

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. 24-11183, entitled: "RESOLUTION RELATING TO SPECIAL IMPROVEMENT DISTRICT NO. **1427**; 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notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.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 12th day of February, 2024.

Denise R. Bohlman
Denise R. Bohlman, City Clerk



RESOLUTION 24-11183

RESOLUTION RELATING TO SPECIAL IMPROVEMENT DISTRICT NO. 1427; 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. **24-11181** (the "Resolution of Intention"), pursuant to which this Council declared its intention to create a special improvement district, designated as Special Improvement District No. **1427** 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, 1 (one) protests were filed with the City Clerk and not withdrawn by the owners of property in the District subject to assessment for 6.09% of the total costs of the Improvements. **The protest represents 20.53% 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 12th 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 1427 Hancock Drive - Exhibit A



1/2/2024, 12:26:55 PM

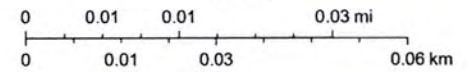
NOTES:

- * Common Ownership

LEGEND:

- | | |
|--------------------------|---|
| <input type="checkbox"/> | Addressed Parcel included in SID 1427 |
| <input type="checkbox"/> | Non-addressed Parcel, requesting private property specific improvements (drive approach) and included in SID 1427 |
| <input type="checkbox"/> | Non-addressed Parcel, requesting no private property specific improvements and not included in SID 1427 |

1:1,128



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ANNUAL GRAVEL
STREET PROGRAM

SID 1427

HANCOCK DRIVE
IMPROVEMENTS



PROJECT LOCATION

HANCOCK DRIVE

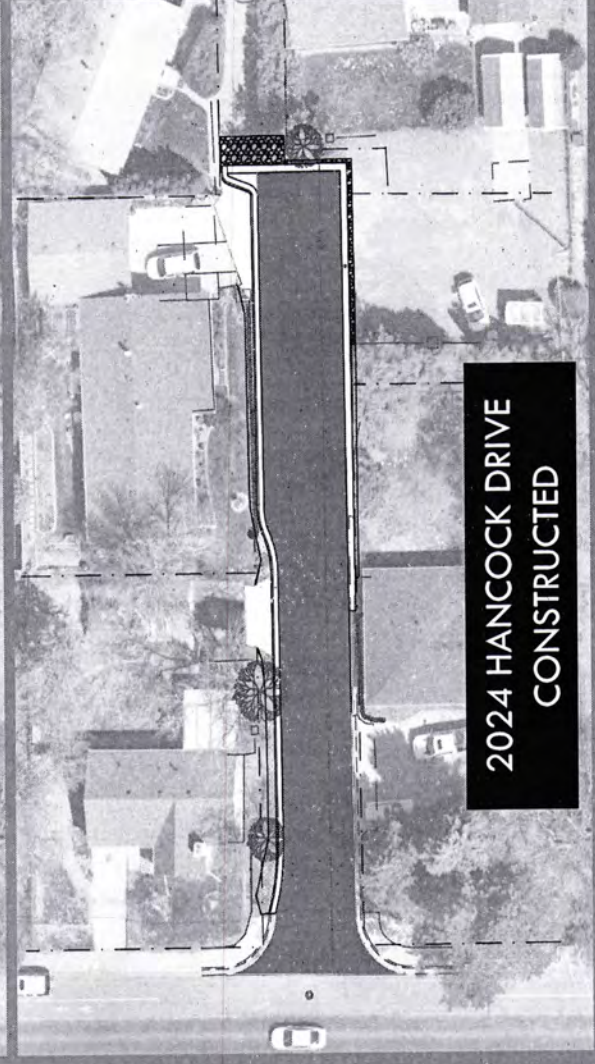


DESIGN COMPONENTS

HANCOCK DRIVE



2023 HANCOCK DRIVE
EXISTING



2024 HANCOCK DRIVE
CONSTRUCTED

GRAVEL STREET

PROPERTY OWNER
REQUESTED SID

GRAVEL SURFACE
MAINTENANCE

ASPHALT STREET

30-FOOT RIGHT OF
WAY

CONCRETE CURB

CONCRETE
APPROACHES



- HAMMOND
REQUESTED
IMPROVEMENTS
- KLARICH
IN SUPPORT
- URLACHER
NOT SUPPORTING
- LAMBRECHT
TWO PROPERTIES
IN SUPPORT

DISTRICT BOUNDARY & ASSESSMENTS

HANCOCK DRIVE

FINANCIAL INFORMATION

HANCOCK DRIVE

TOTAL PROJECT COST

\$129,878.00

ASSESSMENT TOTAL

\$38,500.00

EQUAL AMOUNT METHOD

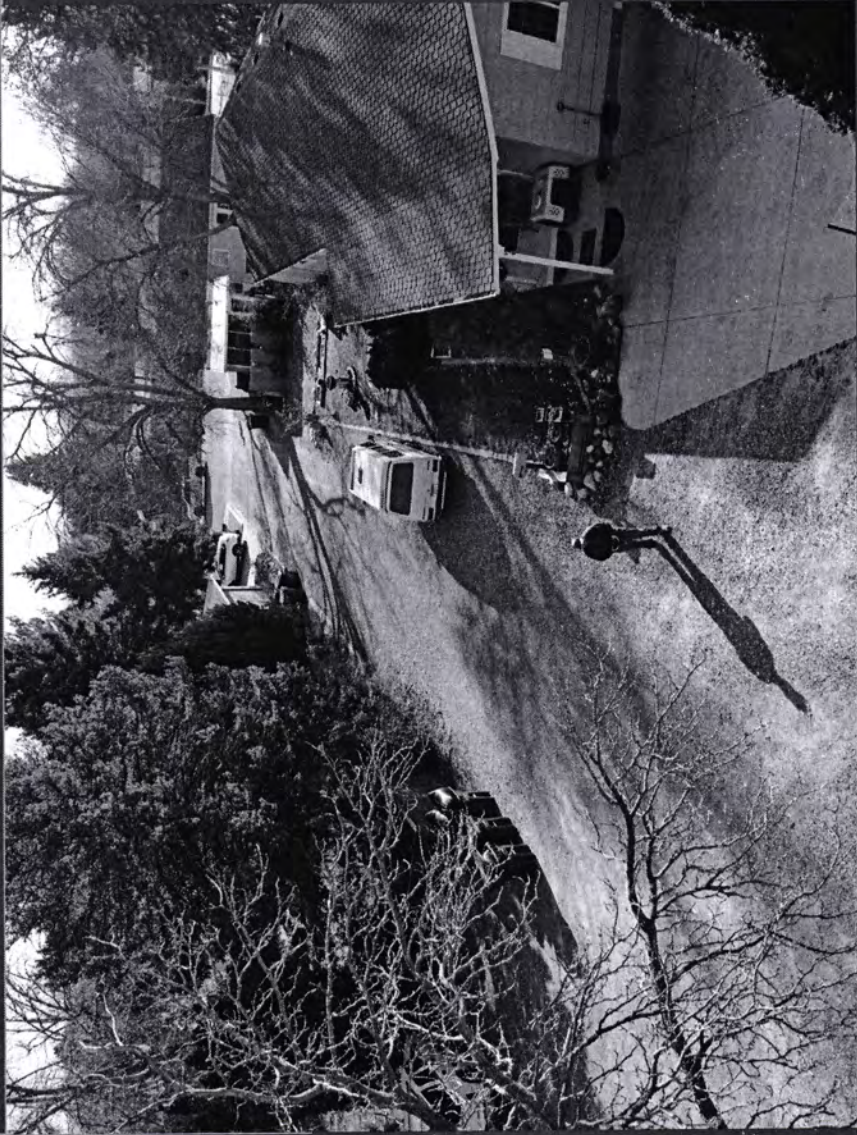
ASSESSABLE AREA METHOD

CITY CONTRIBUTION

\$91,378.00

SMD 2 FUNDS

CITY IN-HOUSE DESIGN



- ▲ BIDS RECEIVED 12/19/2023
- ▲ RESOLUTION OF INTENT 1/22/2024
- ▲ RESOLUTION TO CREATE 2/12/2024
- ▲ CONSTRUCTION COMPLETE
FALL OF 2024
- ▲ ASSESSMENTS ON TAXES 2025

PROJECT SCHEDULE | HANCOCK DRIVE

QUESTIONS?



City Council Regular

Date: 02/12/2024
 Title: SID 1427 Hancock Drive, Public Hearing and Resolution Creating District
 Presented by: Debi Meling
 Department: Public Works
 Presentation: Yes
 Legal Review: Yes
 Project Number: N/A

RES 24-11183
 COUNCIL ACTION APP 9-1
 Shaw absent
 Ruppis opposed
 FEB 12 2024
 TL
 CITY CLERK

RECOMMENDATION

Staff recommends Council conduct a public hearing and approve the resolution creating SID 1427 Hancock Drive.

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

At the request of a property owner on Hancock Drive, Special Improvement district (SID) 1427 is being created to construct improvements along Hancock Drive. Citizen request is one of the criteria to recommend infill improvements. Hancock Drive is an existing gravel street located north of Poly Drive, situated between Orchard Drive to the east and Sunnyview Lane to the west. Based on the annual gravel street construction program presented in the CIP, SID 1427 Hancock Drive (the Project) will construct the remainder of curb and gutter, asphalt pavement, and drive approaches, and assess the costs of the improvements to the adjacent addressed and non-addressed property owners requesting certain private improvements. Street Maintenance District 2 funds will be used to fund non-assessed improvements.

Attached is a map of the District and the Resolution Creating SID 1427 Hancock Drive. Six (6) parcels are adjacent to Hancock Drive within the project limits. Of the six (6) parcels, four (4) are addressed to Hancock Drive and two (2) are residential corner lots addressed to Poly Drive. Two (2) of the four (4) addressed properties are owned by a single owner. The two (2) residential corner lots are not assessed for the improvement costs along their non-addressed side, per City of Billings Resolution No. 23-11171. However, one (1) of the non-addressed properties has requested private property specific improvements to construct a drive approach and will be assessed for that improvement accordingly. Per City of Billings Resolution No. 23-11171, property owners of non-addressed, residential corner lots are responsible for costs associated with private property specific improvements along the non-addressed frontage. Proposed street improvements (Assessment #1) will be assessed, per the equal amount option method, to the four (4) addressed properties. Concrete Flatwork (Assessment #2), as elected by one (1) addressed property and one (1) non-addressed property, will be assessed to the two (2) participating property owners per the assessed area option method. Separating the assessments into these two (2) methods ensures the benefits of the improvements are assessed appropriately.

On several different occasions, City staff met with all of the property owners along Hancock Drive who will be directly affected by the improvements. City staff attended an on-site meeting with three (3) of the property owners, representing one (1) non-addressed property, and three (3) addressed properties. City staff met with one addressed property owner on two separate occasions at the Office of the City Engineer. City staff met separately with the second non-addressed property owner and was requested to include the drive approach improvements in the Project. Following these meetings and based on the cost estimates provided at the time, three of the four addressed property owners were in support of the Project. The two owners of the non-addressed properties are also in support of the Project.

A Resolution of Intent to Create SID 1427 Hancock Drive 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 1427 Hancock Drive; or,
- After holding a public hearing, not approve the resolution creating SID 1427 Hancock Drive. If not approved, Hancock Drive will remain a gravel street.

FISCAL EFFECTS

The funding sources, estimated costs of the improvements, and total project cost for SID 1427 is as follows:

SID 1427 Funding Source	SID 1427 Estimated Cost
SID Assessments	\$38,500.00
SMD 2 Funds	\$91,378.00
Total	\$129,878.00

Funding for SID 1427 was budgeted in FY24 using SMD 2 Funds and property owner assessments (SID) through the annual gravel streets program. Adequate funding is available to create the SID and fund the improvements.

Attachments

SID 1427 Resolution Creating the District
 SID 1427 Hancock Drive - District Map
 SID 1427 Hancock_Council Presentation

City Council Regular

Date: 02/12/2024
Title: SID 1427 Hancock Drive, 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 1427 Hancock Drive to Earth Movers Excavation, Inc in the amount of \$98,769.50.

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

SID 1427 Hancock Drive will construct Hancock Drive, running northerly off Poly Drive situated between Orchard Drive to the east and Sunnyview Lane to the west. Hancock Drive is an existing gravel street proposed to be improved by Special Improvement District (SID) with the support of three (3) out of four (4) property owners within the district. The street improvements include a new street section with asphalt pavement, curb and gutter, and drive approaches. Street Maintenance District 2 funds will be used to fund non-assessed improvements. This project was bid at the same time along with SID 1426 Arvin Lane located to the west 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

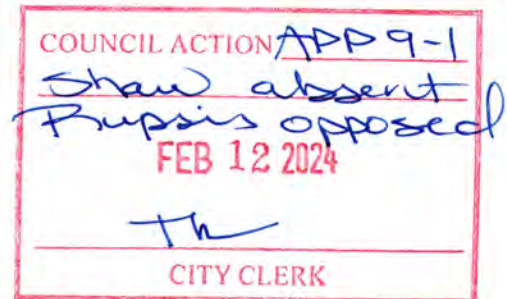
City Council may:

- Award SID 1427 Hancock Drive to Earth Movers Excavation, Inc. in the amount of \$98,769.50; or,
- Not award a contract and reject all bids. If the contract is not awarded, the street will remain a gravel street and maintenance costs will continue to occur.

FISCAL EFFECTS

The following bids were received:

CONTRACTOR	BID
Earth Movers Excavation, Inc.	\$98,769.50
Knife River	\$114,925.00
K2 Civil	\$134,985.00
Askin Construction	\$137,277.00
Weave Construction	\$203,822.50



Funding for SID 1427 was budgeted in FY 24 using SMD 2 Funds and SID assessments via the gravel streets program. Adequate funding is available to award the project.