OFFICIAL AGENDA
TUESDAY January 22, 2019
Meeting Start Time: 9:30 a.m.
Board of County Commissioners
Yellowstone County, Montana
Stillwater Building
316 N. 26th Street, Room 3108
Billings, MT
9:00 a.m. Agenda Setting

REGULAR AGENDA

9:30 a.m. RECOGNITION
Jason Valdez  Detention Facility  20 Years of Service
Brandy Butler  Extension Services  15 Years of Service
Woodrow Shirley  Detention Facility  15 Years of Service
Cheryl Steiner  Detention Facility  15 Years of Service

9:30 a.m. PUBLIC AUCTION
Public Auction to Sell Yellowstone Exposition Subdivision Being Lot 2 of Yellowstone Exposition Subdivision, Lots 1 & 2 of Ellingson Subdivision, Lot 4B of Amended Hornung Subdivision, Tracts 1 & 2 of Certificate of Survey No. 1058, Certificate of Survey No. 192, Abandoned Portions of Bench Boulevard and Unplatted lands Situated in the SE 1/4 and the SW 1/4 of Section 27, Township 1 North, Range 26 East, P.M.M.

PUBLIC COMMENT ON REGULAR AGENDA ITEMS

PUBLIC COMMENT ON CONSENT AGENDA ITEMS

CLAIMS

CONSENT AGENDA

1. PURCHASING
   a. Request to Expend from Facilities for Access Controller Replacement, Yellowstone County Courthouse
   b. Contract for Janitorial Services with Starplex/Crowd Management Services for the MetraPark Complex

2. BIG SKY ECONOMIC DEVELOPMENT AUTHORITY
   Lockwood Targeted Economic Development District Annual Work Plan and Approval of Marketing Material budget Request

3. FINANCE
   Bond for Lost Warrant
4. **METRA PARK**  
Authorization to Proceed with Negotiations for Naming Rights at MetraPark

5. **HUMAN RESOURCES**  
**PERSONNEL ACTION REPORTS - Detention Facility** - 3 Salary & Other; 1 Termination; **MetraPark** - 1 Salary & Other; **County Attorney** - 1 Salary & Other

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**FILE ITEMS**

1. **CLERK AND RECORDER**  
   Board Minutes - City/County Planning Board, Zoning Commission Board, Board of Adjustment

2. **COMMISSIONERS**  
   N-53/MT State Highway 3 Speed Recommendation

3. **PUBLIC WORKS**  
   Snow Plowing Contract with River Ridge Landscape for RSID 723 - Clark's Fork Estates

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**PUBLIC COMMENTS ON COUNTY BUSINESS**

Mid Year Budget Review Scheduled for Tuesday January 22, 2019 - 1:30 p.m. to 5:00 p.m. in Room 3108 Located in the Stillwater Building @ 316 North 26th Street
B.O.C.C. Regular

Meeting Date: 01/22/2019
Title: January Recognition
Submitted By: Charri Victory

TOPIC:

<table>
<thead>
<tr>
<th>Name</th>
<th>Department</th>
<th>Service Years</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jason Valdez</td>
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</tbody>
</table>

BACKGROUND:
na

RECOMMENDED ACTION:
na
TOPIC:
Public Auction to Sell Yellowstone Exposition Subdivision Being Lot 2 of Yellowstone Exposition Subdivision, Lots 1 & 2 of Ellingson Subdivision, Lot 4B of Amended Hornung Subdivision, Tracts 1 & 2 of Certificate of Survey No. 1058, Certificate of Survey No. 192, Abandoned Portions of Bench Boulevard and Unplatted lands Situated in the SE 1/4 and the SW 1/4 of Section 27, Township 1 North, Range 26 East, P.M.M.

BACKGROUND:
N/A

RECOMMENDED ACTION:
Auction
B.O.C.C. Regular

Meeting Date: 01/22/2019
Title: Request to Expend-Facilities-Access Controller Replacement-Yellowstone County Courthouse
Submitted For: James Matteson, Purchasing Agent
Submitted By: James Matteson, Purchasing Agent

TOPIC:
Request to Expend from Facilities for Access Controller Replacement, Yellowstone County Courthouse

BACKGROUND:
The Facilities Department is requesting Commissioner approval to replace existing analog access controllers with digital controllers in the Yellowstone County Courthouse. The older analog controllers have limited access groups and the County has maxed out the number of access groups available. The purchase was not included on the approved FY 2019 Capital Improvements budget, however funds can be utilized from the Facilities 940 Capital Improvement budget line by postponing the approved purchase of a new truck until next budget year, and a portion of the funds designated for the vehicle purchase will be used to purchase the digital access controllers. The cost to replace the analog controllers with digital controllers is $32,409.36.

RECOMMENDED ACTION:
Approve the Request and return a copy to Purchasing

Attachments

RTE-Facilities- Digital Access Controllers
Yellowstone County
Request to Expend

This form is to be completed for all Capital outlay requests (a single item costing $1500.00 or more or a useful life of at least one year). Please attach all pertinent paperwork with price quotes, if available, and forward to the Purchasing Department with a completed Requisition. The Account Code numbers, and budget balance lines must be completed by the requesting Department. Please use the most recent budget report to obtain this information. This will be verified by the Purchasing Department. If the item(s) to be purchased are over the budgeted amount or were not budgeted, Commissioner approval is required prior to placing the order.

Item(s) Requested:
Digital Access Controller Upgrade-Yellowstone County Courthouse

Cost: $32,409.36

Other Costs:

Less Trade-in / Discount

Net Cost of Request $32,409.36

Explanation of Purchase
Replace existing analog controllers on floors 1, 2, 3, 5, & 6. The older analog controllers have limited access groups, and we have reached the limit of access groups available.

Budget Information

Department [Signature]

COMMISSIONER ACTION

Approved: YES ___ NO ___

Tabled: ______

Date: ________

Votes: YES ___ NO ___

Chairperson ______

Member ______

Member ______

Purchasing Agent [Signature] 01-08-2019

Date
TOPIC:
Contract for Janitorial Services with Starplex/Crowd Management Services for the MetraPark Complex

BACKGROUND:
MetraPark Released an Invitation for Bid for Janitorial Services for the MetraPark complex on December 4th, 2018. Starplex/Crowd Management Services submitted the only bid on December 13th, 2018. Contract is for 7 years that will be effective from 02/01/2019 through 01/31/2026.

RECOMMENDED ACTION:
Approve the Request and return a copy to Purchasing

Attachments
MetraPark-Contract-Starplex Janitorial 01-2019
Standard Form of Agreement between Owner 
and Contractor on the Basis of 
A Stipulated Price

This agreement is dated as of the 15th day of January, 2019 by and between Yellowstone County, Montana (hereinafter called Owner), and Crowd Management Services a division of Starplex Corporation, (hereinafter called Contractor).

Owner and Contractor, in consideration of the material covenants hereinafter set forth, agree as follows:

1. Scope of Work

Contractor shall provide janitorial services at the MetraPark Complex located at 308 6th Avenue North, Billings, MT 59101 as outlined in the Owners Invitation for Bid dated December 4th, 2018.

2. Contract Times

Contract will be effective 02/01/2019 through 01/31/2026

3. Contract Price

Owner shall pay the Contractor the hourly rates submitted in their bid dated December 13th, 2018 during this contract period. Future rate changes will be negotiated on a yearly review.

4. Contractors Representation

4.1 Contractor has examined and reviewed the Contract Documents and other related paperwork.

4.2 Contractor has visited the site and become familiar with and is satisfied as to the general, local and site conditions that may affect cost, progress, performance and furnishing of the work.

4.3 Contractor is familiar with and is satisfied as to all federal, state and local laws and regulations that may affect cost, progress, performance and furnishing of the work.

4.4 Contractor has given Owner written notice of all conflicts, errors, ambiguities or discrepancies that the Contractor has discovered in the Contract Documents and that the Contract Documents are generally sufficient to indicate and convey the understanding of all terms and conditions for performance and furnishings of the work.
5. Contract Documents

The Contract Documents, which comprise the entire agreement between Owner and Contractor, consist of the following:

5.1 This Agreement.

5.2 Contractor’s proposal

5.3 Contractor’s current Certificate of Insurance and Workers Compensation coverage.

6. Miscellaneous

6.1 No assignment by a party hereto of any rights under or interests in the Contract Documents will be binding on another party hereto without the written consent of the party sought to be bound; and specifically but without limitation, moneys that may become due and moneys that are due may not be assigned without written consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment no assignment will discharge the assignor from any duty or responsibility under the Contract Documents.

6.2 Contractor, shall maintain at its sole cost and expense, commercial general liability insurance naming Yellowstone County/MetraPark, as additional insured against liability for damages for bodily injury, including death and completed operations and property damages in a minimum amount of Seven Hundred Fifty Thousand Dollars ($750,000.00) for each claim and One Million Five Hundred Thousand Dollars ($1,500,000.00), in the aggregate arising from incidents which occur as the result of Contractors negligence while performing any work or service and for which Yellowstone County/MetraPark, sole basis of liability is vicarious liability for the acts or omissions of the Contractor or/and subcontractors. Contractor shall maintain at its cost and expense, insurance against claims for injuries to persons or damages to property, including contractual liability which may arise from or in connection with work or service by Contractor, agents, employees, representatives, assigns and sub-contractors. This insurance shall cover claims as may be caused by any negligent act or omission. The policy of insurance shall be an occurrence policy with a Best Rating of A- or better and must be in force throughout the period.

Contractor shall name on the Certificate of liability insurance Yellowstone County/MetraPark, as additional insured for on-site work or Maintenance Service. In addition, Contractor will furnish to Yellowstone County/MetraPark, a copy of the policy endorsement, CG 32 87 05 10, indicating that Yellowstone County/MetraPark, are named as an additional insured under the Contractors insurance policy.

Contractor agrees to furnish both the Certificate of insurance and policy endorsement at least ten (10) days prior to beginning work.
Contractor agrees to defend, indemnify and hold harmless Yellowstone County/MetraPark, from and against any and all claims, demands, obligations, causes of action, lawsuits and all damages and liabilities, fines, judgments, costs, (including settlement costs), and expenses associated therewith (including reasonable attorney’s fees and disbursements), arising from incidents that occur the result of Contractor’s negligence. And for which Yellowstone County/MetraPark, sole basis of liability is vicarious liability for the acts or omissions of Contractor. The defense and indemnification obligations under this paragraph of the Invitation to Bid shall not be limited by any assertions or finding that Yellowstone County/MetraPark, is liable for any damages by reason of a non-delegable duty.

6.3 Contractor is required to maintain workers compensation insurance, or an independent contractor’s exemption issued by the Montana Department of Labor covering Contractor and Contractor’s employees. Contractor is not, nor is Contractor’s workers, employees of Yellowstone County/MetraPark. Workers Compensation insurance or the exemption from the workers compensation obligation must be valid for the entire period.

6.4 Owner and Contractor each binds itself, its partners, successors, assign and legal representative to the other party hereto, its partners, successors, assign and legal representative to respect to all covenants, agreements and obligations contained in the Contract Documents.

6.5 Contractor must give preference to the employment of bona fide residents of Montana in the performance of their work.

6.6 All work and materials must be warranted for a period of one year from date of installation.

6.7 The Parties agree that the laws of the State of Montana shall govern this contract, and that venue shall be in the Thirteenth Judicial District Court, Yellowstone County, Montana.

6.8 Contractor agrees to defend, indemnify and hold harmless the County against all claims for injuries to person or damages to property occurred from or in Connection with the Contractors performance under the Agreement.

6.9 In the event of litigation between Contractor and the County, the Prevailing party shall be entitled to reimbursement of court costs and reasonable attorney fees by the non-prevailing party.
upon race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin by the person performing under the contract.

IN WITNESS WHEREOF, OWNER and CONTRACTOR have signed this Agreement in duplicate. One counterpart each will be delivered to OWNER and CONTRACTOR. All portions of the Contract Documents have been signed, initialed or identified by OWNER and CONTRACTOR.

This Agreement will be effective February 1st, 2019

OWNER:
Yellowstone County
Billings, MT 59101

CONTRACTOR:
Starplex Corporation
12722 NE Airport Way
Portland, Oregon 97230

Denis Pitman, Chair

Authorized Signature

Attest:

Jeff Martin, Clerk and Recorder
December 13, 2018

Jeff Seward  
MetraPark Complex  
PO Box 2514  
Billings, MT 59103

Mr. Seward,

Let me take this opportunity to thank you and the Board of County Commissioners for accepting our bid for MetraPark Janitorial Services. Starplex Corporation has successfully been providing these services for the past 11 years and wish to be a continued service partner for Yellowstone County for many more years.

Taking a look at the bid sheet attached you will notice a small increase from years past due to the increase costs of Montana's prevailing wage for cleaners and operational cost's such as supplies and chemicals. Taking that in mind we believe we are presenting the best possible price to you.

If you have any additional questions or need additional information, please feel free to contact me directly at 503-222-5957.

I look forward to hearing from you soon on your decision.

Sincerely,

Randy Scott  
Sr. Vice President  
Starplex Corporation
JANITORIAL SERVICE FOR METRAPARK
PRICE BID SHEET

Include this sheet with your other documents when submitting your proposal. Please place this sheet in the front of your proposal.

The rates listed must apply for a minimum of one year.

<table>
<thead>
<tr>
<th>Service Type</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hourly rate for Pre/Post Cleaning</td>
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</tr>
<tr>
<td>Hourly rate for Event Cleaning</td>
<td>$19.50</td>
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<tr>
<td>Hourly rate for Office Cleaning</td>
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<tr>
<td>Hourly rate for General Labor</td>
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<tr>
<td>Hourly Rate for Cleaning Supervisor</td>
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</tbody>
</table>

Starplex Corporation
Company Name

Randy Scott, SR. Vice President
Authorized Representative

12722 NE Airport Way
Mailing Address

Portland, OR 97230
City, State and Zip Code

93-0931643
Contractor Registration Number

503-222-5957
Telephone Phone Number

December 17, 2018
Date Submitted

I acknowledge receiving the following addendums.

#1 ______________________ Initials
#2 ______________________ Initials
B.O.C.C. Regular

Meeting Date: 01/22/2019
Title: Submitted By: Teri Reitz, Board Clerk

TOPIC:
Lockwood Targeted Economic Development District Annual Work Plan and Approval of Marketing Material budget Request

BACKGROUND:
See Attached.

RECOMMENDED ACTION:
Approve.

Attachments
TEDD Annual Work Plan
Lockwood Targeted Economic Development District

Annual Work Plan

January 2019-December 2019

Prepared By:
Lockwood TEDD Advisory Board
Preface

Goals of the Lockwood TEDD

The goals of Yellowstone County in creating the Lockwood TEDD are as follows:

- Support the expansion of existing industry, and the recruitment of new industry, within Yellowstone County by facilitating the provision and development of planned, ready-to-go industrial space.

- Provide a locally-driven funding tool that can be used to partner with private industry and developers to fund the construction and maintenance of key infrastructure investments that are needed to foster the growth of value-added industry.

- Foster economic and employment opportunities within Yellowstone County and the Lockwood community through the development of secondary value-adding industries.

- Create a planned industrial area in Lockwood that attracts industry and leads to additional private investment in the Lockwood area.

- Implement a development plan centered around the growth of industrial businesses, while supporting non-motorized transportation facilities with the Billings Bypass.

Targeted Industries

A local government may create a TEDD in support of value-adding economic development by development of infrastructure within the district that would encourage the location and retention of value-adding projects. The Lockwood TEDD will target businesses that produce products defined in MCA 7-15-4279 (a):

"Secondary value-added products or commodities" means products or commodities that are manufactured, processed, produced, or created by changing the form of raw materials or intermediate products into more valuable products or commodities that are capable of being sold or traded in interstate commerce.
Additionally, the Lockwood TEDD will also support secondary value-adding industry, defined in MCA 7-15-4279 (b):

"Secondary value-adding industry" means a business that produces secondary value-added products or commodities or a business or organization that is engaged in technology-based operations within Montana that, through the employment of knowledge or labor, adds value to a product, process, or export service resulting in the creation of new wealth.

The Industry Cluster Analysis and Marketing Plan completed in 2013 for Big Sky Economic Development, identified the industries that should be prioritized for recruitment and retention in the Yellowstone County region. The following industry sectors identified in that study that produce secondary value-added products or are a value-adding industry, and therefore appropriate for the Lockwood TEDD are as follows:

Examples of the types of businesses that may be targeted for the TEDD include:

- **Upstream and Midstream Oil and Gas**
  - oil and gas exploration and production
  - field services
  - pipeline companies
  - refineries
  - petroleum marketing companies

- **Health Care Services and Supply Chain**
  - laboratories
  - medical supply wholesaling and distribution
  - medical equipment manufacturing

- **Manufacturing**
  - value added food products
  - machinery and equipment
  - chemicals, guns

- **Warehousing and Distribution**
  - distribution hubs to serve the region
  - shipping and logistics companies
  - distribution and warehousing

Examples of the types of businesses that may be targeted for the TEDD include:

- Pea Processing Facility
- Bulk Commodity Distribution Facility
- Malting Plant
- Feed Pellet Manufacturing
- Shingle Manufacturers
- Asphalt Manufacturing
- Fertilizer Manufacturers
Ceramic Capacitors Manufacturing (found in laptops and cell phones)
Catalytic Converter Manufacturing
Galvanizing Plant
Bolt/fastener manufactures
Steel Painting/Powder-coating Facilities
Prosthetic manufacturing
New to market medical device manufacturing
Transloading Operation
Fly Ash Operations
Co-Packer for Regional Manufacturers
Shipping and Labeling Companies

Tax Increment Financing

Yellowstone County could use tax increment financing to fund some or all of the public infrastructure needed to support the value-adding industry development within the Lockwood TEDD. The private industrial development that will generate the property taxes needed to finance the infrastructure, will also need that infrastructure to develop. Therefore, initial investment by private entities for public infrastructure will be necessary to start development within the TEDD. Once property taxes have increased enough to generate revenue for the TEDD, there are several mechanisms that Yellowstone County can use to pay for expansion of needed infrastructure.

- **Tax Increment Bonds** – Revenues from the tax increment would be pledged to pay bond principal and interest annually. The terms of the bond would be dependent on tax increment revenues available. The amount of tax increment realized each year must exceed the amount of the bond payment to be made each year, by as much as two times and the County must maintain an adequate reserve account.

  Tax increment districts are authorized by Montana law for a period of 15 years. However, the time period may be extended up to 25 years to coincide with the term of a tax increment bond.

- **Annual Tax Increment Appropriations** – Smaller projects may be financed by annual tax increment receipts by appropriation. Funds would be determined each year based on the amount of the annual increment minus prior commitments, including debt service administrative costs.

- **Revolving Loan Funds** – The Montana statutes allow for loan programs that use TIF funds. Such funds may be loaned for the construction of private infrastructure or other activities in support of the goals of the TIF district. As principal and interest payments are made, the funds may be loaned again.
• **Conventional Financing** – Yellowstone County may borrow funds from commercial lending institutions to finance public infrastructure improvements. Annual tax increment revenues will pay principal and interest on the loan. A conventional loan agreement will not, however, extend the authorized 15-year time period for a TEDD.

• **Developer Reimbursement Agreements** – Because the initial investment for the improvements and extensions of public improvements will likely be funded by private entities, Yellowstone County could enter into reimbursement agreements with private entities for eligible expenses. Such expenses would include public utility and road improvements that serve the TEDD District to support value adding industries.

**Federal and State Grants**

Yellowstone County may pursue other funding sources in conjunction with the TIF program. Federal and state grants are available to assist local governments in financing capital improvements.

Potential sources include the following:

• **Treasure State Endowment Program (TSEP)** is a state funded program to assist local governments finance capital improvements to sewer and water facilities. Grants can be requested up to $500,000 and a match from the local government is usually required. The match may be in the form of another grant.

• The **Montana Intercap Program (INTERCAP)** is a loan program to assist with costs associated with infrastructure, and the acquisition and installation of equipment or personal and real property.

• **Community Development Block Grant (CDBG)** is a federally funded program that provides assistance to communities for things such as public facilities, economic development and planning grants.

• **Transportation Alternatives Program (TA Program)** is a federal program to assist local government develop transportation alternatives, including on- and off-road pedestrian and bicycle facilities, infrastructure projects that improves access to public transportation, recreational trail improvements, and safe routes to schools.
The Better Utilizing Investments to Leverage Development (BUILD) Discretionary Grant program is a federal program that funds the building and repairing of critical pieces of road, rail, transit and port facilities.

Unused Tax Increment

In accordance with MCA 7-15-4291, Yellowstone County “may enter into agreements with the other affected taxing bodies to remit to such taxing bodies any portion of the annual tax increment not currently required for the payment of the costs listed in 7-15-4288 MCA or pledged to the payment of the principal of premiums, if any, and interest on bonds to in 7-15-4289.”

PROGRAM ADMINISTRATION

The Lockwood TEDD program will be managed by an advisory board, which may include representatives from the community, property owners within the TEDD, and/or taxing entities. The board will report to the Yellowstone County Board of County Commission. Decisions concerning annual work plans and budgets, programs, recruiting and other actions will be made directly by the Yellowstone County Board of County Commissioners. The Lockwood TEDD Advisory Board will prepare an annual work plan and budget, including anticipated revenues, project priorities and financing strategies. Once the work plan and budget have been reviewed and set by the Board of County Commissioners, it will be the responsibility of the Advisory Board to implement the work plan and oversee/manage the budget.

Each annual work plan will include the following elements:

- Anticipated increment revenue
- Financing strategies anticipated, including:
  - Tax increment
  - Debt financing
  - Additional funding sources
- Project priorities and associated costs
- Administrative budget, including staff and consulting services
- The Yellowstone County Board of County Commissioners will review the work plan and determine whether any changes are necessary before setting the budget. Once the budget is set, the TEDD Advisory Board, in conjunction with the County, will be responsible for:
  - Developing financing strategies
  - Working with the County, property owners, and developers to identify public infrastructure projects for the future
  - Reviewing proposed infrastructure development projects for the future
The Lockwood TEDD Advisory Board shall follow all local government procurement rules with respect to:

- Preparing bid and proposal requests
- Reviewing proposals from engineers, contractors, and other vendors
- Making recommendations to the BOCC regarding contractor selection
- Monitoring projects
- Conducting market analysis, engineering studies, and project feasibility analyses

TEDD Program Criteria

Yellowstone County can use tax increment financing in conjunction with other funding mechanisms to support the development of secondary value-adding industry within the Lockwood TEDD. Infrastructure projects identified for funding will need to meet criteria that have been established based on the goals of this plan. The following criteria may be used to evaluate requests for improvement projects using tax increment financing. Future criteria may be added as District needs warrant.

- **Project Location.** The project must meet one of the following criteria:
  - Be located within the Lockwood TEDD area, or
  - May be outside of the TEDD area but provide vital and necessary connection from public infrastructure to the TEDD area

- **Job Creation.** Projects that demonstrate an increase in the number of jobs within the area.

- **Taxable Valuation.** Projects that demonstrate an increase in the valuation of the property, which will increase the tax base.

- **Value-Adding.** Projects must be engaged in value-adding industries as defined in MCA 7-15-4279 (a) and (b).
Annual Work Plan

The Yellowstone County Board of County Commissioners will review the work plan and determine whether any changes are necessary before setting the budget. Once the budget is set, the TEDD Advisory Board, in conjunction with the County, will be responsible for:

- Developing financing strategies
- Working with the County, property owners, and developers to identify public infrastructure projects for the future
- Reviewing proposed infrastructure development projects for the future

I. District Vision

**Mission Statement:** Establish a planned, ready-to-go industrial area with all utilities, services, and transportation amenities in place; recruit and attract business and industry which will provide greater economic opportunity and diversity to Lockwood, Billings, and Yellowstone County.

**Vision Statement:** Establish a long-range strategy for the Lockwood Industrial Park which meets both the short-term and long-term development needs for the greater Yellowstone County economy.

**Objectives:**
- Develop a forward-thinking infrastructure plan which addresses projected needs through the development of shovel-ready industrial land.
- Ensure coordination and symmetry of the Lockwood Industrial Park with the City of Billings, Yellowstone County, the community infrastructure of Lockwood, the Montana Department of Transportation (MDT), Montana Rail Link and BNSF.
- Outline overall infrastructure needs to assist with securing the appropriate mix of both public and private investment to facilitate the timely and efficient buildout of the Lockwood Industrial Park.

II. Development Priorities--Priorities that will implement the vision

The Infrastructure Master Plan is complete, outlining a broad plan for the development of infrastructure within the TEDD. More detailed planning and engineering documents will be needed to proceed with implementation of the overall plan.

Coordination with MDT as the Billings Bypass project progresses to identify areas where future utilities locations are anticipated and develop a strategy to either construct portions of or identify alternatives to accommodate this infrastructure...
after Bypass construction. Pursue opportunities to integrate the proposed infrastructure into MDT planning and the possibility of a joint application with MDT for available grant funding.

Coordination with Montana Rail Link and BNSF on the development/expansion of rail sidings and spurs to service the TEDD.

Marketing of the TEDD, including:

- Work with BSED’s New Business Recruitment and Outreach department (Melanie Schwarz and Allison Corbyn) to advertise the TEDD and its advantages.
- Work with area property owners to determine their plans or hopes for the future use of their parcels.
- Work with MRL/BNSF for possible recruitment assistance (Certified Site?)

III. Project Priorities and Associated Costs

a. Marketing and recruitment opportunities

Marketing efforts, because of the coordination with BSED as described above, should have minimal costs. BSED will provide marketing services in-kind. An estimate of $3,000 for marketing materials is included in this year’s TEDD budget. More extensive and expensive marketing campaigns are, of course, available if the Board so desires.

Due to the lack of infrastructure in the TEDD and the lack of current funding to address that need, efforts should be focused on recruiting an anchor tenant or tenants able and willing to pay for the cost of necessary public infrastructure with the understanding that those amounts may be reimbursable under a development agreement as increment becomes available. Having cost estimates available for the extension of utility services from the area tie-ins to various locations would help this effort.

TEDD Advisory Board members should meet with Commercial Real Estate agents to:

- Provide information about the TEDD and the properties within it, and
- Obtain information from these agents as to the needs and requirements of their industrial clients.
b. Water and Sewer Infrastructure Improvements

Development of water and sewer infrastructure in this area is crucial for two reasons:

- Fire protection – a huge expense without water infrastructure to provide a steady source.
- The inability to use septic systems on the west side of the TEDD due to floodplain regulations.

These components are very expensive but are vital to the success of the TEDD. Once they are complete, development of the TEDD will progress much more quickly.

Cost associated with water and sewer infrastructure improvements are outlined in the Lockwood TEDD Master Plan.

IV. Anticipated Increment Revenue

The Lockwood TEDD anticipated increment for this tax year is $80,080 to be received in two installments – after November 2018 and May 2019.

V. Financing strategies anticipated, including:

a. Tax increment

Tax increment may be used for planning and projects within the TEDD. After estimated expenses, approximately $45,000 will be available in 2019. If a BUILD grant is determined to be a feasible option and an application is desired by the Yellowstone Board of County Commissioners, some of this amount will need to be used to hire a consultant for the grant application process.

b. Debt financing

As development occurs and tax increment grows and accrues, debt financing will be explored as an option for larger infrastructure projects in the Lockwood TEDD.

c. Additional funding sources

Grant funding

- Treasure State Endowment Program (TSEP) is a state funded program to assist local governments finance capital improvements to sewer and water facilities. Grants can be requested up to $500,000 and a match
from the local government is usually required. The match may be in the form of another grant.

• The Montana Intercap Program (INTERCAP) is a loan program to assist with costs associated with infrastructure, and the acquisition and installation of equipment or personal and real property.

• Transportation Alternatives Program (TA Program) is a federal program to assist local government develop transportation alternatives, including on- and off-road pedestrian and bicycle facilities, infrastructure projects that improves access to public transportation, recreational trail improvements, and safe routes to schools.

• The Better Utilizing Investments to Leverage Development (BUILD) Discretionary Grant program is a federal program that funds the building and repairing of critical pieces of road, rail, transit and port facilities.

VI. Administrative budget, including staff and consulting services

<table>
<thead>
<tr>
<th>Anticipated Income (Increment)</th>
<th>$80,080</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anticipated Expenses</td>
<td></td>
</tr>
<tr>
<td>Repay loan to BSED (2 x $10,225)</td>
<td>$20,450</td>
</tr>
<tr>
<td>KLJ – BUILD feasibility study</td>
<td>$11,000</td>
</tr>
<tr>
<td>Marketing material</td>
<td>$  3,000</td>
</tr>
<tr>
<td>Remainder available for additional expenses</td>
<td>$45,630</td>
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Other possible expenses:

• BUILD grant application expenses if feasible and MDT agrees to a coordinated application.

• Additional engineering studies/reports
  - Water/sewer infrastructure elevation to coordinate with Bypass project
  - Other Utilities infrastructure evaluation to coordinate with MDT Bypass project
  - Development of road and utility connections within the TEDD.
  - Other possible construction projects
B.O.C.C. Regular
Meeting Date: 01/22/2019
Title: Bond for Lost Warrant
Submitted By: Anna Ullom, Accountant

TOPIC:
Bond for Lost Warrant

BACKGROUND:
Replace check that was lost.

RECOMMENDED ACTION:
Approve.

Attachments

BFLW
BOND FOR LOST WARRANT

On February 27, 2018, Yellowstone County issued a warrant numbered 473514 to Carissa Keithley (Principal) in the amount of $14.17. The warrant was drawn as reimbursement for supplies to hang license plates in MV. Principal now attests that the warrant has been lost or destroyed, and it has undertaken a diligent search but has been unable to recover the warrant. Moreover, Principal has not received payment on the claim. Therefore, Principal has requested that Yellowstone County issue a duplicate warrant in the same sum of $14.17 to replace the lost or destroyed warrant.

WHEREFORE, Principal agrees to indemnify and hold harmless Yellowstone County and its officers from all loss, costs, or damages incurred as a result of issuing the duplicate warrant, should Yellowstone County issue a duplicate warrant, and agrees to release any and all claims that principal may have against Yellowstone County now or in the future as related to payment of the above stated claim. Principal also agrees to pay to any person entitled to receive payment under the original warrant, as the lawful holder of the original warrant, all monies received upon the duplicate warrant.

Further, Principal agrees to bind itself, its heirs, assigns, executors, administrators, successors and assigns, jointly and severally, for twice the amount of the original warrant as required by M.C.A. 7-7-2104 (2), which is $28.34 and may be enforced in the event the Principal cashes both the original warrant and the replacement warrant. In addition, Principal agrees to pay reasonable attorney’s fees, and to cover all losses, damages, and other costs incurred by Yellowstone County in enforcing its rights under this bond.

Signed this __________ day of January, 2019

Principal

990 Adobe Dr, Billings
Mailing Address for replacement check
MT 59105

SUBSCRIBED AND SWORN to before me this __________ day of January, 2019

(Notarial Seal)

P. Federico
Notary Public for the State of Montana
Residing at Billings, Montana
My Commission Expires June 15, 2019

Notary public for the State of Residing at Billings My commission expires June 15, 2019

APPROVED:

Chair, Board of County Commissioners

Date

Replaced with warrant #__________(completed by County) 1/15/19
Topic: Authorization to Proceed with Negotiations for Naming Rights at MetraPark

Background: See Attached.

Recommended Action: Approve.

Attachments

Letter from MetraPark Regarding Naming Rights
Dear Board of County Commissioners,

The Naming Rights Committee met January 11, 2019 to review responses to the county RFP for a naming rights partner for the arena at MetraPark.

After review, the committee recommends the Board of County Commissioners proceed with negotiations for a naming rights agreement with First Interstate Bank.

There are elements in the First Interstate response needing more clarification. The committee asks the board to grant the committee authority to negotiate with the bank’s representatives on behalf of the board to clarify these points and complete a tentative agreement. This agreement would be pending final board approval.

This tentative agreement, or a no deal response, will be presented to the board for action no later than 30 days after the board approves this recommendation.

Committee members:
Bill Dutcher, General Manager MetraPark
Ray Massie, Marketing and Sales Director, MetraPark
Kevan Bryan, Finance Director Yellowstone County
Kevin Gillen, Chief Civil Attorney, Yellowstone County
Jeff Muri, MetraPark Advisory Board
TOPIC:
PERSONNEL ACTION REPORTS - Detention Facility - 3 Salary & Other; 1 Termination; MetraPark - 1 Salary & Other; County Attorney - 1 Salary & Other

BACKGROUND:
N/A

RECOMMENDED ACTION:
Approve.

Attachments
PARS
PAR
YELLOWSTONE COUNTY
PERSONNEL ACTION REPORT
Section 1

Section 1 is to be completed by the initiating department for recommended personnel changes

Name: **SILVESAN, ANJA**
Current Title: **Booking Clerk**
Title Change: **Booking clerk/PTO**

Effective Date: 1/1/2019
Gr. ___ Salary $18.15
Gr. ___ Salary $18.32

Check as Applicable:
Regular Full Time: **XX**
Regular Part Time: ___
Temp Full Time: ___
Temp Part Time: ___
Seasonal Hire: ___
Replaces position ___
Name ___
New Budgeted Position ___

Other: Add FTO Pay **XX**

New Hire: ___
Rehire: ___
Termination: ___
Promotion: ___
Transfer: ___
Demotion: ___
Reclassification: **XX**

Funding: **2300 - 136 - 420200 - 111**
Percent **100**
New Account ___
Percent ____
Split Account ___

Elected Official/Department Head Date

1/10/2019

Section 2

Human Resources: Finance:

Note: ____________________________  Note: ____________________________

Director __________ Date __________

Director __________ Date __________

Commissioner’s Action

Approve ___ Disapprove ___

Chair __________
Member __________

Date entered in payroll __________________
Clerk & Recorder - original
Human Resources – canary
Auditor – pink
Department - goldenrod

revised 02/13
YELLOWSTONE COUNTY
PERSONNEL ACTION REPORT

Section 1

Name: NOALL, BRANDY  Effective Date: 2/1/2019
Current Title: Detention officer  Gr.  Salary $20.74/HR
Title Change:  Gr.  Salary $

Check as Applicable:
Regular Full Time: xx  New Hire: 
Regular Part Time:  
Temp Full Time:  
Temp Part Time:  
Seasonal Hire:  
Replaces position  
Name  
New Budgeted Position  
Transfer:  
Demotion:  
Promotion:  
Reclassification: xx

Funding: 2300 - 136 - 420200 - 111  Percent 100 New Account 
____ - _____ - _______ - _______  Percent _____ Split Account ___

Elected Official/Department Head  Date

Section 2

Human Resources:  Finance:
Note:  Note:  
Director  Finance  Date  Date

H.R. Comments:  Commissioner’s Action

Chair  Disapprove

Date entered in payroll  
Clerk & Recorder - original  
Human Resources – canary  
Auditor – pink  
Department - goldenrod  

Chair  
Member  
Member  

revised 02/13
YELLOWSTONE COUNTY
PERSONNEL ACTION REPORT
Section 1

Section 1 is to be completed by the initiating department for recommended personnel changes

Name: JOHNSON, BRENT
Current Title: Detention Off/PTO
Title Change: Sergeant

Effective Date: 2/1/2019
Gr. ___ Salary $ 21.32/HR
Gr. ___ Salary $ 24.52/HR

Check as Applicable:
Regular Full Time: xx
Regular Part Time: ___
Temp Full Time: ___
Temp Part Time: ___
Seasonal Hire: ___
Replaces position xx
Name Willoughby
New Budgeted Position ___

Promotion: xx
Transfer: ___
Demotion: ___
Recategorization: ___

Funding: 2300 - 136 - 420200 - 111 Percent 100 New Account ___
Percent ____ Split Account ___

Elected Official/Department Head Date

Section 2

Human Resources:
Finance:
Note:

Note:

Director Date

Director Date

Commissioner’s Action
Approve Disapprove
Chair ___ ___
Member ___ ___
Member ___ ___

Date entered in payroll
Clerk & Recorder - original
Human Resources – canary
Auditor – pink
Department - goldenrod

revised 02/13
YELLOWSTONE COUNTY
PERSONNEL ACTION REPORT

Section 1
Section 1 is to be completed by the initiating department for recommended personnel changes.

Name: NORSKOG, ERIC
Current Title: Detention Officer
Title Change: 

Effective Date: 1/30/2019
Gr. ____ Salary $ 20.35/HR
Gr. ____ Salary $ ______

Check as Applicable:
Regular Full Time: XX
Regular Part Time: 
Temp Full Time: 
Temp Part Time: 
Seasonal Hire: 

New Hire: 
Rehire: 
Termination: (Voluntary) XX
Promotion: 
Transfer: 
Demotion: 
Reclassification: 

Funding: 2300 - 136 - 420200 - 111 Percent 100
Percent ____
New Account 
Split Account 

Elected Official/Department Head
1/14/2019
Date

Section 2
Human Resources:
Finance:
Note: ________________
Note: 

Director 1-15-19
Date 

H.R. Comments: 

______________________________

______________________________

Date entered in payroll ______
Clerk & Recorder - original
Human Resources – canary
Auditor – pink
Department - goldenrod

Chair 
Member 
Member 

Commissioner's Action
Approve 
Disapprove 

Chair 
Member 
Member 

______________________________

revised 02/13
YELLOWSTONE COUNTY
PERSONNEL ACTION REPORT

Section 1

Section 1 is to be completed by the initiating department for recommended personnel changes.

Name: Lynn Miller
Current Title: Metro Food Service Asst
Effective Date: 1-16-19
Gr. C Salary $14.04
Title Change: 
Gr. ___ Salary $14.24

Check as Applicable:
Regular Full Time: ___
Regular Part Time: ___
Temp Full Time: ___
Temp Part Time: ___
Seasonal Hire: ___
Replaces position ___
Name ___
New Budgeted Position ___
Transfer: ___
Demotion: ___

Other: added duty pay ___
Reclassification: ___

Funding: 5810 - 553 - 460442 - 11
Percent ___ New Account ___
Percent ___ Split Account ___

Bill Dutcher
Elected Official/Department Head
Date: 1-14-19

Section 2

Human Resources:
Finance:
Note: ____________________________
Date: 1-16-19
Note: ____________________________
Date: 1-16-19

Commissioner’s Action
Approve ___ Disapprove ___
Chair ___
Member ___
Member ___

Date entered in payroll: __________
Clerk & Recorder - original
canary
Auditor - pink
goldenrod

revised 02/13
YELLOWSTONE COUNTY
PERSONNEL ACTION REPORT

Section 1

Name: Angeline Fox
Effective Date: Feb 1, 2019
Current Title: Victim Witness Coordinator
Gr. E Salary $ 22.85/hr
Title Change: Victim Witness Supervisor
Gr. G Salary $ 25.16/hr 25.14/hr

Check as Applicable:

Regular Full Time: X
Regular Part Time: ___
Temp Full Time: ___
Temp Part Time: ___
Seasonal Hire: ___
Replaces position ___
Name ______
New Budgeted Position X
Demotion: ___

Other: ___
Reclassification: ___

Funding: 2301 - 122 - 411100 - 111
Percent ___ New Account ___
Percent ___ Split Account ___

Elected Official/Department Head
Date 1/16/19

Section 2

Human Resources:
Note: R&S Followed CT
Director
Date 1-17-19

Finance:
Note: 
Director
Date 1/17/19

Commissioner’s Action
Approve Disapprove
Chair ___ ___
Member ___ ___
Member ___ ___

revised 02/13
B.O.C.C. Regular
Meeting Date: 01/22/2019
Title:
Submitted By: Teri Reitz, Board Clerk

TOPIC:
Board Minutes - City/County Planning Board, Zoning Commission Board, Board of Adjustment

BACKGROUND:
N/A

RECOMMENDED ACTION:
Place to file.

Attachments
Planning Board Minutes
Zoning Commission Board Minutes
Board of Adjustment Board Minutes
**CITY/COUNTY PLANNING BOARD**

**“Serving Billings, Broadview and Yellowstone County”**

**Board Attendance Roster:** Please note: “E” stands for excused absence, “A” stands for un-excused absence, “1” stands for present.

**BYLAWS, YELLOWSTONE COUNTY BOARD OF PLANNING, (Amended. May 25, 2004)**

Section 4. **Absences and Removal.** Each member shall inform the Planning Director at least one day before the meeting of his/her inability to attend a Board or Committee meeting. Such an absence shall be considered an excused absence. If any Board member accrues three (3) or more consecutive unexcused absences from regular meetings, notice of which has been given at his/her usual place of work or residence, or by announcement at a meeting attended by him/her, the President may call such absences to the attention of the Board which may then recommend to the appointing authority that such member be asked to resign and that another person be appointed to serve out the unexpired term. Schedule: (** denotes a Wednesday meeting)**

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Page 1 of 7

PlnBMinutes_2018_12_11_APPROVED

Reviewed by Planning Staff
Call the Meeting to Order
Vice President Woods called the meeting to order at 6:00 p.m. on Tuesday, December 11, 2018, in the Miller Building 1st Floor Conference Room, 2825 3rd Avenue North, Billings, Montana.

Vice President Woods recognized Board member LaVerne Bass, Planning Board City Ward III for his years of service on the Board with a certificate of appreciation as he is retiring from service on this Board.

Vice President Woods introduced Jarrett Hillius who is the Commissioners’ appointee to serve as the Planning Board representative for Planning Board BOCC District #7.

Introduction of Planning Board Members and Planning Department Staff
Vice President Woods called for introductions of the members of the Planning Board and staff.

Attending Planning staff members: Wyeth Friday, Director, Planning & Community Services Department; Monica Plecker, Planning Division Manager; Scott Walker, Transportation Coordinator; Tammy Deines, Planning Clerk

Others in Attendance: Darin Swenson, Yellowstone County Public Works Dept; Cari Olson, Billings Association of Realtors

Approval of the December 11, 2018 Agenda

Motion:
Board member Cook made a motion and it was seconded by Board member Thompson to approve the December 11, 2018 meeting agenda. The motion was approved with a unanimous voice vote.

Approval of Minutes: October 23, 2018. The November 14, 2018 and the November 27, 2018 Planning Board meetings were canceled due to a lack of agenda items.

Motion
Motion was made by Board member Bass and seconded by Board member Cook to approve the October 23, 2018 meeting minutes as submitted. The motion carried with a unanimous voice vote.
Public Comment: Vice President Woods asked if there was anyone wishing to speak during the public comment portion of the meeting. He stated any member of the public may be heard on any subject that is not on the agenda; the Planning Board will not take any action on these items at this time, but could choose to add an item to the next meeting agenda for discussion.

Disclosure of Outside (Ex Parte) Communication—Board Members and Planning Staff. The Ex Parte Communication Binder is available at the Sign-In and Agenda station. There were no disclosures of Outside Communications by the Board members or Planning Staff.

7. OLD BUSINESS: There is no Old Business.

8. NEW BUSINESS

Scott Walker opened the agenda item with a brief introduction. He pointed out to the Committee that this is the second amendment of the 2011-2021 TIP and continued with an overview of the project update highlights below.

Highlights:

- **West Billings Interchange – Pinehills Interchange:** Engineering (Re-Surface)

- **Zoo Drive: Signal Upgrades and Striping** – New Project to improve traffic operations and safety along the Zoo Drive corridor in Billings. Work will include intersection improvements, striping modifications, signal upgrades, median work and/or any other operational modifications necessary to improve traffic flows and safety in the area. Anticipated Let Date = December of 2020. Estimate PE Phase End Date = December of 2022.

- **Billings Bypass: Five Mile Road** - Construction Cost Update

- **I-90 Yellowstone River Bridges:** Update Construction Cost

- **Laurel Road Signals: Update Signals and add ADA Ramps** – New Project
- **Lockwood Interchange Study** – New Project. Other (OT) phase study to evaluate interchange improvement options on I-90 at the Lockwood Interchange in Billings. This evaluation will consider traffic patterns (current and future), ramp functionality, operational issues on I-90 (and connecting routes), proposed Interstate modifications (additional lanes, etc.), intersection improvement options, safety considerations, bridge construction options, environmental issues, right-of-way, utilities, geometrics and/or any other factors necessary to determine a preferred improvement alternative at this location. The end result of the study will be a project recommendation (outlining the preferred alternative and costs associated with this alternative).

- **South Frontage Road: Pavement Preservation** – New Project (Mullowney Lane to Wise Lane).

- **Blue Creek Road:** Pavement Preservation – New Project. Interstate Bridge to 3-mile section to Robindale Road. Construction letting-Spring of 2019. This project was identified in the Blue Creek Transportation Plan.

- **N. 27th Street R.R. Study** – Cost Adjustment. Scott Walker noted the previous placeholder for this study in the original TIP was $300,000 and the new allocation is for $1.2 million. It is his understanding that only will the previous studies be considered but this will include some of the newer technologies and innovations. The consultants are HDR, Kittelson, DOWL, Land Design and Etho Science. This study came out of the Statewide Crossing study. The difference is the benefit of being in an OT phase allows engineering details, and should a feasible solution come forward, a lot of the preliminary studies will be done. Scott Walker said the MDT Scope of Services for this project is comprehensive.

- **MET Transit Funds Added to the 5339 Program** – MET was awarded a grant and a transfer of about $195,000 has to be included into this document for approval.

**Adoption Schedule**

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<td>Planning Board</td>
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Discussion
Vice President Woods called for discussion from the Board members. Per Board member Thompson’s request, Scott Walker clarified and said annual programs include the paver program and various striping projects.

8b. Presentation/Discussion. Yellowstone County Subdivision Regulation Amendment. Monica Plecker, Planning Division Manager, presenting.
Ms. Plecker gave the background below and followed with an explanation of the updates.

Background
Over the course of the last year, Planning Division staff along with County Legal, County Public Works and Billings Urban Fire Service Area (BUFSA) staff have been working to prepare County subdivision regulation amendments. First and foremost, the purpose of amending the regulations is to be in compliance with legislative changes that occurred in the 2017 Legislative Session. Staff also took this opportunity to coordinate with county departments on a handful of other proposed changes to provide more clarification and consistency with already adopted practices and regulations. They are described in the Background section below. The Planning Board is scheduled to discuss these proposed amendments at this meeting and is scheduled to consider the amendments and hold a public hearing before making a recommendation to the Board of County Commissioners on January 8, 2019.

A summary of proposed changes is provided below:

- Defining proportionate reimbursement of hydrants (both dry and pressurized). The proposed regulations now establish a formula for proportional reimbursement for those new developments who utilize an already existing hydrant system within one half road mile. Generally speaking, all subdivisions that utilize a hydrant will contribute equally towards the cost of the system. (Page 69)

- Clarify that the use of a secondary emergency access will require a variance request. (Page 45)

- Clarify allowable dwelling units on dead-end roads to meet and be consistent with International Fire Code (IFC). The IFC allows for 30 single family dwellings to be located on a dead-end road or 100 multi-family units. Dead-end roads cannot exceed 1,000 feet per our existing regulations. (Page 43)
• Clarify language for access/site plan requirements for approach permits, including adding language in the Subdivision Improvement Agreement. (Page 145)

• Lowering traffic study threshold changes based on type of subdivision (residential, commercial, industrial) and based on type of access (gravel or paved). (Page 49)

• Clarify how long bonds are in place and when they are required to be updated. (Page 74-75)

• Minor changes, then clean up or clarify but do not have substantive impact on the existing regulations

• Removal of application and fee schedules from regulations. (See appendices)

**Proposed Process for Adoption**

• December 10th – Board of County Commissioner Discussion
• December 11th – Planning Board Introduction & Discussion
• January 8th – Planning Board Public Hearing
• January 29th – BOCC Hearing and Adoption

**RECOMMENDATION**

Staff recommends that the Board of Planning review the proposed changes, provide feedback, and set a public hearing date for January 8, 2019.

**Discussion**

Vice President Woods called for questions and discussion. Per the Board’s request, Planning Division Manager Monica Plecker agreed to e-mail the digital version with the tracked changes to the members of the Board.

**A public hearing will be held during the January 8, 2019 Planning Board meeting.**

**9. OTHER BUSINESS**

9a. **Nominating Committee:** Vice President Woods announced the Nomination Committee members for the 2019 Planning Board officers: Board member Dennis Cook; Board member Troy Boucher; and Board member Matt Macrow. The committee nominated Darryl Tunnicliff to serve as Planning Board President and Woody Woods to serve as Planning Board Vice President for the 2019 term. Nominations will remain open and will close during the January 8, 2019 meeting. Election of the 2019 officers will take
place at the January 8, 2019 meeting with the new officers taking their seats on February 12, 2019.

9b. Standing Item. Long Range Strategic Issues and an overview of future City and county issues and projects.

Appointment and Recommendation Process for City/County Planning Board members. Wyeth Friday, Director, Planning & Community Service Department. Director Friday said President Tunnicliff would like to discuss a process for active recruiting of applicants but was unable to attend this evening. He said the Commissioners value Planning Board recommendations for County seats but are open to the Board interview or meet applicants prior to appointments. He noted that City Council appointed Eric Wallace to serve as the representative for City Ward III.

Vice President Woods, thanked Jarrett Williams, County District 7, for his willingness to serve on this Board. He commented on the ongoing need for representatives to provide input from the outlying County Planning Districts.

Annual Report Newsletter- The Planning & Community Services Department is nearing completion of the department wide annual report. Staff is reformatting the report to bring forward more interest and a “big picture” feel. The report will be distributed in the coming weeks.

ANNOUNCEMENTS: The Tuesday, December 25, 2018 meeting is canceled to observe the Christmas Day Holiday. The next Planning Board meeting is scheduled for Tuesday, January 8, 2019, 6:00 pm in the Miller Building 1st Floor Conference Room.

ADJOURNMENT 6:50 PM

APPROVED BY A MOTION ON JANUARY 8, 2019
The County Zoning Commission met on Monday, December 10, 2018 in the Miller Building 1st Floor Conference Room, 2825 3rd Avenue North, Billings, MT at 4:00 p.m. Following the public hearing, the County Zoning Commission will make a recommendation to the Yellowstone County Commissioners.

The Board of County Commissioners public hearing for Zone Change #691, will be held on Wednesday, January 2, 2019, at 9:30 a.m. at 316 N 26th Street – 3rd Floor, Commissioner’s Hearing Room. The Board of County Commissioners will hear all persons wishing to speak relative to the proposed zone change.

The Board of County Commissioners public hearing for Special Review #330 will be held on Wednesday, December 26, 2018, at 9:30 a.m. at 316 N 26th Street – 3rd Floor, Commissioner’s Hearing Room. The Board of County Commissioners will hear all persons wishing to speak relative to the proposed special review.

Chairman Wittman opened the meeting and introduced the County Zoning Commission members and staff in attendance: Nicole Cromwell, Zoning Coordinator; Karen Husman, Planner I; Tammy Deines, Planning Clerk

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<tr>
<th>Commissioners and Staff</th>
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Attending: See attached attendance sheets.

Public Comment
Chairman Wittman asked if there was anyone wishing to speak during the public comment portion of the meeting. He stated any member of the public can be heard on any subject is not on the agenda; the Yellowstone County Zoning Commission will not take any action on these items at this time, but could choose to add an item to the next meeting agenda for discussion. There was none.

Disclosure of Conflict of Interest: YC Zone Change #691: There was none.
Disclosure of ExParte Communication:  YC Special Review #330:  There was none. The Commissioners reported no ExParte Communications.

Communications: County Special Review #330 12/02/18 Letter, Rindo Sironi, MD. President, Billings OBGYN Associates; Email, 11/30/2018 E-mail Marilyn Owen; 11/28/2018 E-mail, Julie Prociv; 12/07/2018 E-mail, MGC Consultants-Mark Carlstrom

Motion. Approval of Minutes: August 13, 2018

Commissioner Boucher made a motion and it was seconded by Commissioner Bush to approve the August 13, 2018 meeting minutes as submitted. The motion carried with a unanimous voice vote.

Item #1: REQUEST The legal notice for County Zone Change #691 into the record.

County Zone Change 691 – 3333 N Frontage Road - A zone change from Agriculture Open-Space (A-1) to Controlled Industrial (CI) on the easterly 9.16 acres of C/S 1734, Parcel 1, generally located at 3333 N Frontage Road. A pre-application neighborhood meeting was held on October 22, 2018, at the applicant’s office at 316 N 33rd St in Billings, MT. Tax ID: D06413

RECOMMENDATION
Planning staff is recommending the Zoning Commission recommend approval of Zone Change #689 and adoption of the 11 criteria for this zone change.

Discussion
Chairman Wittman called for questions from the Board. Per Commissioner Ray’s request, the applicant clarified and said this parcel is part of the Lockwood TIED district.

Public Hearing Chairman Wittman opened the public hearing and asked for those in opposition or in favor of this application.

Terry Sieffert, PO Box 31181, Billings, Montana
Mr. Sieffert stated this parcel consists of 40.1 acres. He said they wish to have the zoning for this parcel be the same as the rest of the tract. The parcel has electric and gas services but no water is available. Mr. Sieffert stated this parcel will be sold in the future. Caterpillar Clothing and Apex Steel are interested parties.

Mr. Chairman Wittman asked if there is anyone else wishing to speak in favor or against YC Zone Change #691. There were none. Chairman Wittman closed the public hearing at 4:29 p.m. and called for a motion.
Yellowstone County Zoning Commission
Minutes for the Meeting of
Monday, December 10, 2018

Motion
Commissioner Boucher made a motion and it was seconded by Commissioner Bush to forward a recommendation of approval of Zone Change #691 and adoption of the 11 criteria for this zone change.

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The motion passes 5-0.

Item #2: REQUEST The legal notice for County Zone Change #690 into the record.
County Special Review 330 – 3760 Wise Lane - County Special Review 330 – 3760 Wise Lane - A special review request to operate a gravel extraction open cut mine in an Agriculture Open-Space (A-1) zone on a fraction in the NE ¼ and on a fraction of Lots 1 & 2 in Section 34, Township 1 South, Range 25 East, generally located at 3760 Wise Lane, a 59.21-acre parcel of land. Additional area will be included in the open cut mine area but is not within the Zoning Jurisdiction of Yellowstone County. Tax ID: D01161. Following the public hearing, the County Zoning Commission will make a recommendation to the Yellowstone County Commissioners.

RECOMMENDATION
Planning staff is recommending the Zoning Commission accept the applicant’s request for a 30-day delay.

Zoning Coordinator Nicole Cromwell announced receipt of an e-mail from Ed Walker, First Mark Construction requesting the County Zoning Commission postpone today’s hearing to allow the applicant to work towards resolving the neighbors’ concerns. If this request is approved, this hearing will be legally advertised and held on January 14, 2019, 4:00 PM. A neighborhood meeting is scheduled for December 13, 2018, 7 PM at Oscar’s Park. The public hearing requires the Board to remain as a Board and all communications must come through Planning Staff. Those citizens who are unable to attend are encouraged to submit comments in writing to the Planning Division.

Motion
Commissioner Bush made a motion and it was seconded by Commissioner Hewett to accept the request for a 30-day delay for the hearing for Yellowstone County Special Review #330-3760 Wise Lane until the next legally advertised YC Zoning Commission meeting on

3-APPROVED
January 14, 2019. (A neighborhood meeting will be held on Thursday, 6:00 PM at the Oscar’s Dreamland wedding facility).

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The Motion carries, 5-0. The 30-day delay for County Special Review #330 is granted.

Adjournment: The meeting adjourned at 4:25 PM.

Approved by a motion January 14, 2109
<table>
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<tr>
<th>Printed Name</th>
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<tbody>
<tr>
<td>Dave Wisz</td>
<td>2601 Wisz Lane</td>
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<tr>
<td>Teresa Bidelman</td>
<td>3030 Wise Lane</td>
</tr>
<tr>
<td>Veronika Evenson</td>
<td>8333 Story Road</td>
</tr>
<tr>
<td>Levi Klamert</td>
<td>2810 S. 72nd St. W.</td>
</tr>
<tr>
<td>Vicki Davis</td>
<td>3614 Mallard Dr. 59101 - <a href="mailto:redrockw@gmail.com">redrockw@gmail.com</a></td>
</tr>
<tr>
<td>Wes Stahl</td>
<td>8628 Mission Ln 59101</td>
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<tr>
<td>Carlos Arce</td>
<td>9314 Radio Rd 59101</td>
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<tr>
<td>Bev Lee</td>
<td>9305 Radio Rd 59101</td>
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<tr>
<td>TROY DALY</td>
<td>11 1/2 N 19th 59101</td>
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<tr>
<td>Sissel Goldberg</td>
<td>8907 Susanna Dr., Billings, MT 59101</td>
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<tr>
<td>Scott Gioecke</td>
<td>6555 Shepherd Rd. F. Shepherd 59101</td>
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<tr>
<td>Diana Stind</td>
<td>9229 Radio Rd 59101</td>
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<tr>
<td>Brian Nelson</td>
<td>4014 Hesper Road Billings MT 59106</td>
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<tr>
<td>Scott Prociv-Judy</td>
<td>2986 Wise Lane, 59101</td>
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<tr>
<td>Robert A. Wise</td>
<td>8640 Laurel Ln, Billings 59101</td>
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<tr>
<td>Dan Hicka</td>
<td>3224 Wise Lane, Billings 59101</td>
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<tr>
<td>Tim Collins</td>
<td>10230 Ironwood 59106</td>
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<td>Kevin Katzenberger</td>
<td>8622 Crawford Rd</td>
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<td>Hal Olson</td>
<td>8710 Deerfoot Ave</td>
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<td>Robert Golzani</td>
<td>3540 Duck Creek Rd 59101</td>
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<td>Teryl Babcock</td>
<td>5510 Duck Creek Rd 59101</td>
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<tr>
<td>Elizabeth Bellman</td>
<td>8641 Stone Rd 5910</td>
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<tr>
<td>Kayla Jones</td>
<td>8039 12 Story Rd 59101</td>
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<tr>
<td>Colleen Cantrell</td>
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<tr>
<td>Jim Rahn</td>
<td>2105 Broad Brook Rd, Billings 59107</td>
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<tr>
<td>Ray Halsey</td>
<td>1365 Blue Grass Dr, Butte 59701</td>
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<tr>
<td>Heather Davis</td>
<td>8603 Bighorn Rd 59101</td>
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<tr>
<td>Danny Carlowood</td>
<td>4813 Park Ave R 59101</td>
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<tr>
<td>Betty Glantz</td>
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<tr>
<td>Ben McNaulin</td>
<td>8035 Susanna 59101</td>
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<tr>
<td>Barb Smith</td>
<td>9246 Studt 59101</td>
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<tr>
<td>Rod A. Himmelsbach</td>
<td>8743 Kautzman Rd 59101</td>
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<tr>
<td>Brock Lohman</td>
<td>43 Shown Owl Trl</td>
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<tr>
<td>Gary P. Smith</td>
<td>6725 Cuthnoor Dr, Billings 59104</td>
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<tr>
<td>Traci Searce</td>
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<tr>
<td>Art Scollard</td>
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<tr>
<td>Kristy Scollard</td>
<td>3306 Duck Creek Rd, Billings</td>
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<tr>
<td>Ken Frugis</td>
<td>3185 Wise Lane, Billings</td>
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<tr>
<td>Joseph Stefer</td>
<td>3849 Mallard Dr, Billings</td>
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<tr>
<td>Eva Stefer</td>
<td>3849 Mallard Dr, Billings</td>
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<tr>
<td>Kevin Koester</td>
<td>3839 Brandon Street, Billings, 59101</td>
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<tr>
<td>John Mall</td>
<td>9233 Radio Road, Billings, 59101</td>
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<tr>
<td>Shirley Wagner</td>
<td>8344 Danford Ave</td>
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<td>Kirsten Fass</td>
<td>8310 Danford Ave, 59101</td>
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<td>Virginia O'Beale</td>
<td>8921 Rutzman Rd, 59101</td>
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<td>Ron &amp; Nadine Steel</td>
<td>4365 Duck Creek Rd, 59101</td>
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<td>3215 Wise Lane</td>
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<td>Scott Proch</td>
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The County Board of Adjustment met on Thursday, November 8, 2018 in the 1st Floor Conference Room of the Miller Building located at 2925 3rd Avenue North. Chairperson Boucher called the meeting to order at 4:00 p.m.

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Chairman Hecker introduced the County Zoning Commission members and staff in attendance: Nicole Cromwell, Zoning Coordinator; Karen Husman, Planner I, Tammy Deines, Planning Clerk

Others in Attendance: Angela Penniger; Ellen M Holmes; Steve Murdock; Mike Schmaing; Patrick Schmaing

Public Comments: There were no public comments.

Approval of Minutes May 10, 2018

Motion
Board member Hecker made a motion and Board member Poppler seconded the motion to approve the May 10, 2018 meeting minutes as submitted. The motion passed with a unanimous voice vote.

Disclosure of Conflict of Interest: There were no disclosures of conflict of interest.

Disclosure of Exparte Communication
There were no disclosures of exparte communication from the Board.

PUBLIC HEARINGS:
Zoning Coordinator Nicole Cromwell reviewed the procedures for public hearing and stated the Board will open a public hearing and allow public comment this evening. She reviewed the hearing and presentation processes for the meeting for reviewing and acting on each variance.
Item #1: County Variance 289-3536 Comus Ave. Karen Husman, Planner I, presenting.

Nicole Cromwell read the rules and procedures for a public hearing and the legal ad for county Variance #289.

REQUEST

County Variance 289 – 3536 Comus Ave – Lot Coverage, Front & Side Setbacks - A variance from Section 27-308 requiring a maximum lot coverage of 30% to allow a maximum of 33%; from 27-308 requiring a minimum 20-foot front setback to allow an 11-foot setback; and from 27-308 requiring a minimum 5-foot side setback for site built structures to allow a 3-foot setback for a proposed 720 square foot garage addition to an existing single family residence in a Residential Manufactured Home (RMH) zone on Lot 1, Block 7, Lockwood Subdivision, a 7,372 square foot parcel of land. Tax ID C04790. Presented by Karen Husman, Planner I.

REASONS

County Variance 289 – 3536 Comus Ave – Lot Coverage, Front & Side Setbacks - A variance from Section 27-308 requiring a maximum lot coverage of 30% to allow a maximum of 33%; from 27-308 requiring a minimum 20-foot front setback to allow an 11-foot setback; and from 27-308 requiring a minimum 5-foot side setback for site built structures to allow a 3-foot setback for a proposed 720 square foot garage addition to an existing single family residence in a Residential Manufactured Home (RMH) zone. The applicant wishes to build a garage on the property. The existing carport is not sufficient for sheltering two vehicles, and the applicant intends to remove the structure and construct a new garage.

The Planning Staff reviewed the zoning history in the area and found four similar applications conditionally approved in the district. The lot is an irregular shape and with the placement of the existing dwelling it is difficult to replace the carport with a useful garage. One of the variances approved for setbacks included a variance for lot coverage maximum of 30%. Variance #258 was granted due to misinformation given to the applicants. The applicant of Variance #258 did make inquiries with County Public Works to determine whether any permits would be required or setbacks from property lines. At that time, the applicants were told by County Public Works that no permits or setbacks would apply to this property. This information was in error and the applicant proceeded with the garage. In early November, 2008, the Planning Division received a complaint that a garage foundation was being poured directly on the property line. The applicant was informed of the zoning regulations and setback requirements. The applicant chose to submit a variance application to seek relief from the zoning requirements. The Board of County Commissioners agreed to waive the variance application fee due to the erroneous information.
RECOMMENDATION:
The Planning Division is recommending conditional approval to allow a variance from 27-308 requiring a minimum 20-foot front setback to allow an 11-foot setback; and from 27-308 requiring a minimum 5-foot side setback for site built structures to allow a 3-foot setback for a proposed new garage, and denial of the variance for 33% lot coverage based on the review criteria for variances.

Staff is recommending the following conditions:
1. The variance is to allow an 11-foot front setback; and to allow a 3-foot side setback for a proposed garage addition to the existing single family residence. No other variance is intended or implied.
2. The size of the new garage must be reduced to meet the maximum allowed lot coverage of 30%.
3. The variance is limited to Lot 1, Block 7, Lockwood Subdivision at 3536 Comus Ave.
4. The new garage will be built in substantial conformance with the submitted site plans with the exception of its size. Minor deviations that do not create a violation of another zoning or building requirement are acceptable.
5. There will be no construction prior to 7 am or after 8 pm daily.
6. The carport must be removed prior to approval of the Zoning Compliance Permit.
7. The applicant will obtain a Zoning Compliance Permit in accordance with the approved variance within 6 months of Board approval, and construction on the approved garage will be completed within 1 year of Board approval.
8. These conditions of variance approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.

Discussion
Chairperson Boucher called for questions and discussion from the members of the Board. Board member Hecker asked where the septic tank is located on the lot and Board member Poppler asked for clarification on the location of the ditch and the proposed 3-foot setback. Staff clarified the posted site layout. Applicant Steve Murdock stated the septic tank is located off of the back. Board member Hecker asked regarding the allowable garage size, and Nicole Cromwell replied it can be about 500 square feet as opposed to 700 square foot deep. (20 X 25). She pointed out that Comas Avenue is paved and has curb and gutter.
Yellowstone County Board of Adjustment  
Meeting Minutes, November 8, 2018  
Approved by a Motion-January 10, 2019  
Public Hearing  
Chairperson Boucher opened the public hearing and asked if there is anyone wishing to speak in favor or against County Variance #289.

Ellen M. Holmes, Steve Murdock, 3536 Comus Avenue, Billings, MT  
Ms. Holmes and Mr. Steve Murdock are the applicants. Mr. Murdock stated they plan to remove the carport and construct a garage on the back side of the home. The proposed garage size could shrink a little in width but not in length due to the size of their vehicles. He suggested they could go with a 20-ft width if needed. Ms. Holmes said the septic tank is located more towards where the proposed garage will end and she pointed out the location on an aerial map. She said doesn't think the view will be blocked. She said they will comply with Condition #6 and ensure the carport is removed. Nicole Cromwell noted the County Code Enforcement officer’s suggestion to change the wording to state there will be a penalty if the carport is not removed. Mr. Murdock said they could reduce to 20’ X 30’ garage which would eliminate a work bench area.

Board member Poppler voiced concern with maintenance of the nearby ditch and Mr. Murdock said the Ditch Company requires very little maintenance for clean out. Board member Hecker asked if the floor of the carport is cement or gravel. Staff explained the site plan depicts the garage dimensions as 24’ X 30’. They are asking for a total of 724 square feet but must reduce by 220 square feet to meet the 30% lot coverage. Mr. Murdock said they are asking for a 22’ X 30’ garage and they could remove a shed if it would make a difference. Ms. Holmes pointed out this is an angle shaped lot. She said she doesn’t want to remove the shed.

Chairperson Boucher asked if there is anyone else wishing to speak in favor or against YC Variance #289. There were none. Chairperson closed the public hearing at 4:34 p.m. and called for Board discussion and a motion.

Discussion  
Board member Poppler stated he is not concerned with the lot coverage, and understands the desire for the larger garage size. He noted there is little precedent for granting additional lot coverage in this area. He sees the point of usability of the structure. Board member Hecker voiced concern with the proposed lot coverage as it may be an issue due to sewer issues in the Lockwood area. Board member Boucher commented on the lot coverage and noted there are two existing sheds on the rear of the property. Nicole Cromwell suggested removal of the larger of the two sheds.
Board member Boucher said he has no problem with either the requests for reduced setbacks or the increase in lot coverage.

**Motion**

Board member Hecker made a motion to approve YC Variance #289 with the additional condition of removal of the largest out building.

The motion failed due to a lack of a second.

**Motion**

Board member Poppler made a motion and it was seconded by Board member Boucher to conditionally approve the variance as requested including setbacks and lot coverage ratio subject to the keep conditions proposed by staff.

The conditions of approval are as follows:

1. The variance is to allow an 11-foot front setback; and to allow a 3-foot side setback, and to allow a maximum of 33% lot coverage for a proposed garage addition to the existing single family residence. No other variance is intended or implied.
2. The variance is limited to Lot 1, Block 7, Lockwood Subdivision at 3536 Comus Ave.
3. The new garage will be built in substantial conformance with the submitted site plans. Minor deviations that do not create a violation of another zoning or building requirement are acceptable.
4. There will be no construction prior to 7 am or after 8 pm daily.
5. The carport must be removed prior to use of the new garage.
6. The applicant will obtain a Zoning Compliance Permit in accordance with the approved variance within 6 months of Board approval, and construction on the approved garage will be completed within 1 year of Board approval.
7. These conditions of variance approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.

<table>
<thead>
<tr>
<th>Name</th>
<th>FAVOR</th>
<th>AGAINST</th>
<th>ABSTAIN</th>
</tr>
</thead>
<tbody>
<tr>
<td>Board member Poppler</td>
<td>1</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Board member Hecker</td>
<td>1</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Board member Boucher</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Board member Bush</td>
<td>-</td>
<td>-</td>
<td>1</td>
</tr>
</tbody>
</table>

The motion carries 3-0. County Variance #289 is conditionally approved.
Item #2: County Variance #290-2795 Weymiller Lane, Karen Husman, Planner I, presenting.

Nicole Cromwell read the rules and procedures for a public hearing and the legal ad for County Variance #290.

REQUEST
County Variance 290 – 2795 Weymiller Lane – Detach Garage Size - A variance from Section 27-310.i requiring a maximum detached accessory building footprint no greater than 1,500 square feet to allow a maximum footprint of 2,925 square feet for a proposed new garage on an existing concrete slab in a Residential 15,000 (R-150) zone on Lot 1A, Block 1, Weymiller Subdivision, a 3.617-acre parcel of land. Tax ID C14606. Presented by Karen Husman, Planner I.

RECOMMENDATION
Staff is recommending denial of the application based on the determinations. The applicant has not stated a hardship with the property other than they have already poured the concrete. The applicant did not apply for a zoning compliance permit to construct the building.

Ms. Husman clarified and stated the house is structurally sound but it is on blocks. The applicant’s intention is to move the existing house out towards the front of the property.

Discussion
Chairperson Boucher called for questions and discussion from the members of the Board. Board member Poppler asked if there are Covenants and Restrictions on this subdivision. Mr. Mike Schmaing stated there are no CCR’s and there are currently three houses on Alexander Road.

Public Hearing
Chairperson Boucher opened the public hearing and asked if there is anyone wishing to speak in favor or against County Variance #290.

Patrick Schmaing, 1046 Ginger Ave, Billings, Montana
Mr. Patrick Schmaing is the applicant. He explained that he poured slab in 2006 for the proposed shop size and checked with the County at the time. He said he was unable to complete the project at the time due to health problems. Mr. Schmaing hired an engineer to look at the house. He is trying to build the shop first and utilize the existing concrete slab if at all possible. He is getting bids for installation of the septic system. Mr. Schmaing pointed out the location of the house on the posted area map and noted the water flows on the property. There is no well at this time but he plans to install a cistern with the septic system. The property is currently served by Billings Heights Water. Board member Poppler asked regarding the perk and groundwater
tests, and Mr. Schmaing said the engineer will be involved when doing the septic system. In response to question by Board member Boucher, Mr. Schmaing stated the house is structurally fine. His goal is to move the house near the proposed garage and set it on a foundation. He has no plans to subdivide the parcel. Mr. Schmaing said there is nothing in the rules stating he has to reside in the house.

Mike Schmaing, 3000 Lake Elmo Drive, Billings, Montana
Mr. Schmaing lives near this property. He said he is a former contractor in Billings. He vouched for Patrick Schmaing and his quality of work. Mr. Schmaing said there is no threat for contamination with the asbestos siding. Mr. Schmaing stated that as a property owner, he would like to see this property utilized and feels it is a shame Patrick’s health failed prior to completion of the project. Mr. Schmaing stated he was unaware of the zoning of this property when it was purchased.

Angela Penniger, 2850 Weymiller Drive, Billings, Montana
Ms. Penniger is a neighbor. She asked if the applicant plans to place a building on the existing pad and voiced concern with the fifth-wheel camper on the parking pad, and the septic not set up. She asked if there will be residents in the pole barn? She said they recently re-graveled the road and she does not want construction vehicles affecting the condition of the road. In response to question by Board member Poppler, Ms. Penniger stated she purchased the property in 2018. She is aware there are no Covenants and Restrictions as she has potbellied pigs. Ms. Penniger said she would find this application to be satisfactory if a pole barn is constructed on the pad, and the house moved and completed. She said the improvements would benefit the neighborhood. Mr. Patrick Schmaing said the house relocation will be controlled by the engineering company and the septic system will be under approval by RiverStone Health. The septic system will be set up for the house and the shop. Although there will be a bathroom and water in the shop, there are no plans for residents there.

Chairperson Boucher closed the public hearing at 5:13 p.m. and called for Board Discussion and a motion.

Discussion
Board member Poppler sees the options for this application as: the applicant requesting a zone change; the Board granting the variance; or let the property sit “as is”. He noted there was a variance granted on Alexander Road in 2013. Board member Hecker asked if there is any way of guaranteeing completion of the house and that the shop cannot be lived in. Nicole Cromwell stated the Board can place limitations on the time frames for permits for the house and the shop. Board member Poppler commented if both projects were accomplished it would improve the neighborhood and the tax base. Board member Hecker would like to have timelines for each one. Mr. Patrick Schmaing stated the perk test was completed in 2006. He estimates the project costs as the Building $30,000-$40,000; $10,000 concrete slab, and $4,0000 to set the house on the foundation. He stated he is prepared to complete the projects. He would like to build the shop first so he can get the tools and materials covered. He said either he or his son will finish this
project. Board member Poppler stated he is inclined to see this project move forward with time restrictions. He suggested a 12-18-month requirement to get the house moved and the shop completed. DEQ approval of the sanitary restrictions will take the project to the spring—possibly a timeframe of 18 months to have the house moved and obtain DEQ approval for the septic system.

**Motion**

Board member Hecker made a motion and Board member Poppler seconded the motion conditionally approve County Variance #290. The conditions of approval are as follows:

1. The variance to increase the allowed square footage for a detached accessory building from 1,500 square feet to 2,925 square feet. No other variance is intended or implied by this approval.
2. The variance is limited to Lot 1A, Block 1, Weymiller Subdivision, generally located at 2795 Weymiller Lane.
3. The applicant will develop the new accessory building in substantial compliance with the submit site plan submitted.
4. The applicant will submit a Zoning Compliance Permit for construction of the new accessory building within 6 months, and completed within 1 year of Board of Adjustment approval.
5. Completion of relocation of the existing single family dwelling will be completed within 2 years of approval.
6. If relocation of the single family dwelling is not completed within the time frame stated, the structure must be removed and the property owner must apply for and receive approval of a zone change to allow compliance for the accessory structure.
7. The applicant shall comply with all other codes and ordinances that apply including restrictions and regulations regarding placement and installation of septic, cistern and well.
8. These conditions of variance approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.

<table>
<thead>
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<td>-</td>
</tr>
<tr>
<td>Board member Boucher</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Board member Bush</td>
<td>-</td>
<td>-</td>
<td>1</td>
</tr>
</tbody>
</table>

The motion carries 3-0. County Variance #290 is conditionally approved.
Yellowstone County Board of Adjustment
Meeting Minutes, November 8, 2018
Approved by a Motion-January 10, 2019

Other Business/Announcements
- Announcement: The December 13, 2018 Yellowstone County Board of Adjustment meeting is cancelled due to a lack of applications. The next meeting will be held as legally announced and advertised.

Adjournment: Adjourned 5:30 p.m.

APPROVED BY A MOTION JANUARY 10, 2019
B.O.C.C. Regular

Meeting Date: 01/22/2019
Title: N-53/MT State Highway 3 Speed Recommendation
Submitted By: Erica Wiley

TOPIC:
N-53/MT State Highway 3 Speed Recommendation

BACKGROUND:
See attached

RECOMMENDED ACTION:
File Item

Attachments
Speed Recommendation
January 7, 2019

Yellowstone County Commission
PO Box 35000
Billings, MT 59107

Subject: N-53 / MT State Highway 3 Speed Limit Recommendation

Enclosed with this letter is the summary of the special speed zone study on N-53 from the newly-constructed Zimmerman Trail roundabout to the Airport Rd / 27th St roundabout. MDT is recommending the following changes:

Extend the existing 50-mph speed limit west approximately 660 feet to a location approximately 100 feet west of the Zimmerman Park entrance.

While speed data collected at this location indicates approximately half of the traffic in this area is travelling at a speed at or below 50-mph in this section currently posted at 70-mph approaching the roundabout.

Please review the study results and provide written comments within the next 30 days. The reason for the condensed timeframe is because MDT is working to place this item on the agenda for the next Montana Transportation Commission meeting which occurs towards the end of February. Your comments will be submitted to the Transportation Commission with the study. MDT is available to meet with the County Commission at your convenience if you would like to discuss further. Appendices containing speed data reports were excluded from this report, however they are available upon request.

I can be reached at (406) 657-0240 or zkirkemo@mt.gov to answer any questions or address any comments.

Respectfully,

Zach Kirkemo, PE, PTOE
MDT Billings District Traffic Engineer

copies: Rod Nelson, PE – Acting Billings District Administrator
       Danielle Bolan, PE – Traffic Operations Engineer
Memorandum

To: Rod Nelson, PE – Acting Billings District Administrator

From: Zach Kirkemo, PE, PTOE – Billings District Traffic Engineer

Thru: Danielle Bolan, PE – Traffic Operations Engineer

Date: December 31, 2018

Subject: Speed Limit Investigation – N-53 / MT 3 near Zimmerman Trail

Please present the following information to the Yellowstone County Commissioners for review and comment. Inform them we would prefer to receive all comments in writing within the next 60 days. Their comments along with the Department’s final recommendation will be presented to the Montana Transportation Commission for action if necessary.

District 5 Transportation Commissioner Barb Skelton requested a speed limit study to review the speed limit on Montana State Highway 3 (MT 3) west of the newly-constructed roundabout at the MT 3 / Zimmerman Trail intersection.

The primary typical section of MT 3 includes two 12-foot wide travel lanes and 8-foot wide paved shoulders. Currently, the speed limit on MT 3 is posted at 70 mph west of Zimmerman Trail and 50 mph east of Zimmerman Trail. Approaching the Zimmerman Trail roundabout from the west, the existing speed limit is reduced to 50 mph approximately 680 feet prior to the yield line of the west approach of the roundabout.

Construction of the roundabout reached substantial completion in November 2018 under project NH-HSIP-G 53-1(34)6.

2017 average annual daily traffic (AADT) on MT 3 are summarized in Table 1 below:
Table 1: MT 3 Traffic Volume Data

<table>
<thead>
<tr>
<th>Traffic Data Site ID</th>
<th>Location</th>
<th>2017 AADT (vehicles per day)</th>
</tr>
</thead>
<tbody>
<tr>
<td>56-4A-034</td>
<td>MT 3 west of Zimmerman Trail</td>
<td>4,189</td>
</tr>
<tr>
<td>56-4A-033</td>
<td>MT 3 east of Zimmerman Trail</td>
<td>11,098</td>
</tr>
<tr>
<td>56-4A-032</td>
<td>MT 3 west of 27th St / Airport Rd roundabout</td>
<td>10,990</td>
</tr>
</tbody>
</table>

Travel Speeds

Vehicular travel speed data was sampled directionally at eight locations to develop a speed profile along the portion of MT 3 within the study area. Table 2 below contains a summary of the speed data collected December 2018. The summary includes the 85th percentile speed (the speed at which 85% of vehicles are travelling at or lower than) as well as the pace (the 10-mph range in which the largest proportion of vehicles are recorded) including the proportion of vehicles travelling at a speed within the pace. A map showing the locations is provided in Figure 1.

Table 2: MT 3 Speed Data Collection Summary

<table>
<thead>
<tr>
<th>Location</th>
<th>Direction</th>
<th>50th Percentile Speed (mph)</th>
<th>85th Percentile Speed (mph)</th>
<th>Pace of Traffic Stream (mph) and Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>RP 6.81</td>
<td>Eastbound</td>
<td>60.0</td>
<td>68.0</td>
<td>55-65 (48.1%)</td>
</tr>
<tr>
<td></td>
<td>Westbound</td>
<td>58.0</td>
<td>67.0</td>
<td>58-68 (39.4%)</td>
</tr>
<tr>
<td>RP 6.66</td>
<td>Eastbound</td>
<td>57.0</td>
<td>66.0</td>
<td>51-61 (49.3%)</td>
</tr>
<tr>
<td></td>
<td>Westbound</td>
<td>56.0</td>
<td>65.0</td>
<td>54-64 (40.9%)</td>
</tr>
<tr>
<td>RP 6.50</td>
<td>Eastbound</td>
<td>52.0</td>
<td>61.0</td>
<td>48-58 (51.2%)</td>
</tr>
<tr>
<td></td>
<td>Westbound</td>
<td>51.0</td>
<td>59.0</td>
<td>49-59 (44.0%)</td>
</tr>
<tr>
<td>RP 6.38</td>
<td>Eastbound</td>
<td>47.0</td>
<td>55.0</td>
<td>43-53 (50.2%)</td>
</tr>
<tr>
<td></td>
<td>Westbound</td>
<td>44.0</td>
<td>52.0</td>
<td>42-52 (44.8%)</td>
</tr>
<tr>
<td>RP 5.89</td>
<td>Eastbound</td>
<td>50.0</td>
<td>55.0</td>
<td>46-56 (69.2%)</td>
</tr>
<tr>
<td></td>
<td>Westbound</td>
<td>51.0</td>
<td>56.0</td>
<td>47-57 (74.2%)</td>
</tr>
<tr>
<td>RP 4.95</td>
<td>Eastbound</td>
<td>52.0</td>
<td>56.0</td>
<td>47-57 (77.1%)</td>
</tr>
<tr>
<td></td>
<td>Westbound</td>
<td>51.0</td>
<td>56.0</td>
<td>47-57 (76.0%)</td>
</tr>
<tr>
<td>RP 3.54</td>
<td>Eastbound</td>
<td>51.0</td>
<td>56.0</td>
<td>47-57 (73.2%)</td>
</tr>
<tr>
<td></td>
<td>Westbound</td>
<td>51.0</td>
<td>56.0</td>
<td>48-58 (61.8%)</td>
</tr>
<tr>
<td>RP 3.32</td>
<td>Eastbound</td>
<td>44.0</td>
<td>48.0</td>
<td>40-50 (75.9%)</td>
</tr>
<tr>
<td></td>
<td>Westbound</td>
<td>41.0</td>
<td>46.0</td>
<td>37-47 (75.8%)</td>
</tr>
</tbody>
</table>
Crash and Citation History

Crash data was reviewed for a three-year period from January 1, 2015 to December 31, 2017 on the section of N-53 between RP 3.0 (just east of Airport Rd roundabout on 27th St) and RP 7.0 (west of Zimmerman Trail on MT 3). 63 crashes were reported with the breakdown by crash type provided in Table 3.
Table 3: Crash Breakdown by Type – N-53 from RP 3.0 to RP 7.0

<table>
<thead>
<tr>
<th>Crash Type</th>
<th># of Crashes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rear-end</td>
<td>28</td>
</tr>
<tr>
<td>Sideswipe, Same Direction</td>
<td>14</td>
</tr>
<tr>
<td>Hit Fixed Object</td>
<td>7</td>
</tr>
<tr>
<td>Right Angle</td>
<td>5</td>
</tr>
<tr>
<td>Head-on</td>
<td>3</td>
</tr>
<tr>
<td>Hit Fixed Object</td>
<td>3</td>
</tr>
<tr>
<td>Sideswipe, Opposite Direction</td>
<td>2</td>
</tr>
<tr>
<td>Wild Animal</td>
<td>2</td>
</tr>
<tr>
<td>Left-turn, Opposite Direction</td>
<td>1</td>
</tr>
<tr>
<td>Domestic Animal</td>
<td>1</td>
</tr>
</tbody>
</table>

24 of the 63 total crashes were reported at the Zimmerman Trail intersection with MT 3, with the summary at this location presented in Table 4. It is anticipated that the installation of the roundabout will address many of the crashes occurring at this intersection.

Table 4: Crash Breakdown by Type - Zimmerman Trail / MT 3 intersection

<table>
<thead>
<tr>
<th>Crash Type</th>
<th># of Crashes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rear-end</td>
<td>15</td>
</tr>
<tr>
<td>Right-Angle</td>
<td>4</td>
</tr>
<tr>
<td>Hit Fixed Object</td>
<td>2</td>
</tr>
<tr>
<td>Sideswipe, Same Direction</td>
<td>2</td>
</tr>
<tr>
<td>Left-turn, Opposite Direction</td>
<td>1</td>
</tr>
</tbody>
</table>

During the same three-year period, the Montana Highway Patrol reported that 105 citations were issued along this corridor. Of these, 42 were speeding-related violations with a summary provided in Table 5.

Table 5: Citation Summary

<table>
<thead>
<tr>
<th>Citation</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Speeding</td>
<td>42</td>
</tr>
<tr>
<td>Seatbelt Violation</td>
<td>15</td>
</tr>
<tr>
<td>Failure to carry proof of insurance</td>
<td>10</td>
</tr>
<tr>
<td>Alcohol-related offenses</td>
<td>7</td>
</tr>
<tr>
<td>Fail to Follow Conditions of Special Permit</td>
<td>6</td>
</tr>
<tr>
<td>Driving with a suspended license</td>
<td>5</td>
</tr>
<tr>
<td>Operating an unregistered vehicle (including expired registrations)</td>
<td>4</td>
</tr>
<tr>
<td>Careless driving</td>
<td>3</td>
</tr>
<tr>
<td>Singular instances of other violations</td>
<td>13</td>
</tr>
</tbody>
</table>
Conclusions and Recommendations

Based on review of the travel speed data after construction of the roundabout at the Zimmerman Trail intersection, the following modifications to the existing speed limit are recommended.

In 2008, the Transportation Commission previously approved the existing MT 3 / N-53 speed limit of 50-mph that extends from RP 3.54 (west of Airport Rd roundabout) to RP 6.38 (just west of the Zimmerman Trail intersection).

In order to maintain consistency, it is recommended the 50-mph speed limit be extended to approximate RP 6.50 (approximate station 101+29 of NH-HSIP-G 53-1(34)6 – 100 feet west of the Zimmerman Park approach), an approximate distance of 660 feet to the west.

copies: Roy Peterson, PE - Traffic and Safety Engineer
Doug Bailey – Investigations Unit
Barb Skelton, District 5 Transportation Commissioner
e-file
B.O.C.C. Regular

Meeting Date: 01/22/2019

Title: Contract for Snow Plowing River Ridge Landscape RSID 723 Clark's Fork Estates

Submitted For: Tim Miller, Public Works Director

Submitted By: Tim Miller, Public Works Director

TOPIC:
Snow Plowing Contract with River Ridge Landscape for RSID 723 - Clark's Fork Estates

BACKGROUND:
Snow Plowing Contract with River Ridge Landscape for RSID 723 Clark's Fork Estates.

RECOMMENDED ACTION:
Place contract to file

Attachments

Contracts
Standard Form of Agreement between Owner
and Contractor on the Basis of
A Stipulated Price
Snow Plowing for Clarks Fork Estates RSID 723M

This agreement is dated as of the 17th of January 2019, by and between Yellowstone County, Montana
(hereinafter called Owner), and River Ridge Landscape Laurel Montana (hereinafter called Contractor).

Owner and Contractor, in consideration of the material covenants hereinafter set forth, agree as follows:

1. Scope of Work

Contractor shall provide all labor and equipment necessary to remove the snow from all
constructed roads, including cul-de-sacs, located in the Clarks Fork Estates Subdivision,
RSID 723 M, as outlined in the attached Scope of dated January 14, 2019.

2. Contract Time

This contract will be in effect from January 17th, 2019 until May 9th, 2019. Should any work,
outside the Scope of Work need to be performed, both parties must agree in writing.

3. Contract Price

The Owner shall pay the Contractor $150.00 per hour for plowing; minimum charge is one
hour.

4. Contractor's Representation

4.1 Contractor has examined and reviewed the Contract Documents and other
related paperwork.

4.2 Contractor has visited the site and become familiar with and is satisfied as to the
general, local and site conditions that may affect cost, progress, performance and
furnishing of the work.

4.3 Contractor is familiar with and is satisfied as to all federal, state and local laws and
regulations that may affect cost, progress, performance and furnishing of the work.

4.4 Contractor has given Owner written notice of all conflicts, errors, ambiguities or
discrepancies that the Contractor has discovered in the Contract Documents and
that the Contract Documents are generally sufficient to indicate and convey the
understanding of all terms and conditions for performance and furnishings of the
work.

5. Contract Documents
The Contract Documents, which comprise the entire agreement between Owner and Contractor, consist of the following:

5.1 This Agreement.

5.2 Scope of Work dated January 14\textsuperscript{th} 2019.

5.3 Contractor's current Certificate of Insurance and Workers Compensation coverage.

6. Miscellaneous

6.1 No assignment by a party hereto of any rights under or interests in the Contract Documents will be binding on another party hereto without the written consent of the party sought to be bound; and specifically but without limitation, moneys that may become due and moneys that are due may not be assigned without written consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment no assignment will discharge the assignor from any duty or responsibility under the Contract Documents.

6.2 The successful bidder (herein after Contract or), shall maintain at its sole cost and expense, commercial general liability insurance naming Yellowstone County / Public Works, as additional insured against liability for damages for bodily injury, including death and completed operations and property damages in a minimum amount of Seven Hundred Fifty Thousand Dollars ($750,000.00) for each claim and One Million Five Hundred Thousand Dollars, ($1, 500,000.00), in the aggregate arising from incidents which occur as the result of Contractor's negligence while performing any work or service and for which Yellowstone County / Public Works, sole basis of liability is vicarious liability for the acts or omissions of the Contractor or/and subcontractors. Contractor shall maintain at its cost and expense, insurance against claims for injuries to persons or damages to property, including contractual liability which may arise from or in connection with work or service by Contractor, agents, employees, representatives, assigns and sub-contractors. This insurance shall cover claims as may be caused by any negligent act or omission on. The policy of insurance shall be an occurrence policy with a Best Rating of A- or better and must be in force throughout the period.

Contractor shall name on the Certificate of liability insurance Yellowstone County / Public Works, as additional insured for on-site work or Maintenance Service. In addition, Contractor will furnish to Yellowstone County a copy of the policy endorsement, CG 32 87 05 10, indicating that Yellowstone County / Public Works, are named as an additional insured under the Contractors insurance policy.

Contractor agrees to furnish both the Certificate of insurance and policy endorsement at least ten (10) days prior to beginning work.
Contractor agrees to defend, indemnify and hold harmless Yellowstone County / Public Works from and against any and all claims demands, obligations causes of action, lawsuits and all damages and liabilities fines, judgments, costs, (including settlement costs), and expenses associated therewith (including reasonable attorney's fees and disbursements), arising from incidents that occur the result of Contractor negligence. And for which Yellowstone County/ Public Works, sole basis of liability is vicarious liability for the acts or omissions of Contractor. The defense and indemnification obligations under this paragraph of the Invitation to Bid shall not be limited by any assertions or finding that Yellowstone County/ Public Works, is liable for any damages by reason of a non-delegable duty.

6.3 Contractor is required to maintain workers compensation insurance, or an independent contractor's exemption issued by the Montana Department of Labor covering Contractor and Contractor's employees. Contractor is not, nor is Contractor's workers, employees of Yellowstone County/Yellowstone County Public Works. Workers Compensation insurance, or the exemption from the workers compensation obligation must be valid for the entire period.

6.4 Owner and Contractor each binds itself, its partners, successors, assign and legal representative to the other party hereto, its partners, successors, assign and legal representative to respect to all covenants, agreements and obligations contained in the Contract Documents.

6.5 Contractor must give preference to the employment of bonafide residents of Montana in the performance of this work.

6.6 All work and materials must be warranted for a period of one year from date of installation.

6.7 The Parties agree that the laws of the State of Montana shall govern this contract, and that venue shall be in the Thirteenth Judicial District Court, Yellowstone County, Montana.

6.8 Contractor agrees to defend, indemnify and hold harmless the County against all claims for injuries to person or damages to property occurred from or in connection with the Contractor's performance under the Agreement.

6.9 In the event of litigation between Contractor and the County, the Prevailing party shall be entitled to reimbursement of Court costs and reasonable attorney fees by the non-prevailing party.

7.0 The Contractor must, in performance of work under this contract, fully comply with all applicable federal, state or local laws, rules, regulations, including the Montana Human Rights Act, Civil Rights Act of 1964, The Age Discrimination Act of 1975 and the American with Disabilities Act of 1990. Any subletting or subcontracting by the Contractor subjects contractors to the same provisions. In accordance with section 49-3-207, MCA, the Contractor agrees that the hiring of
persons to perform the contract will be made on the basis of merit and qualification and there will be no discrimination based upon race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin by the person performing under the contract.

IN WITNESS WHEREOF, OWNER and CONTRACTOR have signed this Agreement in duplicate. One counterpart each will be delivered to OWNER and CONTRACTOR. All portions of the Contract Documents have been signed, initialed or identified by OWNER and CONTRACTOR.

This Agreement will be effective January 17, 2019

OWNER:  
Yellowstone County  
Billings, Montana 59101

CONTRACTOR:  
River Ridge Landscape  
32 3 Riv  
L urel Montana 59044

Tim Miller  
Public Works Director  

Authorized Representative  

President
Snow Plowing in Clarks For Estates
Scope of Work - Specifications
January 14, 2019

The scope of work includes the following:

- Clarks Fork Estates is located south of Laurel Mt east off HWY 212. An aerial map showing its location and the streets to be plowed is available by contacting the County Public Works Department; a hard copy can be picked up or an electronic version emailed.

- The areas to be plowed are: all constructed roads in the Subdivision, including cul-de-sacs.

- Snow plowing will automatically be expected once 3 or more inches of snow have accumulated on the road surfaces to be plowed. The Ad-Hoc committee chairperson, Jeff Lazoroff, may request additional snow plowing if less than 3 inches of snow have accumulated but it must be requested by the Ad-Hoc chairperson.

- Coordinate with property owners and RSID Ad-Hoc members as necessary.

  - After completion of the work, provide copies of the invoice to:

    Ad-Hoc Committee
    Member: Jeff Lazoffy
    Address: 3165 US HWY 212 Laurel Mt
    Phone: 628-1141
    Email: jeff@montanafamily.org
# Certificate of Liability Insurance

**Producer:**
Leavitt Great West Insurance Services, LLC  
2345 King Avenue West, Suite E  
Billings, MT 59102

**Insured:**
Lehenbauer, Inc., DBA: River Ridge Landscaping  
3223 River Road  
Laurel, MT 59044

**Contact Information:**
- **Name:** Lourie Feragen, CIC, CISR  
- **Phone:** (877) 229-4553  
- **Fax:** (800) 751-8006  
- **Email:** lourie-feragen@leavitt.com

**Insurer:**
Midwest Family Mutual Ins Co 23574

**Coverage:**
**Certificate Number:** 19-20 All Lines

**Insuring Agreement:**
- **Policy Number:** ACM70560104457  
- **Policy Effective Date:** 1/1/2019  
- **Policy Expiration Date:** 1/1/2020

**Coverage Types:**
- **Commercial General Liability**
  - **Claim Made:** X  
  - **Occurrence:** X
- **Auto Liability**
  - **Any Auto:**
  - **Scheduled Auto:** X  
  - **Non-Owned Auto:** X
- **Umbrella Liability**
  - **Occurrence:** X  
  - **Claim Made:** X
- **Workers' Compensation and Employers' Liability**
  - **Any Proprietor/Partner/Executive Officer/Member Excluded? (Mandatory in N/A)**
  - **Description of Operations:**

**Limits:**
- **Each Occurrence:** $1,000,000  
- **Medical Payments (Any one person):** $15,000  
- **Personal & ADJ:** $1,000,000  
- **General Aggregate:** $2,000,000  
- **Products - Compo Prop Agg:** $2,000,000

**Description of Operations:**
- Snow Plowing for Clark Fork Estates RSID 723M

**Certificate Holder:**
Yellowstone County Public Works  
PO Box 35024  
Billings, MT 59101

**Cancellation:**
- **Authorized Representative:** L Feragen, CIC, CISR

**Revision Number:**
- **Date:** 1/16/2019

**Additional Remarks:**
- Snow Plowing for Clark Fork Estates RSID 723M
- Certificate holder is additional insured with waiver of subrogation per MFMAC09 (01/15).
BLANKET ADDITIONAL INSURED – PRIMARY AND NON-CONTRIBUTORY

This endorsement modifies insurance provided under the Businessowners Coverage Form.

A. Section C “Who Is An Insured” is amended as follows:
   3. Insured is amended to include as an insured any person or organization who you are required to add as an additional insured on this policy under a written contract or a written agreement, but only with respect to liability for bodily injury, property damage or personal and advertising injury cause in whole or in part by:
      1. Your acts or omissions; or
      2. The acts or omissions of those acting on your behalf; and resulting from;
         a. Your ongoing operations performed for the additional insured
         b. Your work completed as included in the products completed operations hazard performed for the additional insured.

B. However, regarding of provisions A above:
   1. We will not extend insurance coverage to any additional insured or organization that
      a. That is not provided to you in this policy; or
      b. That is any broader coverage than you are required to provide to the additional insured person or organization in the written contract or written agreement.
   2. We will not provide Limits of Insurance to any additional insured or organization that exceed the lower of:
      a. The Limits of Insurance provided to you in this policy; or
      b. The Limits of Insurance you are required to provide in the written contract or written agreement.

C. The insurance provided to the additional insured person or organization does not apply:
   Bodily injury, property damage, or personal and advertising injury arising out of our rendering of, or the failure to render, any professional architectural, engineering or surveying services including:
   1. The preparing, approving or failing to prepare or approve maps, shop drawings, opinions, reports, surveys, field orders, change of orders or drawings and specifications; and
   2. Supervisory inspection, architectural or engineering activities

D. For the coverage provided by this endorsement:
   1. The insurance is primary insurance as respects our coverage for the additional insured person or organization where the written contract or written agreement requires this insurance by primary and non-contributory. In that event, we will not seek contribution from any other insurance policy available to the additional insured on which the additional insured person or organization is a Named Insured.
   2. This insurance is excess over any other insurance, whether primary, excess, contingent or any any other basis, available to an additional insured, in which the additional insured on our policy is also covered as an additional insured by attachment of an endorsement to another policy providing coverage for the same occurrence, claim or suit. This provision does not apply to any policy which the additional insured is a Named Insured on such other policy and where our policy is required by written contract or written agreement to provide coverage to the additional insured on a primary and non-contributory basis.