

## CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of the City of Billings, Montana (the "City"), hereby certify that the attached resolution is a true copy of Resolution No. 24-11182, entitled: "RESOLUTION RELATING TO SPECIAL IMPROVEMENT DISTRICT NO. **1426**; CREATING THE DISTRICT FOR THE PURPOSE OF UNDERTAKING CERTAIN LOCAL IMPROVEMENTS AND FINANCING THE COSTS THEREOF AND INCIDENTAL THERETO THROUGH THE ISSUANCE OF SPECIAL IMPROVEMENT DISTRICT BONDS SECURED BY THE CITY'S SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND" (the "Resolution"), on file in the original records of the City in my legal custody; that the Resolution was duly adopted by the City Council of the City at a meeting on **February 12, 2024**, and that the meeting was duly held by the City Council and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the Resolution at said meeting, the following Council members voted in favor thereof: Gulick, Neese, Owen, Joy, Kennedy, Aspenlieder, Tidswell, Boyett, and Mayor Cole; voted against the same: Rupsis; abstained from voting thereon: N/A; or were absent: Shaw.

WITNESS my hand officially this 12<sup>th</sup> day of February, 2024.

Denise B. Bohlman  
Denise R. Bohlman, City Clerk



## RESOLUTION 24-11182

### RESOLUTION RELATING TO SPECIAL IMPROVEMENT DISTRICT NO. 1426; CREATING THE DISTRICT FOR THE PURPOSE OF UNDERTAKING CERTAIN LOCAL IMPROVEMENTS AND FINANCING THE COSTS THEREOF AND INCIDENTAL THERETO THROUGH THE ISSUANCE OF SPECIAL IMPROVEMENT DISTRICT BONDS SECURED BY THE CITY'S SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND.

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

**Section 1. Passage of Resolution of Intention.** This Council, on **January 22, 2024**, adopted Resolution No. **24-11180** (the "Resolution of Intention"), pursuant to which this Council declared its intention to create a special improvement district, designated as Special Improvement District No. **1426** of the City, under Montana Code Annotated, Title 7, Chapter 12, Parts 41 and 42, as amended, for the purpose of financing the costs of certain local improvements described generally therein (the "Improvements") and paying costs incidental thereto, including costs associated with the sale and the security of special improvement district bonds drawn on the District (the "Bonds"), the creating and administration of the District, the funding of a deposit to the City's Special Improvement District Revolving Fund (the "Revolving Fund").

**Section 2. Notice and Public Hearing.** Notice of passage of the Resolution of Intention was duly published and mailed in all respects in accordance with the law, and on **February 12, 2024**, this Council conducted a public hearing on the creation or extension of the District and the making of the Improvements. The meeting of this Council at which this resolution was adopted is the first regular meeting of the Council following the expiration of the period ended 15 days after the first date of publication of the notice of passage of the Resolution of Intention (the "Protest Period").

**Section 3. Protests.** Within the Protest Period, 0 (zero) protests were filed with the City Clerk and not withdrawn by the owners of property in the District subject to assessment for 0% of the total costs of the Improvements. **The protest represents 0% of the assessed cost.**

**Section 4. Creation of the District; Insufficiency of Protests.** The District is hereby created on the terms and conditions set forth in, and otherwise in accordance with, the Resolution of Intention. The protests against the creation or extension of the District or the making of the Improvements filed during the Protest Period, if any, are hereby found to be insufficient. The findings and determinations made in the Resolution of Intention are hereby ratified and confirmed.

PASSED AND ADOPTED by the City Council of the City of Billings, Montana,  
this 12<sup>th</sup> day of February, 2024.

CITY OF BILLINGS:

BY: William A Cole  
William A. Cole, Mayor

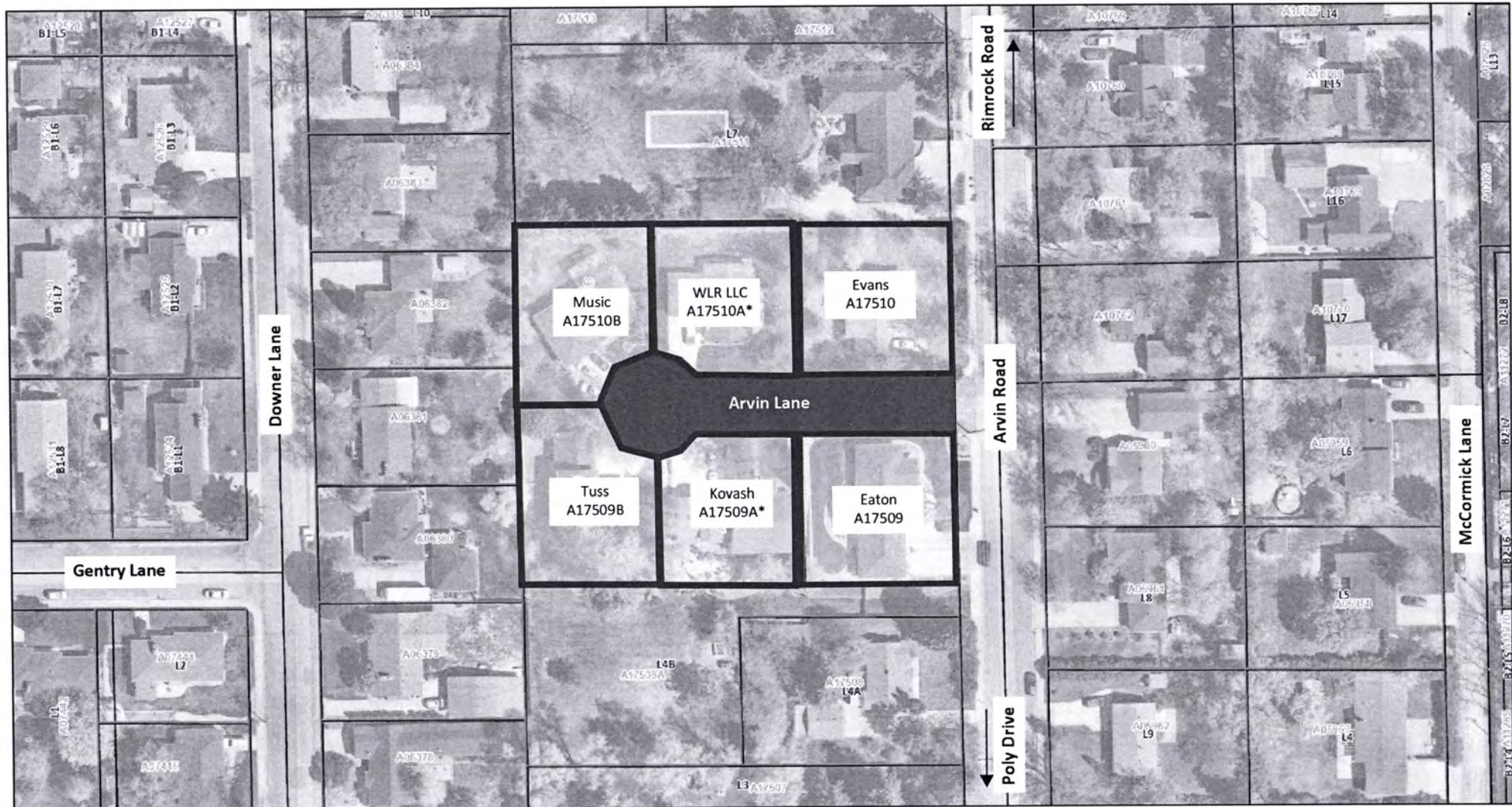


ATTEST:

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



# SID 1426 Arvin Lane - Exhibit A



1/3/2024, 11:24:44 AM

NOTES:

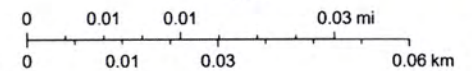
\* Common Ownership

LEGEND:

Addressed Parcel included in SID 1426

Non-addressed Parcel, requesting no private property specific improvements and not included in SID 1426

1:1,128



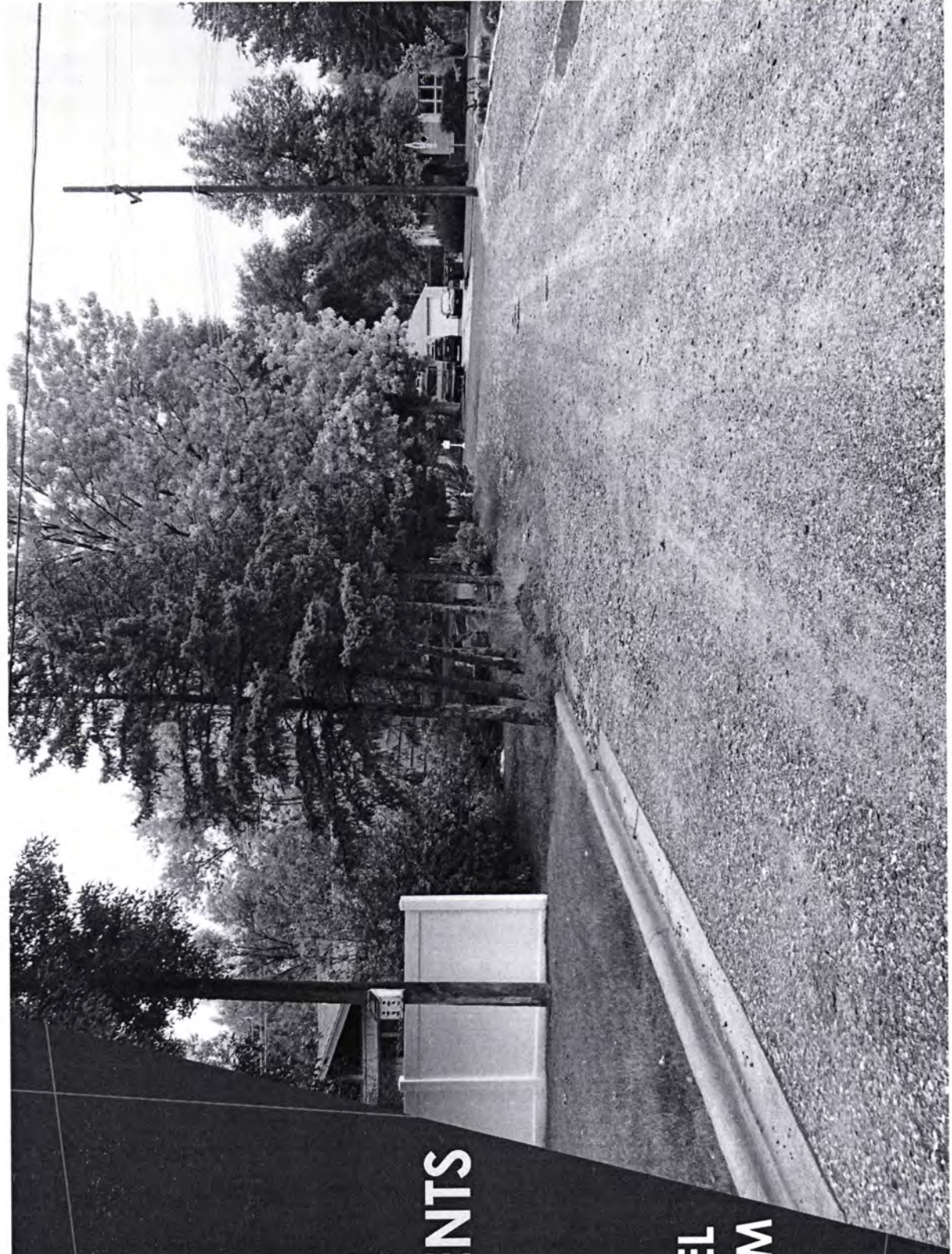
Esri Community Maps Contributors, Montana State Library, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA, City of Billings GIS Department



**SID 1426**

**ARVIN LANE  
IMPROVEMENTS**

**ANNUAL GRAVEL  
STREET PROGRAM**







RIMROCK ROAD

ORCHARD DRIVE

POLY DRIVE

ARVIN ROAD

ARVIN

HANCOCK

# PROJECT LOCATION



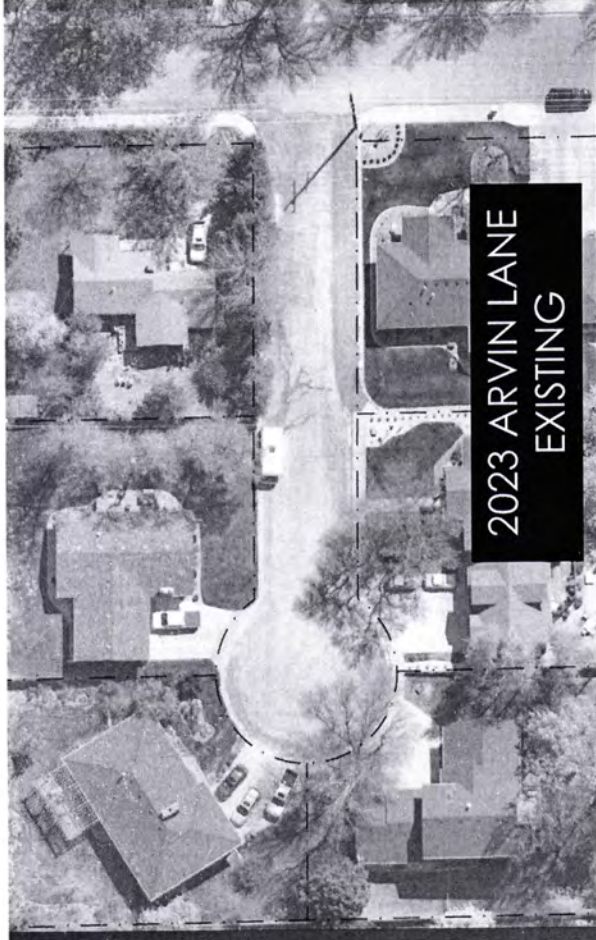
# DESIGN COMPONENTS

## ➤ EXISTING GRAVEL SURFACE

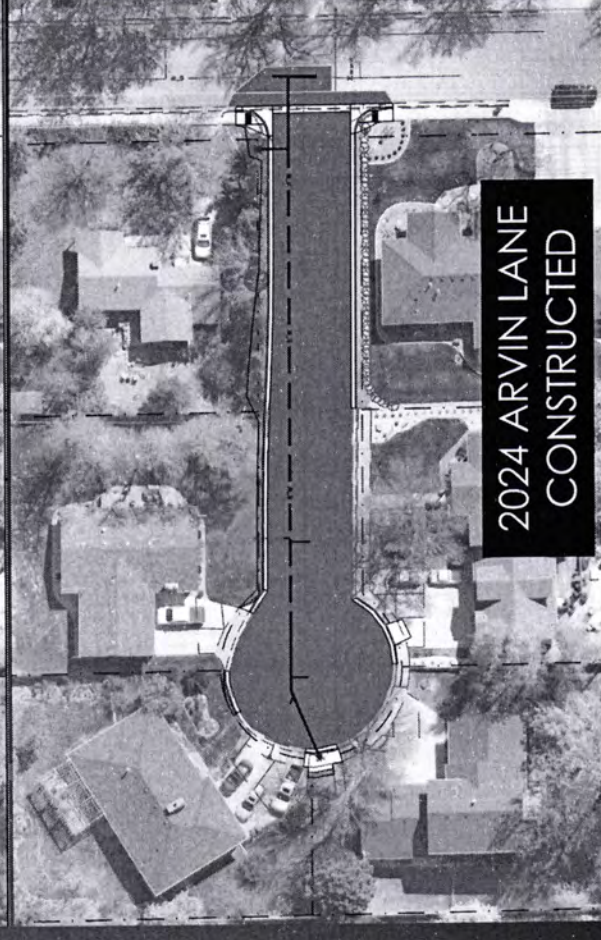
- Interest Survey Driven; Property Owner Support
- Gravel Surface Maintenance
- Undersized 2-inch Water Main
  - No Fire Flow

## ➤ NEW ASPHALT STREET

- 34-Foot Street—40-Foot Right-of-Way
- Curb
- Concrete Approach Rehab
- New 8-inch Water for Fire Flow



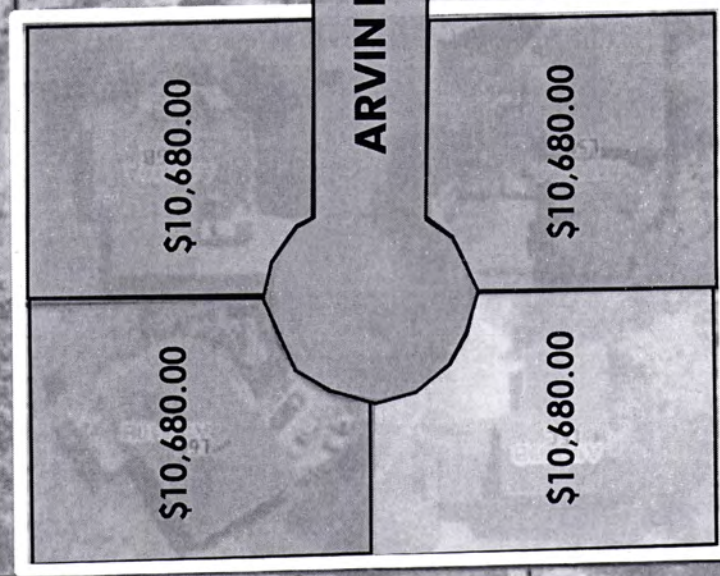
2023 ARVIN LANE  
EXISTING



2024 ARVIN LANE  
CONSTRUCTED



ARVIN ROAD



ARVIN LANE

## DISTRICT BOUNDARY & ASSESSMENTS

KOVASH & WLR LLC  
NO PROTEST

MUSIC, APRIL  
NO PROTEST

TUSS, DUSTIN  
NO PROTEST

GRAVEL STREET  
IMPROVEMENT LIMITS



# FINANCIAL INFORMATION

**TOTAL PROJECT COST**  
**\$285,018.00**

## ASSESSMENT TOTAL

\$42,720.00

EQUAL AMOUNT METHOD

## CITY CONTRIBUTION

SMD 2 FUNDS – \$88,113.82

WATER FUNDS – \$154,184.18

**CITY IN-HOUSE DESIGN**

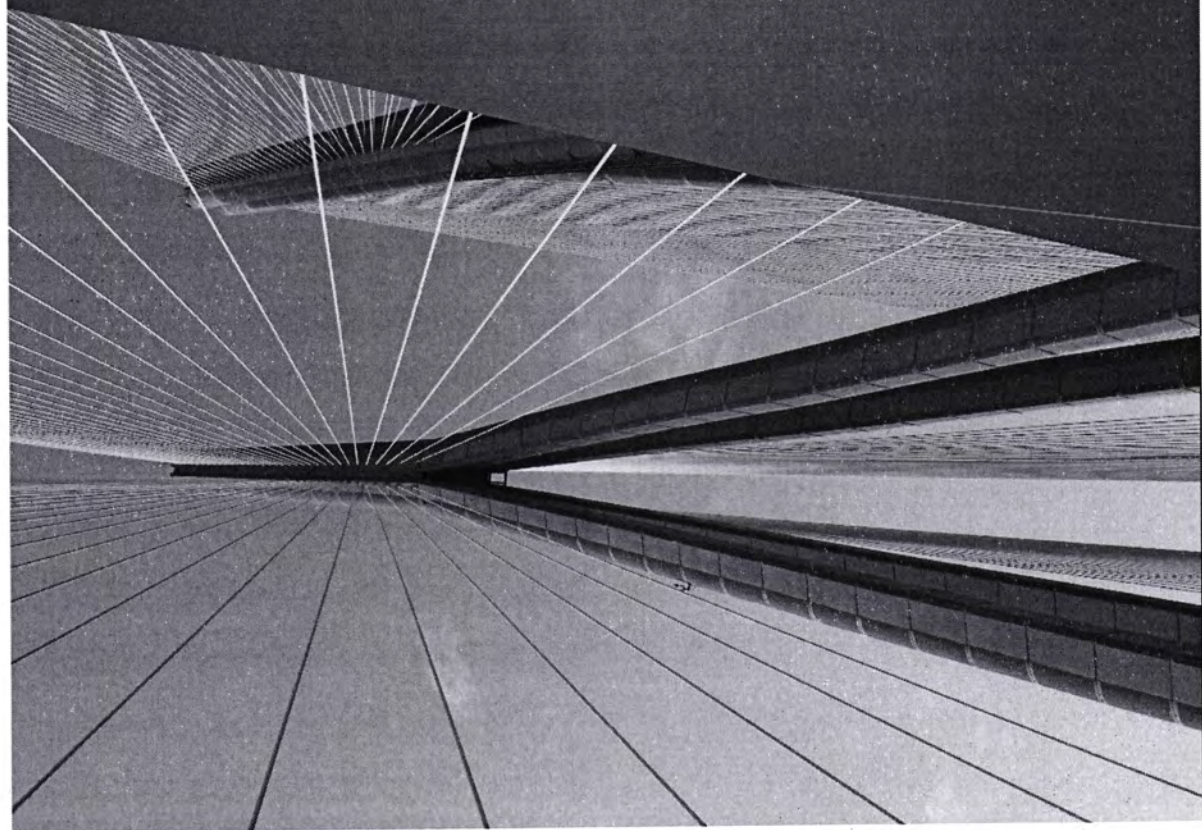


# PROJECT SCHEDULE

- ▶ BIDS RECEIVED 12/19/23
- ▶ RESOLUTION OF INTENT 1/22/24
- ▶ RESOLUTION TO CREATE 2/12/24  
NO PROTESTS AS OF 1/31/24
- ▶ CONSTRUCTION COMPLETE FALL 2024
- ▶ ASSESSMENTS ON TAXES 2025



# QUESTIONS?





**City Council Regular**

Date: 02/12/2024  
 Title: SID 1426 Arvin Lane, Public Hearing and Resolution Creating the District  
 Presented by: Debi Meling  
 Department: Public Works  
 Presentation: Yes  
 Legal Review: Yes  
 Project Number: N/A

RES 24-11182  
 COUNCIL ACTION APP 9-1  
 Shaw absent  
 Ruppis opposed  
 FEB 12 2024  
 CITY CLERK

**RECOMMENDATION**

Staff recommends Council conduct a public hearing and approve the resolution creating SID 1426 Arvin Lane.

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

Special Improvement District (SID) 1426 is being created to construct infrastructure improvements along Arvin Lane. Arvin Lane is an existing gravel street running westerly off Arvin Road, between Rimrock Road to the north and Poly Drive to the south. Based on the annual gravel street construction program presented in the CIP, SID 1426 Arvin Lane (Project) will construct the remainder of curb and gutter, asphalt pavement, and remove and replace some existing curb and gutter and/or drive approaches to improve drainage. The Project will install a new 8-inch water main, replacing the existing 2-inch copper water pipe currently serving the neighborhood since 1966. The new 8-inch water main will provide fire flow to the end of the cul-de-sac that was not previously available through the 2-inch water line. Construction will be coordinated with another nearby project on Hancock Drive.

Attached is a map of the District and Resolution Creating SID 1426 Arvin Lane. Six (6) parcels are adjacent to Arvin Lane within the project limits. Of the six (6) parcels, four (4) are addressed to Arvin Lane and two (2) are residential corner lots addressed to Arvin Road. Two (2) of the four (4) addressed properties are owned by a single owner. The costs associated with the improvements necessary to bring Arvin Lane up to City standards will be assessed to the four addressed properties, per City of Billings Resolution No. 23-11171. Street Maintenance District (SMD) 2 funds will be used to fund non-assessed improvements, and Water funds will be used for the water main replacement. Four (4) assessments will comprise the District. Proposed street improvements (Assessment #1) will be assessed, per the equal amount option method, to the four (4) addressed properties. Neither of the two (2) non-addressed, residential corner lots requested private property specific improvements and will therefore have no assessments.

On January 24, 2023, City staff sent a letter to the addressed properties on Arvin Lane requesting their participation in a survey seeking SID interest levels. The initial letter and estimate revealed general neighborhood interest. Following City staff design, City staff mailed an updated cost estimate and set up an on-site meeting. Two (2) property owners attended the meeting, representing two (2) of the four (4) properties. The two property owners at the meeting continued to show support for the SID. One property owner representing the remaining two (2) properties, who did not attend the meeting, expressed their continued support of the Project in a phone call with City staff. Therefore, staff understands there is unanimous support by four of four property owners.

A Resolution of Intent to Create SID 1426 Arvin Lane was approved by City Council on January 22, 2024. Valid protests received for the SID (if any) will be presented at the City Council meeting.

**ALTERNATIVES**

City Council may:

- Conduct a public hearing and approve the resolution creating SID 1426 Arvin Lane; or,
- After holding a public hearing, not approve the resolution creating SID 1426 Arvin Lane. If not approved, Arvin Lane will remain a gravel street, the existing water main will continue to age and be out of current DEQ compliance.

**FISCAL EFFECTS**

The funding sources, estimated costs of the improvements, and total project cost for SID 1426 is as follows:

SID 1426 Funding Source	SID 1426 Estimated Cost
SID Assessments	\$42,720.00
SMD 2 Funds	\$88,113.82



Water Funds	\$154,184.18
Total	\$285,018.00

Funding for SID 1426 was budgeted using SMD 2 Funds, Water Funds, and property owner assessments (SID) through the annual gravel streets program. Adequate funding is available to create the SID and fund the improvements.

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#### Attachments

SID 1426 Resolution Creating the District  
 SID 1426 Arvin Lane - District Map  
 SID 1426 Arvin\_Council Presentation



**City Council Regular**

**Date:** 02/12/2024  
**Title:** SID 1426 Arvin Lane, Bid Award  
**Presented by:** Debi Meling  
**Department:** Public Works  
**Presentation:** No  
**Legal Review:** Not Applicable  
**Project Number:** N/A

**RECOMMENDATION**

Staff recommends that Council award a contract for SID 1426 Arvin Lane to Earth Movers Excavation, Inc in the amount of \$229,378.20.

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

SID 1426 Arvin Lane will construct Arvin Lane, which is a gravel street running westerly off Arvin Road, between Rimrock Road to the north and Poly Drive to the south. Arvin Lane is proposed to be improved by Special Improvement District (SID) with the full support of the addressed neighborhood utilizing the annual gravel street program. The street improvements include a new street section with asphalt pavement, the installation of missing curb and gutter as well as replacement of existing curb and gutter to provide adequate drainage. As part of the project, the City proposes to replace the existing 2-inch copper water main from 1966 that is unable to provide fire flow to the west end of the street. Street Maintenance District 2 Funds, and Water Funds will be used to fund non-assessed improvements. This project was bid at the same time with SID 1427 Hancock Drive located to the east to achieve cost savings with two projects in nearby locations.

The project was advertised on November 24, December 01, 08, and 15, 2023, in the Yellowstone County News and on the City's website. Bids were opened December 19, 2023. Five (5) bids were received. Earth Movers Excavation, Inc. submitted the lowest, responsible bid.

**ALTERNATIVES**

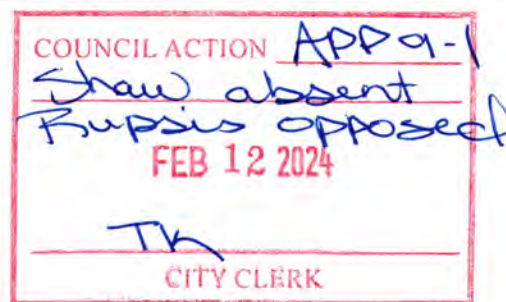
City Council may:

- Award SID 1426 Arvin Lane to Earth Movers Excavation, Inc. in the amount of \$229,378.20 contingent upon creating the SID; or,
- Not award a contract and reject all bids. If the contract is not awarded, Arvin Lane will remain a gravel street, maintenance costs will continue to occur, and the water main will not be replaced.

**FISCAL EFFECTS**

The following bids were received:

CONTRACTOR	BID
Earth Movers Excavation, Inc	\$229,378.20
Askin Construction	\$234,989.00
Knife River	\$266,497.00
Weave Construction	\$299,222.00
K2 Civil	\$327,165.00



Funding for SID 1426 Arvin Lane was budgeted in FY 24 using SMD 2 Funds, Water Funds, and SID assessments through the Gravel Streets Program. Adequate funding is available to award the contract.