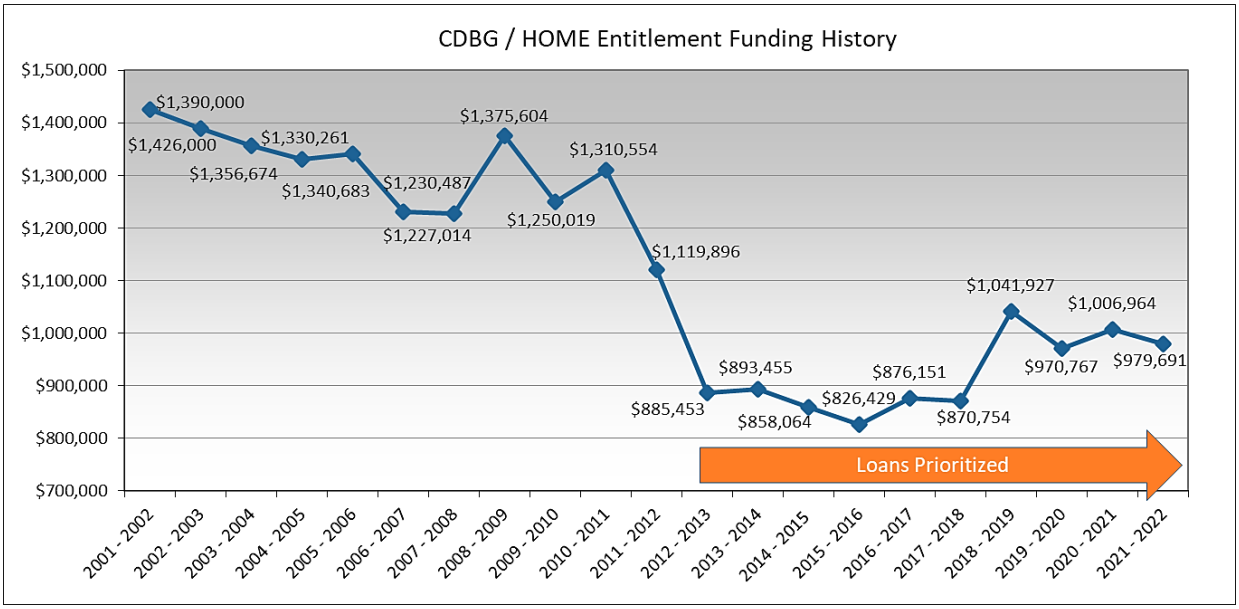
Total CD New $ Budget	
Funding Source	*Budget*
CDBG	$650,000
HOME	$350,000
VISTA	$430,632
CNCS: Direct $85,000 / Support $345,632	
Total Budget	**$1,430,632**

City of Billings
Community Development Division
2825 3rd Avenue North, Billings, MT 59101 406.657.8281 TTY 711 www.BillingsMT.gov /ComDev

ALLOCATION AND FUNDING HISTORY

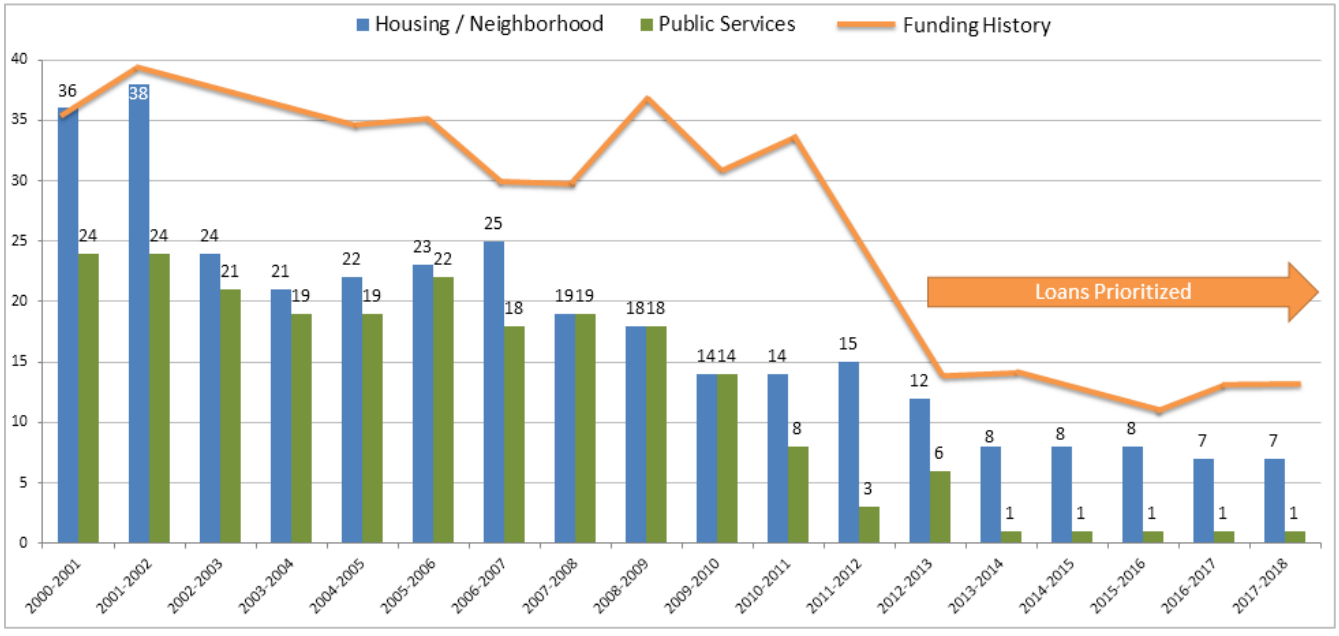
Funding Levels: HUD entitlement, annual funding levels have declined significantly in recent years and staff does not foresee these programs increasing in the future. Federal priorities are favoring competitive grant programs rather than entitlements like the Community Development Block Grant (CDBG) and HOME Investment Partnerships programs. The Community Development Board and City Council began favoring loan programs rather than grants beginning in 2012-2013; the year funding levels significantly declined. The only deviation from this policy occurred during the coronavirus pandemic when the City received grant CDBG-CV funding to prepare for, prevent, and respond to the coronavirus. Grants were issued for pandemic impact in 2021 and 2022.

Staff note: This report illustrates a specific timeline when a shift in policy and decisions relative to funding allocations occurred and is not intended to be an annual report. Please contact Community Development staff for current funding charts.



Grant to Loan Program Transition: When funding levels dropped to critical levels in 2012, the Community Development Board and City Council both supported prioritizing loan programs from 2012 forward. The following chart illustrates the number of housing / neighborhood and public service applications the Community Development Board considered from 2000 until 2018. The chart also compares funding history to the number of applications.

Number of Applications Considered & Funding History



CDBG Public Service Grant Restrictions: In order to be eligible for CDBG funding, Public Service activities are required to be a ***new or expanded service (quantifiable increase in level of a service over the past 12 months)*****,** as the intent of the fund is to support capacity-building. Many of the organizations applied for City funds year after year which would not be considered new or expanded services, if audited today.

Grants Awarded: Staff has records from 1994 to 2012 that can easily be reviewed for data purposes, which represents over $2.7 million in grants awarded to over 40 non-profit organizations in Billings. Figures below do not represent additional funding for housing projects. For example, Interfaith Hospitality Network was provided with $498,000 for housing to accommodate homeless families and the YWCA was awarded $182,400 for the Gateway Shelter. Additional grant funding has been provided through fair housing education grants through the Fair Housing Initiatives Program (FHIP) for several organizations.

Non-Profit Organization	***# Grants***	***Year Span***	***Total Grants***
Big Brothers & Big Sisters	5	1997-2007	$22,845
Big Sky Senior Services	24	1997-2010	$316,458
Billings Health Planning Coalition	4	1997-2005	$27,000
Billings Promise	1	1999	$6,157
Boys & Girls Club	8	2000-2007	$31,467
Big Sky Economic Development Authority	13	1994-2008	$119,912
CASA	5	1997-2000	$26,764
Community Day Care	2	1998-1999	$11,000
Community Housing Resource Board *(includes FHIP funding)*	19	1992-2012	$329,628
Consumer Credit Counseling	1	1999	$1,761
Early Childhood Study	1	1996	$10,750
Easter Seals	2	2008-2010	$30,175
Family Service, Inc.	11	1992-2004	$167,986
Family Tree Center	1	2000	$3,250
Billings Food Bank	11	1996-2006	$111,962
Forever Families	2	2007-2009	$31,743
Friendship House	20	1996-2010	$172,173
HRDC	16	1997-2008	$135,118
In-Care Network	1	2000	$2,000
Interfaith Hospitality Network *(does not include FHIP & housing funding)*	2	2005-2010	$7,000
Kids School Program	3	2001-2003	$19,334
Living Independently for Today & Tomorrow	13	1996-2010	$145,269
Parents Let's Unite for Kids	5	2002-2006	$12,167
Rebuilding Together	8	2004-2011	$70,000
RiverStone Health – Medication Assistance Program	9	1999-2009	$84,022
Sage Tower Community Network	1	2000	$1,960
Scottish Rite Clinic	1	2008	$5,000
Southgate Cop Shop	7	1999-2008	$29,292
Southside Senior Center	1	2011	$30,000
American Red Cross – Southside Smoke Detectors	1	1999	$2,364
St. Vincent de Paul	1	2007	$8,250
Task Force Enhancement	5	1999-2008	$34,125
Temporary Teens	7	1999-2004	$23,195
Tumbleweed	13	1996-2011	$185,598
Vision Seekers After School Program	1	2001	$9,000
Volunteers of America – Independence Hall	1	2009	$30,000
Billings Board of Cooperative Housing	1	2000	$4,438
Yellowstone AIDS Project *(does not include FHIP funding)*	1	1999	$7,000
Yellowstone County Council on Aging	12	1996-2011	$55,649
Young Families Early Head Start	15	1996-2009	$249,674
YWCA *(does not include housing funding)*	13	1997-2009	$158,575
Over 40 Organizations	***268 Grants***	***17+ Years***	***$2,735,061***

In 2012, the Community Development Board asked City staff to expand research previously conducted to include total monetary value of grants issued versus loans / liens. From 1994 to 2012, the Community Development Division issued over $6.6 million in grants, over $9 million in loans and placed liens of over $2 million on affordable housing projects.

Grants	*Amounts*	*Total*
Subrecipients *(317 activities)*	$3,267,340	**$6,636,565**
Infrastructure	$708,014	
Parks	$866,713	
Special Assessment Grants	$493,295	
Home Repair Programs	$1,130,494	
Affordable Housing	$170,709	

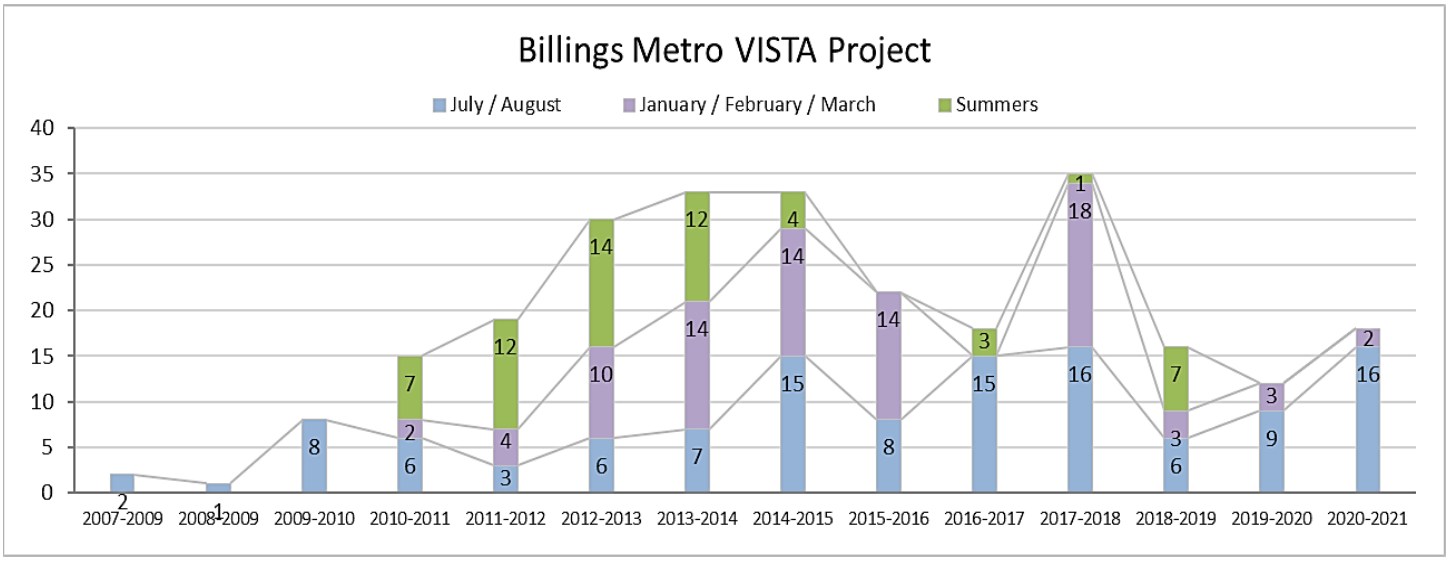
Loans	*Amounts*	*Total*
First Time Homebuyer	$5,562,790	**$9,320,115**
Home Repair Programs	$3,261,694	
Affordable Housing	$495,631	

Liens	*Amounts*	*Total*
Affordable Housing	$1,854,677	**$2,172,705**
Rental Rehabilitation	$318,028	

In 2012, nine nonprofit agencies applied for grant funds and they were polled regarding the impact of not receiving funds. All of the organizations stated their agencies would remain open, but they may reduce the number of clients they could serve.

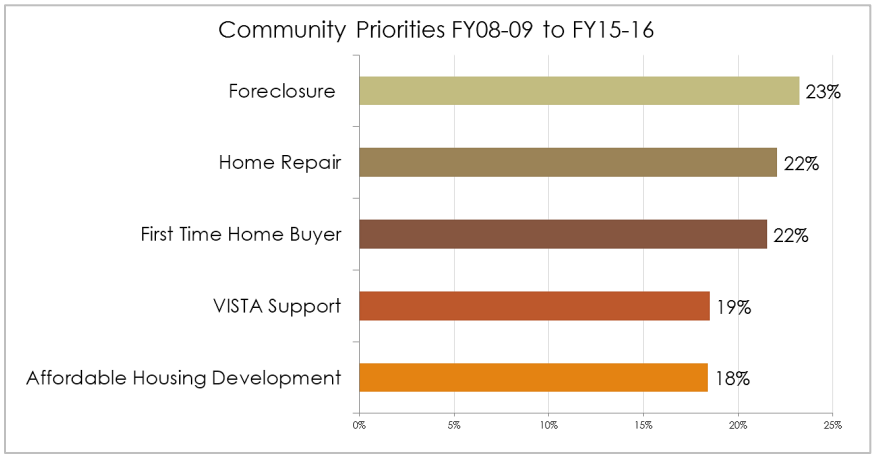
As a result, the Board made budget recommendations reflecting fiscal responsibility and sustainability, while prioritizing housing programs as per HUD requirements. The likelihood of continuing housing activities would substantially diminish if the City continued to fund grant programs not generating program income. The Board evaluated the long-term sustainability of operating loan programs rather than issuing grants. Four City programs were eliminated and substantial reductions were made in the three remaining home buyer / repair programs. Grants were not issued to nonprofit organizations for the first time since the 1970s.

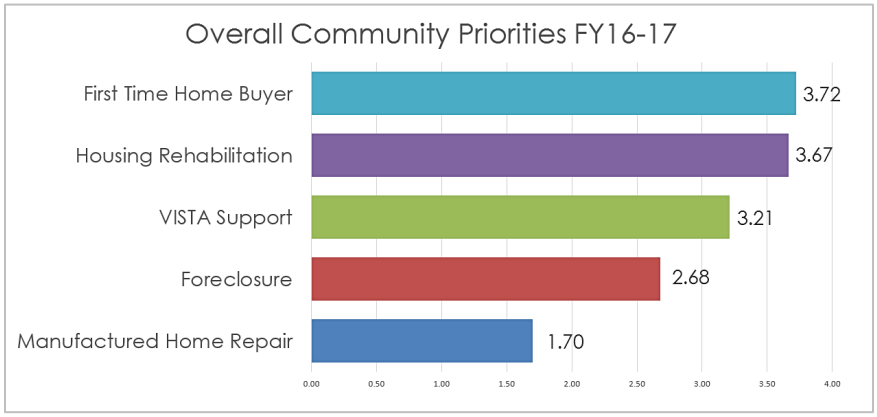
AMERICORPS VISTA: As funding dwindled to support non-profit organizations, the AmeriCorps Volunteers in Service to America (VISTA) program received additional allocations in funding to expand the program. From 2012 to 2015, the City received overlapping grants and more members. The *Billings Metro VISTA Project* continues to be offered to support capacity-building activities as a resource to non-profit organizations working on poverty issues.



PUBLIC AND CITY COUNCIL PROGRAM PRIORITIES

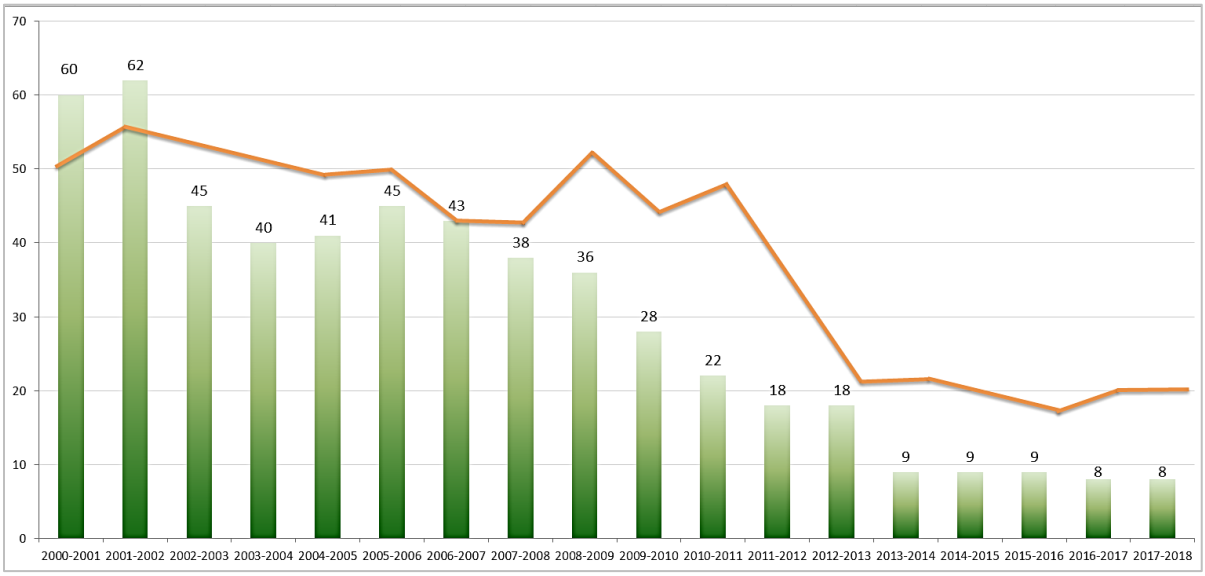
Task Force Priorities: Task Force rankings from 2008-2016 favor home repair / buyer and affordable housing development programs. The following figures represent the rankings from all Task Forces combined. Calculation methodology changed in FY2016-2017 when the survey added an online, weighted calculation.





Priority-Based Budgeting: The Division's process for priority-based budgeting began in 2008 when the City Council asked the Community Development Board to examine recommendation processes. When surveyed, *the majority of Council members favored funding fewer organizations with larger amounts.* Half of the Council members asked the Board to shift funding focus to housing programs. Organizations were then given minimum and maximum application amounts shortly thereafter and the number of funding applications declined.

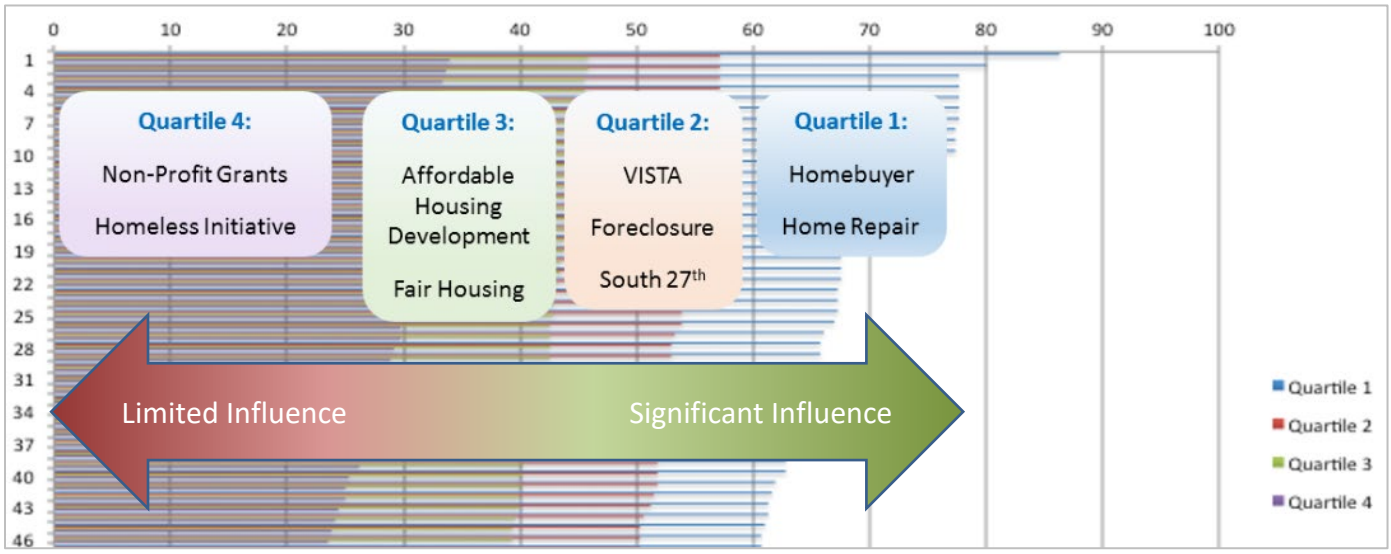
Total Number of Applications Considered & Funding History



Priority-Based Budgeting 2012: The City Council initiated an extensive process to rank programs based on how they influence the City's ability to achieve established community results, such as:

- Sustainable Economic Development
- Comprehensive, Orderly Growth and Development
- Community Resource Preservation
- Involved, Engaged and United Community

The home repair / buyer programs were ranked as having *significant influence* on the City's ability to achieve desired community results. However, grants to non-profit organizations and the homeless initiative were ranked as having limited influence.



City Council Regular

Date:	04/22/2024
Title:	Public Hearing and Resolution to rescind Resolution 90-16317, exempting property within Hogan Homestead Subdivision from storm assessments
Presented by:	Jennifer Duray
Department:	Public Works
Presentation:	Yes
Legal Review:	Yes
Project Number:	N/A

RECOMMENDATION

Staff recommends Council rescind and repeal Resolution No. 90-16317 exempting the property located within Hogan Homestead Subdivision from storm sewer assessments.

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

On June 11, 1990, Council passed and approved Resolution No. 90-16317. This resolution exempted all property within Hogan Homestead Subdivision from storm sewer assessments as at that time, Hogan Homestead Subdivision did not discharge storm water into the City's storm sewer system. However, Hogan Homestead Subdivision currently discharges storm water into Hogan Slough. The City has maintenance responsibility for Hogan's Slough. In addition, the stormwater fee that is charged to all properties within the City is based on the stormwater system being an integral part of the street system. Streets cannot function effectively without a storm drain system whether that be pipes, swales, or otherwise, and so all properties are assessed regardless of their particular property discharge. Therefore, staff is recommending that Council rescind and repeal the 1990 resolution and begin charging properties within Hogan Homestead Subdivision for storm sewer effective July 1, 2024.

A map of Hogan Homestead Subdivision is attached as well as a list of current property owners. A public hearing for March 11, 2024, was advertised in the Yellowstone County News on March 1 and March 8, 2024. Additionally, a letter was mailed to all property owners within Hogan Homestead Subdivision to notify them of the public hearing regarding the repeal of the resolution exempting these properties from storm fees. Public Works was contacted by property owners within the Subdivision prior to the public hearing and asked to delay the public hearing until April 22, 2024, to give the property owners time to meet with Public Works. The public hearing was opened on March 11, 2024, as advertised and continued to April 22, 2024.

ALTERNATIVES

City Council may:

- Approve rescinding and repealing Resolution No. 16317; or,
- Not approve the Resolution and continue exempting properties within Hogan Homestead Subdivision from storm assessments.

FISCAL EFFECTS

All properties within Homestead Hogan Subdivision are zoned Corridor Mixed-Use 2 and the total square footage of the 47 properties is 4,725,001 square feet. At current storm sewer fee rates and current rate methodology using square footage and zoning, the total annual revenue generated from Hogan Homestead Subdivision would be $64,964 if these properties were no longer exempted from storm fees. The average storm fee would be $1,382.21 and the median is $932.64. The largest property in the Subdivision (635,723 square feet) would be charged $8,740.56 annually.

Attachments

1990 Resolution
Resolution to Repeal 1990 Resolution
Hogan Homestead Subdivision Property Owners
Hogan Homestead Subdivision Exhibit
Presentation

RECEIVED
JUN 26 1990
ENGINEERING DIV

RESOLUTION NO. 90- 16317

A RESOLUTION OF THE CITY OF BILLINGS EXEMPTING THE PROPERTY LOCATED WITHIN HOGAN HOMESTEAD SUBDIVISION FROM STORM SEWER ASSESSMENTS.

WHEREAS, Hogan Homestead Subdivision does not discharge storm water into the City's storm sewer system; and

WHEREAS, Hogan Homestead Subdivision has an internal storm drainage system which is operated and maintained by and at the expense of the property owners of Hogan Homestead Subdivision; and

WHEREAS, the City currently incurs no annual cost of maintenance, capital replacement, or any other activities related to the storm drainage in this Subdivision; and

WHEREAS, pursuant to Section 22-804(e) of the Billings City Code, the City Council can adjust storm sewer charges for premises during the period of continuance of special circumstances which make the standard charges unfair, inequitable, unreasonable or inadequate; and

WHEREAS, under the aforementioned circumstances it would be unfair and inequitable to assess storm drainage charges to the properties in Hogan Homestead Subdivision at this time.

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

That the properties located within Hogan Homestead Subdivision are exempt from storm sewer assessments. This exemption will continue until terminated by City Council.

PASSED by the City Council and APPROVED this 11th day of June, 1990.

CITY OF BILLINGS

SEAL

By Marion L Dozier
Mayor

ATTEST:

Marita Herold
City Clerk

RESOLUTION 24-_____

A RESOLUTION REPEALING RESOLUTION 90-16317 AND TERMINATING EXEMPTION OF PROPERTIES LOCATED WITHIN HOGAN HOMESTEAD SUBDIVISION FROM ANNUAL STORM SEWER SERVICE CHARGES

WHEREAS, Sec. 22-804, BMCC, requires all premises within the City of Billings to pay an annual storm sewer service charge for the purpose of paying the cost of construction, operation, maintenance, depreciation and replacement of sewers to dispose of stormwater and divert it from the sewage disposal plant and prevent pollution of sources of water supply, including the principal of and interest on all revenue bonds to be issued for that purpose, as authorized by MCA Title 7, Chapter 7, Part 44, or Title 7, Chapter 13, Part 43; and

WHEREAS, the Subdivision Improvements Agreement for Hogan Homestead Subdivision (1982) requires a storm drainage system be installed to drain storm water to the City-County drain, Hogan Slough, and remaining street surface drainage and internal surface drainage carried to inlets leading to storm drains conducting the water to storm water retention basins located on site which shall be maintained with water circulating from and to the Hogan Slough and Canyon Creek Ditch; and

WHEREAS, City Council adopted Resolution 90-16317 exempting all properties within Hogan Homestead Subdivision from paying this annual storm sewer service charge upon finding, at the time, that the Hogan Homestead Subdivision did not discharge storm water into the City's storm sewer system and that "the City currently incurs no annual costs of maintenance, capital replacement, or any other activities related to storm drainage in this Subdivision"; and

WHEREAS, Resolution 90-16317 specifies properties within Hogan Homestead Subdivision are exempt from storm sewer assessments "for the period of continuance of special circumstances which make the standard charges unfair, inequitable, unreasonable or inadequate" and will continue until terminated by City Council; and

WHEREAS, the City now maintains Hogan Slough and Canyon Creek Ditch as part of the City's storm sewer system; and

WHEREAS, Hogan Homestead Subdivision now discharges stormwater into the City's storm sewer system which incurs costs to the City of construction, operation, maintenance, depreciation and replacement of sewers to dispose of stormwater and divert it from the sewage disposal plant and prevent pollution of sources of water supply in contravention of the recitals supporting the exemption in Resolution 90-16317.

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

1. That Resolution 90-16317 is repealed in its entirety, and the exemption from assessment of annual storm sewer service charges for the properties located within Hogan Homestead Subdivision is terminated.

2. NOTICE OF HEARING. On Monday March 11 and Monday April 22, 2024, 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.

3. EFFECTIVE DATE. This resolution shall be effective July 1, 2024.

ADOPTED AND APPROVED by the City Council of the City of Billings, Montana, on the _____ day of _____, 2024.

CITY OF BILLINGS

By: _____
William A. Cole, Mayor

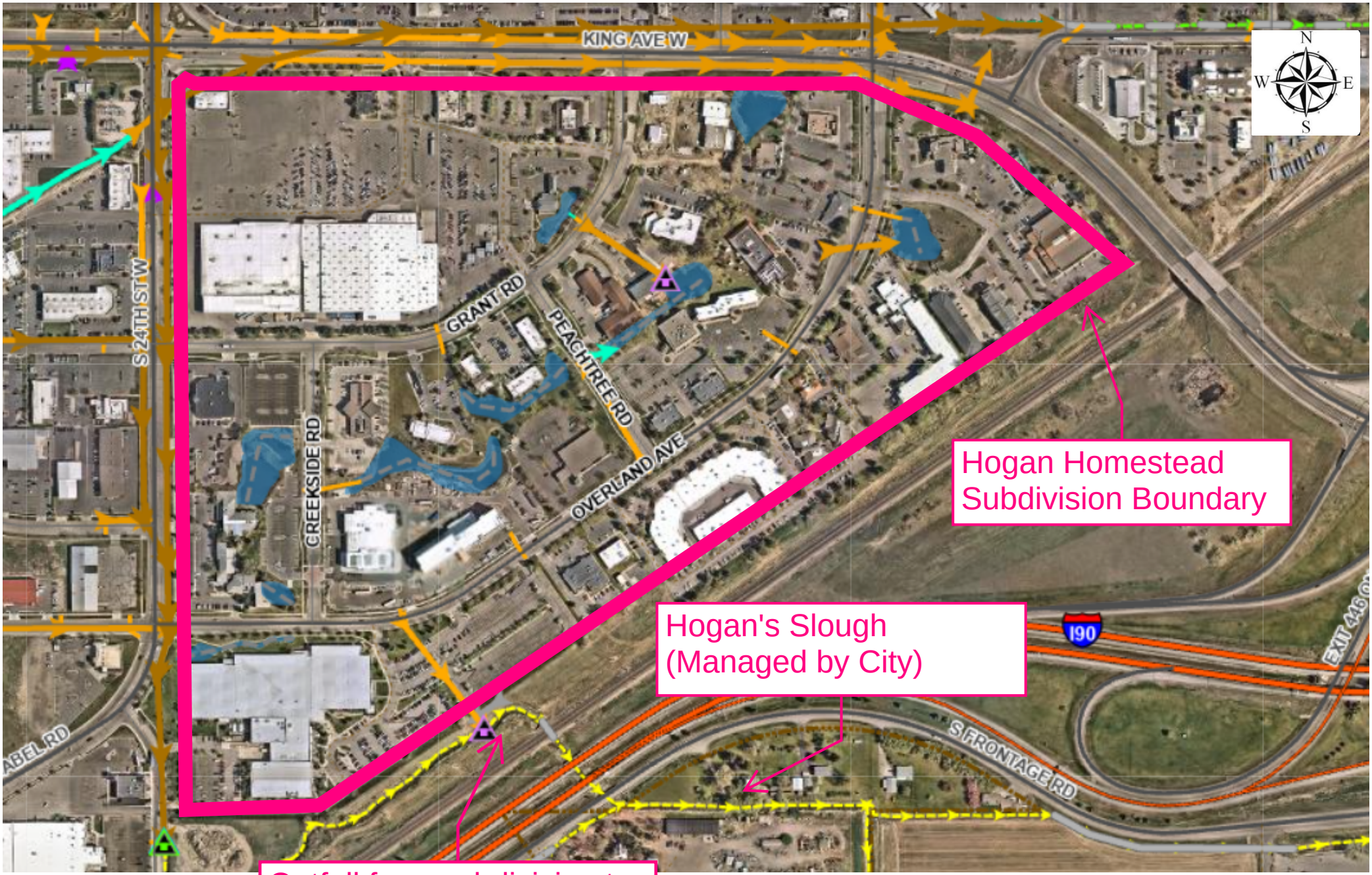
ATTEST:

By: _____
Denise R. Bohlman, City Clerk

Hogan Homestead Subdivison

Tax Code	Addresss	Owner Info	County Legal
A24982	2324 OVERLAND AVE	WELLS FARGO BANK NA	HOGAN HOMESTEAD SUBD, S18, T01 S, R26 E, BLOCK 1, Lot 1A, & LTS 2,3A & 4A-1 AMND(02)
A24986	2180 OVERLAND AVE	D & S PROPERTIES LLP	HOGAN HOMESTEAD SUBD, S18, T01 S, R26 E, BLOCK 1, Lot 4B1, AMND (98)
A24986A	2170 OVERLAND AVE	CIRCLE P RANCH LLC	HOGAN HOMESTEAD SUBD, S18, T01 S, R26 E, BLOCK 1, Lot 5A, (95)
A24987	2110 OVERLAND AVE	RIGLER RANCH PARTNERSHIP LLP	HOGAN HOMESTEAD SUBD, S18, T01 S, R26 E, BLOCK 1, Lot 6 - 8
A24990	2070 OVERLAND AVE	JOB CONNECTION, INC	HOGAN HOMESTEAD SUBD, S18, T01 S, R26 E, BLOCK 1, Lot 9A1, AMND LT 9A
A24990A	2060 OVERLAND AVE	MAJERUS, JAMES C & CHERYL L	HOGAN HOMESTEAD SUBD, S18, T01 S, R26 E, BLOCK 1, Lot 9A2, AMD
A24990B	2050 OVERLAND AVE	YELLOWSTONE BOYS & GIRLS RANCH	HOGAN HOMESTEAD SUBD, S18, T01 S, R26 E, BLOCK 1, Lot 9A3, AMND LOT 9A
A24990C	2048 OVERLAND AVE	ESPY, JIM	HOGAN HOMESTEAD SUBD, S18, T01 S, R26 E, BLOCK 1, Lot 9A4, AMND
A24991A	2036 OVERLAND AVE	BILLINGS HOSPITALITY LLC	HOGAN HOMESTEAD SUBD, S18, T01 S, R26 E, BLOCK 1, Lot 10A2, AMND LT 10-A 2.90 AC
A24991B	2038 OVERLAND AVE	RYAN, WILLIAM O & BEVERLY R	HOGAN HOMESTEAD SUBD, S18, T01 S, R26 E, BLOCK 1, Lot 10-A-3, AMD
A24992	2000 OVERLAND AVE	YELLOWSTONE BANK	HOGAN HOMESTEAD SUBD, S18, T01 S, R26 E, BLOCK 1, Lot 11
A24993	1006 CREEKSIDE RD	VEEDER HOMESTEAD LLC	HOGAN HOMESTEAD SUBD, S18, T01 S, R26 E, BLOCK 2, Lot 1A1, AMD(99)
A24993A	1001 S 24TH ST W	SOUND VENTURE LLC	HOGAN HOMESTEAD SUBD, S18, T01 S, R26 E, BLOCK 2, Lot 2A
A24994	2300 GRANT RD	BROADSTONE BPS MONTANA LLC	HOGAN HOMESTEAD SUBD, S18, T01 S, R26 E, BLOCK 3, Lot 1A, (2001)
A24994A	2294 GRANT RD	TALLMAN MEDICAL BUILDING LLC	HOGAN HOMESTEAD SUBD, S18, T01 S, R26 E, BLOCK 3, Lot 1B1, AM (21)
A24996	2173 OVERLAND AVE	UNITED WAY OF YELLOWSTONE COUNTY INC	HOGAN HOMESTEAD SUBD, S18, T01 S, R26 E, BLOCK 3, Lot 3A, AMD (20)
A24997	2255 OVERLAND AVE	VEEDER HOMESTEAD LLC	HOGAN HOMESTEAD SUBD, S18, T01 S, R26 E, BLOCK 3, Lot 4A1, AMD (21)
A24997A	2225 OVERLAND AVE	VEEDER HOSPITALITY ASSOCIATES	HOGAN HOMESTEAD SUBD, S18, T01 S, R26 E, BLOCK 3, Lot 4B1A, AMD (21)
A24998	2250 GRANT RD	DOUGLAS, HARLAN D & MAXINE H	HOGAN HOMESTEAD SUBD, S18, T01 S, R26 E, BLOCK 4, Lot 1A1, AMND (I-678 HERE US POST OFFICE)
A24998A	2240 GRANT RD	GRANT LAND CO LLC	HOGAN HOMESTEAD SUBD, S18, T01 S, R26 E, BLOCK 4, Lot 1A2, AMND LT 1-A
A24999	2220 GRANT RD	MORTON, CHRISTOPHER L &	HOGAN HOMESTEAD SUBD, S18, T01 S, R26 E, BLOCK 4, Lot 2A, AMND LT 2
A25000	2204 GRANT RD	RJVL PROPERTIES LLC (50%) & MONAD ROAD LLC (50%)	HOGAN HOMESTEAD SUBD, S18, T01 S, R26 E, BLOCK 4, Lot 3A1, AMD (24)
A25000A	2212 GRANT RD	RJVL PROPERTIES LLC (50%) & MONAD ROAD LLC (50%)	HOGAN HOMESTEAD SUBD, S18, T01 S, R26 E, BLOCK 4, Lot 3A1, AMD (24)
A25001	2001 OVERLAND AVE	GREENLEAF LAND & LIVE STOCK CO	HOGAN HOMESTEAD SUBD, S18, T01 S, R26 E, BLOCK 4, Lot 4A
A25001A	2011 OVERLAND AVE	3KDB LLC	HOGAN HOMESTEAD SUBD, S18, T01 S, R26 E, BLOCK 4, Lot 4B
A25001B	2021 OVERLAND AVE	BILLINGS ASSOCIATION OF REALTORS INC	HOGAN HOMESTEAD SUBD, S18, T01 S, R26 E, BLOCK 4, Lot 4C
A25002	2045 OVERLAND AVE	COWLES MONTANA MEDIA COMPANY	HOGAN HOMESTEAD SUBD, S18, T01 S, R26 E, BLOCK 4, Lot 5A, AMND LT 5-6
A25003B	2075 OVERLAND AVE	LARSON FAMILY PROPERTIES LLC	HOGAN HOMESTEAD SUBD, S18, T01 S, R26 E, BLOCK 4, Lot 6A1 - 6A3, AMND 174,192 SQ FT (2002)
A25003C	2101 OVERLAND AVE	OVERLAND OFFICE LLC	HOGAN HOMESTEAD SUBD, S18, T01 S, R26 E, BLOCK 4, Lot 6A4, AMD LT 6-A
A25003D	2147 OVERLAND AVE	MONTANA DISTRICT COUNCIL OF THE ASSEMBLY OF GOD CHURCHES	HOGAN HOMESTEAD SUBD, S18, T01 S, R26 E, BLOCK 4, Lot 6A5, AMND
A25004	2290 KING AVE W	COSTCO WHOLESALE	HOGAN HOMESTEAD SUBD, S18, T01 S, R26 E, BLOCK 5, Lot 1-A-1-A, AMND LT 1-A
A25004A	2300 KING AVE W	GRIZZLY-RENDEZVOUS LLC	HOGAN HOMESTEAD SUBD, S18, T01 S, R26 E, BLOCK 5, Lot 1-A-1-B, AMND LT 1-A-1
A25004B	2250 KING AVE W	BELLEAU, WAYNE A	HOGAN HOMESTEAD SUBD, S18, T01 S, R26 E, BLOCK 5, Lot 1-A-1-C, AMND LT 1-A-1
A25005	2201 GRANT RD	FCPT RESTAURANT PROPERTIES LLC	HOGAN HOMESTEAD SUBD, S18, T01 S, R26 E, BLOCK 5, Lot 2A, AMND LT 2-3
A25006	2235 GRANT RD	NORWEST BANK BILLINGS NA	HOGAN HOMESTEAD SUBD, S18, T01 S, R26 E, BLOCK 5, Lot 3A
A25007	905 S 24TH ST W	905 S 24TH ST W OWNER LLC	HOGAN HOMESTEAD SUBD, S18, T01 S, R26 E, BLOCK 5, Lot 4A1, AMD (11)
A25007A	2350 KING AVE W	KING AVENUE BILLINGS LLC	HOGAN HOMESTEAD SUBD, S18, T01 S, R26 E, BLOCK 5, Lot 4A2, AMD (11)
A27799	2010 OVERLAND AVE	DENNY'S RE II LLC	HOGAN HOMESTEAD SUBD, S18, T01 S, R26 E, BLOCK 1, Lot 10A1A1, AMND LT 10A (95)
A27800	2020 OVERLAND AVE	BILLCO INVESTMENT LLCT INC	HOGAN HOMESTEAD SUBD, S18, T01 S, R26 E, BLOCK 1, Lot 10A1B1, AMND LT 10A (95)
A27801	2026 OVERLAND AVE	YELLOWSTONE ACCOMMODATIONS LLC	HOGAN HOMESTEAD SUBD, S18, T01 S, R26 E, BLOCK 1, Lot 10A-1-C, AMND LT 10A-1 (1.868 ACRES)
A27802	2030 OVERLAND AVE	MIDWEST HOTELS, LLC	HOGAN HOMESTEAD SUBD, S18, T01 S, R26 E, BLOCK 1, Lot 10A-1-D, AMD LOT 10A (1.557 ACRES)
A29340	2270 GRANT RD	3'S AWAY LLC	WILLOW CREEK OFFICE PARK, S18, T01 S, R26 E, UNIT A, 33.333% COMMON AREA INTEREST, LOC @ LT 2 BLK 3 HOGAN HOMESTEAD SUB
A29341	2280 GRANT RD	WILLOW CREEK LLC	WILLOW CREEK OFFICE PARK, S18, T01 S, R26 E, UNIT B, 33.333% COMMON AREA INTEREST, LOC @ LT 2 BLK 3 HOGAN HOMESTEAD SUB
A29342	2290 GRANT RD	HHI LLP	WILLOW CREEK OFFICE PARK, S18, T01 S, R26 E, UNIT C, 33.333% COMMON AREA INTEREST, LOC @ LT 2 BLK 3 HOGAN HOMESTEAD SUB
A29401	993 S 24TH ST W	MCS PROPERTIES, LLC	HOGAN HOMESTEAD SUBD, S18, T01 S, R26 E, BLOCK 2, Lot 3A1A, (2000)
A29402	985 S 24TH ST W	UGLY MUG CRIBS LLC	HOGAN HOMESTEAD SUBD, S18, T01 S, R26 E, BLOCK 2, Lot 3A1B, (2000)
A29403	2360 GRANT RD	VEEDER HOMESTEAD LLC	HOGAN HOMESTEAD SUBD, S18, T01 S, R26 E, BLOCK 2, Lot 3A1C, (2000)

Hogan Homestead Subdivision: Discharge to Hogan's Slough

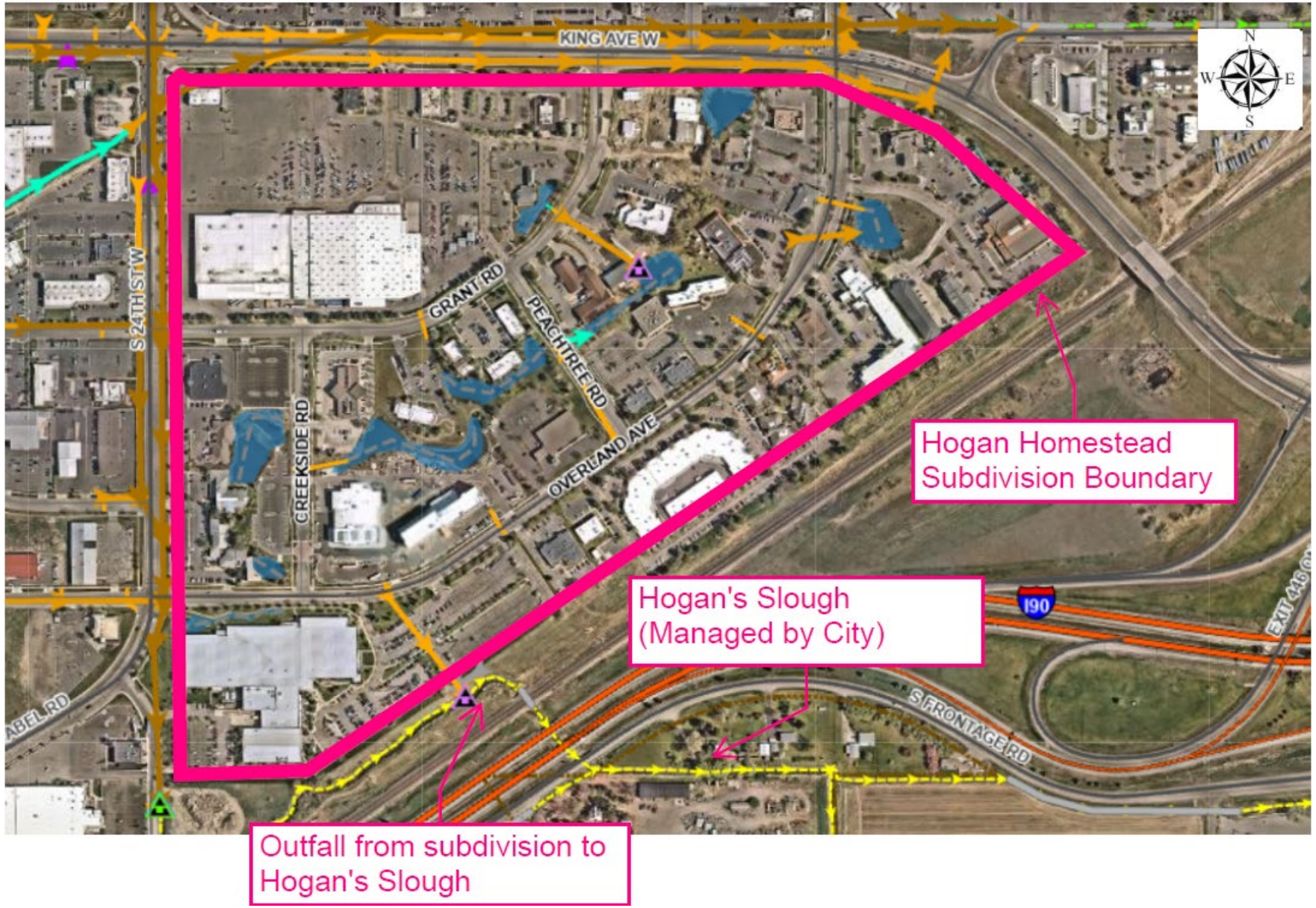




Hogan Homestead Subdivision

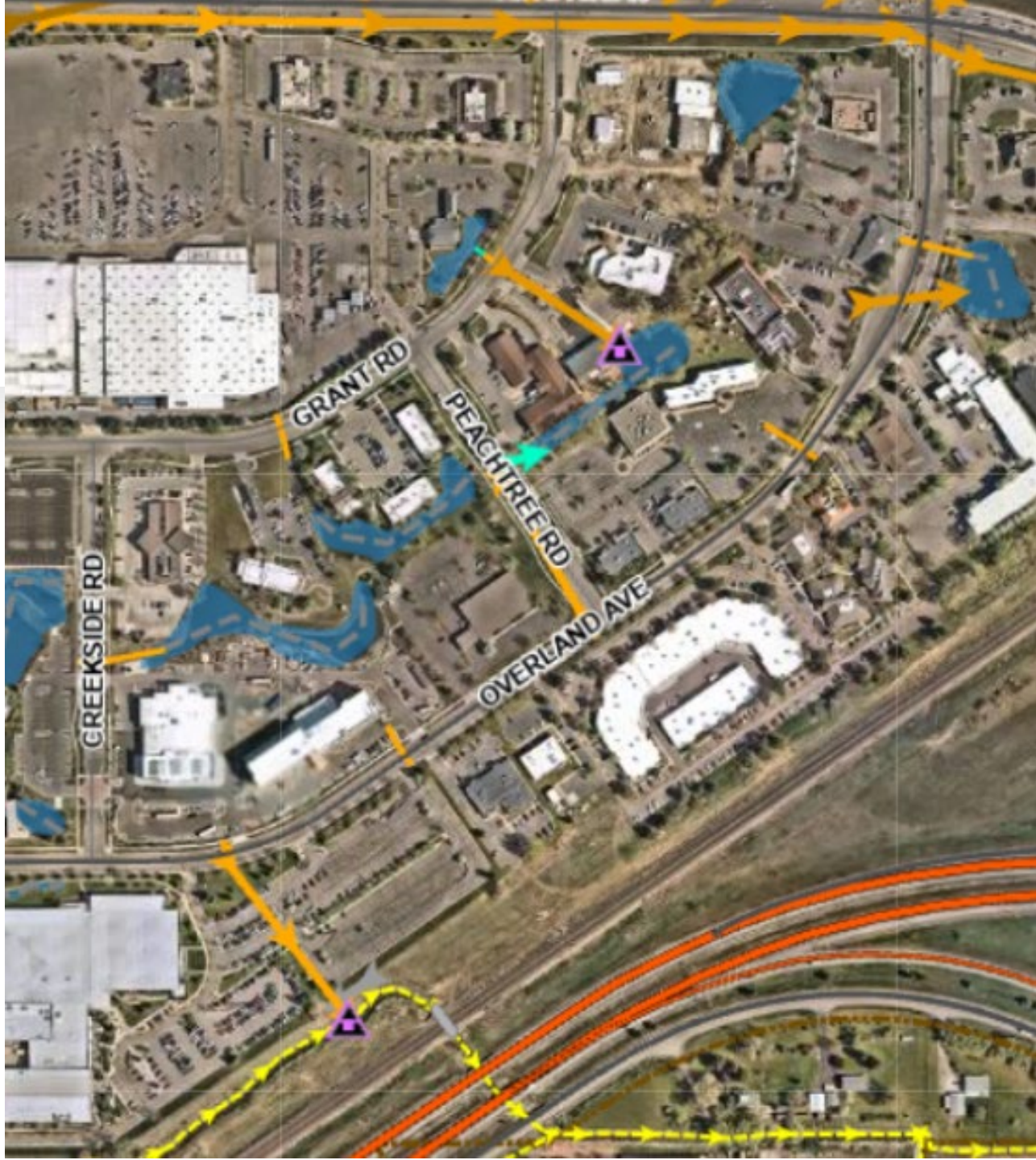
Resolution to Rescind Resolution 90-16317, exempting property within Hogan Homestead Subdivision from Storm Sewer Assessments

Hogan Homestead Subdivision: Discharge to Hogan's Slough



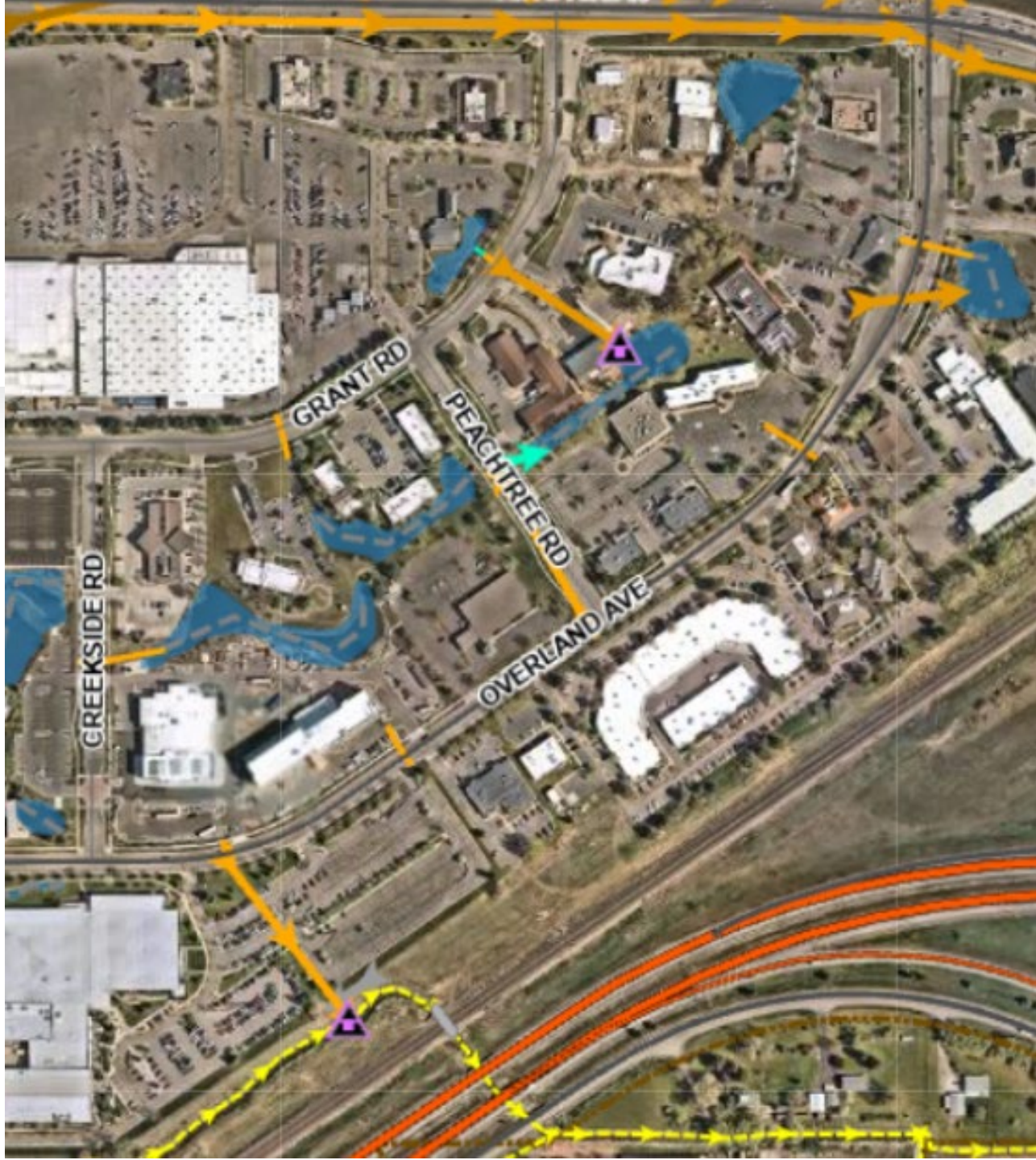
Basic Premise of 1990 Resolution

- Hogan Homestead Subdivision does not discharge storm water into the City's storm sewer system
- The Subdivision has an internal storm drainage system which is operated and maintained by and at the expense of property owners in the Subdivision.
- City incurs no annual cost of maintenance, capital replacement, or any other activities related to the storm drainage in the Subdivision.

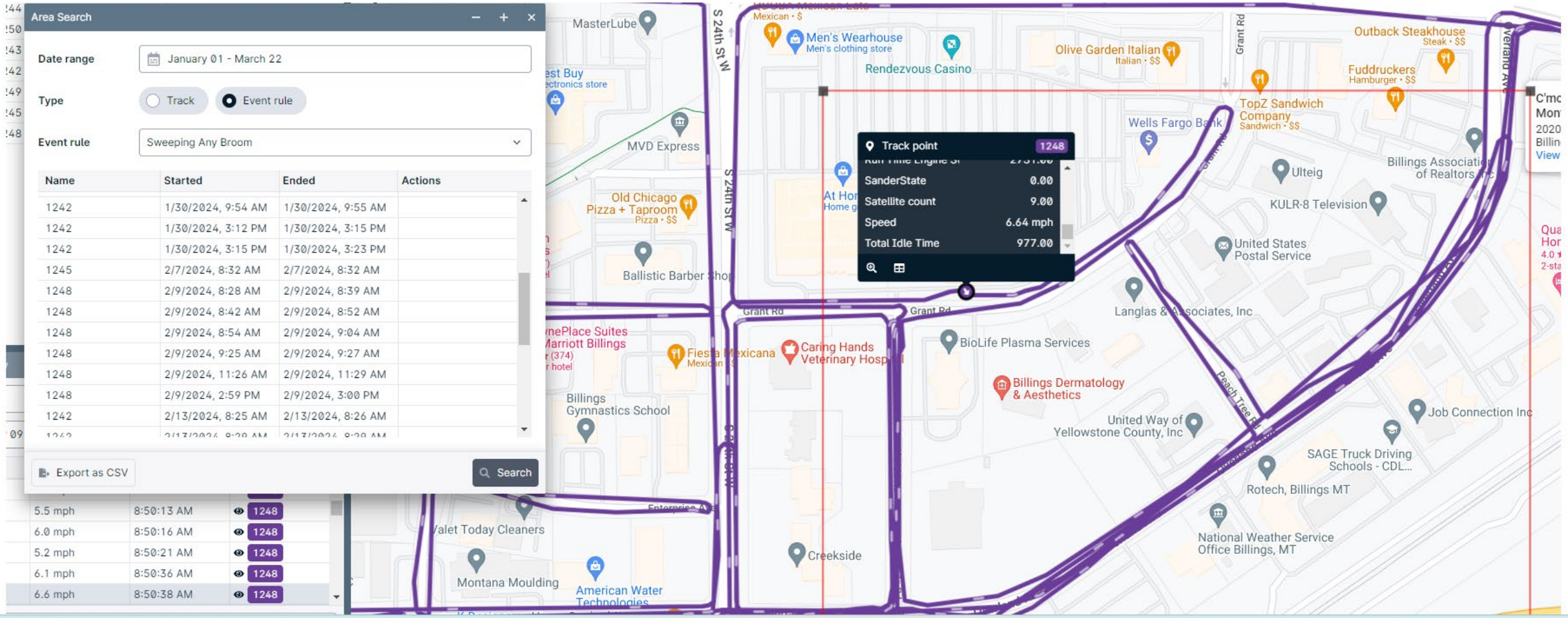


Current Situation

- ~~Hogan Homestead Subdivision does not discharge storm water into the City's storm sewer system~~
- The Subdivision has an internal storm drainage system which is operated and maintained by and at the expense of property owners in the Subdivision.
- ~~City incurs no annual cost of maintenance, capital replacement, or any other activities related to the storm drainage in the Subdivision.~~



Meeting With Property Owners



Recommendation to Repeal Resolution

- All subdivisions are required to retain stormwater on site
- City has maintenance responsibility for Hogan's Slough
- City has maintenance responsibility within subdivision (sweeping, inlets, etc.)
- All properties are charged the stormwater fee because storm is part of the street system
- This is the only subdivision that is currently exempt from stormwater fees
- Other properties currently subsidizing this subdivision. If subdivision is charged, fees for others decrease.

City Council Regular

Date:	04/22/2024
Title:	SID 1425, Broso Park and Gabel Traffic Signal Public Hearing and Resolution Creating District
Presented by:	Debi Meling
Department:	Public Works
Presentation:	Yes
Legal Review:	Yes
Project Number:	N/A

RECOMMENDATION

Staff recommends that Council conduct a public hearing and approve the resolution creating SID 1425 Broso Park and Gabel Traffic Signal.

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

With recent developments within Broso Valley Park Subdivision, a traffic signal at the intersection of Broso Park Drive and Gabel Road is warranted. The Subdivision Improvements Agreement for Broso Valley Park Subdivision states that the subdivision is responsible for one-half of the cost of construction of the traffic signal at Broso Valley Park Drive and Gabel Road. The remaining one-half of the cost of the signal will be completed through a cash contribution from the City, noting there is some additional cost borne by the City to reconstruct some previously constructed ADA ramps that do not meet current standards. When the property on the west side of Gabel Road develops in the future, the City will require the developer to reimburse the City for one-half of the cost of the traffic signal. This project is also widening about 800-feet of the west side of Gabel Road south of Broso Valley Park Drive to add a travel lane. The additional travel lane is being funded from a cash contribution recently collected from Costco for traffic impacts to the intersection of Zoo Drive and Gabel Road. Staff sent letters to property owners in January and March 2024 informing them of the project.

Prior to creation of the SID anticipated for this April 22 Council meeting, staff solicited bids in order to obtain accurate costs for the SID. The project was bid on February 20, 2024 with Montana Lines being the lowest responsible bidder. Actual bid costs were then used to determine the overall SID cost and proposed assessments.

The protest period ends on April 15, 2024, and protests will be presented at the City Council meeting.

ALTERNATIVES

The Council may:

- Conduct a public hearing and approve the resolution creating SID 1425; or,
- After holding a public hearing, do not approve the resolution creating SID 1425. If not approved, the traffic signal will not be constructed by SID and would have to be constructed through other funding mechanisms.

FISCAL EFFECTS

The total estimated costs of the improvements are $730,379.70. The costs of the improvements are to be paid from the following sources: (1) $289,000.00 of Special Improvement District bonds; (2) $116,958.33 of cash contribution collected from Costco by the City; and (3) $324,421.37 of cash contribution from the City of Billings from Gas Tax funds.

Attachments

SID 1425 Resolution Creating District
Map of SID 1425

CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of the City of Billings, Montana (the "City"), hereby certify that the attached resolution is a true copy of Resolution No. 24-_____, entitled: "RESOLUTION RELATING TO SPECIAL IMPROVEMENT DISTRICT NO. **1425**; CREATING THE DISTRICT FOR THE PURPOSE OF UNDERTAKING CERTAIN LOCAL IMPROVEMENTS AND FINANCING THE COSTS THEREOF AND INCIDENTAL THERETO THROUGH THE ISSUANCE OF SPECIAL IMPROVEMENT DISTRICT BONDS SECURED BY THE CITY'S SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND" (the "Resolution"), on file in the original records of the City in my legal custody; that the Resolution was duly adopted by the City Council of the City at a meeting on **April 22, 2024**, and that the meeting was duly held by the City Council and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the Resolution at said meeting, the following Councilmembers voted in favor thereof: _____
_____
_____
_____; voted against the same: _____
_____; abstained from voting thereon: _____
_____; or were absent: _____
_____
_____.

WITNESS my hand officially this _ day of _____.

_____
Denise Bohlman CITY CLERK

RESOLUTION NO. 24-_____

RESOLUTION RELATING TO SPECIAL IMPROVEMENT DISTRICT NO. **1425**; CREATING THE DISTRICT FOR THE PURPOSE OF UNDERTAKING CERTAIN LOCAL IMPROVEMENTS AND FINANCING THE COSTS THEREOF AND INCIDENTAL THERETO THROUGH THE ISSUANCE OF SPECIAL IMPROVEMENT DISTRICT BONDS SECURED BY THE CITY'S SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND.

BE IT RESOLVED by the City Council of the City of Billings (the "City"), Montana, as follows:

Section 1. Passage of Resolution of Intention. This Council, on **March 25, 2024,** adopted Resolution No. **24-XXXXX** (the "Resolution of Intention"), pursuant to which this Council declared its intention to create a special improvement district, designated as Special Improvement District No. **1425** of the City, under Montana Code Annotated, Title 7, Chapter 12, Parts 41 and 42, as amended, for the purpose of financing the costs of certain local improvements described generally therein (the "Improvements") and paying costs incidental thereto, including costs associated with the sale and the security of special improvement district bonds drawn on the District (the "Bonds"), the creating and administration of the District, the funding of a deposit to the City's Special Improvement District Revolving Fund (the "Revolving Fund").

Section 2. Notice and Public Hearing. Notice of passage of the Resolution of Intention was duly published and mailed in all respects in accordance with the law, and on **April 22, 2024**, this Council conducted a public hearing on the creation or extension of the District and the making of the Improvements. The meeting of this Council at which this resolution was adopted is the first regular meeting of the Council following the expiration of the period ended 15 days after the first date of publication of the notice of passage of the Resolution of Intention (the "Protest Period").

Section 3. Protests. Within the Protest Period, _____ protests were filed with the City Clerk and not withdrawn by the owners of property in the District subject to assessment for ___% of the total costs of the Improvements. **The protest represents __% of the assessed cost.**

Section 4. Creation of the District; Insufficiency of Protests. The District is hereby created on the terms and conditions set forth in, and otherwise in accordance with, the Resolution of Intention. The protests against the creation or extension of the District or the making of the Improvements filed during the Protest Period, if any, are

hereby found to be insufficient. The findings and determinations made in the Resolution of Intention are hereby ratified and confirmed.

PASSED AND ADOPTED by the City Council of the City of Billings, Montana, this **22nd of April, 2024.**

THE CITY OF BILLINGS:

BY

_____

William A. Cole MAYOR

ATTEST:

BY_____

Denise Bohlman CITY CLERK

SID 1425 - EXHIBIT A

Broso Valley Park Subdivision



City Council Regular

Date:	04/22/2024
Title:	SID 1425 - Broso Park and Gabel Traffic Signal, Bid Award
Presented by:	Debi Meling
Department:	Public Works
Presentation:	No
Legal Review:	Not Applicable
Project Number:	N/A

RECOMMENDATION

Staff recommends that Council award a contract for SID 1425 Broso Park and Gabel Traffic Signal to Montana Lines, Inc., in the amount of $543,718.63.

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

SID 1425 Broso Park and Gable Traffic Signal, is being considered for creation at the April 22nd Council Meeting. With recent developments within Broso Valley Park Subdivision, a traffic signal at the intersection of Broso Park Drive and Gabel Road is warranted. SID 1425 will construct the traffic signal. This project is also widening about 800-feet of the west side of Gabel Road south of Broso Valley Park Drive to add a travel lane. The additional travel lane is being funded from a cash contribution recently collected from Costco for traffic impacts to the intersection of Zoo Drive and Gabel Road.

The project was advertised on February 2, 9, and 16, 2024 in the Yellowstone County News and on the City's Website. Bids were opened on February 20, 2024. Two bids were received but one was considered non-responsive due to errors in the bid documents. Montana Lines, Inc. submitted the lowest responsible bid. Staff reviewed the single responsive bid and determined it was reasonable and within the Engineer's estimate of probable cost.

ALTERNATIVES

City Council may:

- Award SID 1425 Broso Park and Gabel Traffic Signal to Montana Lines, Inc.; or,
- Do not award the contract. If not awarded, the project may be more expensive in the future and traffic conditions will continue to degrade.

FISCAL EFFECTS

The following bids were received:

Contractor	Bid
Montana Lines, Inc.	$543,718.63
Millenium Electric, LLC	Non-responsive

This SID project was budgeted in FY24 utilizing property assessments (SID), Gas Tax funds, and a cash contribution from Costco. There is adequate budget to award the project.

Zoning Commission

Date:	04/22/2024
Title:	Zone Change 1049 - 1911 and 1915 8th Ave N - NX1 and N1 to NX2 - Public Hearing and 1st reading
Presented by:	Nicole Cromwell
Department:	Planning & Community Services
Presentation:	Yes
Legal Review:	Not Applicable
Project Number:	PZX-24-00097

RECOMMENDATION

The Zoning Commission recommends approval and adoption of the findings of the 10 review criteria for Zone Change 1049.

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

This is a zone change for property in the North Park neighborhood near the intersection of 8th Ave N and N 19th St. The property located at 1911 8th Ave N is currently zoned NX1, and N1 for the vacant lot directly west at 1915 8th Ave N. The owner of 1911 8th Ave N recently purchased the vacant lot. A small home on the property was demolished. The property owner intends to build a similar apartment building that currently sits at 1911 8th Ave N on the vacant lot. The current building does not conform to the existing zoning of NX1. NX1 allows one to four unit dwellings. This is a six-unit building. The previous zoning of the property was Residential 6,000 (R60) until 2021. All property zoning was updated in 2021 as part of a complete re-write of the zoning code. The current code has a savings clause for all residential developments regardless of the zoning district where the buildings exist. The property could receive a re-build letter, but the owner prefers to have a zone that conforms to the development of the property and to re-zone the adjacent lot, so a similar development can occur to complement the existing apartment building.

The proposed zoning would allow an existing vacant property to be developed for new residential dwellings in a high demand area north of downtown and east of a thriving medical services center and college campus. The North Park area was one of the first residential neighborhoods in Billings, but there are many lots that are not fully developed or are vacant. Some of these conditions are due to demolition of older structures without a plan to replace or rebuild the property. Other properties have never been developed and were part of market gardens and orchards prior to annexation to the city in the 1960s. Small irrigation water companies still exist in North Park, such as the Burnstead Water Users Association.

8th Ave North is a local street with traffic speeds posted at 25 mph. The right-of-way width is more than typical for a local street at 90 feet, as compared to 60 feet for most local streets. The wider width of right-of-way is common in the first subdivisions in Billings, including North Park and the South Side neighborhoods. The pavement width of 50 feet between N 22nd St to N 18th St is 16 feet wider than a standard local street (34 ft). This encourages faster traffic speeds on 8th Ave N. N 18th St is a collector street but must stop at 8th Ave N. East of N 18th St, 8th Ave N goes through the uncontrolled intersection with N 17th St and then dead ends at N 16th St. West of N 22nd St, 8th Ave N again has the right of way while the north/south intersecting streets must stop until the intersection of 8th Ave N and N 27th St.

It is not likely that the current zoning would result in the development of a vacant parcel for single family dwellings (four would be allowed by N1 zoning). Two-family dwellings are also allowed with the same number of structures (four) but with two units in each building. This is essentially the same development density as the proposed NX2 zoning. The NX2 zone could allow four duplexes, but only one structure with more than two units based on the frontage requirements. NX2 allows one duplex for each 20 feet of street frontage, the same as the current N1 zoning. In the NX2, 50 feet of street frontage is required for each building with more than two dwelling units. This lot only has 80 feet of street frontage.

STAKEHOLDERS

The applicant conducted a pre-application neighborhood meeting on February 22, 2024. Three surrounding owners or

interested property owners attended the meeting. There were no concerns expressed about the proposed zoning. The attendees talked in general about the neighborhood and issues of concern, including public safety and nuisance properties. The Planning staff posted the property, mailed notices to owners within 300 feet and placed a legal advertisement in the newspaper. The Planning staff also placed notice of the application on its Current Zoning Applications web page. No email or correspondence on the application was received prior to the writing of this staff report.

Zoning Commission hearing April 2, 2022
The Zoning Commission conducted a public hearing on the application and received the staff report recommending approval and testimony from the owners, Brian and Melissa Gentry. Testimony was also received from Grace Kim of 2004 9th Ave N who lives to the northeast of the subject properties. The owner, Brian Gentry stated he agreed with the staff recommendation and the existing building was well maintained by Melissa's father before he passed away. He stated they have continued to be meticulous with the property maintenance. He stated the intent of the zone change is to make certain the existing apartments can be re-built and to allow a similar building to go up on the adjacent vacant lot. He stated the apartments are hardly ever vacant and secure parking is important for the tenants. The vacant lot is about 12,000 square feet and both together are a little over a half-acre of land.

Grace Kim of 2004 9th Ave N, stated she lived to the northeast of the subject property. She stated her concern with the potential development on the north side of 9th Ave N across the street from her home. She stated this could be 20 or more units. (The combined lot area of the vacant land on 9th Ave N is 100,000 square feet) She stated the apartment building is grandfathered in and questioned the need for the zone change now. She also was concerned with the potential to add two more units to the existing apartment building. She stated if the adjacent lot also had 8 units, then 16 units would exist on a property of less than a half-acre. She stated she was not in favor of this kind of density. She stated there was no reason to build this dense on this property.

Mr. Gentry stated they do not intend to build two more units on the existing building and intend to develop a similar building on the vacant lot. He stated as owners it does not benefit them to build the maximum number of units on either parcel.

Chair Dan Brooks closed the public hearing. Member Dave Goss made a motion to recommend approval and adoption of the findings of the 10 review criteria. The motion was seconded by member Beau Mulvaney and approved on a 4-0 vote. Commission member Greg McCall was absent from the meeting.

ALTERNATIVES
The City Council may:

- Approve and adopt the findings of the ten review criteria for Zone Change 1049 as recommended by the Zoning Commission; or,
- Deny and adopt different findings of the ten review criteria for Zone Change 1049; or,
- Delay action on the zone change request for up to 30 days at the request of the applicant or on its own motion;or
- Refer the application back to the Zoning Commission for an additional public hearing based on 1) new information submitted that the applicant and public has not had an opportunity to examine; or 2) new information has been presented that was never submitted or considered by the Zoning Commission or staff; or
- Allow the applicant to withdraw the zone change request.

The applicant has not requested a delay or withdrawal of the application

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

SUMMARY
Prior to making a decision the City Council shall conside the Zoning Commission's recommended findings of the review criteria as follows:

1) Is the new zoning designed in accordance with the Growth Policy and neighborhood plans?
The proposed zone change is consistent with the following guidelines of the 2016 Growth Policy:

- Infill development and development near existing city infrastructure may be the most cost-effective.
- Walkable neighborhoods that permit convenient destinations such as neighborhood services, open space, parks, schools and public gathering spaces foster health, goodwill, and social interaction.
- Implementation of the Infill Policy is important to encourage the development of underutilized properties.

The North Park Neighborhood Plan (2008) identified this area as on the transition border between higher density

residential uses and medium density residential areas. This location supports the proposed residential use to allow two-to-eight-unit structures. The existing 6-unit building at 1911 8th Ave N fits in well with the existing neighborhood design. The applicant is proposing a similar building for the adjacent vacant lot.

2) Is the new zoning designed to secure from fire and other dangers?
The new zoning requires minimum setbacks, open and landscaped areas and building separations. The new zoning, as do all zoning districts, provides adequate building separations and density limits to provide security from fire and other dangers. The site will be developed in conformance with Section 27-300 (BMCC) as well as sections on landscaping, and off-street parking. New buildings would be required to meet city Building Codes and Engineering standards as well.

3) Whether the new zoning will promote public health, public safety and general welfare?
Similar to criteria two, public health and public safety will be promoted by both the existing zoning and the proposed zoning. The proposed NX2 will allow the existing 6-unit building to conform to the zoning and would allow the vacant property to be developed for similar and compatible uses. Developed land will increase property values. Vacant land tends to add unpredictability to the area.

4) Will the new zoning facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements?
Transportation: The proposed zoning should not have any measurable impact on transportation.
8th Ave N is a well-traveled local street in North Park. There are two north/south collector streets -- N 18th St and N 22nd St. In addition, 8th Ave N has a direct connection to N 27th St, the major north/south arterial street through downtown that connects the rims and airport to Interstate 90. N 18th and N 22nd connect to 6th Ave N a major westbound arterial street that connects to N 27th St and then Grand Avenue.
Water and Sewer: The City provides water to the property and a new service line will be installed for any new development at 1915 8th Ave N. A service line was installed for the existing building at 1911 8th Ave N in 1994. The existing building is connected to a sewer. Any new building at 1915 8th Ave N would need new water and sewer connections.
Schools and Parks: Schools and parks should not be negatively affected by the proposed zoning. The school district provided no comment on the proposed zone change. Parks should not be negatively impacted by the proposed zoning. The property is directly across the street from North Park. Recent efforts to improve the safety of the park will encourage more local residents to be in the park.
Fire and Police: The subject property is served by city public safety services. The Police and Fire Departments had no concerns about the zone change.

5) Will the new zoning provide adequate light and air?
Similar to criteria 2 and 3, the proposed zoning provides for sufficient setbacks to allow for adequate separation between structures and adequate light and air. Any development of the property would follow the requirements of Section 27-300 (BMCC) and other city regulations for development.

6) Will the new zoning affect motorized and non-motorized transportation?
The existing property fronts 8th Ave N. There is no sidewalk along the street frontage of the vacant lot. This will be installed at the time of development. Street frontage landscaping will also be installed at the time this lot is developed.

7) Will the new zoning promote compatible urban growth?
The proposed zoning is compatible with the adjacent zoning and existing urban growth. The NX2 zoning is compatible with the surrounding property and development. To the south and east is NX3 zoning that supports apartments, while the surrounding development is a mixture of single family, two-family and multifamily development. The zoning does promote compatible urban growth.

8) Does the new zoning consider the character of the district and the peculiar suitability of the property for particular uses?
The proposed zoning does consider the character of the district and the suitability of the property for the proposed use or uses. The proposed zoning will allow re-development of the vacant lot for residential use. This redevelopment will require the installation of new city infrastructure that will help sustain the neighborhood.

9) Will the new zoning conserve the value of buildings?
The new zoning should add stability to the value of the existing 6-unit apartment building at 1911 8th Ave N and add value to surrounding property when the vacant lot is re-developed. New development tends to increase surrounding property values.

10) Will the new zoning encourage the most appropriate use of land throughout the City of Billings?
The proposed zoning will allow the redevelopment of the vacant property and "right zone" of an existing apartment

building. Infill on vacant parcels also contributes to neighborhood stability. The proposed zoning and use will encourage the most appropriate use of the parcel.

Attachments

Zoning Map and Photos ZC 1049
Chart of Zoning History ZC 1049
Pre app information for ZC 1049
Application and Letter for ZC 1049
Ordinance ZC 1049

City Zone Change 1049 – 1911 and 1915 8th Ave N – NX1 and N1 to NX2
Zoning Map and Site Photos



Subject Property





Subject Property



1915 8th Ave N



View south across 8th Ave N to North Park



View south and west across 8th Ave N



1911 8th Ave N – view north and east from 8th Ave N



1911 8th Ave N – view north from 8th Ave N

Zoning History for City ZC 1049 – 1911 and 1915 8th Ave N – NX1 and N1 to NX2

SUBJECT PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
1911 and 1915 8th Ave N	**None**		Zoning update in 2021 1911 = NX1 1915 = N1		Original zone for 1911 = R60 Original zone for 1915 = R70
SURROUNDING PROPERTY	**Zone Change**	**DATE**	**FOR**	**APPROVED (Y/N)**	**ADDITIONAL DATA**
Burnstead Sub 2nd Filing	NA	2/25/2021	Map update	Y	Block 3 was R60 = NX2 Block 5 (1 ½ Lot 2) was R70 = NX2
Burnstead Sub 3rd Filing	NA	2/25/2021	Map update	Y	All lots RMF-R = NX3
North Park Sub	NA	2/25/2021	Map update	Y	Most lots updated to NX1
EBURD	901	9/14/2009	Adoption of new zoning	Y	Several lots in North Park updated from R60 to EBRUD-RSV
Sunnyside 3rd Filing Sub	NA	2/25/2021	Map update	Y	Block 15 all NX2
Foster's Add	NA	2/25/2021	Map update	Y	Block 22 and 23 was RMF = NX1

Zone Change 1911 & 1915 8th Ave. N
Neighborhood Meeting Thursday Feb. 22, 2024

Name	Physical Address	Phone Number	Signature
Melissa Gentry	1911 8th Ave N.	4062409790	
Bryan Genting	" "	307-751-5378	
MARC R. OSBORN	N. 18TH	406-672-4554	
Arthur Wisely	904 N 19th S	406-230-0065	
Thom Greenwood	807 N 25th	406-661-1182	

CITY ZONE CHANGE Pre-Application Statement of Owner(s) and Agent(s)

The owner(s), contract purchasers (if any) and agents (if any) are required to submit this completed form and any attachments along with a completed zone change application packet, including any required fees, for a zone change to be processed by the Planning Division.

1. Present Zoning: 1915 8th Ave N. (vacant Lot) is N1
   1911 8th Ave N (6plex) is NX1.
2. Written description of the Zone Change Plan including existing and proposed new zoning:
   We are requesting both lots to be zoned NX2
3. Legal Description of Property: Burnstead SUBD S33, R2wE, LOT 27, S2E2 of LT 27
   Burnstead SUBD S33 TOWN R2wE LOT 28 S2W2 of LT 28
4. Neighborhood Task Force Area: (Yes) / No . If Yes, Name of Task Force
   Yes - North Park. Chair is Thom Greenwood.
5. Roster of persons who attended the pre-application neighborhood meeting: please attach to on line application ✓
6. A brief synopsis of the meeting results including any written minutes or audio recording. please attach to on line application ✓
7. The undersigned affirm the following:
   1) The pre-application neighborhood meeting was held on the 22, day of Feb, 2024.
   2) The zone change application is based on materials presented at the meeting.

Owner (s):

1911 N. Point Apts LLC Telephone: 406 2409790

Address: PO Box 81294 Billings MT 59108 Email: bsgreator@gmail.com

Agent (s):

Melissa Gentry Telephone: same as above

Address: _____ Email: _____

Complete this form and upload to your on-line Zone Change application

Authentisign ID: B43F7390-76D2-EE11-85F9-6045BDD68161

Zone Change 1911 & 1915 8th Ave. N
Neighborhood Meeting MinutesThursday Feb. 22, 2024

The meeting started at 5: 30 PM. Melissa & Bryan Gentry, Marc R Osborn, Arthur Wilson and Thom Greenwood were present.

Bryan explained the current zoning and the proposed zoning for both lots. He explained how 1911 N Point Apts, LLC would like to build another 6 plex with secure garages on 1915 8th Ave. N.

Arthur spoke about his lot and how one day they might want to rebuild on it.

Thom said he was on the North Park Task force and there is a need for more affordable housing in Billings. He said it would be good for more citizens to use North Park.

There was small talk about the need for more help with the homelessness and drug addicted people in Billings.

Thom brought up the issue with blight and vacant houses in the North Park area. This can lead to squatters.

There was more talk about the upcoming changes to North Park with work out areas and the dog park.

Arthur expressed his concern with trap and drug houses in the area.

Everyone felt the tearing down of the trap house at 1915 8th Ave N was a good thing and that the zone change should go ahead.

The meeting was over at 5:52 pm.

Respectfully,
Melissa Ray Gentry 02/23/24

Melissa R Gentry

1911 N Point Apts, LLC

CITY ZONE CHANGE APPLICATION FORM

CITY ZONE CHANGE Billings Zone Change # 1049 Project # PZX-24-00097

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 1915 8th Ave N is N1 1911 8th Ave N is NX1

Proposed Zoning: NX 2

PARCEL TAX ID# 1911 = D05858 1915 = D05854 CITY ELECTION WARD 1

Legal Description of Property: Burnstead SUBD, S33, T01N, R26E, LOT 27, S2 E2 of LT 27 " " " " " LOT 28, S2W2 of LT 28

Address or General Location (If unknown, contact City Engineering): 1911 + 1915 8th Ave N, 59101

Size of Parcel (Area square feet or acres): 1911 = 12,750 sq ft 1915 = 12,000 sq ft

Present Land-Use: 1915 = vacant 1911 - Coplex + garage

Proposed Land-Use: NX 2. So 1911 will be correct in zoning + 1915 can be built to closely mirror 1911.

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

Owner(s) 1911 N. Point Apts LLC
(Record Owner)

PO Box 81294 Billings MT 59108
(Address)

406 240 9790 bsqrealtor@gmail.com
(Phone Number) (email)

Agent(s): Melissa Gaunty
(Name)

Same as above
(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: 2/24/2024
(Record Owner – Digital Signature Allowed)

Zone Change Application
1911 & 1915 8th Ave. N
City of Billings

Planning & Community Services Department

2825 3rd Ave N 4th Floor

Billings, MT 59101

Hello Planning and Community Services,

We are asking to have the zoning changed at 1911 and 1915 8th Ave North here in Billings, MT. Currently 1911 8th Ave N has a 6 plex and is zoned NX1. 1915 8th Ave. N is a vacant lot and zoned N1. We are changing the zoning to NX2, which is a better fit for both parcels. Once the zoning is changed, we plan to build another 6 plex at 1915. This will closely mirror the structures we have at 1911.

The proposed zoning change for both 1911 and 1915 8th Ave. N is consistent with the adopted Growth Policy, Adopted Neighborhood North Park Plan and other city development policies. It fits the 10 zone change criteria as well.

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

The proposed zoning does comply with the following goals of Growth Policy and area plans:

- Predictable land use decisions that are consistent with neighborhood character and preferred land use patterns identified in Neighborhood plans.
- Preserve neighborhood character and quality of life.

This zone change would allow these lots to be zoned as multifamily housing. One of the lots is already constructed for multifamily housing. The zoning is consistent and compatible with the area. The neighboring zoning allows for medium density residential development. There is a need for more affordable, healthy and safe housing and the NX2 zone is in line with this goal.

2. Is the new zoning designed to secure from fire and other dangers?
The subject property is currently served by the Billings Fire Department Station 1. The existing and proposed zoning requires building separations, setbacks, and height limits that should provide security from fire or other public safety emergencies.

Zone Change Application
1911 & 1915 8th Ave. N
City of Billings

3. Is the new zoning promoting public health, public safety and general welfare:

When we purchased 1915 8th Ave N, there was a derelict house on location. We had that removed. The current building at 1911 8th Ave. N has adequate security lighting, safety features and good citizen tenants. Trash, graffiti and loiters are immediately removed when they come onto the property. Once another 6 plex is constructed at 1915, it will promote public health, safety and improve the welfare in the area. Currently my tenants at 1911 ask vagrants not to loiter at 1915 and code enforcement has been called multiple times on campers parking illegally.

4. Is the new zoning facilitating the adequate provision of transportation, water, sewerage, schools, parks and other public requirements?

Development under the new zoning will increase traffic once constructed. The property is in the Billings Public Works water/sewer district. The development would likely increase the number of children attending local schools. The development would also pay more in taxes than the current vacant lot, which enhances funds for other public requirements.

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

The proposed zoning would require minimum setbacks, maximum building heights and maximum lot coverage. These requirements should allow adequate light and air to reach the subject property and adjacent properties.

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

The development of the property for residential uses will add traffic volume to the surrounding street network. From my time on the county zoning board, I was informed that multifamily developments tend to generate fewer trips per unit at about 8 trips per day per unit. This area of the North Park neighborhood is walkable with McKinly school 1 mile away, Albertsons only ½ away and the park is across the street .

7. Will the new zoning promote compatible urban growth?

Yes, the neighborhood is a mix of single family homes to multifamily. The new zoning will promote that growth.

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

The North Park Neighborhood plan calls out issues such as dilapidated housing, lack of affordable housing and lack of property maintenance. Once we purchased 1915 8th Ave. N, we tore down the derelict house there and plan to replace it with quality, affordable apartments. As with 1911 8th Ave. N, it will be clean, safe and aesthetically pleasing. This is within the character of the North Park Neighborhood.

9. Is the new zoning going to conserve the value of the buildings:

The new zoning will allow the development of a new residential use building on the vacant lot. It should not affect the value of the existing structures on 1911 8th Ave. N.

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

The new zoning, NX2, is what 1911 8th Ave. N is currently built to fit. 1915 8th Ave. N is almost a mirror image with lot size and shape. It will encourage affordable quality housing, which is a very appropriate use of land in the City of Billings.

Thank you for your consideration.

Bryan & Melissa Gentry

1911 N Point Apts, LLC
PO Box 81294

Billings, MT 59108

bsgrealtor@gmail.com

406.240.9790

ORDINANCE 24-_____

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THE ZONE CLASSIFICATION for the South ½ and East ½ of Lot 27 & the South ½ and West ½ of Lot 28 of Burnstead Subdivision, BE AMENDED

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

Section 1. **RECITALS.** *Title 76, Chapter 2, Part 3, MCA,* and *Sections 27-1628, 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. The South ½ and East ½ of Lot 27 of Burnstead Subdivision** is presently zoned **First Neighborhood (N1),** and **the South ½ and West ½ of Lot 28 of Burnstead Subdivision** is presently zoned **Mixed Residential 1 (NX1)** and are shown on the official zoning map within these zone districts.

Section 3. **ZONE DISTRICT AMENDMENT.** The official zoning map is hereby amended and the zoning for **The South ½ and East ½ of Lot 27 of Burnstead Subdivision ,** is hereby changed from **First Neighborhood (N1),** to **Mixed Residential 2 (NX2),** and **the South ½ and West ½ of Lot 28 of Burnstead Subdivision** is hereby changed from **Mixed Residential 1 (NX1),** to **Mixed Residential 2 (NX2),** and from the effective date of this ordinance, both lots shall be subject to all the rules and regulations pertaining to **Mixed Residential 2 (NX2),** as set out in the Billings, Montana City Code.

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

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

Section 6. **SEVERABILITY**. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other

provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading this 22nd day of April, 2024.

PASSED, ADOPTED and APPROVED on second reading this 13th day of May, 2024.

CITY OF BILLINGS

BY:_____

William A. Cole, Mayor

Attest:

BY:_____

Denise R. Bohlman, City Clerk

Zone Change 1049 – 1911 and 1915 8th Ave N

Zoning Commission

Date:	04/22/2024
Title:	Zone Change 1050 - 5403 Hawk Creek Avenue - NMU to CMU1 - Public Hearing and 1st reading
Presented by:	Nicole Cromwell
Department:	Planning & Community Services
Presentation:	Yes
Legal Review:	Not Applicable
Project Number:	PZX-24-00102

RECOMMENDATION

The Zoning Commission recommends approval and adoption of the findings of the 10 review criteria for Zone Change 1050.

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

The proposed zoning would allow an existing vacant property to be developed for a wider variety of mixed uses than allowed under the current zoning of Neighborhood Mixed Use (NMU). The Corridor Mixed Use zones (CMU1 and CMU2) are districts appropriate for higher volume arterial and collector streets where access to the site accommodates both vehicle trips and pedestrian access. The CMU1 district, proposed for this site, is intended to be closer to neighborhood zones, including adjacent or across an alley from residences. The uses allowed in the CMU1 zone include all uses allowed in the NMU zone, but adds uses such as long-term care facilities, higher education facilities, a casino or bar that meets separation requirements and receives special review approval, veterinary clinics with overnight boarding, craft alcohol with restaurants, drive-thru food service without special review (see caveat below), a hotel without special review, a car wash with special review, and gas stations with use restrictions.

The location would not be able to apply for a special review for a bar or casino due to the proximity to Cottonwood Grove Subdivision to the north. Other uses requiring special review, such as a car wash, would also be difficult to locate on this parcel due to the proximity of residences. Under the proposed CMU1 zone district, a drive-thru food service such as a coffee vendor or lunch/dinner could be located on the property as long as the current lot is divided, so the proposed use is not on a parcel that adjoins the residential zoning (Section 27-1005.N). Drive-thru restaurants in a CMU zone on lots that adjoin residential zones still require special review. Other drive-thru services, such as banks, are required to meet the standards in Section 27-1008.J, and includes mitigation of sound from announcement systems, and the location of drive aisles and queuing lanes away from the front property line to the maximum extent feasible.

The MK Subdivision at the northwest corner of 54th St W and Grand Avenue was first annexed, zoned and subdivided in early 2007. In 2014, Lot 2 of Block 1 was changed from Neighborhood Commercial (NC) to Community Commercial (CC) zoning. The Den received special review approval in 2017 to build a bar, restaurant and casino on this lot. This was the first lot developed in the subdivision. The Diamond X Brewing Company successfully changed the zoning on Lots 1-3 of Block 1 of MK Subdivision 2nd Filing in 2019 from NC to Planned Development-NC with allowance for the brewery and one beer and wine license without gaming. The Planned Development zone was amended last year to delete the provision for a beer and wine license and substitute an all-beverage license -- without gaming. The other lots in MK Subdivision, 1st Filing are zoned NMU (Lot 3 -- Chy Way & Grand Ave) and CMU2 (Lot 1 -- 54th St W & Grand Ave).

The city installed a full traffic signal at the intersection of 54th St W and Granda Avenue in 2017. This signal was paid for through developer contributions from the surrounding neighborhoods and commercial developments. Prior to the signal installation, 54th St W was stop controlled and Grand Ave had the right-of-way. The completion of the Ben Steele Middle School at 56th St W and Grand along with the first development in the MK subdivision required the installation of the signal. Grand Avenue at 54th St W handles about 10,000 vehicle trips per day, while 54th St West handles about 5,000 vehicle trips per day. Both arterial streets are not complete to city arterial street standards. This is primarily due to the "checkerboard" of city and county limits on both streets and also due to the lack of complete city infrastructure such as storm water management facilities. The city will be moving forward with a project (2025) to complete Grand Avenue to city standards from Shiloh Road to 62nd Street West.

The current zoning allows a wide range of available uses but not all the uses the owner would like to market for the property, including a potential drive-thru food service. In addition, the NMU zone requires 90% of the front property line to have a building faÃ§ade in the build-to range of 5--20 feet from the back of the property line. The NMU zone

was placed on this parcel during the zoning code update (2021) as the corollary zone to the retired Neighborhood Commercial (NC) zone district. The new zone districts are based on minimum urban development standards that help maximize compatibility between uses and help increase mobility and safe access to mixed-use developments. Planning and Engineering are continuing to work together to refine these standards. The prior zone districts prescribed minimum setbacks, while the new code requires build-to ranges, minimum door and window openings on the first floor and measures building height in stories. The NMU zone has a minimum door and window coverage on the first floor of 45%, while the CMU1 zone has a minimum of 65% of the first floor frontage. The maximum height in stories in NMU is two stories, while the CMU1 allows up to four stories. The CMU zone requires "step-backs" from a residential zone when the building is over two stories or 35 feet (Section 27-1406.E.3).

The property has a required 25-foot-wide buffer yard along the north property line. This is a requirement of the subdivision to protect the neighborhood to the north. This buffer yard cannot be removed or changed without an amendment to the subdivision plat processed through the Planning Board and City Council. The buffer yard is also mentioned and protected through the private covenants and restrictions of the subdivision. The development requirements in a commercial zone that shares a property line with a neighborhood zone will also require a buffer yard to be installed that includes trees and an opaque screening fence (Section 27-1204.B). This will be in addition to the subdivision landscape buffer yard.

Planning staff recommended approval based on the proposed findings of the 10 review criteria. The Zoning Commission concurred with this recommendation. The current zone is not necessarily intended for placement along a busy arterial street. "*The NMU district is intended to accommodate a mix of uses, primarily located along neighborhood corridors, that are highly walkable and accessible to pedestrians.*" Neighborhood corridors are typically collector streets such as Rehberg Lane or Colton Blvd. The CMU1 district is described this way: "*The CMU1 district is intended to accommodate commercial and other uses along transportation corridors to promote development that is comfortably accessible via all modes of transportation, including motor vehicles, bicycles, and walking.*" The CMU1 may also have uses that are slightly larger in scale than the NMU zone and may include uses that are more vehicle oriented (gas stations, drive-thru restaurant).

STAKEHOLDERS

The applicant conducted a pre-application neighborhood meeting on February 22, 2024, at Ben Steele Middle School. Fourteen interested property owners attended the meeting. The primary concerns were about noise from future uses, building height, traffic generation, gas stations and lighting. The pre-application information and notes are attached to the report. Planning staff posted the property, mailed notices to owners within 1,320 feet of the subject property, and published a legal ad in the newspaper. The planning staff also posted the application on our "Current Zoning Applications" web page. Planning staff received no comments or emails on the application prior to the writing of this report.

Zoning Commission public hearing April 2, 2024

The Zoning Commission conducted a public hearing on April 2, 2024, and received the staff recommendation of approval and testimony from the applicant's agent, Anna Vickers of IMEG Corp. There was no other testimony received. The applicant's agent stated the reason for the zone change was to broaden the possible marketable uses for lease of the property. The owner has no intention of entertaining a lease for a bar or casino. She stated the owner intends to own the land long-term and build-to-suit for businesses that will lease the building(s). She stated any development requirements would be met, including a traffic analysis to ensure traffic is managed.

In response to a question from the Commission, staff clarified that no access would be granted from the property directly on to 54th St West. Chair Dan Brooks stated he would support the request, although there is a potential for a gas or service station on the property under the new zoning. He stated he believes the use standards in the new code would be protective of the neighborhood to the north if vehicle related uses were developed. Member Andy Megorden made a motion to recommend approval to the City Council and adoption of the findings of the 10 review criteria. The motion was seconded by member Beau Mulvaney and was approved on a 4-0 vote. Commission member Greg McCall was absent from the meeting.

ALTERNATIVES

The City Council may:

- Approve and adopt the findings of the ten review criteria for Zone Change 1050 as recommended by the Zoning Commission; or,
- Deny and adopt different findings of the ten review criteria for Zone Change 1050; or,
- Delay action on the zone change request for up to 30 days at the request of the applicant or on its own motion;or

- Refer the application back to the Zoning Commission for an additional public hearing based on 1) new information submitted that the applicant and public have not had an opportunity to examine; or 2) new information has been presented that was never submitted or considered by the Zoning Commission or staff; or
- Allow the applicant to withdraw the zone change request.

The applicant has not requested a delay or withdrawal of the application.

FISCAL EFFECTS

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

SUMMARY

Prior to making a decision, the City Council shall consider the Zoning Commission's recommended findings as follows:

1) Is the new zoning designed in accordance with the Growth Policy and neighborhood plans?
The proposed zone change is consistent with the following guidelines of the 2016 Growth Policy:

Infill development and development near existing City infrastructure may be the most cost-effective. (2011 City Infill Policy; 2016 Growth Policy: Essential Investments, Strong Neighborhoods)

Walkable neighborhoods that permit convenient destinations such as neighborhood services, open space, parks, schools and public gathering spaces foster health, goodwill, and social interaction. (2016 Growth Policy: Strong Neighborhoods)

Implementation of the Infill Policy is important to encourage the development of underutilized properties. (2016 Growth Policy: Strong Neighborhoods)

A diversity of available jobs can ensure Billings' strong economy. Retaining and supporting existing businesses helps sustain a healthy economy. (2016 Growth Policy: Prosperity)

The proposed zoning is also supported by the West Billings Neighborhood Plan that indicated the intersections of arterial streets would be appropriate for nodes of commercial uses including service business and retail options. The plan indicated this intersection as a "Community Center" node, roughly the same area as West Park Plaza at 15th St W and Grand Avenue or about 30 acres. This subdivision along with the commercial area on the east side of 54th St West (Albertson's) is about 21 acres in area. The proposed zoning will allow uses more appropriate for a transportation corridor (arterial street) than a neighborhood corridor (e.g. a collector street -- Rehberg Lane, Poly Drive).

2) Is the new zoning designed to secure from fire and other dangers?
The new zoning requires build-to ranges, open and landscaped areas and building separations. The new zoning, as do all zoning districts, provides adequate building separations and density limits to provide security from fire and other dangers. The site will be developed in conformance with Section 27-406 (BMCC) as well as sections on landscaping, and off-street parking. New buildings would be required to meet city Building Codes and Engineering standards as well.

3) Whether the new zoning will promote public health, public safety and general welfare?
Similar to criteria two, public health and public safety will be promoted by both the existing zoning and the proposed zoning. The proposed CMU1 zone will allow marketing to a range of uses that may require more land area or allow a drive-thru service. Developed land will increase property values. Vacant land tends to add unpredictability to the area.

4) Will the new zoning facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements?
Transportation: The proposed zoning should not have any measurable impact on transportation. When the property develops, the developer will be required to update or confirm the information in the existing traffic study for the subdivision and provide mitigation accordingly. Any drive-thru service will require a queuing analysis to ensure customers are not backed into a street (public or private). The property cannot have a driveway access onto 54th St W. This was a condition of subdivision approval. The only access will be via Hawk Creek Avenue.
Water and Sewer: The City will provide water and sewer service to the property. Stubs for both services are already in from Hawk Creek Ave. Storm water will be managed on the site.
Schools and Parks: Schools and parks should not be negatively affected by the proposed zoning. The school district provided no comment on the proposed zone change. Parks should not be negatively impacted by the proposed zoning. The property is not intended for residential development but could have a mixed-use building with apartments.
Fire and Police: The subject property is served by city public safety services. The Police and Fire Departments had

no concerns about the zone change.

5) Will the new zoning provide adequate light and air?
Similar to criteria 2 and 3, the proposed zoning provides for sufficient setbacks to allow for adequate separation between structures and adequate light and air. Any development of the property would follow the requirements of Section 27-400 (BMCC) and other city regulations for development.

6) Will the new zoning affect motorized and non-motorized transportation?
The existing property has frontage on 54th St W and on Hawk Creek Avenue. The multi-use path on 54th St West has already been installed, and no drive approach will be allowed on to this street. New drive approaches will be allowed off Hawk Creek Avenue. The streets in this subdivision are private, but the subdivision improvement agreement requires the installation of sidewalks along these streets. The connection to the public streets and sidewalks will help complete a pedestrian connection from 54th St W to the existing development on the lots to the west.

7) Will the new zoning promote compatible urban growth?
The proposed zoning is compatible with the adjacent zoning and existing urban growth. The CMU1 zoning is compatible with the surrounding property and development. To the south and east is CMU2 zoning that supports commercial development that can be much larger and have more intense uses than the CMU1. To the north in N2 zoning for Cottonwood Grove Subdivision. The CMU1 zone combined with the landscaping requirements will protect the adjacent neighborhood's uses. To the west is the Planned Development zone for the Diamond X Brewing Company and CMU2 for the Den. The zoning does promote compatible urban growth.

8) Does the new zoning consider the character of the district and the peculiar suitability of the property for particular uses?
The proposed zoning does consider the character of the district and the suitability of the property for the proposed use or uses. The proposed zoning will allow a CMU1 zone on a property with arterial frontage and within a "community center" node of development as envisioned by the 2001 West Billings Plan.

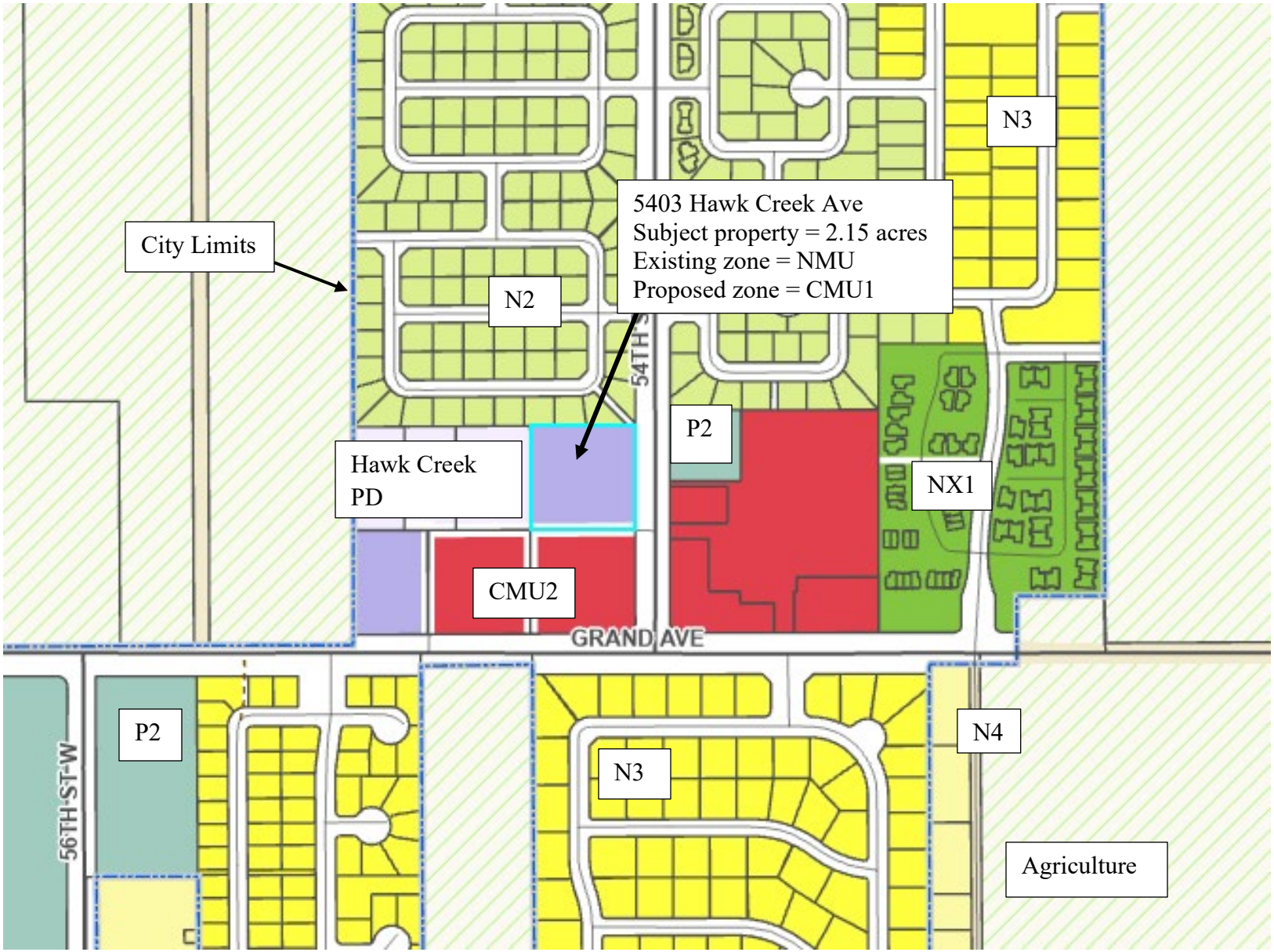
9) Will the new zoning conserve the value of buildings?
The new zoning should add stability to the value of the existing neighborhood by adding predictability and to the existing commercial developments to the west. New development tends to increase surrounding property values.

10) Will the new zoning encourage the most appropriate use of land throughout the City of Billings?
The proposed zoning will allow the development of vacant property with uses that are compatible with the street frontage (arterial) and with the adjacent neighborhood zone. This is the most appropriate use of the land.

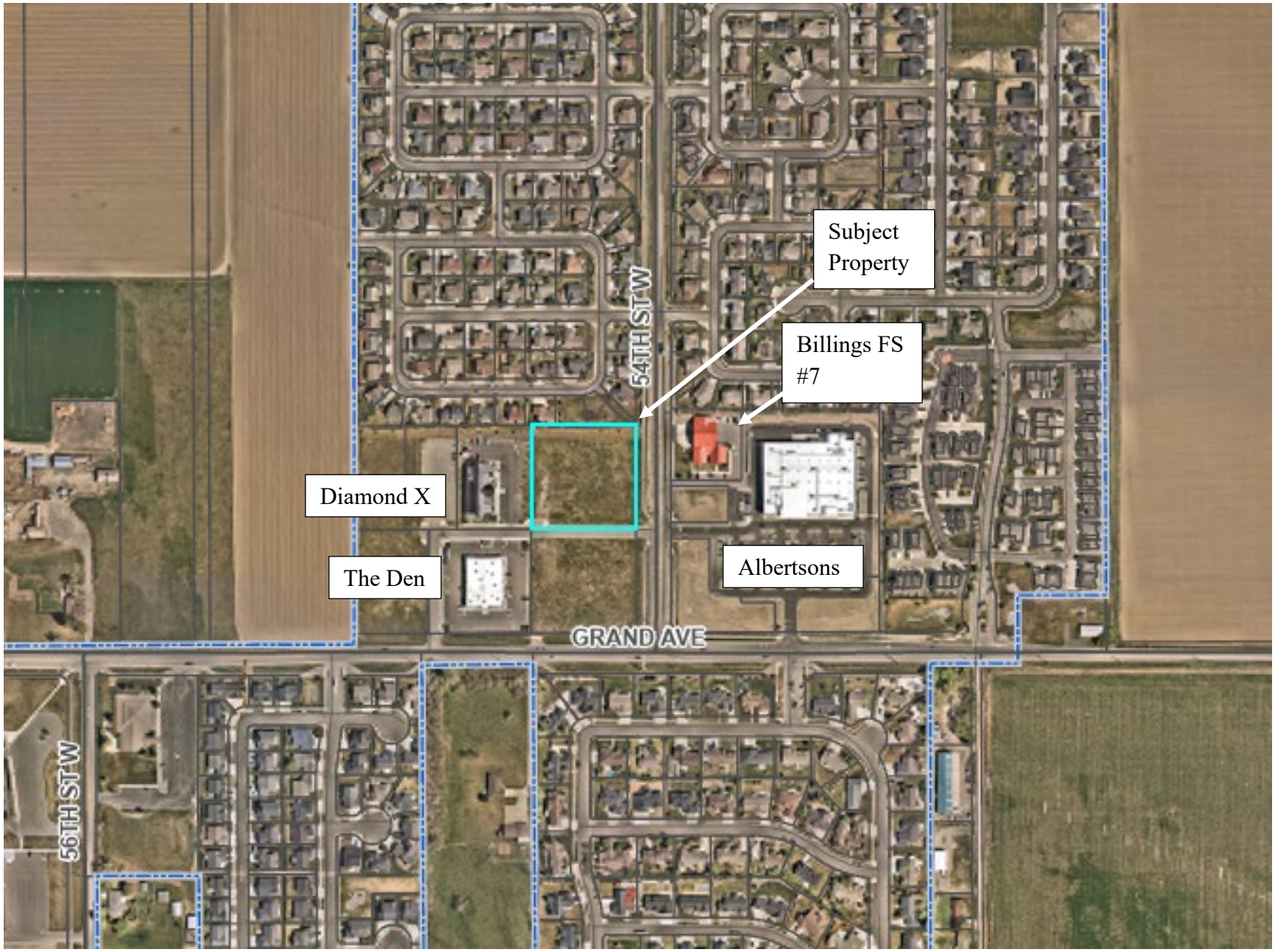
Attachments

Zoning Map and Site Photos ZC 1050
Chart of Zoning History for ZC 1050
Pre application information ZC 1050
Application and Letter for ZC 1050
Ordinance ZC 1050

City Zone Change 1050 – 5403 Hawk Creek Ave – NMU to CMU1
Zoning Map and Site Photos



Subject Property





Subject Property view north from Hawk Creek Ave



View west on Hawk Creek Ave



View east to 54th St W



View east to 54th St W



View south and west

City Zone Change 1050 – 5403 Hawk Creek Ave – NMU to CMU1

Chart of Zoning History

SUBJECT PROPERTY	Application	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
5403 Hawk Creek Ave MK Sub Block 1 Lot 5	City ZC 798	2/26/2007	A to NC & CC	Y	Updated to NMU for Lots 3 and 5
SURROUNDING PROPERTY	**Application**	**DATE**	**FOR**	**APPROVED (Y/N)**	**ADDITIONAL DATA**
5417 Hawk Creek Ave	1028	6/26/2023	Amend PD	Y	Switch beer & wine for all beverage license
MK Sub, Block 1, Lts 1-3 Diamond X	971	1/14/2019	NC to PD-NC	Yes	Original PD
MK Sub	City ZC 798	2/26/2007	A to NC & CC	Y	CMU2 & NMU
1411 Chy Way	City ZC 925	10/14/2014	NC to CC	Y	CMU2- The Den
1411 Chy Way	City SR 958	11/27/2017	Allow All Bev & Casino	Y	CMU2 -The Den
Cottonwood Grove	City ZC 734	2/28/2005	A to R-70 (now N2)	Y	Now N2
Daybreak Sub	City ZC 920	6/9/2014	A to R-60 (now N3)	Y	Now N3
Coal Creek Sub	City ZC 961	1/22/2018	RP to CC (expansion)	Y	CMU2, NO & N2
Coal Creek Sub	City ZC 767	11/17/2005	R-96 to RMF, RP and CC	Y	CMU2, NO & N2
Bishop Fox	City ZC 756	5/9/2005	A to CC, P, R-70 and R-96	Yes	Now CMU2, P2 & N2
Buffalo Crossing	City ZC 1011	4/11/2022	RR3 to N3, N2 NX2 and P1	Y	C/S 2735 Tract 4A
Mont Vista	City ZC 851	7/13/2009	R-96 to PD multiple zones	Y	
Grand Peaks Sub	City ZC 938	8/24/2015	R-96 to R-70	Y	Now N3 & N2
Sweetgrass Creek	City ZC 998	10/11/2021	A to to N1, N2, N3, NX1 and P1	Y	Sweetgrass Creek Subdivision
Foxtail Village	City ZC 729	5/10/2004	A to R-96 & R-70	Y	Now N3 & N2
Trails West	City ZC 847	10/14/2008	R-96 to R-60-R	Y	Now N3
Tule Ridge	County ZC 667	12/29/2015	R-96 to CC	Y	Now CMU1
Vintage Estates	None	1/10/2005	A to R-96 default	Y	Now N3

CITY ZONE CHANGE Pre-Application Statement of Owner(s) and Agent(s)

The owner(s), contract purchasers (if any) and agents (if any) are required to submit this completed form and any attachments along with a completed zone change application packet, including any required fees, for a zone change to be processed by the Planning Division.

1. Present Zoning: _____

2. Written description of the Zone Change Plan including existing and proposed new zoning:
   The applicant is proposing to rezone the property from NMU, Neighborhood Mixed-Use to CMU1, Corridor Mixed-Use 1. The intent of the rezoning is to broaden the allowed uses on the property, while allowing a transitional zone to adjacent more intense commercial zoning of CMU2, Corridor Mixed-Use 2. The applicant is intending to build to lease. The future building is unknown with the hopes that this rezoning will broaden commercial developer's interests.
3. Legal Description of Property:

   _____

4. Neighborhood Task Force Area: Yes /// No . If Yes, Name of Task Force

   West End Task Force

5. Roster of persons who attended the pre-application neighborhood meeting: please attach to on line application

6. A brief synopsis of the meeting results including any written minutes or audio recording.

   please attach to on line application

7. The undersigned affirm the following:
   1) The pre-application neighborhood meeting was held on the 22, day of February 20 24.

   2) The zone change application is based on materials presented at the meeting.

Owner (s):

_____Telephone:_____

Address:
PO Box 2070 Missoula, MT, 59806
_____Email:_____

Agent (s):

_____Telephone:_____

Address: _____Email: _____

Complete this form and upload to your on-line Zone Change application

ATTENDANCE RECORD

IMEG #: 24000862.0

Project: Mountain West Capital Hawk Creek Avenue Rezone

Meeting Description: Re-Zone Neighborhood Meeting

Date: 2/22/2024 Time: 5:30PM

Place: Ben Steele Middle School Cafeteria (5640 Grand Ave., Billings, MT, 59106)

ATENDEE NAME	PHONE NUMBER	E-MAIL
Sandee Dunstan Len Dunstan	406-656-4909	sandee40dunstan@netscape.net
Cathy Bentz	406-245-2891	ottrco@gmail.com
Holland Nielsen	406-396-0056	hollandsmall7@gmail.com hollandn
TAMARA FRANK	406 794 2184	TFrank747@gmail.com
TR. FRANK	406-248-8973	
Carol Frederick Jim Keller	406-698-8393	carolfrederick21@gmail.com
Phil Hopkin	406-696-0091	P_Hopkin@Live.com
Edward Sermon	406/861-8107	Ejsermon@gmail.com
MATT CRAMPTON	406/830/1967	mjcrampton@b[illegible].net

ATTENDANCE RECORD

IMEG #: 24000862.0

Project: Mountain West Capital Hawk Creek Avenue Rezone

Meeting Description: Re-Zone Neighborhood Meeting

Date: 2/22/2024 Time: 5:30PM

Place: Ben Steele Middle School Cafeteria (5640 Grand Ave., Billings, MT, 59106)

ATENDEE NAME	PHONE NUMBER	E-MAIL
Molly Dutson	801-828-5893	missmollyrose@gmail.com

ATTENDANCE RECORD

IMEG #: 24000862.0

Project: Mountain West Capital Hawk Creek Avenue Rezone

Meeting Description: Re-Zone Neighborhood Meeting

Date: 2/22/2024 Time: 5:30PM

Place: Ben Steele Middle School Cafeteria (5640 Grand Ave., Billings, MT, 59106)

ATENDEE NAME	PHONE NUMBER	E-MAIL
Steve Zeier	406-670-6969	steve@trinityvent.com
Tiffany Wardell	406-690-6244	Wardelltiffany@gmail

MEETING NOTES

Date	February 22, 2024
Project	Mountain West Capital/Hawk Creek Ave Rezoning
Project Number	24000862
IMEG Attendees	Kelsey Murray, Anna Vickers
Public Attendees	Sandee & Len Dunnstan, Cathy Bentz, Holland Nielson, Tamara Frank, Phil Frank, Carol Frederick, Jim Keller, Phil Hopkin, Edward Sermon, Matt Crampton, Molly Duston, Steve Zeier, Tiffany Wardell

IMEG Started Presentation
I'm Anna Vickers and I'm here with IMEG on behalf of the owner, Mountain West Capital. This is Kelsey, my associate, who is here for the purpose of taking notes. We are here to discuss a proposed rezoning of the parcel located North of Hawk Creek Avenue and West of 54th Street West. The intent of today's meeting is to receive your input, comments and concern for the proposed rezone including any ideas for the property. All input received is being documented.

The zoning on this property is currently NMU, or Neighborhood Mixed-Use. We are requesting CMU1, or Corridor Mixed-Use 1. The differences between the zoning codes are highlighted in the materials provided. The developer is not exactly sure what he wants to build but it will be a build to lease development and it will be commercial. He is leaning toward a coffee shop or bakery, but he also hopes to receive some input from the neighbors regarding what you'd want in your neighborhood. As you can see on the shown exhibit the property is adjacent to N2 which is a residential use, across the street from CMU2 and next to a planned development which is Diamond X.

On your list that compares allowable uses you will see a number of different designations. These things can be permitted, locations limits, applicable use restrictions, and special review. If you see a special review this means that if this use is chosen there will be an application with a hearing specific to that type of use, typically at that point you may see a site plan for that use as well. Applicable use restrictions means that there are specific restrictions in the zoning code further limiting that use. In an effort to preemptively address a common question, a casino is something that would have applicable use restrictions. Casinos are not allowed within 350' of a residential zoning. As you can see on the screen this property is 304'. Therefore, a casino would not be able to fit on this lot. Additionally, a bar, which is defined as a place that receives more income from alcohol sales than food sales, would need to be 150' away from a residential use. This would leave a small portion of the lot for the building to be placed upon. would not be permitted here due to required setbacks from residential properties. This applies to bars as well, however a restaurant serving alcohol may be permitted. This being said I'll open it up for questions and comments.

Public Question: Is the owner different from the owner of Diamond X?
IMEG: Yes, it's a different owner. This owner acquired the property in 2021.

Public Question: As it's zoned right now, isn't it eligible for a restaurant?
IMEG: Yes, the main difference being that CMU1 allows for a drive-thru restaurant not serving alcohol and NMU does not.

Public Question: I live on Round Stone, right behind Diamond X. I'm all for it, but I want to make sure snow removal, power washers, trash collection, and other contractors don't start so early in the morning. I don't want to have to call another property owner to ask them to have their contractors respect quiet hours. My concern is loud noises that wake me up early in the morning. This is important aside from the hours of operation.
IMEG: That's a valid concern and I will pass this on to the owner.

Public Question: It would be nice to see trees and landscaping as a buffer zone between the neighborhood and development.
IMEG: As the property sits right now, there is a 25' landscape easement that is adjacent to the residential neighborhood. The covenants of this property call for trees/landscaping, and a fence. Additionally the City's Zoning Code requires some landscaping.

Public Question: What are the plans for sewer and water from the city? We had torrential rains last year, so are there any plans to move stormwater elsewhere?
IMEG: Right now sewer and water are adjacent to the property in Hawk Creek as well as 54th street. Sewer and water would be provided using city infrastructure. Currently the Subdivision Improvements Agreement for the property requires that stormwater be retained onsite. If stormwater infrastructure is in the area during site design and building DEQ requires us to tie into anything within 500' of the property.

Public Question: Does the new zoning change the height of the buildings?
IMEG: I'm not sure, let me look. It looks like the story façade levels change by 2 feet more in CMU1.

Public Question: What is the current story limit?
IMEG: Both are four stories.

Public Question: What does 'applicable use restriction' mean? My concern is about gas stations.
IMEG: Applicable use restrictions mean that there are specific use restrictions associated with a gas station is chosen. I do not know the restrictions specific to the gas station off the top of my head. I can tell you that during the building permit process there is a requirement that if more than 500 trips per day are triggered a traffic study is required. I was also informed that 5 bays for a gas station would trigger a traffic impact study. You are not the first person that's had concerns about a gas station that I've talked to.

Public Question: What about the street lighting?
IMEG: Street lighting is not required but per the Subdivision Improvements Agreement conduits would be installed should future lighting be desired. I also know that the City of Billings Subdivision Regulations are currently undergoing an update. This update would require streetlights to be installed along new streets within subdivisions. If you oppose this, I strongly encourage you to attend the public hearings regarding the update.

Public Question: What is the process now? After this hearing, does it go to the city council?
IMEG: This meeting is a requirement for a proposed rezoning. After this meeting I will have a conversation with the owner to discuss the input received. Should the owner decide to move forward the application will be due to the City Planning Department by March 1. The City Planning Department then has a month to review the application. There will then be a notification you will receive in the mail regarding future public hearings for this rezoning. There will be one with the Zoning Commission and one with the City Council. The Zoning Commission will vote and make a recommendation to the City Council. The City Council has final decision on the proposed zoning.

Public Question: In reference to coffee shops- it's already permitted to have a restaurant, so why change?
IMEG: At this point the desired use is unknown, as stated the owner is doing a build to lease. When rezoning to CMU1 this will expand opportunities of interest future for a future business.

Public Question: Is the owner someone who lives locally?
IMEG: He lives in Missoula.

Public Question: Since when has he owned that lot?
IMEG: He's owned the property since 2021.

Public Question: If there's consensus among the neighbors about what we don't want, would he be open to hearing from us?
IMEG: Any information about what the neighborhood would or would not like to see I am happy to pass along to the owner and he does want to hear about it. This being said, I will forewarn you that zonings cannot be conditioned. Should you want only specific uses allowed we would need to change the type of rezoning proposal is being requested. This could mean us holding another neighborhood meeting, which can be expensive. As I mentioned the date for submittal is March 1. If you can gather consensus before then for an idea, I am happy to share this with him for an option. I know he does want to be a good neighbor.

Public Question: If he's trying to expand the type of business that could go in there, he must have some idea of what he wants to do. A subway, coffee shop, etc. are all compatible with a neighborhood.
IMEG: As I mentioned in prior, there are use restrictions and special reviews associated with certain uses. Additionally, the owner is unsure of what he would like to go here. He is completing a build to lease at this point we do not know what will go here.

Public Question: But if he's requesting the zoning he must know what is going to go here.
IMEG: As I mentioned I am unsure what is going to go here. I can tell you any time you look at a zoning you should not make your decision based on what someone says will go somewhere. Your decision should be made based on the allowable uses within the zoning. The property's ownership can change but the zoning restrictions continue to be the same. Things such as a casino not being allowed will continue to remain the same no matter who owns the property.

IMEG: If there are no further questions, thank you for coming.

Anna Vickers

From: Anna Vickers
Sent: Thursday, February 29, 2024 8:31 PM
To: mtnavyboy
Subject: RE: Pre-Application Neighborhood Meeting - Yellowstone County Zone Change Request on MK Subdivision Lot 5

Hi Dan,
Currently the use is unknown the owner is doing a build to lease. If you have further questions, please let me know.

Thanks,

Anna M. Vickers
Lead Land Use Planner
IMEG
175 N 27th Street, Suite 1312, Billings, MT 59101 tel (406) 248-9000 single reach (406) 532-0263 mobile (225) 603-1371 fax (406) 721-5224 anna.m.vickers@imegcorp.com https://www.imegcorp.com

This email may contain confidential and/or private information. If you received this email in error please delete and notify sender.
-----Original Message-----
From: mtnavyboy <mtnavyboy@charter.net>
Sent: Thursday, February 29, 2024 4:48 PM
To: Anna Vickers <Anna.M.Vickers@imegcorp.com>
Subject: Pre-Application Neighborhood Meeting - Yellowstone County Zone Change Request on MK Subdivision Lot 5

External Email: Treat links and attachments with caution.

Dear Ms Vickers:

I was out of town when the subject meeting was held. What is the intended use of Lot 5?

Thank you for a quick response.

Dan Harman
5336 Sundance Mountain Circle
Billings, MT 59106
(cell): 701-202-8876

From: Anna Vickers
Sent: Wednesday, February 21, 2024 4:31 PM
To: Kelsey L. Murray
Subject: FW: Pre-Application zoning Change Request - MK Subdivision, Lot 5

Follow Up Flag: Follow up
Flag Status: Flagged

Please pdf and save in the file.

Anna M. Vickers
IMEG | Lead Land Use Planner

IMEG

175 N 27th Street | Suite 1312 | Billings, MT 59101

(406) 248-9000 | phone
(406) 532-0263 | single reach
(225) 603-1371 | mobile
(406) 721-5224 | fax

anna.m.vickers@imegcorp.com

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From: Anna Vickers <Anna.M.Vickers@imegcorp.com>
Sent: Tuesday, February 20, 2024 10:58 AM
To: Jerry Nettleton <jpjja@comcast.net>
Subject: Re: Pre-Application zoning Change Request - MK Subdivision, Lot 5

Hi Jerry,
There is no proposed project with this change. The landowner is looking to do a build to lease in the future. He's hoping that the change to CMU1 will allow for a couple of more business' to be interested in the future. Let me know if you have further questions.

Thanks,

Anna M. Vickers

IMEG | Lead Land Use Planner

IMEG

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(225) 603-1371 | mobile
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From: Jerry Nettleton <jpjja@comcast.net>
Sent: Saturday, February 17, 2024 6:25:14 PM
To: Anna Vickers <Anna.M.Vickers@imegcorp.com>
Subject: Pre-Application zoning Change Request - MK Subdivision, Lot 5

External Email: Treat links and attachments with caution.

Anna -

I received a letter on the neighborhood meeting for the referenced zoning change request. What is the proposed project associated with this change request?

Thanks for your assistance in providing this information.

Jerry Nettleton

Sent from my iPad

From: Anna Vickers
Sent: Thursday, February 22, 2024 8:59 AM
To: Kelsey L. Murray
Subject: FW: Zone change on MK Subdivision Lot 5

Follow Up Flag: Follow up
Flag Status: Flagged

Please pdf and add to the file

Anna M. Vickers
IMEG | Lead Land Use Planner

IMEG

175 N 27th Street | Suite 1312 | Billings, MT 59101

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From: Anna Vickers <Anna.M.Vickers@imegcorp.com>
Sent: Thursday, February 22, 2024 6:30 AM
To: m.r.ward@bresnan.net
Subject: Re: Zone change on MK Subdivision Lot 5

Thank you for your comments on the city parcel's proposed rezoning. I will add it to the record.

Anna M. Vickers

IMEG | Lead Land Use Planner

IMEG

175 N 27th Street | Suite 1312 | Billings, MT 59101

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From: m.r.ward@bresnan.net <m.r.ward@bresnan.net>
Sent: Wednesday, February 21, 2024 9:33:32 PM
To: Anna Vickers <Anna.M.Vickers@imegcorp.com>
Subject: Zone change on MK Subdivision Lot 5

External Email: Treat links and attachments with caution.

Hello Anna,

My mother owns the property at 5416 Grand Ave and neither one of us is able to attend your meeting on Thursday Feb 22 but we would like to voice our concerns and comments re the zone change. My family has owned and lived on this 10 acres of land since 1978. Most of the land around us at that time was for agricultural use. I have raised sheep and cattle, pastured horses and cut hay on that land as have most of our neighbors for decades. We both understand that times change and "progress" is inevitable but so much has changed in recent years that life in our part of the county is unrecognizable as our home in the country. The traffic on Grand Ave and 54th street has become dangerous - both of those streets are treated like super highways by most of the drivers . We used to feel safe driving in our neighborhood but now we have to be extra extra cautious just pulling out of our driveway. Both my mom and I have had several near misses with head on traffic when trying to turn into our property off of Grand Ave. Adding more businesses such as a gas station or other auto-oriented uses will just increase traffic and the problems that come with more drivers that don't follow traffic laws. We have a school now and kids that need to cross traffic on Grand and 54th, this just also puts them at more risk. We have enough progress in our area, it's becoming more of a city than a neighborhood. Both my mother and I strongly object to the zone change.

Thank you for your time,
Marla Ward and Janice Ward (property owner)

From: Anna Vickers
Sent: Wednesday, February 21, 2024 4:31 PM
To: Kelsey L. Murray
Subject: FW: Zone Change Request on MK Subdivision Log 5

Follow Up Flag: Follow up
Flag Status: Flagged

Please PDF and save in the file.
Anna M. Vickers
Lead Land Use Planner
IMEG
175 N 27th Street, Suite 1312, Billings, MT 59101 tel (406) 248-9000 single reach (406) 532-0263 mobile (225) 603-1371 fax (406) 721-5224 anna.m.vickers@imegcorp.com https://www.imegcorp.com

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-----Original Message-----
From: Anna Vickers
Sent: Wednesday, February 21, 2024 4:29 PM
To: 'Polly Rex' <pollyrex50@gmail.com>
Subject: RE: Zone Change Request on MK Subdivision Log 5

Hi Polly,
These are all fair points and I'm happy to hear them all. If you have any ideas of ideal things for the neighborhood please share them with me. The owner is requesting a rezoning to allow for more business development. As of right now, he is unsure what business will be interested as he will/is advertise the property as a build to lease.

Diamond X is zoned PD, Planned Development. This allows for all alcohol but no casino use within the PD.
Back 9 Lounge is zoned CMU2, Commercial Mixed Use 2.
Albertsons is zoned CMU2, Commercial Mixed Use 2.

Let me know if you have further questions. I'm happy to set up a discussion time, if necessary.

Kindest regards,

Anna M. Vickers
Lead Land Use Planner
IMEG
175 N 27th Street, Suite 1312, Billings, MT 59101 tel (406) 248-9000 single reach (406) 532-0263 mobile (225) 603-1371 fax (406) 721-5224 anna.m.vickers@imegcorp.com https://www.imegcorp.com

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-----Original Message-----

From: Polly Rex <pollyrex50@gmail.com>
Sent: Wednesday, February 21, 2024 10:58 AM
To: Anna Vickers <Anna.M.Vickers@imegcorp.com>
Subject: Zone Change Request on MK Subdivision Log 5

External Email: Treat links and attachments with caution.

Hello Anna,

This is in response to your letter dated Feb. 15, 2024 about a neighborhood zone change meeting for lot 5 in the MK subdivision. I live in Vintage Estates which is directly south of Albertson's off Grand Ave.

While I looked up the definition of both zoning categories, the change to CMU1 seems to encourage more business development which could include additional traffic and noise. There's already a brewery, several other Pub type restaurants and an Albertson's nearby. Can you tell me what their zoning category is?

While I don't want to discourage growth in my neighborhood, I also would like to see a balance of business and housing similar to what is already here.

Thank you—I can't attend the meeting Thursday evening but hope for a good turnout and lively discussion.

Polly Rex
5425 Burlington Ave.

Sent from my iPad

Anna Vickers

From: Anna Vickers
Sent: Thursday, February 29, 2024 8:45 PM
To: timschlecht56@gmail.com
Subject: Rezoning Meeting Notes

Good Evening Tim,
I'm going to attach in a separate email the neighborhood meeting notes you requested. I've found these can get filtered to spam. Please confirm receipt.

Thanks,

Anna M. Vickers
IMEG | Lead Land Use Planner

IMEG

175 N 27th Street | Suite 1312 | Billings, MT 59101

(406) 248-9000 | phone
(406) 532-0263 | single reach
(225) 603-1371 | mobile
(406) 721-5224 | fax

anna.m.vickers@imegcorp.com

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Anna Vickers

From: Anna Vickers
Sent: Thursday, February 29, 2024 8:46 PM
To: 'timschlecht56@gmail.com'
Subject: Rezoning Meeting Notes
Attachments: MEETING NOTES.pdf

Hi Tim,
As mentioned in my prior email, please see attached notes. Please confirm receipt.

Thanks,

Anna M. Vickers
IMEG | Lead Land Use Planner

IMEG

175 N 27th Street | Suite 1312 | Billings, MT 59101

(406) 248-9000 | phone
(406) 532-0263 | single reach
(225) 603-1371 | mobile
(406) 721-5224 | fax

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CITY ZONE CHANGE APPLICATION FORM

CITY ZONE CHANGE Billings Zone Change #___1050_____Project #_PZX-24-00102_____

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 _____

Proposed Zoning: _____

PARCEL TAX ID# _____CITY ELECTION WARD _____

Legal Description of Property: Lot 5, Block 1 of MK Subdivision,Sec. 31, T. 01N, R. 25E

Address or General Location (If unknown, contact City Engineering): Hawk Creek Ave., Billings, MT, 59106

Size of Parcel (Area square feet or acres): 2.1575 acres

Present Land-Use: Vacant

Proposed Land-Use: Unknown: Build to Lease

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

Owner(s) Mountain West Capital, Inc., MWC INC DBA

(Record Owner)

(Address)

(Phone Number) (email)

Agent(s): _____

(Name)

(Address)

(Phone Number) (Email)

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

Signature: Brent Small Date: _____

(Record Owner – Digital Signature Allowed)

City Zone Change Application Packet

Summary:

The applicant is requesting a rezoning for the property legally described as Lot 5, Block 1, MK Sub of Section 31, Township 01 North, Range 25 East, City of Billings, Yellowstone County, Montana, Principal Meridian Montana. The property is generally located North of Hawk Creek Avenue and West of 54th Street West. The property is currently zoned Neighborhood Mixed-Use (NMU). The applicants are proposing to rezone the parcel to Cordidor Mixed-Use 1 (CMU1). Currently the parcel is vacant, however the applicant intends build-to-lease. The goal of the proposed rezoning is to expand the allowable uses for future leasing opportunities. The choice of CMU1 was to provide a transitional zone between the adjacent to the north N2, Mid-Century Neighborhood Residential to the adjacent to the south, CMU2, Corridor Mixed-Use 2.

The 2021 City of Billings Zoning Code defines Corridor Mixed-Use (CMU1) on page 27 as the following:

> *"CMU1: Corridor mixed-use. The CMU1 district is intended to accommodate commercial and other uses along transportation corridors to promote development that is comfortably accessible via all modes of transportation, including motor vehicles, bicycles, and walking. Commercial uses in the CMU1 district may be somewhat larger in scale and more flexible than the neighborhood mixed-use district, including more auto-oriented uses such as gas stations. While ground stories along streets are intended for commercial uses, the upper stories could accommodate residential and/or office uses."*

The proposed CMU1 zoning designation is in this location meets the defined expectations above. The location of this property is uniquely situated right off 54th Street West, a minor arterial road, and nearby Grand Avenue, a principal arterial road. The proximity of the property to the N2 zoning will encourage multimodal usage such as bicycles and walking.

10 Statutory Zone Change Criteria:

Below is a list of the 10 Statutory Zone Change requirements in **bold**. Responses to each criteria is provided below.

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

The requested new zoning is in accordance with many criteria within the 2016 City of Billings Growth Policy. The policy states the following guidelines:

- "Infill development and development near existing City infrastructure may be the most cost effective."
    - The new zoning will foster development in an area where infrastructure already exists to support commercial businesses. City of Billings Water and Sewer mains are currently located within 54th Street West and Hawk Creek Avenue. The parcel has an existing sidewalk/bike lane adjacent to 54th Street West. The requested zoning is supportive of desired infill development and allows for

a variety of uses, while still providing a transition zone from the neighborhood to the north to the CMU2 zoned to the south. Currently, the property is vacant but in the area there exists a brewery, casino, and it is across the street from an Albertson's. A CMU1 zoning designation widens the potential uses for this property and follows the development pattern of this neighborhood.

- "A diversity of available jobs can ensure a strong Billings' economy."
    - The proposed zoning change fosters economic growth by providing new jobs to locals. The CMU1 designation allows for a wider variety of potential businesses on the property, which will in turn offer a greater diversity of available jobs to locals.
- "Public health and safety and emergency service response are critical to the well-being of Billings' residents, businesses, and visitors."
    - The property is located within the City of Billings Fire District and additionally, the closest fire station is across the street on the East side of 54th St West. The requested zone change prioritizes public health and safety.
- "Neighborhoods are safe and attractive and provide essential services are much desired"
    - The desire to rezone property is being completed during a time of slower economic development. The property owner is attempting to complete a build to lease on the property. He would like to see a business that is desired by the neighborhood, thrive on his property. While the business is unknown, he feels as though expanding potential allowable uses can help attract development. The neighborhood will be protected by zoning use restrictions such as casino not being allowed on the parcel due to setbacks from the adjacent neighborhood zoning.

2 Whether the new zoning is designed to secure from fire and other dangers.
The new zoning is designed to secure from fire and other dangers. Since the area is already largely developed with a range of commercial and residential uses, adequate infrastructure exists to support the developments which CMU1 permits. Additionally, the CMU1 designation requires side and rear setbacks, open space, and other design standards that are associated with emergency access. The location is conveniently located across the street from a fire station. During the building permit process any necessary fire suppression standards will be implemented as well.

3 Whether the new zoning will promote public health, public safety and general welfare.
The new zoning will continue to promote public health, safety and general welfare. By rezoning the property to CMU1, the property will act as a transitional zone from the adjacent neighborhood to more intense corridor mixed use to the south and adjacent to the east. Any development on the property will be required to adhere to the site and structure regulations set forth by the City of Billings Zoning Code, City of Billings building/engineering codes and the International Building Code. The City's zoning code is written to promote public health, safety, and general welfare.

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

The new zoning will facilitate the adequate provision of transportation, water, sewerage, and other public requirements. CMU1 is intended to "accommodate commercial and other uses along transportation corridors to promote development that is comfortably accessible via all modes of transportation, including motor vehicles, bicycles, and walking." Due to this, the zoning code accounts for adequate provision of transportation. The property is adjacent to existing water and sewer mains within 54th Street West and Hawk Creek Avenue. Additionally, 54th Street West and Hawk Creek Avenue are access streets to the property. The property is located within the school districts of Meadowlark Elementary School, newly built Ben Steele Middle School and West High School. The property is located approximately 2.5 road miles away from the City of Billings Rimrock West Park.

5 Whether the new zoning will provide adequate light and air.

The new zoning is designed to provide adequate light and air. The zoning has been designed with setbacks, access requirements, maximum building coverage, etc. These regulations of building design ensure that the zoning provides adequate light and air.

6 Whether the new zoning will affect motorized and nonmotorized transportation.

During the subdivision process of MK Subdivision a traffic impact study was completed for the property. The Subdivision Improvements Agreement recorded for the property as Document Number 3430740 states that the agreement for impacts on traffic from development of this lot will be offset during the time of building permit. The SIA continues that prior to any building permit approval the developer shall pay a cash contribution to the City of Billings. In the case of Lot 5 of MK Subdivision the cash contribution is $22,970.27. Additionally, the City of Billings building permit process will require a queueing analysis for any drive-through, sidewalks to be installed for the remainder of the property, and if the development triggers more than 500 trips per day another traffic impact study could be required. Due to these regulations any affect on motorized and nonmotorized transportation are offset.

7 Whether the new zoning will promote compatible urban growth.

The new zoning will promote compatible urban growth. There are two nearby lots, to the south, east, and southwest, which are zoned as Corridor Mixed-Use (CMU2). The CMU1 zoning for the property in question promotes compatible urban growth because it's similar to adjacent zoning. Additionally, since the property is also adjacent to a residential neighborhood to the north, CMU1 acts as a transitional zoning designation to maintain the integrity of both the commercial corridor and the neighborhood it serves.

8 Whether the new zoning considers the character of the district and the peculiar suitabililty of the property for particular uses.

The new zoning considers the character of the district and the peculiar suitability of the property for particular uses. The area is mixed-use in nature, with commercial centers serving both the residents in the area and commuters along Grand Avenue. CMU1 will continue that pattern of growth in this area by allowing for a wider range of commercial uses within the lot in question.

9 Whether the new zoning will conserve the value of buildings.
The new zonings alignment with adjacent uses should continue to conserve the value of buildings in proximity.

10 Whether the new zoning will encourage the most appropriate use of land throughout the City of Billings.
The new zoning encourages the most appropriate use of land throughout the City of Billings. The proposed zoning is similar to adjacent existing zoning in the area and is in close proximity to existing infrastructure. Additionally, the City of Billings zoning change application indicates that 80% of the properties in Billings are designated for neighborhood or mixed residential uses, by allowing for the zone change to be corridor mixed use 1 we are promoting economic vitality.

ORDINANCE 24-_____

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THE ZONE CLASSIFICATION for Lot 5, Block 1 of MK Subdivision, BE AMENDED

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

Section 1. **RECITALS.** *Title 76, Chapter 2, Part 3, MCA,* and *Sections 27-1628, 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 5, Block 1 of MK Subdivision** is presently zoned **Neighborhood Mixed Use (NMU)** and is shown on the official zoning map within this zone district.

Section 3. **ZONE DISTRICT AMENDMENT.** The official zoning map is hereby amended and the zoning for **Lot 5, Block 1 of MK Subdivision** is hereby changed from **Neighborhood Mixed Use (NMU),** to **Corridor Mixed Use 1 (CMU1),** and from the effective date of this ordinance, the lot shall be subject to all the rules and regulations pertaining to **Corridor Mixed Use 1 (CMU1),** as set out in the Billings, Montana City Code.

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

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

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

PASSED by the City Council on first reading this 22nd day of April, 2024.

PASSED, ADOPTED and APPROVED on second reading this 13th day of May, 2024.

CITY OF BILLINGS

BY:_____

William A. Cole, Mayor

Attest:

BY:_____

Denise R. Bohlman, City Clerk

Zone Change 1050 – 5403 Hawk Creek Ave

Date:	04/22/2024
Title:	EBURD Tax Increment Assistance - 204 N. 13th Street - 1889 Brewery
Presented by:	Andy Zoeller, Finance Director
Department:	Finance
Presentation:	Yes
Legal Review:	Not Applicable
Project Number:	N/A

RECOMMENDATION

The Billings Industrial Revitalization District (BIRD) Board of Directors recommends the City Council approve up to a maximum reimbursement of $40,837.16 from the EBURD tax increment finance district funds to 1889 Brewing Company LLC to assist in the remodel and redevelopment of the property at 204 North 13th Street for construction of a brewery and taproom. Actual reimbursement will be based upon 100% of the actual costs incurred for qualified expenses for the improvements made to property subject to the following conditions:

1. The Applicant shall sign a development agreement with the City of Billings and BIRD within 180 days of City Council's approval.
2. This TIFD reimbursement is the maximum that can be received pending satisfactory submission of all paid invoices showing the completion of expenditures related to this project.
3. If funds are not available, reimbursement can be carried over to the next fiscal year.

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

The Billings Industrial Revitalization District (BIRD) Board of Directors is presenting this recommendation to the City Council for allocating up to $40,837.16 in tax increment finance funds (TIF) from the East Billings Urban Renewal District (EBURD) to provide financial assistance to 1889 Brewery LLC for the redevelopment of property at 204 North 13th Street. The BIRD Review Committee considered this project at its April 3rd, 2024 meeting. The BIRD Board recommended approval of the project to City Council at its April 3rd, 2024 meeting.

1889 Brewery will be located at 204 N. 13th Street, and the plan is designed to renovate an existing steel building to provide a new brewery and tap room. The current structure was primarily used for auto dent repair. They are not purchasing the building, but have full permission to do all the improvements.

The project entails demolition of all existing interior structures and converting the entire building into a brewing area and a tap-room which will include a large bar and seating for patrons with two new ADA-compliant bathrooms. Exterior improvements will include façade improvements, new concrete pads and new city sidewalks, landscaping, building lighting and signs.

The BIRD Board's recommendation of $40,837.16 toward the improvements results in about a 7:1 ratio of private investment for the project. Total project costs are estimated to be $300,664 for project design, site work, and construction. TIF eligible expenses being requested for reimbursement include Architect Design Fees, Building Permits, Landscaping, Fences, Façade, Sidewalks, Curb & Gutter, Doors, Windows, Electrical, and Security Systems which total over $119,000. The BIRD board is recommending 34.3% of this total for reimbursement.

Table 1

1889 Brewery
Tax Increment Application Analysis

	Per General Contractor	Per Applicant		Allowability MT Code 7-15-4233	Allowability MT Code 7-15-4288	Total
Allowable TIF Expenditures						
Architect	**15,211.49**		**15,211.49**	**15,211.49**		**15,211.49**
Permits &Bond	**1,937.14**		**1,937.14**	**1,937.14**		**1,937.14**
Site Improvements						
Landscaping		5,000.00	**5,000.00**		5,000.00	**5,000.00**
Fencing	$ 7,826.00		**7,826.00**		7,826.00	**7,826.00**
Façade	$ 11,456.59		**11,456.59**		11,456.59	**11,456.59**
Site Work						
Sidewalks, Curb, gutter, Approach	18,298.75		**18,298.75**		18,298.75	**18,298.75**
Doors & Windows						
Doors	19,153.27		**19,153.27**		16,122.52	**16,122.52**
Windows	8,999.68		**8,999.68**		8,999.68	**8,999.68**
Electrical						
Electrical	71,500.00		**71,500.00**		31,600.00	**31,600.00**
Security	2,610.28		**2,610.28**		2,610.28	**2,610.28**
	$ 139,844.57	$ 5,000.00	$ 144,844.57	$ 17,148.63	$ 101,913.82	$ 119,062.45

Total Project Cost		$ 300,664.18
Maximum TIF Assistance (16.67% of Total Project Cost)		$ 50,120.72
Requested TIF Assistance	0.14	$40,837.16
Payback Period:		
Expected Increase in Taxable Value (80% of Project Cost)		$ 240,531.00
Commercial Tax Rate (1.89%)		$ 4,546.00
Annual Tax Increment (69 mills)		$ 3,136.74
Payback Period (years)		13.02

This process and action of the BIRD is under its authority per the Memorandum of Understanding between the City of Billings, Big Sky Economic Development, and the BIRD, Inc. approved by the City Council on May 13, 2019.

ALTERNATIVES

The City Council is the final authority on disbursing TIF funding. This proposed use of TIF funds conforms to the City's TIF Policy and aligns with the EBURD Urban Renewal Plan and Montana Code for urban renewal projects and programs. The City Council may:

- Approve the recommendation from the BIRD Board for the expenditure of these TIF funds, or;
- Modify and approve the recommendation from the BIRD Board for the expenditure of these TIF funds
- Disapprove of the recommendation from the BIRD Board for the expenditure of these TIF funds.

FISCAL EFFECTS

The request is for a total of up to a maximum of $40,837.16 to be reimbursed to 1889 Brewery LLC only upon completion of the work and submission of the invoices for the costs incurred. It is expected that this expenditure will not be incurred until FY25. If approved, this expenditure will be included in the East TIF fund FY25 budget. The East TIF fund is projected to have sufficient revenue and cash for this project.

Attachments

1889 Brewery Application
1889 Brewery BIRD Recommendation
1889 Brewery TIF Analysis
EBURD URD Plan 2015
City TIF Policy

BIRD
Billings Industrial Revitalization District

BILLINGS INDUSTRIAL REVITALIZATION DISTRICT, INC.
EBURD APPLICATION

Project Name: 1889 Brewing Company Date Submitted: _____

APPLICANT INFORMATION

1. Name: Matt and Lindsey Miller
2. Address: 2763 Riveroaks Dr
3. Telephone Number: _____ Cell# 406-672-6973

PROJECT INFORMATION

1. Building Address: 204 N 13th Street Billings, MT 59101
2. Legal Description: BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 72, Lot 1 - 4
3. Ownership: 1889 Brewing Company LLC
   Address: 2763 Riveroaks Dr Billings, MT 59105
4. If property is not owned by the APPLICANT, list leasehold interests (Attach evidentiary materials.)
   Name: Bohnen Properties LLC
   Address: 4250 Wheat Ridge Rd, Molt MT 59057
5. Existing/Proposed Business: Brewery
   Business Description: Brewery with tasting room
6. Employment: Existing FTE Jobs 0
   New Permanent FTE Jobs created by project 1 Construction FTE Jobs 0
7. Architectural Firm: Response Design Architects, LLC
   Address: 2702 Montana Ave. Suite 201A Billings, MT 59101

Architect: Josh Sayer

8. Description of Project: (Attach narrative explanation & plans.)

9. Rehabilitation/construction plans: (Attach schematics, site and landscaping plans.)

10. Project Schedule: (Attach time line or schedule through completion.)

PROJECT COSTS

Land and Site Improvements (Itemized)

1.	Landscaping	$5,000.00
2.	Fence	$7,826.00
3.	Facade	$11,456.59
4.	Sidewalk, pad & approach	$18,298.75
	Subtotal	$42,581.34

Construction/Rehabilitation Costs (Use general construction trade divisions)

1.	Concrete	$7,147.64
2.	Carpentry	$26,271.55
3.	Thermal	$18,758.71
4.	Doors & Windows	$28,152.95
5.	Finishes	$11,933.10
6.	Mechanical	$62,793.00
7.	Electrical	$74,110.28
8.		$
	Subtotal	$229,167.23

Fees

1. Architectural/Engineering $ 15,211.49
2. Permits Building $ 1,937.14
3. General $ 11,766.98

Subtotal $ 28,915.61

Total Project Development Costs **$** 300,664.18

PROJECT FINANCING

Please complete Sources of Funds detail and summarize below.

A. Applicant Equity

Cash Invested $ 461,500.00

Land & Buildings
(if value is more that State of Montana valuation then a current appraisal must be submitted) $ _____

Other _____ $ _____

_____ $ _____

A. Subtotal Applicant Equity $ 461,500.00

B. Lender Commitments (Attach Bank Loan Commitment letter, Letters of Credit or other documentation.)

Lender	Loan Amount	Interest	Term	Payment/Period
_____	$ _____	_____%	____yrs	$ _____/Month
_____	$ _____	_____%	____yrs	$ _____/Month

B. Total Loan Amount $_____

C. TIFD request for funds for eligible public improvements. MCA Statute (office use only)

Sidewalk	$ 18,298.75	
Landscape	$ 5,000.00	
Fencing & Railing	$ 7,826.00	
Exterior Doors & Windows	$ 25,122.20	
Facade	$ 11,456.59	
Permits	$ 1,937.14	
Architecture and Engineering	$ 15,211.49	
Security & Lights	$ 6,560.28	2,610.28
Electrical	$ 31,600	
	$	
	$	
C. Subtotal TIFD Funds Requested	$ 91,412.45	$119,062.45

D. Other Source of Funding _____

_____ $_____

Sources of Funds Summary (Post totals from above.)

A. Applicant Equity	$ 461,500.00
B. Lender Commitments	$
C. TIFD Funds Request	$ 91,412.45
D. Other Funds	$
Total Project Financing	**$** 552,912.45

APPLICANT STATEMENT OF QUALIFICATIONS AND FINANCIAL RESPONSIBILITY

APPLICANT

1. Name: Lindsey Miller

   Address: 2763 Riveroaks Dr Billings, MT 59105

2. If the APPLICANT is not an individual doing business under his/her own name, the APPLICANT has the status indicated below and is organized or operating under the laws of Montana.

3.

   _____ corporation/LLC.

   _____ nonprofit or charitable institution

   X _____ partnership known as 1889 Brewing Company LLC

   _____ Other (explain): _____

   Date of organization: 08/31/2022

4. Names, address, title of position (if any), and nature and extent of the interest of the officers and principal members, principal shareholders, investors, or partners of the APPLICANT.

Name and Address	Nature and Extent of Interest
Lindsy Miller 2763 Riveroaks Dr Billings, MT 59105	Owner
Matt Miller 2763 Riveroaks Dr Billings, MT 59105	Owner

FINANCIAL CONDITION

1. Provide a current financial statement (consisting of a Balance Sheet and Profit & Loss Statement) & Current Tax Return for each private entity involved in the project. This application and all financial information become part of the public record when submitted to the BIRD and is available upon request under the State of Montana Public Information Rules.

2. Has the APPLICANT or any individual or entity affiliated with the development of this project been adjudged bankrupt, either voluntary or involuntary, within the past ten (10) years?
   No X Yes _____ If yes, give date, place, and under what name

   _____

3. Has the APPLICANT or any individual or entity affiliated with the development of this project been indicted for or convicted of any felony within the past ten years:
   No X Yes _____ if yes, give date, charge, place, court and action taken for each case.

   _____

   _____

CONSTRUCTION CONTRACTOR

1. Identify the construction contractor or builder who will undertake this project.

   Name: Neumann Construction LLC

   Address: 1724 8th Ave N, Billings, MT 59101

2. Has named contractor or builder ever failed to qualify as a responsible bidder, refused to enter into a contract after an award has been made, or failed to complete a construction or development contract within the last ten years?
   No X Yes _____ if yes, explain.

3. Attach copies of bids to application:

4. If Applicant intends to do any of the construction themselves then APPLICANT shall provide three (3) independent contractor bids which must accompany this application for the work to be provided.

CERTIFICATION

I (we), Matt and Lindsey Miller
(please print), certify that the statements and estimates within this Application as well as any and all documentation submitted as attachments to this Application or under separate cover are true and correct to the best of my (our) knowledge and belief. I/We certify that I/We will make no application for any other tax abatement that may be available for this real property or building.

Signature Matt Miller Signature Lindsey Miller

Title Co-Owner Title Co-Owner

Address 2763 Riveroaks Dr Address 2763 Riveroaks Dr

Billings, MT 59105 Billings, MT 59105

Date 3/29/2024 Date 3/29/2024

BIRD
Billings Industrial Revitalization District

BILLINGS INDUSTRIAL REVITALIZATION DISTRICT, INC.
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   _____ nonprofit or charitable institution

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   _____ Other (explain): _____

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Signature Matt Miller Signature Lindsey Miller

Title Co-Owner Title Co-Owner

Address 2763 Riveroaks Dr Address 2763 Riveroaks Dr

Billings, MT 59105 Billings, MT 59105

Date 3/29/2024 Date 3/29/2024

1889 Brewery								
Tax Increment Application Analysis								
		Per				**Allowability**		
		General	**Per**			**MT Code**	**MT Code**	
		Contractor	**Applicant**			**7-15-4233**	**7-15-4288**	**Total**
Allowable TIF Expenditures								
	Architect	**15,211.49**		**15,211.49**		**15,211.49**		**15,211.49**
	Permits &Bond	**1,937.14**		**1,937.14**		**1,937.14**		**1,937.14**
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	Windows	8,999.68		**8,999.68**			8,999.68	**8,999.68**
Electrical								
	Electrical	71,500.00		**71,500.00**			31,600.00	**31,600.00**
	Security	2,610.28		**2,610.28**			2,610.28	**2,610.28**
		$ 139,844.57	$ 5,000.00	$ 144,844.57		$ 17,148.63	$ 101,913.82	$ 119,062.45
	Total Project Cost			$ 300,664.18				
	Maximum TIF Assistance (16.67% of Total Project Cost)			$ 50,120.72				
	Requested TIF Assistance	0.14		$40,837.16				
	Payback Period:							
	Expected Increase in Taxable Value (80% of Project Cost)			$ 240,531.00				
	Commercial Tax Rate (1.89%)			$ 4,546.00				
	Annual Tax Increment (69 mills)			$ 3,136.74				
	Payback Period (years)			13.02				

2015 EXPANSION OF THE BILLINGS, MONTANA EAST BILLINGS URBAN RENEWAL DISTRICT, WITH TAX INCREMENT, AND AMENDMENT TO THE URBAN RENEWAL PLAN

FOR CITY OF BILLINGS AND PLANNING REVIEW
February 2015

Prepared by

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SECTION 1 – INTRODUCTION

On November 16, 2006, the City Council adopted Ordinance #06-5395 that (a) created the East Billings Urban Renewal District (EBURD) and (b) adopted an urban renewal plan for the district. For reasons discussed in this Amendment to the East Billings Urban Renewal District Plan ("Plan"), it has been determined that the EBURD should be expanded to include other contiguous blighted properties in need of redevelopment. Further, it has been determined that this area has been and is in need of expanded public parking, enhanced pedestrian connections and experiences, improved public safety, and infrastructure improvements to public and private properties that will alleviate flooding issues and lead to increased taxable values. The existing urban renewal plan may be modified by ordinance in accordance with the procedure described in M.C.A. § 7-15-4221. The Urban Renewal Plan of the EBURD approved by the City Council on November 16, 2006, is included by reference as part of this amended Plan and shall remain applicable except to the extent the original plan is explicitly or impliedly amended by this Plan. It is recognized as part of this Plan that the basic vision of the document known as EBURD Master Plan, adopted by the Billings City Council on September 14, 2009 (Resolution #09-18878) and by the Yellowstone County Commissioners on September 29, 2009 (Resolution #09-66), remains valid and should be considered a part. In addition, it is recognized that as part of this amended Plan, the basic vision of the document known as the Exposition Gateway Plan, approved by the Yellowstone County Commissioners on May 28, 2013, and adopted by the Billings City Council on June 24, 2013 (Resolution #13-19289) also remains valid and should be considered a part. The terms defined in "Part A.III – DEFINITIONS" of the EBURD Urban Renewal Plan shall have the same meanings in this Plan unless a contrary meaning is expressed. The expanded district proposed in this Plan is hereafter referred to as the 2015 Expanded EBURD.

SECTION 2 – BACKGROUND

The original East Billings Urban Renewal District, a tax increment finance district, was created on November 16, 2006, by a resolution which stated that it was desirable for the City to consider an urban renewal project within the District, and found that the area contains structures and property in states of substantial deterioration, properties that are obsolete or defective, posing unsanitary or unsafe conditions, are vacant and unused, and have inappropriate uses, and that the present condition of the area substantially impairs the sound functioning of the area and its environs. The Council found that the area is a blighted area within the meaning of MCA 7-15-4210, and stated that "rehabilitation, redevelopment, or a combination thereof is necessary in the interest of public health, safety and welfare of the residents." The

Council found that undertaking measures to eradicate or diminish the blight will help to foster a more dynamic, livable, and vibrant neighborhood.

Progress has occurred within the District, as evidenced by: 1) increase in taxable value: base year value of $1,800,794, increased to a 2014 value of $2,502,968 *(Montana Department of Revenue Form AB-72T, 8-4-2014*); 2) successful approval of both the EBURD Master Plan and the Exposition Gateway Plan; 3) successful implementation of the recommended Parking Overlay District; 4) accomplishment of the recommended two-way streets conversion; 5) completion of EPA Brownfields Program environmental assessments on 23 parcels; 6) successful adoption of the EBURD Zoning Code; 7) completion of a Hospitality Corridor Study; and 8) approval of a project to address flooding, storm water management, and infrastructure improvements in the eastern-most portion of the District. However, many of the undesirable conditions continue to exist, and several out-of-City properties adjacent to the District have now petitioned and been approved for annexation into the City (City Council meeting, 1-26-2015). Therefore, it would be in the best interest of the City to expand the District to encompass adjacent properties, construct needed public infrastructure improvements, increase growth of the tax base, increase the parking inventory, increase the inventory of residential property, stimulate mixed-use development, and further implement the visions of the EBURD Master Plan and the Exposition Gateway Plan, both of which are consistent with the adopted City-County Growth Policy.

Although there has been improvement in the valuation of property in much of the District, the area defined by this proposed expanded tax increment district still has pockets of neglect and blight. The 2015 Expanded EBURD creates an opportunity to continue redevelopment in the center of Billings with a mixture of public and private investment.

The 2015 expansion of the EBURD is essential to planned development along Exposition Drive/Main Street, across from the MetraPark facilities. Public infrastructure construction within this expanded District will spur private investment consistent with the EBURD Master Plan, and especially pertinent to the vision of the Exposition Gateway Plan. It is expected that the expanded District may help fund the following projects:

I. Business Programs and Projects

a. Business Retention and Recruitment
    i. Targeted assistance to existing and potential businesses
    ii. Development of “The EBURD Advantage” marketing materials

iii. Collaboration with and referral to Big Sky Economic Development and its business assistance programs

II. Parking and Transportation

a. Facilitate public transit and bicycle/pedestrian-friendly growth and development
b. Collaborate with City regarding parking management practices and programs consistent with the Parking Overlay District
c. Plan for future needs regarding parking lots and/or structures

III. Management, Implementation and Maintenance

a. Billings Industrial Revitalization District, Inc. or its successor, management agreement
    i. Project development
    ii. Public awareness
    iii. Advocacy and liaison between public and private sectors
b. Potential future development of Business Improvement District
    i. Development and promotion of a MetraPark-to-Downtown Corridor through the EBURD
    ii. Crime prevention and public safety:
    Cooperative Security and/or Business Watch Program

IV. Infrastructure Improvements

a. Public
    i. Public parking
    ii. Landscaping and park development
    iii. Street construction/improvements
    iv. Streetscapes and traffic calming plans
    v. Sidewalks, curbs and gutter improvements
    vi. Storm water management
    vii. Water and waste-water line construction/improvements
    viii. Relocation of public and private utility lines

In order to make it possible to move forward with the much-needed infrastructure improvement projects referenced above, the Yellowstone County Board of County Commissioners transferred any interest it had in the public right of way on several streets within the Exposition Gateway area to the City of Billings, with Resolution 15-23, passed on March 10, 2015.

b. Public infrastructure improvements will support investments in:
    i. Workforce housing development
    ii. Parking facilities
    iii. Lodging facilities
    iv. Conference facilities
    v. Entertainment venues
    vi. Retail and restaurant enterprises

V. Housing Improvements

a. Increase in workforce housing and live-work mixed-use projects

b. Revitalization and redevelopment of sub-standard residential housing stock

SECTION 3 – SUMMARY OF BLIGHT FINDINGS

The area in the proposed 2015 expansion of the EBURD contains blight, particularly those parcels directly west of the MetraPark facilities which host events that attract hundreds of thousands of visitors each year. Within the district there is structural deterioration, under-utilized structures and vacant lots, and a railroad spur line that is little used. A major issue that rises to the forefront in every planning discussion is that of inadequate storm water management. Without curb and gutter to direct its flow, water pools in low spots and floods buildings. Several of the commercial buildings in the district are deteriorated and/or vacant and need demolition or renovation. Sidewalks are cracked or non-existent; alleys are deteriorated, and, in general, much of the area is below accepted standards. In contrast to the above, there are certain properties within the district in good repair but included in the district to allow for a contiguous block of land within the district and because pockets of revitalization cannot be sustained if areas of neglect and blight surround them. Over time, without ongoing managed urban renewal, even these success stories could once again decline in taxable value.

SECTION 4 – DESCRIPTION OF BLIGHTED AREA

The 2015 expanded urban renewal area described for this amended Plan incorporates most of the Exposition Gateway area, including those properties annexed in January 2015. Major flooding problems occur with rainstorms, as the infrastructure is inadequate for storm water flow and drainage. The subject properties have been used as car sales lots, truck and truck parts sales, vacant lots partially used for equipment storage, as well as some active business enterprises. Many of these structures are unsuited to their current uses because of age obsolescence and physical deterioration.

Montana‘s Urban Renewal Law (Montana Code Annotated Title 7, Chapter 15, Parts 42 and 43) provides the authority to declare the existence of blighted areas and to target them for improvements. “Blighted area” is defined in Section 7-15-4206(2), M.C.A., as follows:

> *[A]n area that is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime; substantially impairs or arrests the sound growth of the city or its environs; retards the provision of housing accommodations; or constitutes an economic or social liability or is detrimental or constitutes a menace to the public health, safety, welfare, and morals in its present condition and use, by reason of:*

(a) the substantial physical dilapidation; deterioration; defective construction, material, and arrangement; or age obsolescence of buildings or improvements, whether residential or nonresidential;
(b) inadequate provision for ventilation, light, proper sanitary facilities, or open spaces as determined by competent appraisers on the basis of an examination of the building standards of the municipality;
(c) inappropriate or mixed uses of land or buildings;
(d) high density of population and overcrowding;
(e) defective or inadequate street layout;
(f) faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
(g) excessive land coverage;
(h) unsanitary or unsafe conditions;
(i) deterioration of site;
(j) diversity of ownership;
(k) tax or special assessment delinquency exceeding the fair value of the land;
(l) defective or unusual conditions of title;
(m) improper subdivision or obsolete platting;
(n) the existence of conditions that endanger life or property by fire or other causes; or
(o) any combination of the factors listed in this subsection (2).

The land being added to the Plan area in 2015 includes 14 property tax codes, as listed in Exhibit A, with total assessed value of $4,871,639. As noted in the 2006 approved Urban Renewal Plan, there are specific "target areas" that should be immediately considered for redevelopment. The properties on Exposition Drive represent an immediate opportunity to capitalize on the traffic generated by MetraPark events.

The EBURD area is part of Census Tract 2, with a population of 3,751. Within the tract, 28.98 percent of residents live below the Federal Poverty Line, with an estimated 2014 median family income of $30,263. By comparison, in the greater Billings population of 109,059, only 13.1 percent live below the Federal Poverty Line. (*www.ffiec.gov/geocode/CensusDemo 07-01-2014 & http://quickfacts.census.gov.)*

There are 1,995 housing units in Tract 2, with 61.7 percent of the units (1,231) built prior to 1960 (55 years ago or more). Of those 1,231 older units, 546 were built in 1939 or earlier. Of the 446 owner-occupied housing units in the tract, 96 percent (428) are valued at less than $200,000. In fact, 85 of the 446 units (19.1 percent) are valued at less than $100,000. Indeed, there are a few occupied housing units (16) that lack complete plumbing and/or kitchen facilities. The tract holds 1,243 units where occupants are paying rent. The majority of renters (52.4 percent) pay between $500 and $749 per month. However, 29.2 percent (363 renters) pay between $200 and $499 per month. There are even a number of renters (23) living in units at less than $200 per month. Census Tract 2 has a somewhat transient population. Of the 1,689 households, 83.9 percent, or 1,418 householders, moved into the current unit in 2000 or more recently.

Only 16 percent, or 271 householders, have resided in the current unit since 1999 or prior years. (*U.S. Census Bureau, 2008-2012 American Community Survey 5-year Estimates, Table DP04 10-22-14.*)

Public transit, walking and bicycling facilities are important for the area, as 21.6 percent of households (365) do not have a vehicle available. Moreover, the tract houses 406 students in kindergarten through eighth-grade, along with 25 high school attendees and 248 college students. In commuting to work, although the majority of those age 16 and over drove or carpooled to work (72.6 percent), a significant number - 14.9 percent (285 people) - walked to work, and 11.1 percent (212 people) used public transportation or other means of getting to work. (*U.S. Census Bureau, 2008-2012 American Community Survey 5-year Estimates, Tables DP03 & S1401 10-22-14.*)

The EBURD census tract, along with the nearby Heights-Main Street area, is designated by the Billings Police Department as "Beat 3," or the "East" patrol beat. The East Beat has experienced, over the past three years, increasing numbers of calls for service. In the year 2011, the East Beat had 7,756 calls. Number of calls increased to 9,804 in 2012, and jumped to 10,507 (third highest beat of the nine in the City) for 2013. *(Billings Police Department 2013 Annual Report, www.ci.billings.mt.us.)* Unfortunately, there have recently been two murder incidents in the area as well. Parks personnel, during the October conference on addressing homeless/transient issues, mentioned that homeless individuals are congregating under the Rims in the EBURD, as well as in North Park.

Brownfields, defined as areas with actual or perceived environmental contamination issues, can contribute to unsafe and dangerous conditions, as well as discourage redevelopment efforts. Big Sky Economic Development, in a cooperative agreement with the U.S. Environmental Protection Agency, has secured funding for environmental assessments of properties in the EBURD. With its first round of funding, Big Sky Economic Development contracted with an environmental engineering firm to assess 23 parcels of land in the EBURD to determine "Phase I" conditions (looking at the historical uses of the property and assessing any observed potential contamination issues). In addition, nine parcels were examined with more in-depth "Phase II" assessments, where soil and water testing took place. While none of the completed Phase II assessments pointed to remediation requirements, there are still a number of sites that are advised for Phase II assessment, and many parcels that have not received any environmental assessment to date. Big Sky Economic Development has secured additional EPA Brownfields Program funding with which to accomplish additional environmental assessments in the EBURD beginning in spring 2015, at no cost to property owners who volunteer for the program.

SECTION 5 – DETERMINATION OF BLIGHT

The proposed EBURD Expansion area contains a number of underdeveloped properties and substandard facilities. The Council previously determined that the property included in the EBURD was "blighted" within the meaning of the Act in its adoption of Ordinance #06-5395 that (a) created the East Billings Urban Renewal District (EBURD) and (b) adopted an urban renewal plan for the district (November 16, 2006). Deficiencies in public and private properties located in the district lead to a determination of blight, as defined by state statute. As cited in the original Urban Renewal Plan, the area still meets several definitions of blight:

Deficient Structures in Area (*the substantial physical dilapidation; deterioration; defective construction, material, and arrangement; or age obsolescence of buildings or improvements, whether residential or nonresidential; deterioration of site)*

There are several buildings and residential structures that are over 50 years in age and do not qualify as being historically significant. Many are in poor repair and may contain potentially hazardous asbestos and lead paint.

While streets, curbs, gutters and sidewalks in some of the area are in satisfactory repair, there are areas without such improvements. Sewer and water utilities in the area are aging and/or inadequate. Flooding occurs within public right-of-way as well as on private property during heavy rain events. Several parking lots generally do not meet code requirements for paving, striping and landscaping. Many of them are cracked and crumbling. Demand for parking will continue and District managers will collaborate with the City to accommodate commercial growth in alignment with the adopted Parking Overlay District.

Deficient Land Use (*inappropriate or mixed uses of land or buildings; defective or inadequate street layout; faulty lot layout in relation to size, adequacy, accessibility, or usefulness)*

In general, the 2015 expansion area is under-utilized due to the significant amount of surface used as storage or left vacant. Most structures are single-story. There are vacant lots, storage lots, and auto sales lots directly across the street from Montana's largest indoor entertainment complex and trade-show facilities. The taxable value of this district must be stabilized and encouraged to grow.

Protecting Public Health & Safety (*unsanitary or unsafe conditions; the existence of conditions that endanger life or property by fire or other causes)*

The conditions of blight, crime, vagrancy and potential brownfields, as described above, reduce "social capital" and community connectedness. Flooding promotes mold growth and related health problems.

SECTION 6 – THE SITE AND ITS RELATIONSHIP TO THE CITY

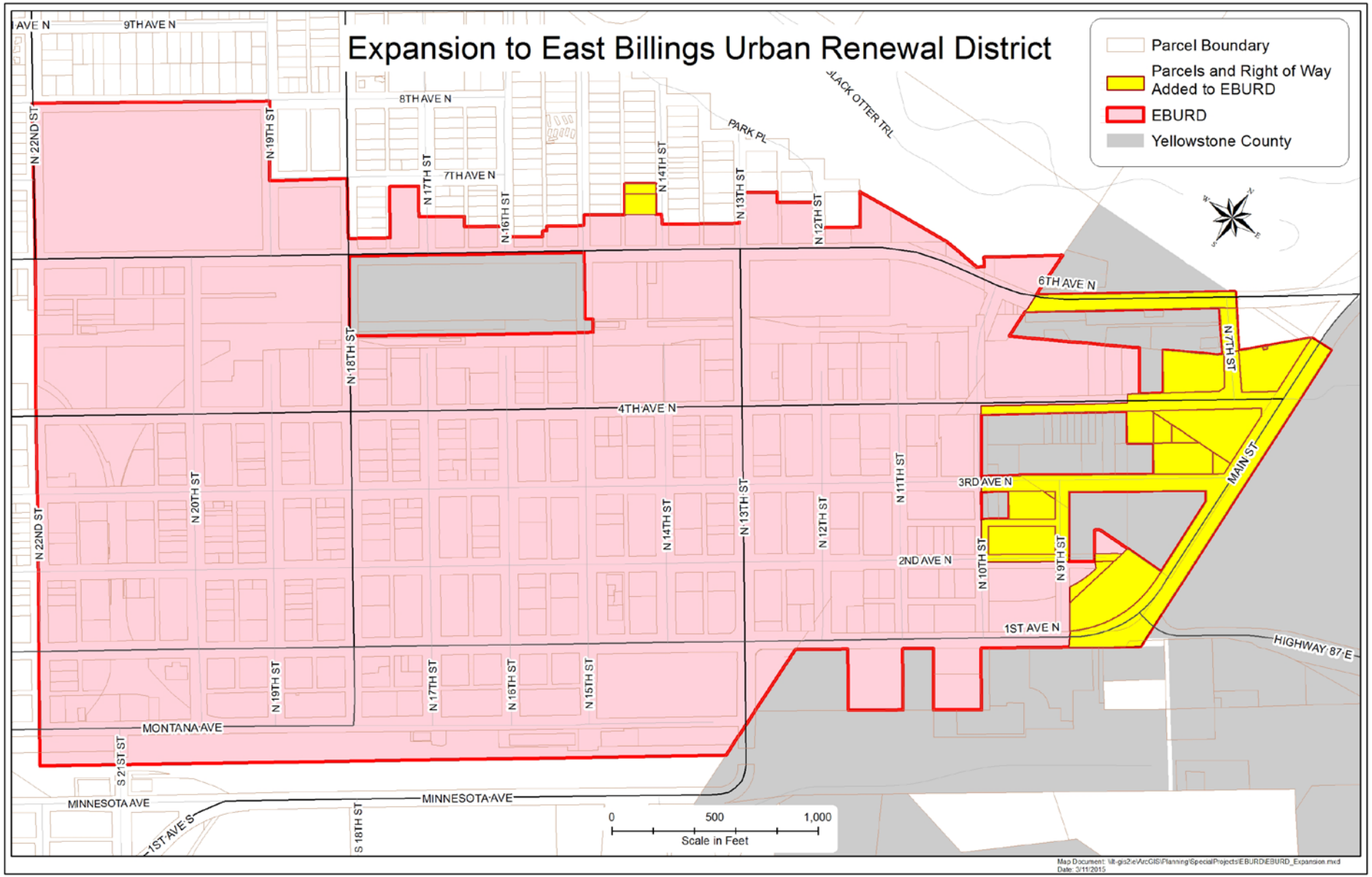
The Expanded EBURD occupies the center of the City of Billings, adjacent to the Downtown Central Business District and the medical corridor to the west; connecting to the Billings Heights area via Main Street to the northeast; welcoming visitors from Lockwood and beyond via 1st Avenue North to the southeast; and meeting up with the Rimrocks to the north.

SECTION 7 – LEGAL DESCRIPTION

The legal description of the proposed 2015 Expanded East Billings Urban Renewal District is as follows: Beginning at a point at the centerlines of the intersection of 1st Avenue North and North 10th Street and proceeding east to the centerline of Exposition Drive/Main Street, and proceeding north from the intersection of 1st Avenue North and Exposition Drive/Main Street to the intersection of 6th Avenue North and Exposition Drive/Main Street, and from the intersection of 6th Avenue North and Exposition Drive/Main Street, proceeding west to the intersection of 6th Avenue North and North 10th Street, and proceeding south from the intersection of 6th Avenue North and Exposition Drive/Main Street to the intersection of 1st Avenue North and North 10th Street, encompassing all parcels and tax codes therein.

Please see map on following page.

In addition, we propose to add property designated as Tax Code A12053 (North Park Subd., S33, T01N, R 26E, Block 2, Lot 11-12) and property designated as Tax Code A12052 (North Park Subd., S33, T01 N, R26E, Block 2, Lot 7-10).. These lots, are slated for expansion of the Billings Carpet Cleaning activities.


Expansion to East Billings Urban Renewal District
Parcel Boundary
Parcels and Right of Way Added to EBURD
EBURD
Yellowstone County
9TH AVE N
8TH AVE N
7TH AVE N
6TH AVE N
4TH AVE N
3RD AVE N
2ND AVE N
1ST AVE N
1ST AVE S
MONTANA AVE
MINNESOTA AVE
HIGHWAY 87 E
MAIN ST
PARK PL
JACK OTTER TRL
N 22ND ST
N 21ST ST
N 20TH ST
N 19TH ST
N 18TH ST
N 17TH ST
N 16TH ST
N 15TH ST
N 14TH ST
N 13TH ST
N 12TH ST
N 11TH ST
N 10TH ST
N 9TH ST
N 7TH ST
S 21ST ST
S 18TH ST
0
500
1,000
Scale in Feet

SECTION 8 – PROPERTY DEVELOPERS

New development and revitalization in the proposed 2015 expanded urban renewal district will be accomplished with private investment and public-private partnerships, through the implementation of the EBURD Master Plan and the Exposition Gateway Plan. As outlined in Section 2 above, improvements in infrastructure will spur investments in workforce housing development, parking facilities, lodging facilities, conference facilities, entertainment venues, as well as retail and restaurant enterprises.

SECTION 9 – PROJECT RELATIONSHIP TO THE EBURD MASTER PLAN & EXPOSITION GATEWAY PLAN

The proposed urban renewal area and expanded tax increment district is located generally in the center of the City and encompasses several "districts" as defined by the EBURD Master Plan and the EBURD Code. The EBURD Master Plan contemplated eventual annexation of County properties adjacent to the original urban renewal district, and this Amended Urban Renewal Plan seeks to accomplish that end.

One goal of the EBURD Plan was to develop a zoning code unique to the vision of the EBURD. The new code was established and adopted in October 2012, following several months of committee work and public meetings, with consultation from a professional firm known for, literally, writing the book on form-based code options. Form-based code considers the look of the facility and its surrounding landscape, rather than basing zoning purely on the use of the facility. The new code allows for increased flexibility in uses, which was desired by landowners and developers in the area.

Generally, the EBURD Master Plan stressed the area's ability to make a positive impact on the entire city. The Plan also recommended a private non-profit organization to assist the City of Billings with the management of the Tax Increment District through an annual work plan and contract. This expanded EBURD may be managed in a similar manner and could make use of the redevelopment and facilitation established through that management entity, the Billings Industrial Revitalization District, Inc.

The Plan names housing as an important priority, and recommends that the City continue to work with builders and developers to encourage downtown housing through various methods. Specifically, the plan encourages housing in the Rail Spur Village. However, live-work space is allowed in several EBURD districts, as outlined in the adopted EBURD Code. The formation of an expanded tax increment district will

increase funding for construction or rehabilitation of public infrastructure necessary to attract, retain, and improve housing in the area.

The guiding principles developed through the EBURD Master Plan were built upon the goals of the original Urban Renewal Plan, and continue to guide today's efforts: 1) Foster economic growth; 2) Foster distinct mixed-use, industrial, and hospitality centers; 3) Create affordable housing opportunities and choices; 4) Ensure existing industrial uses can continue to operate as desired; 5) Improve the natural beauty of the District by reintroducing trees and other features; 6) Extend pedestrian and bike trail connections to downtown, Heights, MetraPark and the Yellowstone River; 7) Integrate edges of the District with North Park neighborhood, medical corridor, and downtown; 8) Provide a variety of transportation choices and connections; 9) Complete sewer and storm water infrastructure; and 10) Understand and reduce environmental risks.

Guided by the above principles, several critical action plan steps have already been accomplished: successful approval of both the EBURD Master Plan and the Exposition Gateway Plan; successful implementation of the recommended Parking Overlay District; accomplishment of the recommended two-way streets conversion; completion of EPA Brownfields Program environmental assessments on 23 parcels, with more to take place beginning in 2015; successful adoption of the EBURD Zoning Code; completion of a transportation corridor study; and development of a plan to address flooding, storm water management, and infrastructure improvements in the eastern-most portion of the District. This amendment to the Plan and the urban renewal projects that it contemplates will continue to act upon the Plan's guiding principles.

SECTION 10 – CONFORMANCE TO THE GROWTH POLICY

One of the requirements of Montana's Urban Renewal Law (Title 7, Chapter 15, Parts 42 and 43) is that the urban renewal plan must conform to the community's growth policy. The Yellowstone County and City of Billings 2008 Growth Policy ("Growth Policy") aligns with EBURD redevelopment in a variety of ways. This amendment to the East Billings Urban Renewal Plan is consistent with the current Growth Policy. Specifically, the expanded EBURD revitalization efforts meet several Community Goals and Objectives outlined on pages 6-16 of the 2008 Growth Policy:

A. Revitalization in the EBURD meets the goal of contiguous development and of the City's Infill Policy. Revitalization also helps to address the issue stated in the Growth Policy that urban sprawl threatens the rural character of land surrounding Billings, increases the cost of providing public services and threatens the

vitality of the city core and downtown area.

B. Development in the EBURD, especially in the Rail Spur Village area, works toward the goal of affordable housing for all income levels dispersed throughout the City and County. Development of housing helps to address the Growth Policy issue which stated that there is a serious lack of affordable housing for low to moderate income households.

C. Adoption of the more-flexible EBURD Code and continued development efforts in the expanded area help achieve the goal of more housing and business choices within each neighborhood. Moreover, continued development in accordance with the new code assists in addressing the stated issue that there is a desire for more mixed-use neighborhoods.

D. Addition of the Exposition Gateway area to the existing TIF District helps achieve goals to encourage economic development in the neighborhood, encourage new businesses to locate in a prime gateway area, and sets the stage for enhancement of both the functionality and the visual appeal of the entrance to Billings from Lockwood (1st Avenue North & Exposition Drive/Main Street). As noted in the Growth Policy, entryways to our communities should be attractive and not present physical barriers discouraging economic development.

E. The EBURD is adjacent to downtown Billings, and revitalization of the area, as it continues to develop, will contribute toward the vitality and increased safety for visitors and shoppers. As stated in the Growth Policy, safety is an important element.

F. Expansion of the EBURD TIF District assists in meeting the goal of more visually appealing communities, improving the image of the area across the street from the MetraPark facilities and instilling pride in this area of town. Enhancing visual appeal helps to address the Growth Policy's stated issue that there are areas in the City and County that are unattractive and present a poor image of the community.

G. Improvements to the area as envisioned in the Exposition Gateway Plan can lead to a visually appealing design that incorporates the needs not only of vehicular traffic entering the area from Lockwood and from Main Street, but also improves pedestrian access between the MetraPark facilities and new development in the Expo Gateway. Improvements in the proposed expansion area will aid in addressing the Growth Policy's issue that the design of roads, streets, and pedestrian facilities can be more attractive and functional.

H. Expansion of the EBURD TIF District will contribute toward the goal of a well-maintained network of safe and interconnected sidewalks by addressing the critical need for sidewalks, curb and gutter in the Expo Gateway area. As noted in the Growth Policy, the sidewalk system in the City needs upgrading; many sidewalks are cracked and broken, several critical sections are missing, and important sidewalk routes are not adequately maintained.

I. Expansion of the District to include the Expo Gateway area assists the City toward its goal of sanitary and

safe properties, with an improved community image and an increase in property values. Advancing toward this goal helps to address the stated issue that there are dilapidated and unsafe properties in neighborhoods.

J. Expansion of the District allows access to TIF District funding for a long-neglected infrastructure upgrade, moving the City toward its goal of equitable collection and distribution of funding for public services and facilities. Moreover, the expansion assists the City in achieving its objective to ensure that facilities and services are maintained in existing neighborhoods as new neighborhoods are added. The Growth Policy notes that funding for community facilities and infrastructure is very limited; prudent use of TIF District funds assists in solving the limited funding issue.

K. Expansion of the TIF District to include the Expo Gateway area aligns with the City's goal of adaptive reuse of vacant structures, conserving resources, preserving landmarks, preserving neighborhood integrity, and taking advantage of economic development opportunities. Adaptive reuse helps to address the stated issue that there are vacant structures around Billings and in the County that could be reused.

L. Expansion of the EBURD TIF District, leading to development of live-work enterprises and additional workforce housing options, helps move toward the goal of adequate affordable housing and more options for housing, potentially in an area very near to work opportunities. Achievement of these goals assists in solving the stated Growth Policy issue that poor housing and lack of living wage jobs puts the health of residents at risk.

The Growth Policy lists Urban Renewal Districts as an implementation strategy to revitalize neighborhoods, and expansion of the EBURD aligns well with that revitalization strategy.

SECTION 11 – CERTAIN PLAN FEATURES AND FINANCIAL MATTERS

Section 7-15-4217, M.C.A., of the Act requires cities to make certain findings when they adopt an urban renewal plan and approve Urban Renewal Projects. These are addressed below:

1. The existing EBURD contains 133 housing units that are home to 305 people (*U.S. Census 2010, per Leslie Zolman, GISP, Montana Dept. of Commerce Census and Information Center, 5-7-2014)*. For the entire Census Tract, including the North Park neighborhood, there are 1,995 housing units, of which 1,689 are occupied and 306 are vacant (*U.S. Census Bureau, American Community Survey Table DP04, 10-22-14).* Planned projects would not displace any persons from housing. Accordingly, there is no need to have a workable and feasible plan for substitute housing until and unless such a project is developed in the future.

2. This amended East Billings Urban Renewal Plan conforms to the Growth Policy for the City as a whole, and also to the EBURD Master Plan and the Exposition Gateway Plan.

3. This Modified Plan affords maximum opportunity, consistent with the needs of the City as a whole, for the rehabilitation or redevelopment of the Expanded EBURD by private enterprise. It is unreasonable to expect that the district will be stabilized and/or redeveloped without substantial public support. Some properties within the area are dilapidated. As presently constituted, property in the district is not conducive to any sort of uniform or integrated development and, as presently existing, cannot compete with other areas of the City for substantial developments, particularly areas at the outskirts of the City. This amended Plan is intended to facilitate the identification and construction of significant Urban Renewal Projects, which would not be possible without this Plan.

4. A sound and adequate financial program exists for financing projects, which include the sale and issuance by the City of tax increment finance bonds. Subsequent approved development projects will require commitments of substantial private financing that will provide the primary means for funding construction of the improvements and revitalization efforts.

5. This 2015 Expanded EBURD may be modified at any time by the City Council as necessary to eliminate and prevent the development or spread of blighted areas, and encourage urban rehabilitation. The process for plan modification shall follow the procedures set forth in 7-15-4212 through 7-15-4219 MCA, with respect to initial adoption of this plan. For purposes of urban renewal district boundary changes only, the notice of public hearing, as described in 7-15-4215 MCA, may be mailed only to those owners whose properties are situated within the area of expansion of the Urban Renewal District boundaries. Notice will be mailed to those property owners whose properties are within the area of expansion.

SECTION 12 – TAX INCREMENT

Tax increment financing is necessary to encourage private reinvestment within the District, which will further encourage economic growth in the District and the City, create substantial employment opportunities, and increase the tax base of the City and other taxing jurisdictions. The 2015 Expanded EBURD is hereby established as a tax increment financing urban renewal area within the meaning of the

Act, and, in particular, Section 7-15-4282 through 7-15-4293 of the Act. This Section constitutes a tax increment provision within the meaning of the Act. In connection with the expansion:

1. For the purpose of calculating the incremental taxable value each year for the life of the district, the base taxable value shall be calculated as base taxable value of the original district as of [January 1, 2006] plus the base taxable value of all real and personal property added to the district by this amended plan and as shown in Exhibit A as of January 1, 2015.

2. The City is hereby authorized to segregate the tax increment derived in the district and use and deposit such increment into the tax increment fund of the district for use as authorized by the Act and as authorized herein from time to time, including, without limitation, pledging the tax increment to repayment of Bonds.

3. The tax increment received from the district may be used to pay directly costs of an approved Development Project as may from time to time be approved by the Council. The Council also hereby authorizes the use of tax increment in the district to pay debt service on bonds issued to finance a portion of the costs of these development projects, and costs associated with the sale and security of such bonds (including any necessary reserve funds) in compliance with the Act, subject to any limitations imposed by the Montana Constitution and federal law.

4. The tax increment provision of the district will terminate upon the latter of:
   a. The fifteenth (15^{th}) year following the original creation of the district; or
   b. The payment or provision for payment in full or discharge of all bonds, and the payment of interest thereon, for which the tax increment has been pledged.

After termination of the tax increment provision, all taxes shall continue to be levied upon the actual taxable value of the taxable property in the district, but shall be paid into funds of the taxing bodies levying taxes within the district.

SECTION 13 – CONCLUSIONS

The creation of this expanded East Billings Urban Renewal District will have a positive impact on central Billings, and is an essential first step in completing what may be a number of urban renewal projects.

Estimates calculated by ECO-Northwest in preparation of the Exposition Gateway Plan indicate that development in the Expo Gateway has a potential new value of nearly $65 million, with potential TIFD revenues of slightly more than $1 million *(Financial Analysis, ECO-Northwest, April 8, 2013)*. The figures are preliminary estimates; actual values and tax revenue will vary based on type, size and timing of development. Expansion of the district, in addition to further stabilizing the tax base, eliminating blight and providing renaissance to the EBURD, will also bring new employees and residents to the area.

ECO-Northwest states that the Expo Gateway District offers desirable locational attributes:

> The Gateway District has several important locational advantages relative to other areas in Billings that make it a prime area for development in the hospitality and retail sectors.
>
> - Proximity to downtown. It is centrally located near employment and commercial uses in the Central Business District, the medical campuses, and the University (directly to the west).
> - Proximity to MetraPark. The county-owned multi-function facility has an indoor arena, rodeo grounds, a horse track, open space and other facilities. MetraPark has a long history of successful operation (850,000 to 1 million visitors per year, with 30% coming from over 100 miles away, per Sandra Hawke, MetraPark, February 2009), and provides opportunities for complementary meeting space and catering facilities.
> - Proximity to the airport. It is closer to Billings Logan Airport (3 miles) than many areas in the Central Business District as well as areas in south and east Billings.
> - Proximity to amenities and commercial areas. It is in close proximity to commercial areas downtown and in Billings Heights, which is a commercial and residential hub to the north.
> - Proximity to regional highways. The District lies at the intersection of 212, I-90 and I-94.
>
> The key comparative advantage for the area is its central location *between* downtown and MetraPark (and between the West End and the Heights) on flat land with urban services. It is a good location for urban development. *(ECO-Northwest, Existing Market Conditions Assessment, May 22, 2013)*

As stated in the Exposition Gateway Plan and as stated herein, the Exposition Gateway area requires repair and improvement to streets, curbs, gutters and sidewalks and the water and sewer utilities are inadequate. The City hereby approves, as an urban renewal project for the District, the reconstruction of the streets from Main Street to North 11th Street and between 1st Avenue North to 4th Avenue North in accordance with the Exposition Gateway Concept Plan. The streets included in the construction limits are North 9th Street, North 10th Street, 2nd Avenue North, and 3rd Avenue North. Construction includes full street construction, sidewalk, bulb-outs at the corners, on-street parking, new sanitary sewer, new water mains, and storm drain upgrades. In order to make it possible to move forward with this much-needed infrastructure improvement project, the Yellowstone County Board of County Commissioners transferred any interest it had in the public right of way on streets within the Exposition Gateway area to the City of Billings, with Resolution 15-23, passed on March 10, 2015.

The Council through adoption of the modified East Billings Urban Renewal District hereby approves financing of the improvement project described above with proceeds of tax increment bonds payable from tax increment generated by the District. Such bonds will be issued in a principal amount such that the debt service thereon can be paid from tax increment generated by the District over a period of 25 years. The City hereby finds that there is a feasible and workable plan for financing the improvements.

Expansion of the East Billings Urban Renewal District to include the property described in this amended Plan will have a positive effect on the area and on the City. Improvements to infrastructure will surely be the catalyst in attracting the desired types of development, and will spur further achievement in reaching the goals of the overall EBURD Master Plan.

Please see Exhibit A on next page.

EXHIBIT A 2015 EBURD Expansion

TAXID	ASSESSED VALUE	TAXID	MARKET VALUE	TAXABLE VALUE	TAXID	LOT SIZE (Approx. Sq. Ft.)
1002286 Total	$1,720.00	**1002286 Total**	$912.00	$23.00	1002286	0
A09340 Total	$792,286.00	**A09340 Total**	$621,944.00	$15,362.00	A09340	44344.08
A09343 Total	$688,400.00	**A09343 Total**	$540,394.00	$13,347.00	A09343	29403
A09355 Total	$265,451.00	**A09355 Total**	$208,379.00	$5,147.00	A09355	42383.88
A09355B Total	$45,930.00	**A09355B Total**	$36,055.00	$891.00	A09355B	6403.32
A09373 Total	$498,600.00	**A09373 Total**	$391,401.00	$9,667.00	A09373	19035.72
A09374 Total	$71,910.00	**A09374 Total**	$56,449.00	$1,394.00	A09374	10628.64
A09375 Total	$43,862.00	**A09375 Total**	$34,432.00	$850.00	A09375	6054.84
D05887 Total	$358,428.00	**D05887 Total**	$281,366.00	$6,949.00	D05887	56628
D05888 Total	$444,941.00	**D05888 Total**	$349,279.00	$8,628.00	D05888	69260.4
D05893 Total	$593,800.00	**D05893 Total**	$466,133.00	$11,513.00	D05893	56628
D05897 Total	$14,973.00	**D05897 Total**	$11,754.00	$290.00	D05897	1306.8
D05898 Total	$917,363.00	**D05898 Total**	$720,129.00	$17,787.00	D05898	91911.6
I01092A Total	$19,200.00	**I01092A Total**	$15,072.00	$372.00	I01092A	0
Total	$4,756,864.00	**Total**	$3,733,699.00	$92,220.00		

A12052	$92,800.00	A12052	$49,184.00	$1,215.00	A12052	15000
A12053	$21,975.00	A12053	$11,647.00	$ 201.00	A12053	7500
Grand Total	$4,871,639.00		$3,794,530.00	$93,636.00		

Exhibit A figures provided by Yellowstone County GIS

RESOLUTION NO. 18-10750

A RESOLUTION OF THE CITY OF BILLINGS FORMING A POLICY FOR THE ADMINISTRATION OF URBAN RENEWAL AREAS OR DISTRICTS (URD) IN THE CITY.

WHEREAS, MCA, Title 7, Chapter 15, Part 42, Section 51 declares: General powers of municipalities in connection with urban renewal. Every municipality shall have all the power necessary or convenient:

(1) To carry out and effectuate the purposes and provisions of this part and part 43;

(2) To undertake and carry out urban renewal projects within the municipality, to make and execute contracts and other instruments necessary or convenient to the exercise of its powers under this part and part 43, and to disseminate blight clearance and urban renewal information;

(3) To organize, coordinate, and direct, within the municipality, the administration of the provisions of this part and part 43 as they apply to such municipality in order that the objective of remedying blighted areas and preventing the causes thereof within such municipality may be most effectively promoted and achieved and to establish such new office or offices of the municipality or to reorganize existing offices in order to carry out such purpose most effectively;

(4) To exercise all or any part or combination of powers granted in this part or part 43; and

WHEREAS, the City of Billings reviews and adopts Urban Renewal Plans for each of its Urban Renewal Districts, and those Plans specify goals for each Urban Renewal District; and

WHEREAS, the City of Billings may establish local policies that guide the establishment, operations, funding and governance of urban renewal districts; and

WHEREAS, development of TIF (Tax Increment Financing) Policies would be in the best interest of the City.

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

That the City Council now makes and adopts the following TIF Policy:

CITY OF BILLINGS TAX INCREMENT FINANCE POLICY

1. PERMITTED USES OF TIF FUNDS. TIF funds may be used for costs outlined in MCA, Title 7, Chapter 15, Part 42, Section 88. Urban Renewal Plans adopted by the City may limit what TIF funds may be spent on in any Urban Renewal District. Eligible costs may include, but are not limited to:
   a. Land acquisition and assemblage, demolition and removal of structures, relocation of occupants, analysis to determine needs of an urban renewal area, administrative cost for redevelopment activities.
   b. Public infrastructure, including, but not limited to: streets, storm drains, parking, public buildings, water and sewer lines, sidewalks, utility connections.
   c. Private infrastructure with public benefit, including, but not limited to, building façades, windows, doors, fire suppression or alarm systems, storm drainage, environmental remediation, parking, and ADA access.

2. FINANCIAL ASSISTANCE THROUGH TIF. All financial assistance must be approved by the City Council prior to any activity receiving funding. Financial assistance should be requested prior to beginning construction. All activity (design and construction) must be completed prior to issuance of TIF funds from the City Finance Department. Financial thresholds and assistance tools are as follows:
   a. A minimum of $\geq$ $5 of private investment for every $1 of public investment is the preferred threshold to be met for each TIF application. The City Council reserves the right to approve any application that does not meet this minimum. The City Council also may make exceptions for projects of less than $100,000, and for publicly owned projects, properties or facilities.
   b. Grants may be made for uses listed in Part 1 above benefitting any government owned-land or buildings and for profit and non-profit businesses.
   c. Bonding may be available at the discretion of the City Council.
   d. All TIF grants will be formalized by a development agreement that must be signed by the grantee before the City will reimburse eligible expenses.

3. URD MANAGEMENT. Each URD in the City of Billings will be managed as follows:
   a. Each URD should maintain a non-profit advisory board to make recommendations to the City Council regarding TIF expenditures. Unless specifically authorized by a Memorandum of Understanding (MOU) referenced in 3(b) below, a majority of board members must own or lease property within the district, or must represent such owner or lessee, and may include representation from residential or commercial property owners or lessees. Advisory Boards must carry insurance for their members and provide proof of insurance to the City.
   b. A MOU must be executed between the advisory board and the City Council that defines the board's roles, responsibilities, authority, and processes, including for hiring and maintaining board support staff. The MOU must

contain language addressing conflict of interest situations for board members whose property may directly benefit from a TIF expenditure and for board support staff. The MOU also must include language that if there is the appearance of a conflict of interest the issue will be reviewed by City legal staff before moving forward.

c. Training for all URD advisory boards will be conducted biannually in coordination with City staff and URD support staff. The training must include, but is not limited to: review of URD and TIF laws, Administrative Rules, ethics, conflicts of interest, meeting management, and maintenance of minutes and records.

d. URD financial reporting will be consistent across all URDs and be set by coordination between the City Finance Director and the Planning and Community Services Director, and URD support staff.

e. TIF application review and City Council staff report preparation will be conducted by the Planning and Community Services Department Director, in coordination with the Assistant City Administrator, Finance Director, and URD support staff.

PASSED by the City Council and APPROVED this 9th day of July, 2018.

CITY OF BILLINGS

BY: William A Cole
William A. Cole, Mayor

CITY OF BILLINGS SEAL YELLOWSTONE COUNTY, MONTANA

ATTEST

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