

**OFFICIAL AGENDA**  
**TUESDAY December 23, 2025**  
**Meeting Start Time: 9:00 a.m.**  
**Board of County Commissioners**  
**Yellowstone County, Montana**  
**City Hall**  
**316 N. 26th Street, Room 3108**  
**Billings, MT**  
**8:45 a.m. Agenda Setting**

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Pledge to the Flag: Moment of Silence: Minutes

**REGULAR AGENDA**

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**9:00 a.m. RECOGNITION**

Edward Zink	County Attorney	27 Years of Service — Departure of Service
Janet Reynolds	GIS/DES	25 Years of Service
Tina Gascon	Sheriff Records	10 Years of Service
Heidi Asay	Detention Center	10 Years of Service
Johnathan Klem	Detention Center	10 Years of Service
Levi Robison	County Attorney	10 Years of Service

**9:00 a.m. PUBLIC HEARING**

Resolution 25-128 Adopting Amended Yellowstone County Buildings for Rent or Lease Regulations

**PUBLIC COMMENTS ON REGULAR, CONSENT AND FILED AGENDA ITEMS**

**1. FINANCE**

Resolution 25-135 Solid Waste District Intent to Raise Fees and Setting the Public Hearing for Tuesday January 6, 2026 @ 9:00 a.m. in Room 309 of the John V. Ostlund Building located at 2825 3rd Ave North

**CLAIMS**

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**CONSENT AGENDA**

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**1. COMMISSIONERS**

- a. Board Appointment - Kim Deal to LPSD
- b. Lockwood Pedestrian Safety District Bylaws 2025
- c. Ostlund Building Employee Guidelines

**2. COUNTY ATTORNEY**

Release and Settlement of Claims — Davis

**3. FINANCE**

- a. Change Order #1 - Sletten Construction - Short Term Hold
- b. Request to Expend - Facilities - Snow Plow
- c. Recommendation of Award - Metra Skybox Renovation
- d. EDA Grant Amendment - Scope Increase North Frontage

**4. SHERIFF**

Big Horn County Agreement for Adult Detention Services

5. **HUMAN RESOURCES**

- a. Yellowstone County Class Specification - Custodian/Housekeeping Supervisor
- b. Isolved Contract Renewal
- c. **PERSONNEL ACTION REPORTS — Detention Facility — 5 Appointments, 1 Termination; District Court — 2 Appointments; MetraPark — 1 Appointment; Road & Bridge — 1 Appointment; Youth Services Center — 1 Salary & Other, 2 Terminations; Sheriff's Office - 5 Salary & Other; County Attorney - 1 Termination**

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**FILE ITEMS**

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1. **CLERK AND RECORDER**

Board Minutes - MetraPark Advisory Board

2. **COMMISSIONERS**

Board Minutes - DUI Task Force November 2025

3. **FINANCE**

ARPA Project Tracking Sheet - through 12/18/25

4. **PUBLIC WORKS**

- a. 2025-2026 Snow Removal Contract with Sparks Inc.
- b. 25-26 Snow removal contracts with John's Home and Yard Service.

**PUBLIC COMMENTS ON COUNTY BUSINESS**

\*Public comment is an opportunity for individuals to address the Board, however, the Board cannot engage in discussion or take action on items not properly noticed on the agenda.

**B.O.C.C. Regular****Meeting Date:** 12/23/2025**Title:** December Recognition**Submitted By:** Charri Victory

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**TOPIC:**

Edward Zink	County Attorney	27 Years of Service — Departure of Service
Janet Reynolds	GIS/DES	25 Years of Service
Tina Gascon	Sheriff Records	10 Years of Service
Heidi Asay	Detention Center	10 Years of Service
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**BACKGROUND:**

na

**RECOMMENDED ACTION:**na

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**B.O.C.C. Regular****Meeting Date:** 12/23/2025**TITLE:** Public Hearing for Updated Buildings for Lease or Rent Regulations (BLR)**PRESENTED BY:** Dave Green**DEPARTMENT:** Planning Department

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**TOPIC:**

Resolution 25-128 Adopting Amended Yellowstone County Buildings for Rent or Lease Regulations

**INTRODUCTION:**

The Planning Division is bringing forward the proposed updated Buildings for Lease or Rent (BLR) regulations for Yellowstone County.

The Planning Division has worked with County Public Works and County Legal staff on updating the BLR regulations to incorporate recent State legislative amendments required by SB 174. This bill removes RV parks and Mobile Home parks from the subdivision regulations review and moves them into BLR requirements in the un-zoned areas of Yellowstone County. Any RV park or Mobile Home park within the zoned area of Yellowstone County will go through the Master Site Plan review for compliance with existing county road regulations, fire suppression regulations and zoning regulations.

Planning updated the BLR regulations, consulting with County Public Works, and County Legal. The updated BLR regulations were written by taking the RV and Mobile Home parks section from the Yellowstone County Subdivision Regulations and modifying them for the BLR regulations. Chapter 6 was Subdivisions for Rent or Lease. This included RV and Mobile Home Parks. Chapter 4 of the Yellowstone County Subdivision Regulations is Development Requirements. This chapter was used as a template for the requirements of developing RV and Mobile Home Park sites.

The only significant change in these regulations is the removal of the requirement to install a gate on RV park roads within Building for Lease or Rent developments. The Planning, Public Works, and Legal Departments discussed the implications of gates in connection with private roads. The regulations continue to designate internal roads within RV parks and Mobile Home parks as private. Because RV parks have the possibility of people coming and leaving at all hours and are more susceptible to fire hazards, eliminating gates helps reduce potential delays in emergency response times. It also helps manage an RV Park with the diversity of people coming and going. Maintaining private roads within these developments also relieves the County of maintenance responsibilities. To help mitigate fire risks, the regulations require a centrally located dry hydrant and the dedication of an easement for access and maintenance of the dry hydrant.

Developers of RV and Mobile Home parks will be required to put a sign at the entry of their park to indicate the roads are all private inside the RV or Mobile Home park.

Planning staff placed the proposed regulations on the Planning Division website and also sent them to consultants/engineering firms for input. The proposed regulations were also discussed at a meeting with the Homebuilders Association on November 12 at 1pm. There were no comments or concerns during the meeting.

Planning brought the proposed BLR regulations to the Board of County Commissioners on November 13, 2025. The Board of County Commissioners requested to have gates on all BLR's except RV parks



and to install a sign at entries to BLR's that state Private Roads. Those items have been added to the BLR regulations.

On November 18, 2025, the Board of County Commissioners set a public hearing for the updated BLR regulation. The public hearing takes place on December 23, 2025.

#### **ALTERNATIVES ANALYZED:**

The purpose of the County's BLR review process is to identify potential negative effects on the public and County services when property is being developed. When negative effects are identified, it is the developers' responsibility to mitigate those effects. Various County departments and private service/utility providers will review proposed developments and provide input on effects and mitigation.

#### **The Board of County Commissioners can do one of the following:**

- Approve the Resolution to Adopt Amended Yellowstone County Buildings for Lease or Rent Regulations
- Deny the Resolution to Adopt Amended Yellowstone County Buildings for Lease or Rent Regulations — Denying the Resolution does not allow for the Buildings for Lease or Rent Regulations to go into effect.

#### **FINANCIAL IMPACT:**

This update to BLR regulations will not have any financial impacts on the Planning Division.

#### **RECOMMENDATION**

Staff is recommending approval of the Resolution to Adopt Amended Yellowstone County Buildings for Rent or Lease Regulations Resolution.

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#### **Attachments**

Resolution  
SB 174  
Updated BLR Regulations  
Original BLR

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# YELLOWSTONE COUNTY BOARD OF COUNTY COMMISSIONERS

Resolution No. 25-133

## Resolution to Adopt Amended Yellowstone County Buildings for Rent or Lease Regulations

WHEREAS, pursuant to Sections 76-8-107(1) of the Montana Code Annotated, a board of county commissioners has the authority to enact buildings for rent or lease regulations. Pursuant to Section 76-8-107(3) of the Montana Code Annotated for a board to enact the regulations it has to pass a resolution of intent, set a public hearing, provide notice of the public hearing, hold a public hearing, receive public comment, consider the public comment and pass a resolution.

WHEREAS, in 2025, the Montana Legislature passed Senate Bill No. 174. The Bill required local governments to review the creation of recreational vehicle and manufactured home parks under the standards for the creation of buildings for rent or lease. Prior to the Bill, local governments reviewed the creation of the recreational vehicle and manufactured home parks under the standards for the creation of a subdivision. To effectuate the change, Yellowstone County needs to move its regulations on the creation of recreational vehicle and manufactured home parks from its subdivision regulations to its buildings for rent or lease regulations. The County needs to eliminate its recreational vehicle and manufactured home parks regulations from its subdivision regulations and add them to its buildings for rent or lease regulations. The County needs to amend both its subdivision and buildings for rent or lease regulations. This resolution only addresses the buildings for rent or lease regulations. The County will pass a separate resolution related to its subdivision regulations.

WHEREAS, on November 18, 2025, the Yellowstone County Board of County Commissioners passed a resolution of intent to adopt amended Yellowstone County Buildings for Rent or Lease Regulations and set a public hearing on the adoption for December 23, 2025. On November 21, 2025, and November 28, 2025, the Yellowstone County Clerk and Recorder published notice of the public hearing in the *Yellowstone County News*. From November 21, 2025, until December 23, 2025, the Clerk and Recorder posted notice of the public hearing at five locations in the County. On December 23, 2025, the Board held a public hearing on the regulations. The Board heard comments on the regulations, considered the regulations and comments. The Board determined that it would be in the best interest of the public to adopt the regulations.

NOW THEREFORE, BE IT RESOLVED,

The Yellowstone County Board of County Commissioners adopts amended Yellowstone County Buildings for Rent or Lease Regulations. The regulations supersede all previous regulations and shall remain effective until superseded by other regulations. Attached are the regulations.

Passed and Adopted on the 23<sup>rd</sup> day of December 2025.

BOARD OF COUNTY COMMISSIONERS  
YELLOWSTONE COUNTY, MONTANA

\_\_\_\_\_  
Mark Morse, Chair

\_\_\_\_\_  
Michael J. Waters, Member

ATTEST

\_\_\_\_\_  
Chris White, Member

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Jeff Martin, Clerk and Recorder

**Attachment**  
Regulations



AN ACT REVISING LAWS RELATED TO THE REVIEW OF BUILDINGS FOR LEASE OR RENT; REQUIRING RECREATIONAL VEHICLES AND MOBILE HOMES TO BE CONSIDERED BUILDINGS FOR LEASE OR RENT FOR THE PURPOSES OF SUBDIVISION REVIEW; AND AMENDING SECTIONS 76-3-103, 76-3-504, 76-3-621, AND 76-8-101, 76-8-103, AND 76-8-107, MCA.”

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 76-3-103, MCA, is amended to read:

**"76-3-103. Definitions.** As used in this chapter, unless the context or subject matter clearly requires otherwise, the following definitions apply:

- (1) "Certificate of survey" means a drawing of a field survey prepared by a registered surveyor for the purpose of disclosing facts pertaining to boundary locations.
- (2) "Cluster development" means a subdivision with lots clustered in a group of five or more lots that is designed to concentrate building sites on smaller lots in order to reduce capital and maintenance costs for infrastructure through the use of concentrated public services and utilities, while allowing other lands to remain undeveloped.
- (3) "Dedication" means the deliberate appropriation of land by an owner for any general and public use, reserving to the landowner no rights that are incompatible with the full exercise and enjoyment of the public use to which the property has been devoted.
- (4) "Division of land" means the segregation of one or more parcels of land from a larger tract held in single or undivided ownership by transferring or contracting to transfer title to a portion of the tract or properly filing a certificate of survey or subdivision plat establishing the identity of the segregated parcels pursuant to this chapter. The conveyance of a tract of record or an entire parcel of land that was created by a previous division of land is not a division of land.

(5) "Examining land surveyor" means a registered land surveyor appointed by the governing body to review surveys and plats submitted for filing.

(6) "Final plat" means the final drawing of the subdivision and dedication required by this chapter to be prepared for filing for record with the county clerk and recorder and containing all elements and requirements set forth in this chapter and in regulations adopted pursuant to this chapter.

(7) "Governing body" means a board of county commissioners or the governing authority of a city or town organized pursuant to law.

(8) "Immediate family" means a spouse, children by blood or adoption, and parents.

(9) "Minor subdivision" means a subdivision that creates five or fewer lots from a tract of record.

(10) "Phased development" means a subdivision application and preliminary plat that at the time of submission consists of independently platted development phases that are scheduled for review on a schedule proposed by the subdivider.

(11) "Planned unit development" means a land development project consisting of residential clusters, industrial parks, shopping centers, or office building parks that compose a planned mixture of land uses built in a prearranged relationship to each other and having open space and community facilities in common ownership or use.

(12) "Plat" means a graphical representation of a subdivision showing the division of land into lots, parcels, blocks, streets, alleys, and other divisions and dedications.

(13) "Preliminary plat" means a neat and scaled drawing of a proposed subdivision showing the layout of streets, alleys, lots, blocks, and other elements of a subdivision that furnish a basis for review by a governing body.

(14) "Public utility" has the meaning provided in 69-3-101, except that for the purposes of this chapter, the term includes county or consolidated city and county water or sewer districts as provided for in Title 7, chapter 13, parts 22 and 23, and municipal sewer or water systems and municipal water supply systems established by the governing body of a municipality pursuant to Title 7, chapter 13, parts 42, 43, and 44.

(15) "Subdivider" means a person who causes land to be subdivided or who proposes a subdivision of land.

(16) "Subdivision" means a division of land or land so divided that it creates one or more parcels

containing less than 160 acres that cannot be described as a one-quarter aliquot part of a United States government section, exclusive of public roadways, in order that the title to the parcels may be sold or otherwise transferred and includes any resubdivision and a condominium. ~~The term also means an area, regardless of its size, that provides or will provide multiple spaces for rent or lease on which recreational camping vehicles or mobile homes will be placed.~~

(17) (a) "Tract of record" means an individual parcel of land, irrespective of ownership, that can be identified by legal description, independent of any other parcel of land, using documents on file in the records of the county clerk and recorder's office.

(b) Each individual tract of record continues to be an individual parcel of land unless the owner of the parcel has joined it with other contiguous parcels by filing with the county clerk and recorder:

(i) an instrument of conveyance in which the aggregated parcels have been assigned a legal description that describes the resulting single parcel and in which the owner expressly declares the owner's intention that the tracts be merged; or

(ii) a certificate of survey or subdivision plat that shows that the boundaries of the original parcels have been expunged and depicts the boundaries of the larger aggregate parcel.

(c) An instrument of conveyance does not merge parcels of land under subsection (17)(b)(i) unless the instrument states, "This instrument is intended to merge individual parcels of land to form the aggregate parcel(s) described in this instrument" or a similar statement, in addition to the legal description of the aggregate parcels, clearly expressing the owner's intent to effect a merger of parcels."

**Section 2.** Section 76-3-504, MCA, is amended to read:

**"76-3-504. Subdivision regulations -- contents.** (1) The subdivision regulations adopted under this chapter must comply with the requirements provided for in 76-3-501 and, at a minimum:

(a) list the materials that must be included in a subdivision application in order for the application to be determined to contain the required elements for the purposes of the review required in 76-3-604(1);

(b) except as provided in 76-3-509, 76-3-609, or 76-3-616, require the subdivider to submit to the governing body an environmental assessment as prescribed in 76-3-603;

(c) establish procedures consistent with this chapter for the submission and review of subdivision

applications and amended applications;

(d) prescribe the form and contents of preliminary plats and the documents to accompany final plats;

(e) provide for the identification of areas that, because of natural or human-caused hazards, are unsuitable for subdivision development. The regulations must prohibit subdivisions in these areas unless the hazards can be eliminated or overcome by approved construction techniques or other mitigation measures authorized under 76-3-608(4) and (5). Approved construction techniques or other mitigation measures may not include building regulations as defined in 50-60-101 other than those identified by the department of labor and industry as provided in 50-60-901.

(f) prohibit subdivisions for building purposes in areas located within the floodway of a flood of 100-year frequency, as defined by Title 76, chapter 5, or determined to be subject to flooding by the governing body;

(g) prescribe standards for:

(i) the design and arrangement of lots, streets, and roads;

(ii) grading and drainage;

(iii) subject to the provisions of 76-3-511, water supply and sewage and solid waste disposal that meet the:

(A) regulations adopted by the department of environmental quality under 76-4-104 for subdivisions that will create one or more parcels containing less than 20 acres; and

(B) standards provided in 76-3-604 and 76-3-622 for subdivisions that will create one or more parcels containing 20 acres or more and less than 160 acres; and

(iv) the location and installation of public utilities;

(h) provide procedures for the administration of the park and open-space requirements of this chapter;

(i) provide for the review of subdivision applications by affected public utilities and those agencies of local, state, and federal government identified during the preapplication consultation conducted pursuant to subsection (1)(q) or those having a substantial interest in a proposed subdivision. A public utility or agency review may not delay the governing body's action on the application beyond the time limits specified in this

chapter, and the failure of any agency to complete a review of an application may not be a basis for rejection of the application by the governing body.

(j) when a subdivision creates parcels with lot sizes averaging less than 5 acres, require the subdivider to:

(i) reserve all or a portion of the appropriation water rights owned by the owner of the land to be subdivided and transfer the water rights to a single entity for use by landowners within the subdivision who have a legal right to the water and reserve and sever any remaining surface water rights from the land;

(ii) if the land to be subdivided is subject to a contract or interest in a public or private entity formed to provide the use of a water right on the subdivision lots, establish a landowner's water use agreement administered through a single entity that specifies administration and the rights and responsibilities of landowners within the subdivision who have a legal right and access to the water; or

(iii) reserve and sever all surface water rights from the land;

(k) (i) except as provided in subsection (1)(k)(ii), require the subdivider to establish ditch easements in the subdivision that:

(A) are in locations of appropriate topographic characteristics and sufficient width to allow the physical placement and unobstructed maintenance of open ditches or belowground pipelines for the delivery of water for irrigation to persons and lands legally entitled to the water under an appropriated water right or permit of an irrigation district or other private or public entity formed to provide for the use of the water right on the subdivision lots;

(B) are a sufficient distance from the centerline of the ditch to allow for construction, repair, maintenance, and inspection of the ditch; and

(C) prohibit the placement of structures or the planting of vegetation other than grass within the ditch easement without the written permission of the ditch owner.

(ii) Establishment of easements pursuant to this subsection (1)(k) is not required if:

(A) the average lot size is 1 acre or less and the subdivider provides for disclosure, in a manner acceptable to the governing body, that adequately notifies potential buyers of lots that are classified as irrigated land and may continue to be assessed for irrigation water delivery even though the water may not be deliverable; or

(B) the water rights are removed or the process has been initiated to remove the water rights from the subdivided land through an appropriate legal or administrative process and if the removal or intended removal is denoted on the preliminary plat. If removal of water rights is not complete upon filing of the final plat, the subdivider shall provide written notification to prospective buyers of the intent to remove the water right and shall document that intent, when applicable, in agreements and legal documents for related sales transactions.

(l) require the subdivider, unless otherwise provided for under separate written agreement or filed easement, to file and record ditch easements for unobstructed use and maintenance of existing water delivery ditches, pipelines, and facilities in the subdivision that are necessary to convey water through the subdivision to lands adjacent to or beyond the subdivision boundaries in quantities and in a manner that are consistent with historic and legal rights;

(m) require the subdivider to describe, dimension, and show public utility easements in the subdivision on the final plat in their true and correct location. The public utility easements must be of sufficient width to allow the physical placement and unobstructed maintenance of public utility facilities for the provision of public utility services within the subdivision.

(n) establish whether the governing body, its authorized agent or agency, or both will hold public hearings;

(o) establish procedures describing how the governing body or its agent or agency will address information presented at the hearing or hearings held pursuant to 76-3-605 and 76-3-615;

(p) establish criteria that the governing body or reviewing authority will use to determine whether a proposed method of disposition using the exemptions provided in 76-3-201 or 76-3-207 is an attempt to evade the requirements of this chapter. The regulations must provide for an appeals process to the governing body if the reviewing authority is not the governing body.

(q) establish a preapplication process that:

(i) requires a subdivider to meet with the authorized agent or agency, other than the governing body, that is designated by the governing body to review subdivision applications prior to the subdivider submitting the application;

(ii) requires, for informational purposes only, identification of the state laws, local regulations, and growth policy provisions, if a growth policy has been adopted, that may apply to the subdivision review process;



(iii) requires a list to be made available to the subdivider of the public utilities, those agencies of local, state, and federal government, and any other entities that may be contacted for comment on the subdivision application and the timeframes that the public utilities, agencies, and other entities are given to respond. If, during the review of the application, the agent or agency designated by the governing body contacts a public utility, agency, or other entity that was not included on the list originally made available to the subdivider, the agent or agency shall notify the subdivider of the contact and the timeframe for response.

(iv) requires that a preapplication meeting take place no more than 30 days from the date that the authorized agent or agency receives a written request for a preapplication meeting from the subdivider; and

(v) establishes a time limit after a preapplication meeting by which an application must be submitted;

(r) require that the written decision required by 76-3-620 must be provided to the applicant within 30 working days following a decision by the governing body to approve, conditionally approve, or deny a subdivision;

~~(s) establish criteria for reviewing an area, regardless of its size, that provides or will provide multiple spaces for recreational camping vehicles or mobile homes.~~

(2) In order to accomplish the purposes described in 76-3-501, the subdivision regulations adopted under 76-3-509 and this section may include provisions that are consistent with this section that promote cluster development."

**Section 3.** Section 76-3-621, MCA, is amended to read:

**"76-3-621. Park dedication requirement.** (1) Except as provided in 76-3-509 or subsections (2), (3), and (6) through (9) of this section, a subdivider shall dedicate to the governing body a cash or land donation equal to:

- (a) 11% of the area of the land proposed to be subdivided into parcels of one-half acre or smaller;
- (b) 7.5% of the area of the land proposed to be subdivided into parcels larger than one-half acre and not larger than 1 acre;
- (c) 5% of the area of the land proposed to be subdivided into parcels larger than 1 acre and not larger than 3 acres; and

(d) 2.5% of the area of the land proposed to be subdivided into parcels larger than 3 acres and not larger than 5 acres.

(2) When a subdivision is located totally within an area for which density requirements have been adopted pursuant to a growth policy under chapter 1 or pursuant to zoning regulations under chapter 2, the governing body may establish park dedication requirements based on the community need for parks and the development densities identified in the growth policy or regulations. Park dedication requirements established under this subsection are in lieu of those provided in subsection (1) and may not exceed 0.03 acres per dwelling unit.

(3) A park dedication may not be required for:

- (a) land proposed for subdivision into parcels larger than 5 acres;
- (b) subdivision into parcels that are all nonresidential;
- (c) a subdivision in which parcels are not created, except when that subdivision provides ~~permanent multiple spaces for recreational camping vehicles, mobile homes, or for~~ condominiums;
- (d) a subdivision in which only one additional parcel is created; or
- (e) except as provided in subsection (8), a first minor subdivision from a tract of record as described in 76-3-609(2).

(4) The governing body, in consultation with the subdivider and the planning board or park board that has jurisdiction, may determine suitable locations for parks and playgrounds and, giving due weight and consideration to the expressed preference of the subdivider, may determine whether the park dedication must be a land donation, cash donation, or a combination of both. When a combination of land donation and cash donation is required, the cash donation may not exceed the proportional amount not covered by the land donation.

(5) (a) In accordance with the provisions of subsections (5)(b) and (5)(c), the governing body shall use the dedicated money or land for development, acquisition, or maintenance of parks to serve the subdivision.

(b) The governing body may use the dedicated money to acquire, develop, or maintain, within its jurisdiction, parks or recreational areas or for the purchase of public open space or conservation easements only if:

(i) the park, recreational area, open space, or conservation easement is within a reasonably close proximity to the proposed subdivision; and

(ii) the governing body has formally adopted a park plan that establishes the needs and procedures for use of the money.

(c) The governing body may not use more than 50% of the dedicated money for park maintenance.

(6) The local governing body shall waive the park dedication requirement if:

(a) (i) the preliminary plat provides for a planned unit development or other development with land permanently set aside for park and recreational uses sufficient to meet the needs of the persons who will ultimately reside in the development; and

(ii) the area of the land and any improvements set aside for park and recreational purposes equals or exceeds the area of the dedication required under subsection (1);

(b) (i) the preliminary plat provides long-term protection of critical wildlife habitat; cultural, historical, or natural resources; agricultural interests; or aesthetic values; and

(ii) the area of the land proposed to be subdivided, by virtue of providing long-term protection provided for in subsection (6)(b)(i), is reduced by an amount equal to or exceeding the area of the dedication required under subsection (1);

(c) the area of the land proposed to be subdivided, by virtue of a combination of the provisions of subsections (6)(a) and (6)(b), is reduced by an amount equal to or exceeding the area of the dedication required under subsection (1); or

(d) (i) the subdivider provides for land outside of the subdivision to be set aside for park and recreational uses sufficient to meet the needs of the persons who will ultimately reside in the subdivision; and

(ii) the area of the land and any improvements set aside for park and recreational uses equals or exceeds the area of dedication required under subsection (1).

(7) The local governing body may waive the park dedication requirement if:

(a) the subdivider provides land outside the subdivision that affords long-term protection of critical wildlife habitat, cultural, historical, or natural resources, agricultural interests, or aesthetic values; and

(b) the area of the land to be subject to long-term protection, as provided in subsection (7)(a),

equals or exceeds the area of the dedication required under subsection (1).

- (8) (a) A local governing body may, at its discretion, require a park dedication for:
  - (i) a subsequent minor subdivision as described in 76-3-609(3); or
  - (ii) a first minor subdivision from a tract of record as described in 76-3-609(2) if:
    - (A) the subdivision plat indicates development of condominiums or other multifamily housing;
    - (B) zoning regulations permit condominiums or other multifamily housing; or
    - (C) any of the lots are located within the boundaries of a municipality.
- (b) A local governing body that chooses to require a park dedication shall specify in regulations the

circumstances under which a park dedication will be required.

(9) Subject to the approval of the local governing body and acceptance by the school district trustees, a subdivider may dedicate a land donation provided in subsection (1) to a school district, adequate to be used for school facilities or buildings.

- (10) For the purposes of this section:
  - (a) "cash donation" is the fair market value of the unsubdivided, unimproved land; and
  - (b) "dwelling unit" means a residential structure in which a person or persons reside.
- (11) A land donation under this section may be inside or outside of the subdivision."

**Section 4.** Section 76-8-101, MCA, is amended to read:

**"76-8-101. Definitions.** As used in this part, the following definitions apply:

- (1) "Building" means a structure or a unit of a structure with a roof supported by columns or walls for the permanent or temporary housing or enclosure of persons or property or for the operation of a business. ~~Except as provided in 76-3-103 (16) the~~ The term includes a recreational camping vehicle, mobile home, or cell tower or multiple spaces for lease or rent under single ownership on which recreational vehicles as defined in 61-1-101 or mobile homes as defined in 15-24-201 will be placed. The term does not include a condominium or townhome.
- (2) "Department" means the department of environmental quality provided for in 2-15-3501.
- (3) "Governing body" means the legislative authority for a city, town, county, or consolidated city-county government.

(4) "Landowner" means an owner of a legal or equitable interest in real property. The term includes an heir, successor, or assignee of the ownership interest.

(5) "Local reviewing authority" means a local department or board of health that is approved to conduct reviews under Title 76, chapter 4.

(6) "Supermajority" means:

(a) an affirmative vote of at least two-thirds of the present and voting members of a city or town council;

(b) a unanimous affirmative vote of the present and voting county commissioners in counties with three county commissioners;

(c) an affirmative vote of at least four-fifths of the present and voting county commissioners in counties with five commissioners;

(d) an affirmative vote of at least two-thirds of the present and voting county commissioners in counties with more than five commissioners; or

(e) an affirmative vote of at least two-thirds of the present and voting members of the governing body of a consolidated city-county government.

(7) "Tract" means an individual parcel of land that can be identified by legal description, independent of any other parcel of land, using documents on file in the records of the county clerk and recorder's office."

**Section 5.** Section 76-8-103, MCA, is amended to read:

**"76-8-103. Buildings for lease or rent -- exemptions.** (1) A building created for lease or rent on a single tract is exempt from the provisions of this part if:

(a) the building is in conformance with applicable zoning regulations adopted pursuant to Title 76, chapter 2, parts 1 through 3, provided that the zoning contains the elements of 76-8-107; or

(b) when applicable zoning regulations are not in effect:

(i) the building was in existence or under construction before September 1, 2013;

(ii) the building provides accommodations as defined in 15-68-101 that are subject to the lodging facility use tax under Title 15, chapter 65, except for spaces created for recreational camping vehicles or mobile

home parks;

- (iii) the building is created for lease or rent for farming or agricultural purposes;
- (iv) the building is not served by water and wastewater and will not be leased or rented;
- (v) the building is served by water and wastewater and the landowner records a notarized

declaration with the clerk and recorder of the county in which the property is located stating that the proposed building will not be leased or rented. The declaration recorded pursuant to this subsection (1)(b)(v) runs with the land and is binding on the landowner and all subsequent landowners and successors in interest to the property.

The declaration must include but is not limited to:

- (A) the name and address of the landowner;
- (B) a legal description of the tract upon which the proposed building will be located; and
- (C) a specific description of the building on the tract of record.

(2) Any building that is exempt under subsection (1) from the provisions of this part and that is or will be served by water or wastewater must be in compliance with the provisions of 76-8-106.

(3) The exemption provided in subsection (1)(b)(i) is limited to the first three buildings created for lease or rent on a single tract."

**Section 6.** Section 76-8-107, MCA, is amended to read:

**"76-8-107. Buildings for lease or rent -- four or more buildings -- regulations.** (1) A governing body shall adopt regulations for the administration and enforcement of the creation of four or more buildings for lease or rent on a single tract.

(2) The regulations adopted pursuant to this section must, at a minimum:

(a) list the materials that must be included in an application for the creation of four or more buildings for lease or rent;

(b) require a description of:

- (i) property boundaries;
- (ii) onsite and adjacent offsite streets, roads, and easements;
- (iii) geographic features;
- (iv) existing septic tanks and drainfields;

- (v) existing wells; and
  - (vi) existing and proposed buildings;
  - (c) require adequate water supply and sewage and solid waste disposal facilities;
  - (d) require an assessment of potential significant impacts on the surrounding physical environment and human population in the area to be affected, including conditions, if any, that may be imposed on the proposal to avoid or minimize potential significant impacts identified;
  - (e) require adequate emergency medical, fire protection, and law enforcement services;
  - (f) require access to the site; ~~and~~
  - (g) comply with applicable flood plain requirements; and
  - (h) comply with an adopted growth policy.
- (3) Prior to adopting regulations pursuant to this section, the governing body shall provide an opportunity for public hearing and comment on the proposed regulations. Notice of the public hearing must be published as provided in 7-1-2121 if the governing body is a county commission or as provided in 7-1-4127 if the governing body is a city commission or a town council and must be posted not less than 30 days before the public hearing in at least five public places, including but not limited to public buildings. Public comment must be addressed before the regulations are adopted."

**Section 7. Coordination instruction.** If either House Bill No. 233 or House Bill No. 534, or both, and [this act] are passed and approved and if either or both and [this act] contain a section that amends 76-8-101, then the sections amending 76-8-101 in House Bill No. 233 and House Bill No. 534 are void.

**Section 8. Applicability.** [This act] applies to recreational camping vehicles and mobile home spaces created on or after [the effective date of this act].

- END -

I hereby certify that the within bill,  
SB 174, originated in the Senate.

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Secretary of the Senate

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President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2025.

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Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2025.



SENATE BILL NO. 174

INTRODUCED BY F. MANDEVILLE

AN ACT REVISING LAWS RELATED TO THE REVIEW OF BUILDINGS FOR LEASE OR RENT; REQUIRING RECREATIONAL VEHICLES AND MOBILE HOMES TO BE CONSIDERED BUILDINGS FOR LEASE OR RENT FOR THE PURPOSES OF SUBDIVISION REVIEW; AND AMENDING SECTIONS 76-3-103, 76-3-504, 76-3-621, AND 76-8-101, 76-8-103, AND 76-8-107, MCA.”

**Yellowstone County  
Buildings for Lease or Rent  
Application & Review Process**

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## **1 CHAPTER 1: GENERAL PROVISIONS**

### **1.1 Purpose**

The following regulations are intended to provide a process for the acceptance and review of applications for the creation of buildings for lease or rent in the unincorporated areas of Yellowstone County, Montana. The lease or rent of buildings on a tract of record may directly impact the property and its surroundings with regard to vehicular access, public health, safety, and general welfare, the provision of public services and utilities, and the physical environment. These regulations are adopted for the purpose of considering and mitigating potential impacts resulting from buildings proposed for rent or lease on a single tract of record, ensuring protection of the public's health, safety and general welfare.

### **1.2 Authority & Administration**

- A. These regulations are adopted under the authority of Sections 76-8-101, et seq., MCA
- B. The City-County Planning Division having jurisdiction is designated by the Board of County Commissioners of Yellowstone County to administer these regulations, including the review of any applications submitted, preparation of a recommendation of approval, conditional approval, or denial of the application to the Board for its consideration.
- C. The Board of County Commissioners has authority to approve, conditionally approve, or deny the application for the creation of buildings for lease or rent pursuant to these regulations.

### **1.3 Applicability**

- A. These regulations apply to all lands within unincorporated areas of Yellowstone County.
- B. In their interpretation and application, the provisions of this chapter may be regarded as the minimum requirements for the protection of the public's health, safety, and welfare.
- C. This resolution is not intended to abrogate or annul any building permit, certificate of occupancy, variance, or other lawful permit issued before the effective date of this resolution.
- D. These regulations apply to all Buildings for Lease or Rent (BLR) including Recreational Vehicle Parks (RV) and Mobile Home Parks.

## 1.4 Definitions

- A. *Administrator* – The individual designated by the governing body to carry out the terms of these regulations.
- B. *Applicant* – The owner, or designated representative, of land for which an application for the creation of a building for lease or rent has been submitted.
- C. *Building* – As defined in Section 76-8-101(1), MCA, a structure or a unit of a structure with a roof supported by columns or walls for the permanent or temporary housing or enclosure of persons or property or for the operation of a business. The term includes cell tower or multiple spaces for lease or rent under single ownership on which recreational vehicles as defined in 61-1-101, MCA or mobile homes as defined in 15-24-201, MCA will be placed. The term does not include a condominium or townhome.
- D. *Department* – As defined in Section 76-8-101(2), MCA, the department of environmental quality provided for in 2-15-3501.
- E. *Driveways* – Access driveways are defined as an access serving one or two lots and not more than five dwellings.
- F. *Expansions* – Major expansions would be 6 or more new spaces. Subsequent minor expansion would be 5 or fewer new spaces.
- G. *Governing body* – As defined in Section 76-8-101(3), MCA, the legislative authority for a city, town, county, or consolidated city-county government.
- H. *Landowner* – As defined in Section 76-8-101(4), MCA, an owner of a legal or equitable interest in real property. The term includes an heir, successor, or assignee of the ownership interest.
- I. *Local reviewing authority* – As defined in Section 76-8-101(5), MCA, a local department or board of health that is approved to conduct reviews under Title 76, chapter 4.
- J. *Roads* – Accesses serving more than two lots, or five dwellings shall be considered a road and built to road standards.
- K. *Supermajority* – As defined in Section 76-8-101(6), MCA, a unanimous affirmative vote of the present and voting county commissioners in counties with three county commissioners.
- L. *Tract* – As defined in Section 76-8-101(7), MCA, an individual parcel of land that can be identified by legal description, independent of any other parcel of land, using documents on file in the records of the county clerk and recorder's office.

## **1.5 Exemptions**

- A. A building created for lease or rent on a single tract is exempt from the provisions of these regulations if, when Yellowstone County Zoning Regulations are not in effect:
- i. The building is one of three or fewer buildings for lease or rent that were in existence or under construction before September 1, 2013;
  - ii. The building is a facility as defined in 15-65-101 that is subject to the lodging facility use tax under Title 15, Chapter 65, except for spaces created for recreational camping vehicles or mobile home parks; or
  - iii. The building is for farming or agricultural purposes; or
  - iv. The building is not served by water and wastewater and will not be leased or rented;
  - v. The building is served by water and wastewater and the landowner records a notarized declaration with the Yellowstone County Clerk and Recorder stating that the proposed building will not be leased or rented. The declaration runs with the land and is binding on the landowner and all subsequent landowners and successors in interest to the property, and can only be revoked by review and approval by the governing body under these Regulations. The declaration must include:
    - a. The name and address of the landowner;
    - b. A legal description of the tract upon which the proposed building will be located; and
    - c. A specific description of the building on the tract of record.
- B. Any building that is exempt under Section 1.5.A. and that is or will be served by water or wastewater must be in compliance with Section 1.6.

## **1.6 Buildings for Lease or Rent – three or fewer buildings – application review procedures**

- A. The first three (3) or fewer buildings for lease or rent proposed on a single tract of record to the department or local reviewing authority for sanitation review if required by Title 76, Chapter 4, MCA, or to the local board or department of health if review is required by Title 50, MCA. If the department, local reviewing authority, or local board or department of health approves the application for sanitation review, the landowner shall record the certificate of approval and any conditions associated with the approval of the application with the Yellowstone County Clerk and Recorder.

- B. If a building for lease or rent is created on a single tract on or after September 1, 2013, and the tract is later subdivided or an exemption from subdivision review is used pursuant to Title 76, chapter 3, any building for lease or rent on the new tract is subject to these regulations.

## **1.7 Buildings for Lease or Rent – four or more buildings – application review procedures**

### **A. Application Submittal Requirements**

- i. An application for the creation of buildings for rent or lease shall be submitted to the administrator designated by the governing body, and accompanied by the payment of any fees established for the review of same.

### **B. Review Process**

- i. Upon receipt of an application along with all applicable fees, the administrator shall, within ten (10) working days, determine whether the application is complete and notify the applicant in writing.
- ii. If the application is incomplete, the administrator shall identify, in writing, any missing materials or insufficient information necessary to conduct the required review.
- iii. If the application is complete, the administrator shall complete review of the application, and the governing body shall approve, conditionally approve, or deny the application within sixty (60) working days. The timeframe may be extended upon mutual agreement, in writing, by the applicant and the governing body. Review and approval, conditional approval, or denial of an application for the creation of buildings for lease or rent pursuant to this section must be based upon the regulations in effect at the time an application is determined to be complete.
- iv. The governing body may approve or conditionally approve the proposed buildings for lease or rent upon finding:
  - a. The proposed buildings for lease or rent, as submitted or conditioned, comply with these regulations and avoid or minimize potential significant impacts on the physical environment and human population in the area affected by the buildings for lease or rent;
  - b. Adequate water, wastewater, and solid waste facilities are available to serve the buildings for rent or lease, if applicable;

- c. Adequate access to the site is provided to serve the buildings for lease or rent;
  - d. Adequate emergency medical, fire protection, and law enforcement services are available to serve the buildings for rent or lease; and
  - e. The buildings for lease or rent comply with any applicable flood plain regulations.
- v. The governing body shall provide written notification to the landowner of the approval, conditional approval, or denial of the application within 60 working days after determining the application was complete.

#### C. Appeal

- i. An applicant who is aggrieved by a final decision of the department or the local reviewing authority may request a hearing as provided in Section 76-4-126(1), MCA. For purposes of this subsection, the contested case provisions of the Montana Administrative Procedure Act, Title 2, chapter 4, part 6, apply to the proceeding.
- ii. An applicant or landowner with a property boundary contiguous to the tract on which buildings for lease or rent are proposed to be located who is aggrieved by a decision of the governing body may, within 30 days of the date of the final decision of the governing body, appeal to the district court in the county in which the property involved is located.
- iii. For purposes of this section, "aggrieved" has the meaning provided in Section 76-3-625, MCA.

#### D. Enforcement and Penalties

- i. The administrator shall notify the landowner or any other responsible party of a violation of these regulations by certified mail and/or posting on the subject property. The notice shall describe the violation, cite the section of these regulations being violated, and request the responsible party to voluntarily comply within 30 days.
- ii. Any person who receives a notice of violation may, within the 30 days allowed, request inspection by the administrator to show that compliance has been attained or appeal the notice of violation to the governing body.

- iii. If, after the 30 days for voluntary compliance has lapsed, compliance has not been attained or an appeal has not been filed, the administrator shall request the County Attorney begin legal action against the landowner or any other responsible party.
- iv. Upon request by the administrator, the County Attorney may request that the governing body grant the County Attorney the authority to commence any actions and proceedings available in law or equity to prevent the creation of a building for lease or rent in violation of these regulations; restrain, correct, or abate a building for lease or rent in violation of these regulations; or prevent the occupancy of a building for lease or rent in violation of these regulations.

## 2 CHAPTER 2: BUILDINGS FOR LEASE OR RENT DEVELOPMENT REQUIREMENTS

### 2.1 Submittal requirements.

- A. BLR required submittal of items listed below. This list is not all inclusive, some developments may require less or additional items.
  - i. Property lines of the lot, with topography.
  - ii. A layout of all spaces, buildings, or structures proposed for rent or lease.
  - iii. Setback/Build-to requirements, structure separations.
  - iv. Location of common areas and facilities.
  - v. Open Space and/or recreation areas are required as outlined in these regulations.
  - vi. A Road Evaluation Study or Traffic Impact Study, if required by Section 2.5.E. of these regulations.
  - vii. Easements, existing and proposed.
  - viii. North Arrow, Scale, with a scale bar.
  - ix. Civil Drawings showing all site grading, drainage, accessible parking and routes.
  - x. Comprehensive Drainage Plan.
  - xi. Dumpster enclosures, (if applicable)

## 2.2 Improvement Design.

Engineering and survey plans, specifications, and reports required in connection with public improvements and other elements of the BLR required by the governing body must be prepared by a professional engineer or professional land surveyor as their respective licensing laws allow in accordance with these regulations.

## 2.3 Buildings

A. **Regulation of spaces:** Each space must contain a building site that conforms to Yellowstone City-County Health Department regulations, the Zoning Regulations where applicable, these regulations and other applicable State or local regulations.

i. Mobile home spaces:

- a. The number of allowed spaces is limited to what is approved on the final approved plan.
- b. Mobile home spaces must be arranged to permit the safe and practical placement and removal of mobile homes.
- c. All mobile homes outside Yellowstone County Zoning Jurisdiction must be located a minimum of twenty (20) feet from all perimeter boundary lines.
- d. Location of space limits on the ground must be approximately the same as those shown on the approved plans. Precise surveying of space limits is not required either on the plans or on the ground.
- e. The size of the mobile home pad must be suitable for the general market to be served and must fit the dimensions of mobile homes anticipated. At a minimum the pad should measure fourteen (14) feet wide and seventy (70) feet long. All pads shall be constructed of at least six (6) inches of gravel over a stabilized sub-base.
- f. A minimum of two (2) off-street parking spaces (each space an area minimum of 10x20 feet in size) must be provided on or adjacent to each mobile home space. The driveway must be located to allow for convenient access to the mobile home, and be a minimum of ten (10) feet wide.
- g. One guest parking space must be provided for each ten (10) mobile home spaces. Group parking may be provided.

ii. Recreational Vehicle Spaces:

- a. Recreational vehicle spaces must be arranged to allow for the safe



movement of traffic and access to spaces.

- b. Recreational vehicles must be separated from each other and from other structures by at least fifteen (15) feet. Any accessory structures such as attached awnings must, for purposes of this separation requirement, be considered part of the recreational vehicle.
- c. No recreational vehicle space may be located less than twenty (20) feet from any public street or highway right-of-way.
- d. The density of a recreational vehicle park may not exceed twenty-five (25) recreational vehicle spaces per acre of gross site area.

**B. Dimensions, Orientation and Topography:** The space size, depth, shape and orientation shall be appropriate for the location. Areas with a slope of 25% or greater shall be identified on the face of the preliminary and final plans. Areas of lots with more than 25% grade for building sites shall be subject to a geotechnical analysis. Areas within the subdivision with a slope of 25% or greater shall be identified on the face of the preliminary and final plans.

**C. Rural Lot Limitations:** RV Parks not served by public sewer or public water systems shall not be less in area than what is required by Montana Department of Environmental Quality regulations. There is nothing contained in this Chapter that shall be construed as preventing the MDEQ or the County environmental health regulatory agency from requiring that all or any portion of an RV Park, shall not be built upon, or in a floodway or flood plain.

## 2.4 Blocks

**A. Size and Orientation:** Block Length and Section shall be provided in accordance with Table 2.4.1. 'Required Block Design.'

**Table 2.4.1 Required Block Design**

Zone District	Block Length			Block Section	
	Max.	Min.	Preferred	Max.	Preferred
RMH	750'	200'	570'	777'	605'

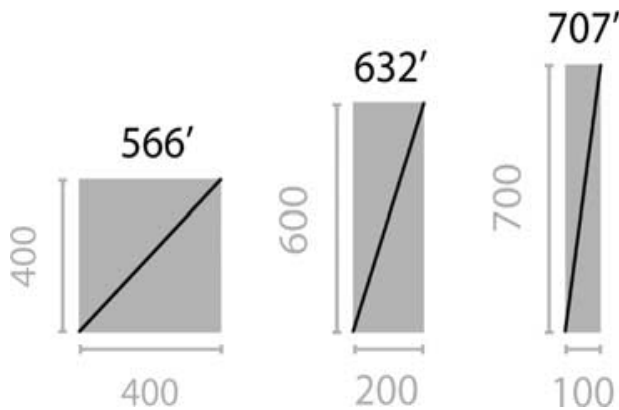
- i. Block Length means the measurement along the property lines of all spaces that share the same street frontage until another street intersects. A block length continues until the street frontage changes from one cardinal direction to another (see Figure 2.4.1).
- ii. Block Section measures the greatest straight-line distance between any two points around the perimeter of an area enclosed by streets (see Figure 2.4.2).

- iii. Block Length preferred measurements are not minimums. Less than the preferred measurement is also acceptable if the design enhances the connectivity of the BLR.
- iv. Breaks in Block Length or Block Section may also be provided by the intersection with a dedicated pedestrian right of way of at least 30 feet in width, or an open space area with at least 30 feet of street frontage (see Figure 2.4.3.).

**Figure 2.4.1 Block Length**



**Figure 2.4.3 Block Section**



**Figure 2.4.2 Breaks in Block Length**



- B. Rights-Of-Way for Internal Non-motorized Connections:** Private rights-of-way for internal non-motorized connections within blocks will be required to provide circulation and safe access to schools, parks, playgrounds, shopping, transportation and other community facilities. Pathways or sidewalks shall also be installed from the end of cul-de-sacs or dead ends to the property boundary of the development to make connections to other cul-de-sacs or streets in adjacent neighborhoods.

## **2.5 Streets and Roads**

### **A. Street and Road Standards:**

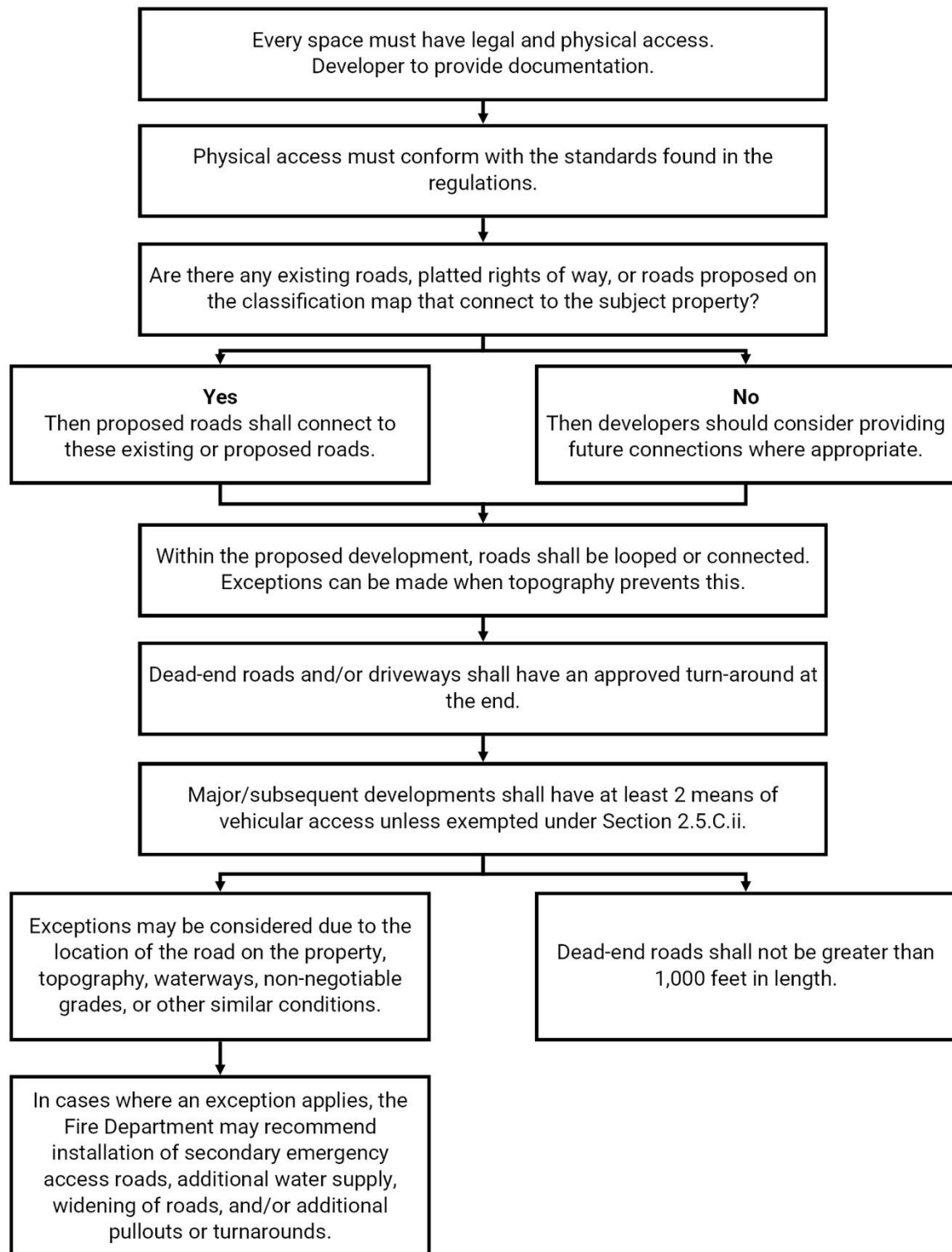
- i. All internal streets shall be private, unless approved by Yellowstone County Public Works.
- ii. Private streets shall be designed to provide access to all sites. No site shall have vehicular access to a public street. The streets shall be laid out to discourage through traffic and intersections with public streets shall be kept to a minimum.
- iii. Streets shall be designed and built to meet current County standards following the requirements as found in these regulations and in conformance with County Public Works requirements.
- iv. Curvilinear streets shall have no centerline curve with less than a one hundred (100) foot radius. At intersections the inside edge of the paved street shall have a minimum of a twenty (20) foot radius.
- v. All streets shall intersect at an angle of ninety (90) degrees except where the developer can show just cause not to and with the approval of the Board of County Commissioners.
- vi. The layout near street intersections shall be such that a clear vision area is maintained. Stopping sight distance on curves shall be as required on development streets.
- vii. All traffic control devices used shall comply with the current edition of the Manual of Uniform Traffic Control Devices (MUTCD). All roads serving the mobile or manufactured home park shall have road signs installed at intersections meeting MUTCD standards.

- B. Road Network Performance Standards:** When evaluating a road network, developers and reviewing agencies shall take into consideration the following criteria. These criteria were developed to ensure that all new spaces are provided access that is safe, convenient and effective. The proposed road network shall also enable emergency service providers to protect life and property under severe emergency situations.

- i. The lot for the BLR shall have documented legal and physical access.

- ii. Proposed roads within the BLR shall be looped or connected to each other internal roads whenever possible. Exceptions can be made when there are topographic features that prevent connections or when the legal status of the road prevents connection.
- iii. Driveways greater than 150 feet in length must have an approved turn-around at their terminus.
- iv. Major and subsequent minor expansion to developments shall have at least two means of vehicular access unless granted by a variance.
- v. Dead end roads shall not be more than 1000 feet in length.
- vi. No encroachments in the Right of Way are allowed without approval from the Yellowstone County Public Works Department. Encroachment Permits are required.
- vii. When access roads cannot be installed as required due to location on property, topography, waterways, nonnegotiable grades or other similar conditions, the fire department having authority may recommend additional fire protection measures, including, but not limited to, additional water supply, widening of roads, and/or additional pullouts or turnarounds.

**Figure 2.5.1 Road Network Evaluation Flowchart**



C. **Streets and Roads, General:** The arrangement, type, extent, width, grade, and location of all streets shall be designed with consideration to any adopted area plans including, but not limited to, the Growth Policy and Transportation Plan, and must be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety, and the proposed uses of the land to be served by them.

- i. Distance between Parallel Right-of-Way: Where a BLR borders on or contains a railroad, limited access highway, canal, stream or ditch right-of-way, the applicant may be required to provide a street or easement approximately parallel to and on each side of the right-of-way at a distance sufficient to allow for the operations and maintenance of the intervening land. Such distances shall also be determined with regard for the requirements of approach grades and future grade separation.
- ii. Second Access: To facilitate traffic movement, the provision of emergency services, and the placement of utility easements, all major subsequent minor additions to a BLR shall provide at least two means of vehicular access built to the standards of this Chapter and designed to ensure public health and safety.

Provision of a second means of vehicular access may be required for any BLR when deemed necessary for public health, safety and welfare. When not otherwise exempt, if a second means of vehicular access built to County Road standards cannot be provided for reasons of topography or other physical conditions, the applicant shall provide an emergency secondary access road, built to the standards detailed in Section 2.11.E of these Regulations.

- iii. Right-of-Way and Street Development: A minimum 60-foot right-of-way or road easement must always be provided when developing. If the property is being developed on only one side of an existing or proposed road corridor and dedicated right-of-way or a road easement is required, the property owner developing must secure the additional 30-foot half right-of-way or easement from the adjacent property owner. If the additional 30-foot half right-of-way or easement is not able to be secured, the property owner developing shall provide a full 60-foot right-of-way on the subject property.

The property developing must build the sidewalk, swale, and portion of the shoulder and roadway as determined by the County Public Works Department to meet the applicable road design standards. The additional improvements on the remaining portion of the right-of-way or road easement will be constructed at the time the adjacent property develops.

- iv. Street Continuity: Streets that are a continuation of streets from a subdivision or development across a road shall be so aligned as to assure that their centerlines shall coincide and shall have matching names. In cases where straight continuations are not physically possible, such centerline shall be continued by a centerline offset of not less than one hundred twenty-five (125) feet.

- v. Tangent for Reverse Curves: A tangent shall be introduced where necessary between reverse curves on Arterial and Collector streets as determined by a Professional Engineer licensed in the State of Montana.
- vi. Deflected Street Lines to be Curved: When continuing street lines deflect from each other at any one point by more than five (5) degrees, they shall be connected by a curve with a radius adequate to ensure stopping sight distance at the center line of a street in accordance with the most current American Association of State Highway and Transportation Officials (AASHTO) Manual guidelines.
- vii. Intersections: Local streets shall be laid out so as to intersect as nearly as possible at right angles and no local street shall intersect any other local street at less than eight (80) degrees. Such angle of 80 degrees or greater shall be retained for at least fifty (50) feet back from the intersection. Any street intersection involving an arterial and/or collector street shall intersect at ninety (90) degrees, shall be retained for at least one hundred (100) feet back from the intersection. Not more than two (2) streets shall intersect at any one point unless warranted by design by a Professional Engineer licensed in the State of Montana and reviewed by the County Public Works Department.
- viii. Corners at intersections: Corners at all street intersections shall be rounded with a minimum radius of ten (10) feet.
- ix. Sight distance: The alignment of all streets and roads must provide adequate sight distances in accordance with the most current American Association of State Highway and Transportation Officials (AASHTO) Manual guidelines. Intersections must be designed to provide adequate visibility for traffic safety based on the designed operating speeds of the intersecting roadways.
- x. Approach Permits: The developer shall obtain the applicable approach or access permits for all new accesses to County controlled roads and provide a site plan showing the proposed approach onto existing roads or to new proposed roads. For any new vehicular access onto a state-controlled road or highway, the developer shall obtain an approach permit approved by the Montana Department of Transportation (MDT).
- xi. Street/Road Names and Addressing: All new street/road names shall be approved by the Yellowstone County GIS Department prior to final plan approval in order to avoid duplication and confusion with names of existing roads. Addresses are assigned by County GIS.
- xii. Street/Road Signs and Traffic Control Devices: Street or road signs and traffic control devices of the size, shape, and height in conformance with the standards contained in the Manual on Uniform Traffic Control Devices must be placed at all intersections. Private roads shall have blue street name signs, which include, under the street name, 'Private Road', public roads shall have green street name

signs. A mechanism for maintenance of any private roads shall be established prior to final plan approval. All private roads shall be gated with electronic opening gates if the BLR is stick built, modular residential, or for commercial uses. If a gate is locked, it must be equipped with a KNOX box that is approved by the Fire Department having jurisdiction and the Fire Department shall be provided a key for access. Gates shall not be required for RV Parks or Mobile Home Parks.

- xiii. Central Mail Delivery: When required by the United States Postal Service, the developer must provide a cluster mailbox for mail delivery.
- xiv. Road Design and Improvement Standards: All streets and roads, existing or proposed, within and a proposed BLR shall meet the design and improvement standards outlined in these regulations, as well as the design specifications required by the County Public Works Department.
- xv. Street/Road Maintenance: The developer may be required to participate in an existing adjacent RSID for ongoing maintenance for external public improvements. These improvements may include, but not be limited to, new public roads, and bridges. culverts, street signs, sidewalks, pathways, and any other public improvements.

#### **D. Road and Street Performance Standards for Developments**

- i. General: The design and improvement standards contained in this section shall apply to all construction and reconstruction of streets and roads within a BLR in Yellowstone County.
- ii. Improvement Design: All street improvements shall be designed by and constructed under the supervision of a professional engineer, competent in civil engineering, licensed in the State of Montana. All improvements shall meet or exceed the right-of- way and construction standards for the type of street to be constructed, found within these Regulations, the adopted transportation plan, and adopted policies of the County Public Works Department.
- iii. Plans and Specifications: Plans and specifications for all public or private streets shall be prepared by a professional engineer, competent in civil engineering, licensed in the State of Montana. A complete set of plans and specifications certified with the responsible Professional Engineer's embossed seal shall be provided to the County Public Works Department prior to initiation of any street improvement construction. The applicant shall provide professional engineering services for construction inspections, and post-construction certifications. Record drawings shall be submitted to the County Public Works Department upon completion of construction.



Post Construction Certifications shall include, but not be limited to, the following:

- a. Compaction test results;
- b. Certification that all required improvements are complete;
- c. Certification that the applicant knows of no defects from any cause in those improvements;
- d. Certification that these improvements are free and clear of any encumbrance or lien;
- e. The method by which the one-year guarantee is to be provided;
- f. A schedule of actual construction costs shall be filed with the Public Works Department;
- g. If the developer seeks approval of the final plan prior to the installation and completion of all required improvements, the developer shall enter into a written agreement with the Board of County Commissioners guaranteeing the construction and installation of all required improvements. This agreement shall specify which type of security arrangements the developer elects to use and the time schedule proposed for accomplishing the required improvements.

#### **E. Road and Traffic Studies**

- i. Road Evaluation Study for Unpaved Roads and all Commercial/Industrial Developments: Road Evaluation Studies (RES) shall be done by a licensed engineer to determine the viability of roads serving a proposed development. Roads serving a development are defined as the primary road or roads leading to the development, and any on-site or proposed new roads serving the development.

The RES should determine the probable impact the proposed development will have on the existing and proposed road network by describing the following characteristics of the existing roads leading to the BLR and any on site or proposed new roads serving the development:

- Road surface, section thickness, base type and thickness
- Existing type of traffic and traffic loads; expected type and load from proposed development
- Topography

- Stormwater provisions—existing and possible impacts to roads
- Maintenance records for existing roads – grading, dust control, etc.
- Accident data for existing roads
- Sight distances for existing and proposed roads
- Grades of existing and proposed roads

Probable impacts from the BLR shall be mitigated and a mitigation plan shall be proposed. If there are significant impacts to existing and proposed roads identified in the RES or as determined by County Public Works Department, a more detailed Traffic Impact Study shall be completed as described below in Section 2.5.E.ii.

- ii. Traffic Impact Study: A Traffic Impact Study (TIS) shall be prepared by or under the supervision of an engineer with a Professional Engineer (PE) license AND a Professional Traffic Operations Engineer (PTOE) certification, unless prior written authorization has been provided by Yellowstone County for an individual who is not a certified PTOE to oversee development of the TIS. In either case, the TIS report must be stamped by a licensed PE.

A TIS will be required for any site development project, BLR plan, or other land development project that is projected to generate 300 or more one-way vehicular (personal vehicle or transit), bicycle, and pedestrian trips for a typical weekday (or weekend day if applicable) or 50 or more one-way vehicular trips during a typical weekday (or weekend if applicable) AM or PM peak hour (60-minute) period based on calculations made using rates or equations from the most applicable land use category or categories in the most current edition of the Institute of Transportation Engineers (ITE) Trip Generation manual. These criteria shall apply regardless of whether adjacent or internal roadways are paved or unpaved. If adjacent or internal roadways are unpaved, a Road Evaluation Study (RES) must be completed regardless of whether or not a TIS is required.

At the discretion of Yellowstone County or its designee, a TIS may still be required for development projects where trip generation projections do not meet the trip generation-based threshold described above. The determination of whether a TIS is required for a project will be made by Yellowstone County upon submittal of a BLR or site plan application package unless a developer or its designee formally requests (in writing) that the County make that determination prior to any such submittals. The developer and/or developer's designee will be notified accordingly of the County's decision in writing.

It is recommended that the developer (or its designee) schedules a meeting with Yellowstone County to discuss the required scope of work for any TIS and confirm the study area. As a general guideline, the study area for a TIS shall include all site access intersections, any internal development intersections with projected daily total entering volumes greater than 1,000 vehicles/day, and all off-site intersections for which both intersecting streets are a collectors or arterials that are located within one (1) mile of any part of the property boundary for the proposed development project. Additional intersections outside the base study area may be added at the discretion of Yellowstone County and/or intersections that meet the study area criteria may be omitted from the study area, also at the discretion of Yellowstone County.

In general, a standard scope of work for a TIS shall (at a minimum) include the following data collection, analysis, and reporting elements:

a. Traffic Data Collection, as follows:

1. Turning movement counts at all required study area intersections for a minimum of two (2) continuous hours each in the AM and the PM to establish peak hour volumes for those periods. Counts shall be performed on a Tuesday, Wednesday, or Thursday (except when a weekend analysis is applicable based on the land use) to avoid weekend traffic pattern bias, avoiding holidays, inclement weather days, or periods of time where construction or emergency roadway closures are impacting traffic patterns. If the subject site development or any of the required study area intersections are within one mile of a school, it may be necessary to evaluate two PM peak periods – an after-school peak and a traditional evening rush hour peak. Vehicle classifications for all counts shall identify the number of trucks, buses, motorcycles, bicycles, and pedestrians.
2. Turning movement or average daily traffic (ADT) counts for a minimum of twenty-four (24) continuous hours on all intersection approaches for any intersection where an all-way stop control or traffic signal warrants analysis is deemed necessary. Vehicle classifications for all counts shall identify the number of trucks, buses, motorcycles, bicycles, and pedestrians.
3. Directional speed data (for a minimum of 24 consecutive hours) may be required if speed-related safety concerns are to be addressed or where an evaluation of speed limits has been requested by Yellowstone County

4. Traffic data shall be considered valid for use on a traffic impact study until it becomes more than one (1) year old at the time of analysis OR if the data is deemed as inaccurate or invalid based on roadway closures, construction activity, severe weather, or other factors that could contaminate the data.
- b. A historical crash history analysis shall be required for all existing study area intersections unless historical crash data is not available. Crash data requests are to be submitted to the Montana Department of Transportation (MDT) Safety Section but should also be supplemented with data provided by Yellowstone County and/or the City of Billings if MDT is unable to provide data for all study area roadways and intersections. The minimum analysis period shall be the most recent 5-year period for which crash data is available. In certain cases, a longer analysis period may be necessary to identify crash trends. The following specific metrics or data should be analyzed and reported (in text and/or table format) as part of a basic traffic impact study:
1. Total reported crashes, injuries, and fatalities
  2. Crash frequency and severity rates measured in crashes/million vehicles
  3. Crash frequency entering (MVE)
  4. Collision types
- c. Trip generation analysis, using data and equations from the most current version of the Institute of Transportation Engineers (ITE) Trip Generation Manual or the ITE TripGen web-based application, except in cases where local, empirical data is available that may better approximate trip generation characteristics of a site development or specific land use. Approval from Yellowstone County is required prior to the use of local empirical data in place of the ITE data. Trip generation calculation assumptions and results should be summarized in text and/or table format to include the following information:
1. Gross trip generation projections for each individual land use category (as required based on judgment of the author) and for the average weekday and peak hour analysis period(s) that are deemed applicable for the site development being analyzed.

If the subject site development is likely to generate substantial traffic on weekend days or during non-typical peak periods, projections for those time periods should be provided along with those for the typical weekday, AM peak, and PM peak periods.

All such projections should be presented as total trip ends and with assumed entering/exiting splits.

2. Adjustments to gross trip generation calculations for internal capture, pass-by traffic, or any other adjustments should be summarized as well with supportive calculations provided in the study appendices. ITE Trip Generation procedures for calculating internal capture and pass-by trips should be followed unless an alternate method for adjusting gross trips is deemed more appropriate, in which case that method should be explained clearly in the body of the report and supportive calculations provided in the appendices.
- d. Trip distribution and traffic assignment calculations shall be performed and presented in the report based on industry standard practices. Trip distribution schemes will be developed based on travel demand model results, travel time calculations, and/or existing traffic patterns unless another method is determined to be adequate through discussions with the County, or its designee. If there are one-way streets adjacent to the development site or there are proposed access restrictions (right-in/right-out or  $\frac{3}{4}$  access) for certain approaches, separate distribution schemes may be required for certain street segments. The proposed trip distribution scheme(s) should be presented graphically on an exhibit that is included in the report body or appendices.
- e. Future traffic projections for any analysis horizon beyond existing conditions shall account for existing traffic demand and site-generated traffic assignments, as well as for any applicable traffic assignment projections at study area intersections from other traffic impact studies (build-up method) and/or an annualized background traffic growth rate. Background traffic growth rates should be projected based on historical traffic volume data when available. If applicable data is not available, an assumed rate should be utilized that approximates overall population growth in the general vicinity of the study and the basis for those assumptions should be explained in the TIS report.
- f. Intersection capacity/level of service (LOS) analysis using software that applies methodologies consistent with the most current edition of the Highway Capacity Manual (HCM). Note that Yellowstone County reserves the right to reject capacity analysis results from software programs for which the analysis relies solely on microsimulation. Capacity analyses shall be performed for all study area intersections (as previously defined) for the AM and PM peak hours (typically morning and evening rush hours), as well as for any additional key peak periods that may be unique to a study area or subject facility (e.g., near to a school).

Intersection capacity analysis results shall be reported in terms of LOS, average (control) delay, and maximum (95th percentile) queue projections for each intersection approach and for the intersection as a whole.

Intersection capacity analyses shall be performed with results reported for the following land development milestone scenarios:

- Existing Conditions (the analysis year being defined as no earlier than the calendar year prior to the date of submittal of the traffic impact study)
- Full Buildout/Occupancy (required for development projects that will reach full traffic generation potential one or more years after the opening date/year of the development)
- Additional analysis scenarios will also be required for development projects that are to be phased, with an analysis scenario that corresponds to each planned phase of development

Note that in any analysis case where a traffic signal is determined to be warranted and is being considered as a mitigation solution for an intersection, a roundabout shall also be analyzed using software that applies methodologies consistent with the most current edition of the HCM. When a more complex roundabout analysis is required (e.g., when determining if a single-lane, hybrid, or multi-lane roundabout is needed) a sensitivity analysis using software packages such as SIDRA, RODEL, or ARCADY may be required.

- g. Additional elements of traffic operations/safety analysis that may be required for a TIS are listed below. Note that intersection capacity is considered to be deficient and require potential mitigation any time a minimum LOS C cannot be achieved during one or more peak analysis periods for an intersection OR an individual approach to an intersection.
1. Auxiliary Right-Turn Lane Analysis: For all external public roadways within the study area, an analysis of justification for auxiliary right-turn lanes shall be performed at all intersections (off-site or site access) where there are 40 or more existing or projected future right-turn movements during the design hour (or peak hour). The analysis should follow the procedures outlined in Section 28.4.1.1 of the MDT Traffic Engineering Manual (November 2007 or the most current edition of the manual that provides auxiliary turn lane analysis guidance).
  2. Auxiliary Left-Turn Lane Analysis: For all external public roadways within the study area, an analysis of justification for auxiliary left-turn lanes shall be performed at all intersections (off-site or site access) where there are 20 or more existing or projected

future left-turn movements during the design hour (or peak hour). The analysis should follow the procedures outlined in Section 28.4.1.2 of the MDT Traffic Engineering Manual (November 2007 or the most current edition of the manual that provides auxiliary turn lane analysis guidance).

3. All-Way Stop Warrants Analysis: For unsignalized intersections where capacity is found to be deficient and if traffic volume demands are reasonably balanced on 3 or more intersection approaches, an analysis of need for all-way stop control shall be performed (in addition to a traffic signal warrants analysis) using the criteria outlined in the most current edition of the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD). All assumptions made as part of the analysis shall be described clearly in the report text.
4. Traffic Signal Warrants Analysis: For unsignalized intersections where capacity is found to be deficient and the addition of auxiliary turn lanes would not correct the deficiency, an analysis of traffic signal warrants shall be performed using the criteria outlined in the most current edition of the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD).
5. Parking: For any site where on-site parking is required to meet zoning requirements, a traffic impact study shall comment on compliance with the applicable regulations, as well as with respect to Americans with Disabilities Act (ADA) requirements for parking.
6. Queuing Analysis: For site developments that have drive-thru facilities, a queuing analysis shall be performed to evaluate queue storage and associated impacts to site circulation and site access conditions. At this time, there is not a standardized or universally accepted approach to estimating queuing conditions for drive-through facilities. As such, the analysis may need to be qualitative in nature or rely on empirical data from similar facilities to properly evaluate queuing and potential impacts to site circulation and access. It should also be noted that the trip generation projections used in the queuing analysis shall be based on the peak hour of generator, and not the peak hour of adjacent street traffic.
7. Pedestrian, Bicycle, and Transit Considerations: Where applicable, a traffic impact study should comment on the availability and planned connectivity of pedestrian and bicycle facilities both within and external to the development site. If transit routes are in operation in the vicinity of the site development, there should also

be discussion of accessibility to transit services.

The purpose of a traffic impact study is to assess the effects that a development will have on the surrounding transportation network, determine what provisions are needed for safe and effective site access for all modes, and address other related issues. The study report should document the purpose, procedures, assumptions, findings, conclusions, and recommendations of the analysis. The report should be prepared as a stand-alone document that can be objectively reviewed independent of reference materials, with adequate substantiation of all conclusions and recommendations, and that holds paramount the safety, health, and welfare of the public over and above any private interest.

h. Impact Mitigation Financial Contributions Analysis

The final section of a TIS report shall provide a written summary of an impact mitigation financial contributions analysis, the requirements for which are outlined as follows. Developer financial contributions will be required for all study area intersections for which the subject development project is projected to increase traffic by 2.0% or more using the “Vegas Method” calculation approach whereby only the per-lane sum total of left-turn and thru movements are compared to established critical lane volume thresholds of 1200 vehicles/hour for a four-legged intersection or 1140 vehicles/hour for a three-legged intersection. The Vegas Method calculations shall be made for each peak hour period at all study area intersections. Upon request, Yellowstone County will provide a developer or its designee with a spreadsheet template and an example calculation to assist with this part of the analysis.

If the critical lane volume percentage increase during one or more peak hour periods is 2.0% or greater for any study area intersection, a financial contribution will be required for that intersection. Where the critical lane volume percentage increases for all peak hour periods at an intersection are less than 2.0%, the traffic volume-based impacts to that intersection will be considered as negligible and no financial contribution will be required for that intersection. The amount of a required financial contribution for an intersection shall be calculated as the highest peak period critical lane volume increase (percentage) multiplied by the current, adopted “Average Intersection Improvement Cost,” which shall initially be set at \$500,000 (approximate, typical cost for a new traffic signal or an intersection widening/turn lane project).

Based on the above calculation procedure, the calculations for and results of which must be reviewed and approved by the County or its designee, a project owner(s) will be required to make financial contributions associated with one or more study area intersections if critical lane volume

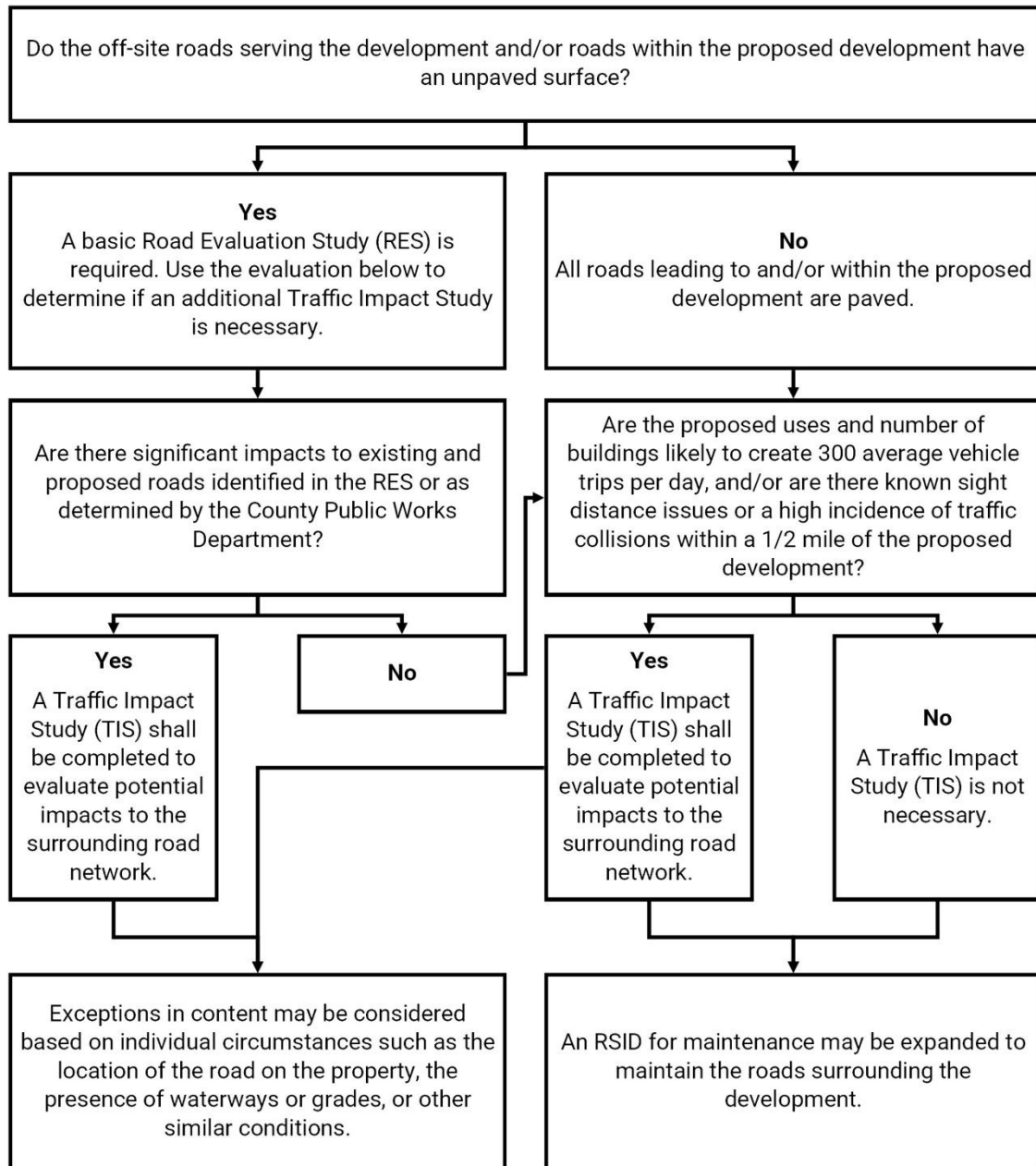


percentage increases meet or exceed 2.0%. The contractual terms of how and when those financial contributions are made will be addressed separately through the BLR site development approval processes. The funds accumulated from contributions associated with specific intersections will not necessarily be utilized to administer projects at those locations. The County reserves the right to utilize the impact mitigation funds for part or the entirety of any analysis, design, and/or construction of projects at any locations within Yellowstone County based on current traffic operations, safety, or maintenance-based priority concerns.

- F. **Access easements:** Where access to or within a development is proposed using access easements the applicant must obtain or provide proper easements of sufficient width to satisfy the requirements of Figure 2.5.4. The easement shall meet the following:
- i. Easements must be granted by all property owners whose land the easement(s) cross in a signed and notarized document to be recorded with the final plan.
  - ii. The location of any road easement must be shown on the plan if it is within the development or on a supplemental exhibit if it is off site. The existence of easements must be noted on the face of the final plan and on any deeds or other instruments conveying lots within the development.
  - iii. All newly created easements shall be written so that they are easements appurtenant that run with the benefited land.

**Figure 2.5.2 Road Evaluation and Traffic Impact Study Flowchart**

This flowchart is to be used as a guide. Specific guidelines for the road evaluation and traffic impact studies shall be followed as detailed in Section 2.5.E, above.



- G. **Right-of-Way and Street Widths:** Street right-of-way and surface widths for all private roads, within Yellowstone County shall be provided as shown in Figures 2.5.3 and 2.5.4.
- H. **Shoulders:** Shoulders shall be required on both sides of all roads where no curb and gutter are required. Shoulders shall be a minimum two feet wide as per the applicable storm water requirements, and graveled, and must meet the specifications of County Public Works. Refer to cross sections in Figure 2.5.3, Figure 2.5.4 and Figure 2.5.5 as applicable for shoulder requirements.
- I. **Grading/Cut and Fill:** All streets within or adjacent to the BLR shall be excavated or filled to the grade established by these Regulations.
- J. **Base Construction:** The type of base required will vary depending on the nature of the existing material and with the particular type of traffic to be accommodated and shall be reviewed by County Public Works according to County specifications unless otherwise warranted by Engineering design. (See Figures 2.5.4 and 2.5.5)
- K. **Street surfacing:** All roads within or adjacent to the BLR shall be paved if they connect to an existing paved road (See Figure 2.5.4). Standards for such paved surfacing shall be according to County specifications unless otherwise warranted by Engineering design.

Standards for gravel surfaced roads shall be according to County specifications unless otherwise warranted by Engineering design. (See Figure 2.5.5)

- L. **Street Grades:** All street grades shall conform to the requirements of the County. Street grades shall not exceed the following, with due allowance for reasonable vertical curves and intersection treatment.

Street Type	Percent Grade
Arterial	4
Collector	7
Local Access	12

- M. **Sidewalks:** Sidewalks are not required as an improvement, a developer may choose to place sidewalks in the development. In such case, these sidewalks will be located in an easement along the sides of the private roads.
- N. **Access Driveways:** An approach permit is required for all new access driveways. New driveways shall meet the following standards:
- i. Property frontages of two hundred twenty-five (225) feet or less shall have only one (1) approach. In cases where parcels have more than one (1) road frontage, each frontage will not be treated separately when determining the number of approaches.
  - ii. Additionally, Property frontages greater than two hundred twenty- five (225) feet

and less than six hundred (600) feet will be allowed up to two approaches. Each parcel or business shall have no more than two (2) approaches. Exceptions will be made for lot frontages of greater than six hundred (600) feet. In these instances, there can be one (1) additional approach for every three hundred (300) feet of frontage over six hundred (600) feet.

- iii. Additionally, in cases where a lot fronts on a collector or arterial road currently carrying or projected to carry more than 300 vehicles trips per day or where site distances warrant, the County may permit more than one driveway for commercial lots.

O. **Multi-Use Trails, General:** When applicable, BLR's shall be reviewed for consistency with the adopted Active Transportation Plan (ATP) to provide multi-use trail routes for safe, convenient non-motorized transportation routes throughout the County. The developer will be responsible for the construction of trails identified with the (ATP). The trail may also be located within a private easement if there is not enough right-of-way width to accommodate the trail.

- i. It is required that all new developments provide a 30-foot-wide multi-use trail easement across the property if the ATP indicates that a proposed multi-use trail route crosses the development property.
- ii. If the ATP indicates that a proposed trail route crosses the developments property, and a segment of the corridor has already been provided on adjacent property, then it is required that the development provide a 30-foot wide trail easement to connect to the trail segments at the property lines to provide for a continuous trail route.
- iii. When open space dedication is opted for, and the ATP indicates that a proposed trail route crosses the development property, linear open space including a trail easement may be considered as all, or a portion of, the required open space (See Section 2.16 of these Regulations)

Figure 2.5.3

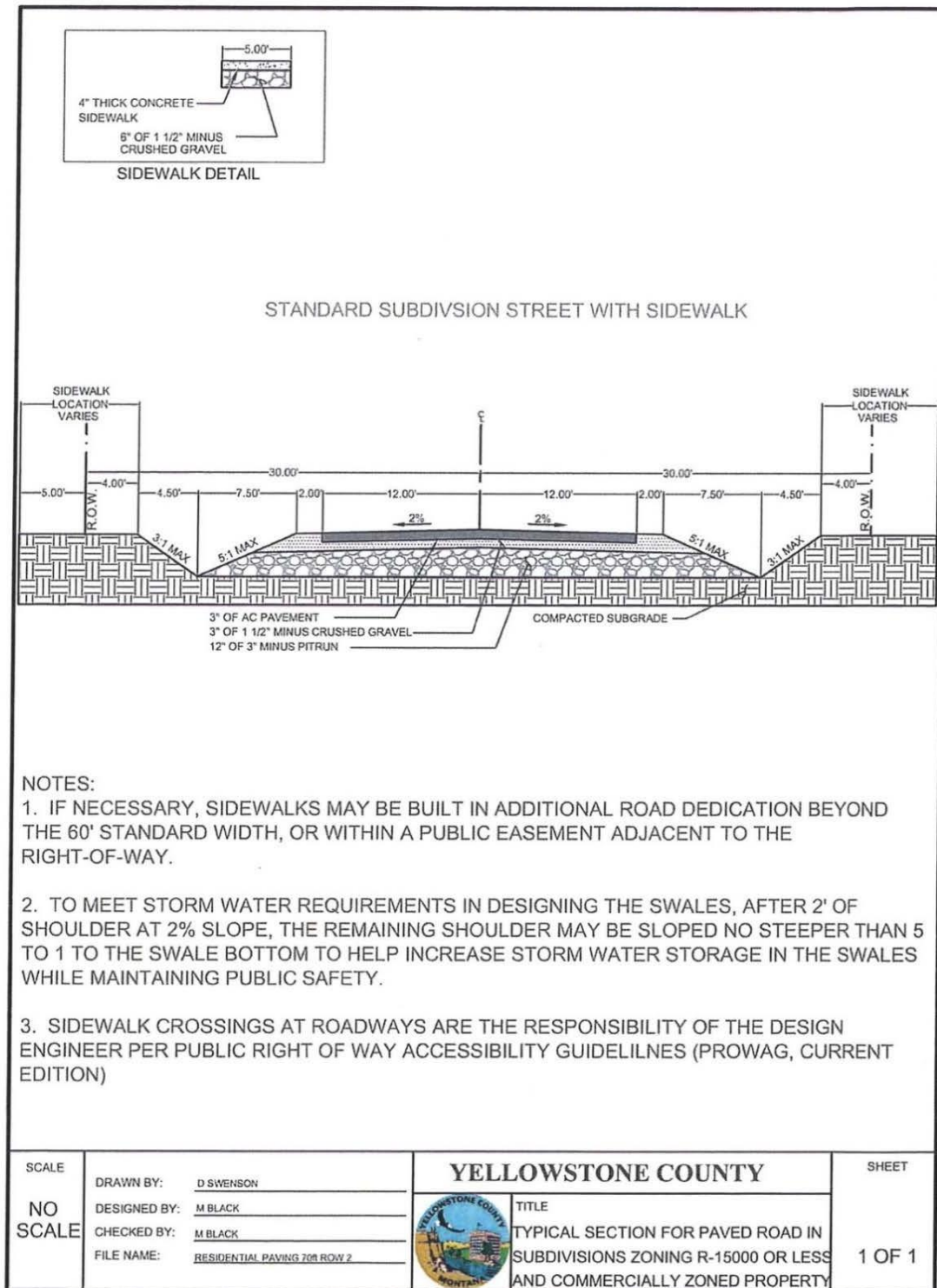


Figure 2.5.4

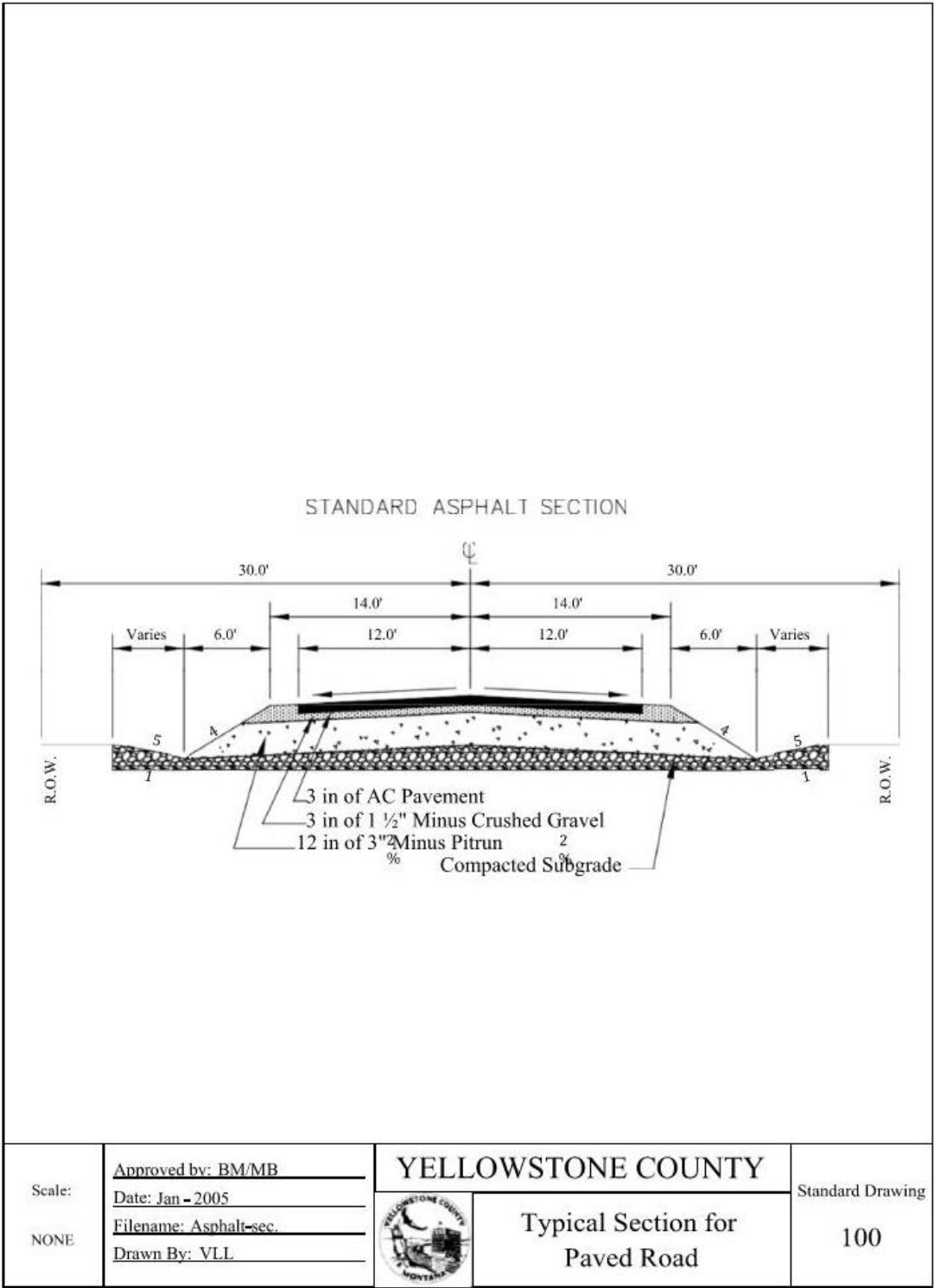
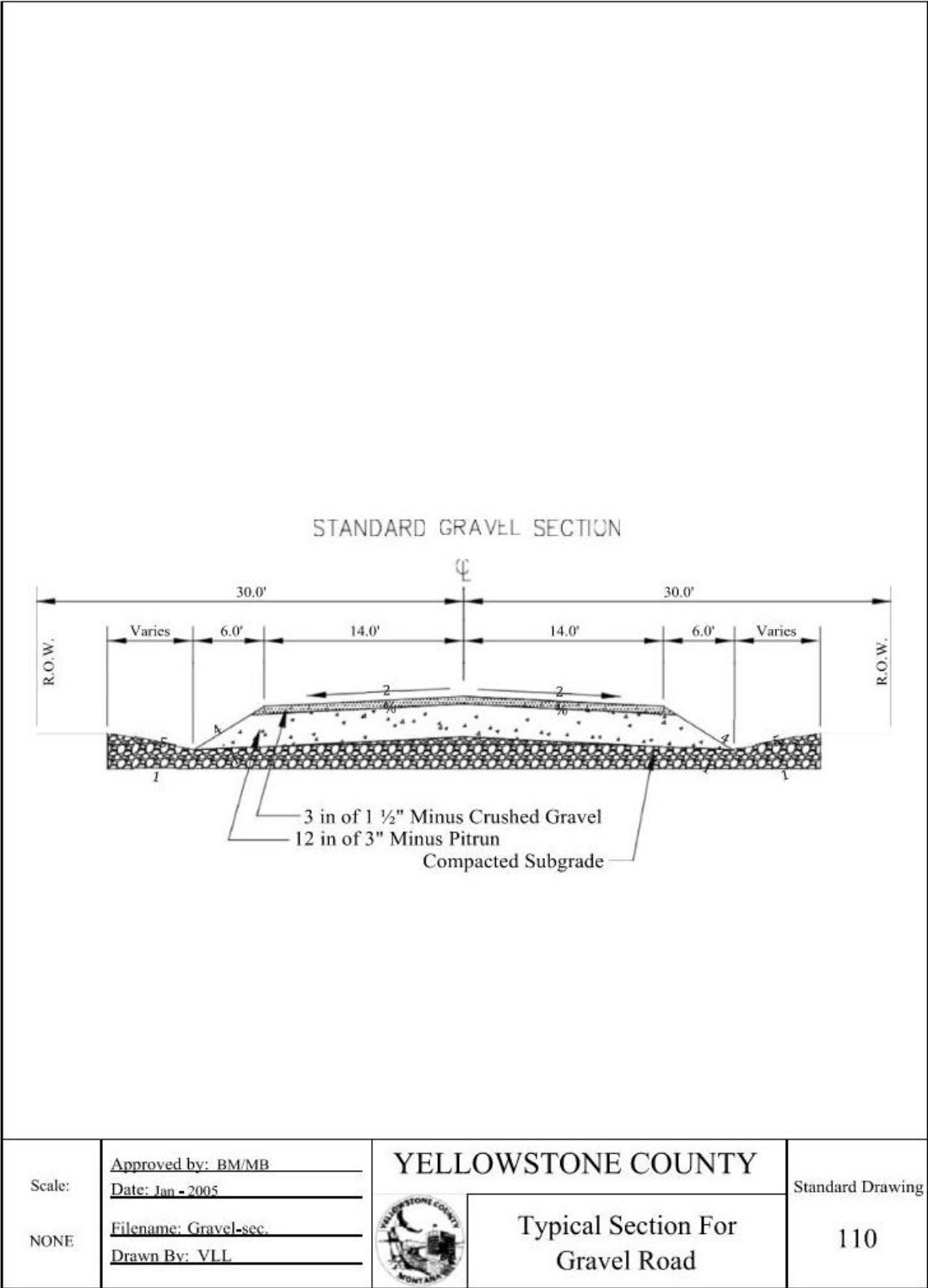
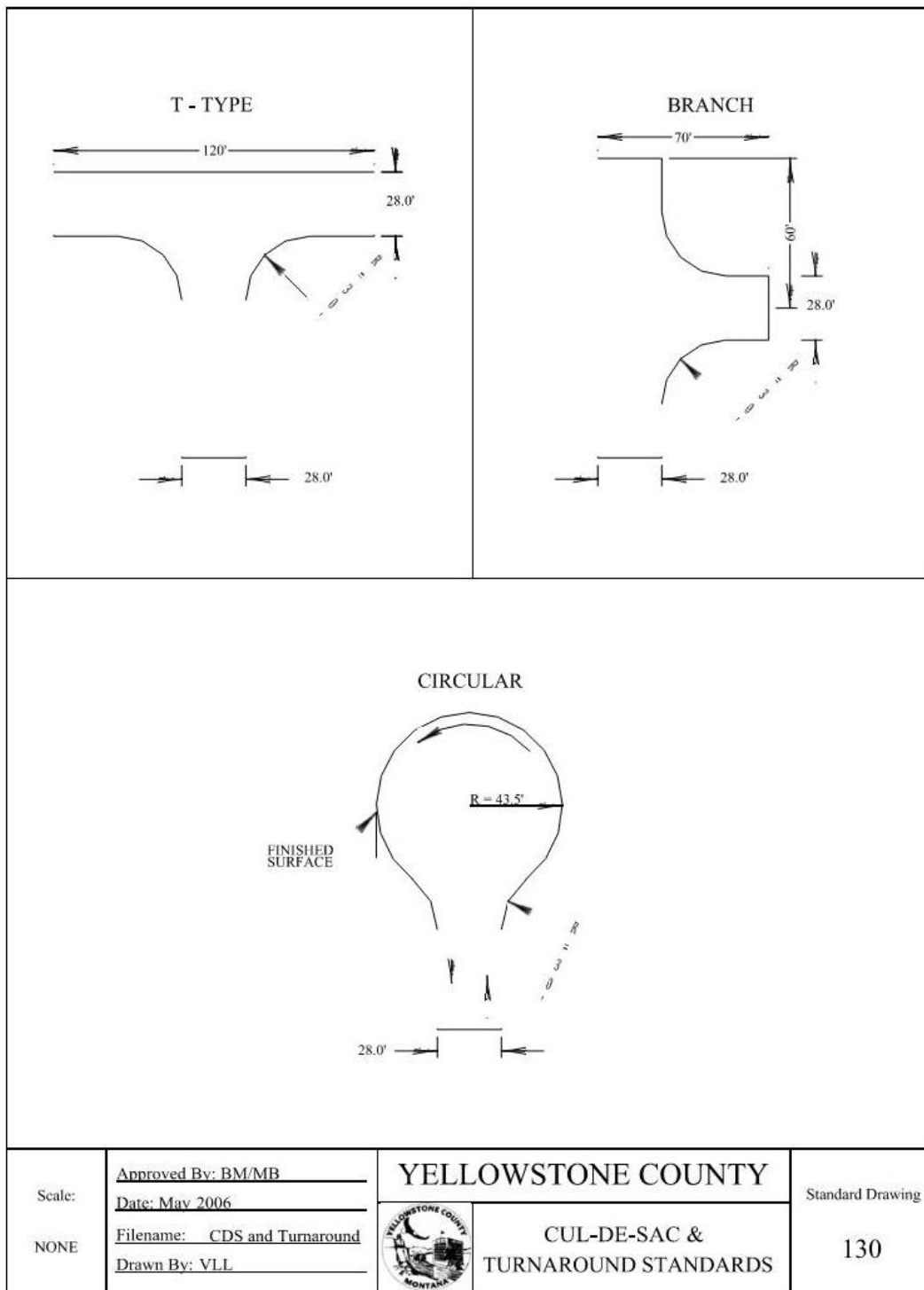


Figure 2.5.5

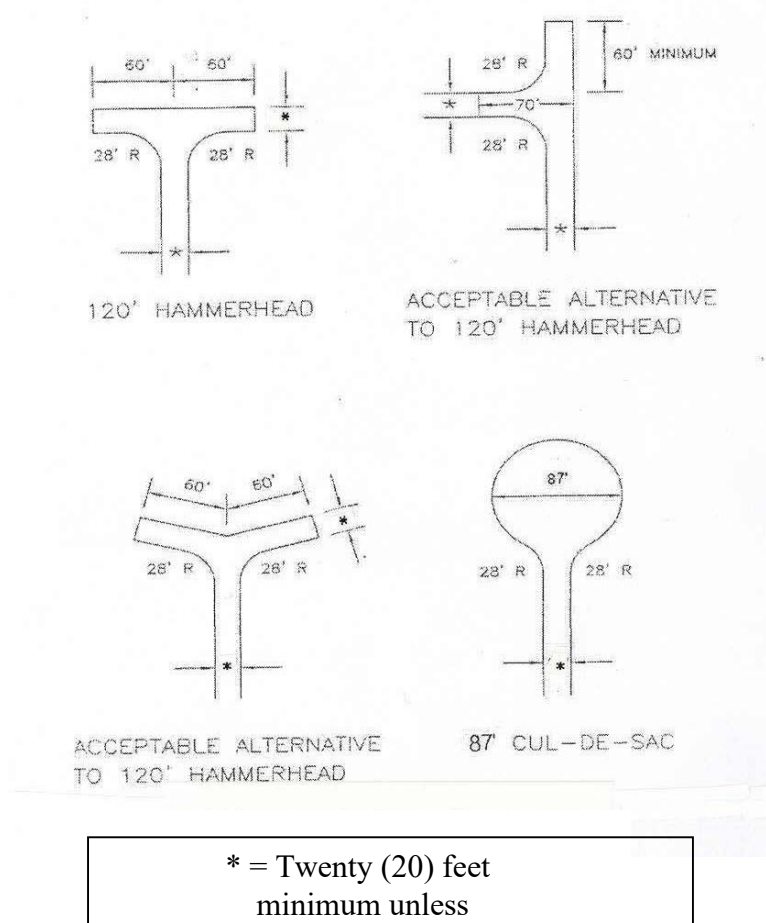


**Figure 2.5.6 Turn-Around Standards for Roads**





**Figure 2.5.7 Turn-Around Standards for Access Driveways**



## 2.6 Storm Drainage Facilities

- A. **General:** Facilities and design for storm water drainage shall be provided in accordance with standards set by the Montana Department of Environmental Quality (MDEQ). The developer shall provide a storm water collection and conveyance system which is designed and constructed in accordance with MDEQ standards and which may be connected to an existing storm drainage system. If there is no existing storm drainage system in the area or if the existing system has insufficient capacity to carry the additional discharge, the developer shall provide an onsite area for retention or detention with controlled outlet capacity, if needed. Such on-site retention or detention and controlled outlet shall be utilized only if specifically approved by the MDEQ.
- B. **Drainage Discharge:** Discharge of storm drainage is subject to the following:
  - i. Storm drain systems shall not discharge into sanitary sewer facilities.
  - ii. Storm drain systems shall not discharge into agricultural water user's facilities without the written permission of the appropriate irrigation district.

- C. **Easements:** Easements may be required between lots and along rights-of-way to manage storm drainage in developments.
- D. **Location of Facilities:** If any onsite retention or detention facility is used it shall be included as part of the lot used for the BLR.
- E. **System Maintenance:** If any onsite retention or detention facilities are utilized, a maintenance plan shall be created prior to filing the final approved development plan in order to provide funds for the maintenance of such facilities.
- F. **Municipal Separate Storm Sewer System (MS4):** Yellowstone County is part of a program to reduce pollutants in storm water runoff from construction activities that result in a land disturbance of greater than or equal to one (1) acre, within the MS4 boundary and outside the city limits in Billings. A map of the MS4 boundary is available in the County Public Works Department. Development inside the MS4 boundary may be required to follow the procedures described below:

Any person or person that perform(s) construction activities within the MS4 boundary that result in a land disturbance of greater than or equal to one (1) acre, shall obtain a permit or permission from MDEQ and abide by all of their rules, requirements, and conditions. This shall include construction plan submittal to MDEQ. A copy of the submittal, along with any responses or replies from MDDEQ shall also be submitted to the Yellowstone County Public Works Department. The final DEQ approved storm water management plan for all developments shall be provided with the final plan and recorded as part of the final DEQ documents when the final approved plan is recorded.

## 2.7 Sanitary Sewer System

- A. If the development is within the service area of a public sanitary sewer system, and sanitary sewer services are within 500 feet of the boundary of the development, the developer shall install complete sanitary sewer system facilities in accordance with the requirements of the sewer district involved and the Montana Department of Environmental Quality (MDEQ).
- B. If any boundary of the development is within 500 feet of a public sanitary sewer system, the developer must connect to the sewer district and install sanitary sewer system facilities.

The DEQ may grant a waiver of the requirement to connect to a public system if the developer demonstrates that connection to the public system is physically or economically impractical, or if the district or utility refuses to provide service. For purposes of this Section, a connection is economically practical if the cost is less than or equal to three times the cost of installation of an approvable system on the site.

Developments that are developing in the County but are within the City of Billings Annexation Petition Area or Long-Range Urban Planning Area on its Limits of Annexation Map, or in close proximity to a public water or sewer system, shall consider in designing sewer systems the future connection to the public systems. Designing the system to connect to a public system is not a requirement but may better facilitate future annexation of existing development or extension of services to a development from a public system. The preliminary plan application shall require a narrative explaining how the proposed system is compatible with future integration to municipal wastewater systems.

- C. Where individual septic systems are proposed, the systems must, at a minimum, meet the standards set forth in Montana Administrative Rules, Title 17, Chapter 36 (Onsite Subsurface Wastewater Treatment), and obtain approval by the Montana Department of Environmental Quality and/or the Yellowstone County Environmental Health Department.
- D. Community Wastewater Systems are allowable if permitted by the MDEQ. Maintenance of these systems and land necessary for the systems will require the creation of a Home Owners Association or other means outlined by the development owner prior to final plan approval.

## **2.8 Water Supply System.**

- A. If the development is within the service area of a public water supply system, the developer shall install complete water system facilities in accordance with the requirements of the water district involved and the Montana Department of Environmental Quality (MDEQ).

The developer shall submit an application for extension of water services and plans and specifications for the proposed facilities to the water district involved and to the Montana Department of Environmental Quality (MDEQ) and shall obtain necessary approvals prior to final plat approval.

- B. If any boundary of the development is within 500 feet of a public water supply system, the developer must connect to the water district and install water supply system facilities.

The governing body may grant a variance from the requirement to connect to a public system if the developer demonstrates that connection to the public system is physically or economically impractical, or if the district or utility refuses to provide service. For purposes of this Section, a connection is economically practical if the cost is less than or equal to three times the cost of installation of an approvable system on the site.

- C. Where individual water supply systems are proposed, the systems must, at a minimum, meet the standards set forth in Montana Administrative Rules, Title 17, Chapter 36 (Onsite Subsurface Wastewater Treatment), and obtain approval by the Montana

Department of Environmental Quality and/or the Yellowstone County Environmental Health Department.

- D. Community Water Systems are allowable if permitted by the DEQ. Maintenance of these systems and land necessary for the systems will require the creation of an HOA or other means determined by the developer, that shall be created prior to final plat approval.

## **2.9 Solid Waste Disposal**

- A. The development shall satisfy the solid waste disposal standards set forth in Montana Administrative Rules, Title 17, Chapter 36 (Onsite Subsurface Wastewater Treatment). Approval of the final plan will be contingent on receiving solid waste disposal approval either from MDEQ or the City-County Environmental Health Department, as required below.
- B. Sufficient solid waste collection sites shall be provided for the entire development. Or arrangements with a solid waste company to have curb side pick-up.

## **2.10 Utilities**

- A. All new utilities serving the development including electricity, cable television, and telephone shall be placed underground, with the exception of fire hydrants, cable closures, alignment markers, etc. Easements for utilities and any irrigation ditches that exist on the land shall be clearly shown on the final approved plan.
- B. **Additional Provisions:**
  - i. The realignment or relocation of active irrigation ditches or pipelines is discouraged when said facilities are located outside of public right-of-way. If an irrigation facility is proposed to be realigned or relocated, the developer shall receive written permission of the appropriate irrigation district and/or water user and the developers. A Professional Engineer shall certify prior to final plan approval that the water entering and exiting the realigned or relocated irrigation facility is the same quality and quantity that entered or exited the facility prior to realignment or relocation.
  - ii. New storm water generated from a development shall not be discharged into an irrigation facility unless the developer receives written approval from the appropriate agricultural water user facility prior to final plan approval.

## **2.11 Fire Protection Requirements.**

To ensure a reasonable level of fire protection and life-safety for the public and firefighters, an approved water supply capable of the required water flow for fire protection shall be provided in accordance with this Section and the applicable fire code to all premises upon which facilities, buildings, or portions of buildings are hereafter constructed or moved into the jurisdiction.

**A. Definitions:**

- i. **Exposure:** Any structure more than 200 square feet in size.
- ii. **Dry Hydrant System:** A permanent piping system with an underground static water supply, tank, and approved structure which provides year-round frost-free access to a water source other than a pressurized municipal water source.
- iii. **Approved:** Acceptable to the fire department having jurisdiction.
- iv. **Fire Department having jurisdiction:** Fire Department or Fire District serving the area in which the development is located.

**B. The developer shall provide a minimum of one of the following mechanisms for fire suppression when developing 4 or more spaces/buildings:**

- i. A pressurized fire hydrant system meeting the flow requirements of the applicable Fire Code and NFPA 1142.
- ii. An approved, single, minimum thirty thousand (30,000) gallon underground water storage tank with approved dry hydrant type fittings located not more than one-half (1/2) road mile from the furthest structure in the development. If an approved existing underground water storage tank is located within one-half (1/2) road mile from the furthest structure of the proposed development, it may be used to meet this requirement. In either case, the dry hydrant shall be constructed to the specification and standard provided by the Fire Department having jurisdiction, or
- iii. When a County development is within one half (1/2) road mile of a pressurized municipal hydrant the developer shall pay a fee in lieu of hydrant installation to the Fire Department serving the proposed development. The fee shall be established by a Resolution of the Board of County Commissioners.

Under no circumstances will an open water pond or stream be used as an alternative to a pressurized system or in ground dry hydrant tank.

**C. Proportionate Reimbursement for the Joint Use of a Dry Hydrant System:**

- i. Proportionate Reimbursement for the joint use of a dry hydrant system: If subsequent development will be served by an existing water supply site, the Board of County Commissioner shall include reimbursement of the original water supply site improvement costs as a condition of preliminary approval of the subsequent development. The reimbursement shall be in effect for a period of 10 years from the date of approval of the original subdivision/development. The proportionate reimbursement shall be determine based on the number of subdivisions/developments utilizing the hydrant to fulfill the Fire Protection

Requirements as outlined in Section 2.11. The reimbursement amount shall be determined by dividing the total cost of the hydrant (X) by the number of subdivisions/developments (Y) using the hydrant. If,  $(X/Y) = Z$  then  $(Z/(Y-1)) = \text{Amount to be reimbursed to the RSID that maintains the dry hydrant system the new subdivision/development is going to be using.}$

- ii. Reimbursement qualifications: The original developer shall forward documentation of the total costs of the water supply improvement to the County Finance Department within 60 days of completion of the improvement. Subsequent subdividers/developers shall make their payment to the Finance Department, with notification to the Planning Department. The Finance Department shall then forward the funds within 120 days to the RSID that is funding the dry hydrant system maintenance.

**D. Dry Hydrant Specifications.** If the dry hydrant option for fire suppression is utilized, the hydrant shall be constructed to the following standards:

- i. All dry hydrant systems shall be designed and constructed to provide a minimum flow of one thousand (1,000) gallons per minute (gpm) (3780 L/min) at draft.
- ii. Dry hydrants shall have a minimum clearance of twenty (20) feet (6.6 m) on each side and be located a minimum of one hundred (100) feet (30 m) from any structure. Approved pullouts or other design features shall be constructed to ensure that highway or road traffic shall not be impaired during use of the dry hydrant.
- i. Dry hydrants shall be centrally located to be accessible under all weather conditions. Dry hydrants shall be located in a public easement. Dry hydrants located on private streets shall provide easement document(s) granting maintenance and public access. Easement documents shall be recorded with the final plan. No tank will be located on a street classified as an arterial street or collector. Dry hydrants located on private streets shall provide easement document(s) granting maintenance and public access.
- ii. The water container shall be a clean fiberglass or concrete tank, approved by the Fire Department having jurisdiction. Contact the Fire Department having jurisdiction for specifications on materials and construction of the dry hydrant tank. Fittings for the tank shall be specific to the fire department having jurisdiction.
- iii. To ensure safety of design, functionality, installation, maintenance, and proper appropriation of financial resources, the Fire Department having jurisdiction shall approve all aspects of tank location, construction design, type of materials, pipe, and system fittings.
- iv. The location of all dry hydrant systems shall be shown on the face of the final

plan and be labeled 30,000-gallon underground water storage tank/dry hydrant system. One copy of this plan shall be forwarded to the County GIS Department.

- E. **Water Supply Maintenance.** The developer shall establish a Rural Special Improvement District (RSID) prior to final plan approval that ensures the continual operation and maintenance of the water supply system. If the Fire Department having jurisdiction determines that the water supply system is not being adequately maintained, the Fire Department may maintain or repair the system. The cost of such maintenance may be levied against the real property within the development and may be foreclosed in any manner allowed by law.

All underground water supply tanks shall be available for use by any Fire Department responding to any fire within the jurisdiction where the fire is occurring.

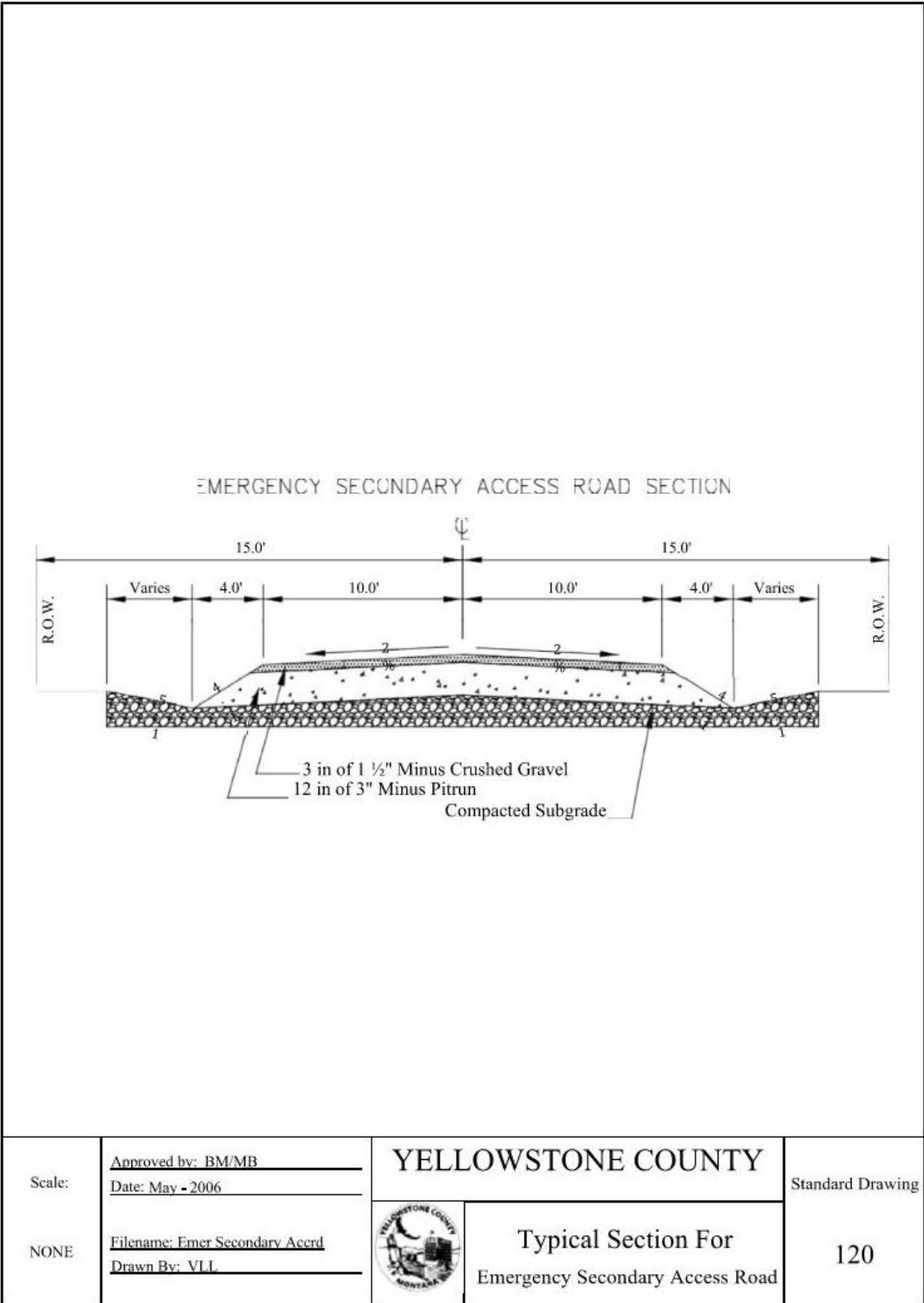
- F. **Emergency Secondary Access Roads:** In the event that an emergency secondary access road is approved as a means of providing a second access to a development, as required by Section 2.5.C.iii of these Regulations, it shall be built to the following standards:

- i. Emergency access roads shall be designed to a minimum unobstructed surface width of not less than 20 feet and shall be constructed to adequately support a 40-ton vehicle with a surface so as to provide all weather driving capabilities. The road shall be constructed to County standards (see Figure 2.11.1). Where requested by the Fire Department having jurisdiction, gates or other approved barricades shall be required at either end of the road to restrict through traffic. A sign shall be fixed to each gate in a conspicuous manner. The sign shall read “EMERGENCY ACCESS ONLY” using black letters not less than 2 inches wide and 6 inches high on a white retro reflective background.
- ii. Prior to construction, a cross-sectional design of the road including location, section, surfacing, and drainage, and design of gates or barriers shall be submitted to and approved by the Fire Department having jurisdiction and an Engineer licensed in the State of Montana. The storm drain design shall accommodate runoff during a 10-year storm event to ensure that there is no blockage of the roadway in the event of an emergency. The drainage shall not encroach into the travel way.
- iii. Emergency access roads will be assigned a name by the Fire Department having jurisdiction. In order to ensure the roads are entered into and reflected on the County GIS mapping system, the road shall be shown on the plan along with the name assigned to the road. Emergency access roads will not have conventional street signs identifying them by the assigned name.

One set of final plans showing corrections/revisions after review and approval shall be submitted to the Fire Department and one set of final plans shall be

provided to County GIS to ensure that the emergency access road and road name are entered into the GIS mapping system.

Figure 2.11.1





## **2.12 Noxious Weed Control**

In order to comply with the Montana County Weed Control Act, Title 7, Chapter 22, Part 21, MCA, all proposed County developers must enter into a weed management plan agreement with the Yellowstone County Weed Board. Approval of the final plan will be contingent on an approved weed management plan on file with the Yellowstone County Weed Control Department.

- A. County weed management plans require completion of application forms obtained from the Yellowstone County Weed Control Department, a site map that will allow for inspection of the proposed development, and payment of the inspection fee prior to performance of the required inspection.
- B. Mitigation of any identified existing noxious weed species will be required as well as planned re-vegetation of any and all disturbed areas within the proposed development.

## **2.13 Flood Hazard Evaluation.**

- A. Land located within the floodway of a flood of 100-year frequency as defined by Title 76, Chapter 5, MCA, may not be developed for building purposes, or other uses that may be prohibited by state or local floodplain regulations.
- B. Where the 100-year floodway has been delineated by a Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), or a City- or County-approved study on land in a subdivision, the 100-year floodway boundary and 100-year floodplain boundary shall be shown on the plat of the subdivision and the area within the 100-year floodway shall be labeled as a “No-Build Zone.”
- C. Any development of land that is in the flood fringe, a Zone A as shown on a FIRM, or an identified flood prone area is subject to the requirements of the Yellowstone County Floodplain Regulations.

## **2.14 Additional provisions**

**Health standards/license requirement:** In addition to the criteria of this Section, mobile or manufactured home parks must also meet the minimum standards of the Montana Department of Public Health and Human Services (MDPHHS) under Title 50, Chapter 52, MCA and the requirements of the Montana Department of Environmental Quality (MDEQ). The Board of County Commissioners shall not grant final approval of a mobile or manufactured home and/or recreational vehicle park until the developer first obtains the applicable licenses and approvals for the facility from MDPHHS and MDEQ.

It shall be unlawful to operate a mobile or manufactured home park without holding a valid license issued by the Montana State Department of Environmental Quality, to be renewed annually.

## **2.15 Timing of Improvements**

The developer shall install all required improvements before renting or leasing any portion of the BLR. All street improvements shall be designed by and constructed under the supervision of a professional engineer, competent in civil engineering, licensed in the State of Montana. All improvements shall meet or exceed the right-of-way and construction standards for the type of street to be constructed found within these Regulations, the adopted transportation plan, and adopted policies of the County Public Works Department.

A development agreement will be recorded with the final plan outlining all infrastructure requirements for the proposed development. These requirements are outlined in Chapter 2.

## **2.16 Open Space and Trail Requirements for Residential BLR Development**

Open Space percentages for developments that provide permanent, multiple spaces for the BLR are as follows:

- A. 11% of the area of the net land proposed to be developed at a density of one dwelling unit per half acre or less;
- B. 7.5% of the area of the net land proposed to be developed at a density of between one dwelling unit per half acre and one dwelling unit per one acre;
- C. 5% of the area of the net land proposed to be developed at a density of between one dwelling unit per one acre and one dwelling unit per 3 acres; and
- D. 2.5% of the area of the net land proposed to be developed at a density of between one dwelling unit per 3 acres and one dwelling unit per 5 acres.

**Yellowstone County  
Buildings for Lease or Rent  
Application & Review Process**

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**1. Purpose**

The following regulations are intended to provide a process for the acceptance and review of applications for the creation of buildings for lease or rent in the unincorporated areas of Yellowstone County, Montana. The lease or rent of buildings on a tract of record may directly impact the property and its surroundings with regard to vehicular access, public health, safety, and general welfare, the provision of public services and utilities, and the physical environment. These regulations are adopted for the purpose of considering and mitigating potential impacts resulting from buildings proposed for rent or lease on a single tract of record, ensuring protection of the public's health, safety and general welfare.

**2. Authority & Administration**

- A. These regulations are adopted under the authority of Sections 76-8-101, et seq., MCA.
- B. The Planning Department having jurisdiction is designated by the Board of County Commission of Yellowstone County to administer these regulations, including the review of any applications submitted, preparation of a recommendation of approval, conditional approval, or denial of the application to the Board for its consideration.
- C. The Board of County Commission has authority to approve, conditionally approve, or deny the application for the creation of buildings for lease or rent pursuant to these regulations.

**3. Applicability**

- A. These regulations apply to all lands within unincorporated areas of Yellowstone County.
- B. In their interpretation and application, the provisions of this chapter may be regarded as the minimum requirements for the protection of the public health, safety, and welfare.
- C. This resolution is not intended to abrogate or annul any building permit, certificate of occupancy, variance, or other lawful permit issued before the effective date of this resolution.

**4. Definitions**

- A. *Administrator* – The individual designated by the governing body to carry out the terms of these regulations.
- B. *Applicant* – The owner, or designated representative, of land for which an application for the creation of a building for lease or rent has been submitted.
- C. *Building* – As defined in Section 76-8-101(1), MCA, a structure *or a unit of a structure* with a roof supported by columns or walls for the permanent or temporary housing or enclosure of persons or property or for the operation of a business. Except as provided in 76-3-103(15) the term includes a recreational camping vehicle, mobile home, or cell tower. The term does not include a condominium or townhome.
- D. *Department* – As defined in Section 76-8-101(2), MCA, the department of environmental quality provided for in 2-15-3501.
- E. *Governing body* – As defined in Section 76-8-101(3), MCA, the legislative authority for a city, town, county, or consolidated city-county government.

- F. *Landowner* – As defined in Section 76-8-101(4), MCA, an owner of a legal or equitable interest in real property. The term includes an heir, successor, or assignee of the ownership interest.
- G. *Local reviewing authority* – As defined in Section 76-8-101(5), MCA, a local department or board of health that is approved to conduct reviews under Title 76, chapter 4.
- H. *Supermajority* – As defined in Section 76-8-101(6), MCA, a unanimous affirmative vote of the present and voting county commissioners in counties with three county commissioners.
- I. *Tract* – As defined in Section 76-8-101(7), MCA, an individual parcel of land that can be identified by legal description, independent of any other parcel of land, using documents on file in the records of the county clerk and recorder's office.

## **5. Review Requirements for Buildings for Lease or Rent**

- A. The following buildings created for lease or rent that are not or will not be served by water or wastewater are exempt from the provisions of these regulations when:
  - i. The building is in conformance with applicable zoning regulations;
  - ii. The building is one of three or fewer buildings for lease or rent that were in existence or under construction on the tract of record before September 1, 2013;
  - iii. The building is a facility as defined in 15-65-101 that is subject to the lodging facility use tax under Title 15, Chapter 65, except for recreational camping vehicles or mobile home parks; or
  - iv. The building is for farming or agricultural purposes.
- B. The following buildings created for lease or rent, that are or will be served by water and wastewater facilities, must comply with the provisions of subsection (C) but are exempt from all other provisions of these regulations when:
  - i. The building is in conformance with applicable zoning regulations;
  - ii. The building is one of three or fewer buildings for lease or rent that were in existence or under construction on the tract of record before September 1, 2013;
  - iii. The building is a facility as defined in 15-65-101 that is subject to the lodging facility use tax under Title 15, Chapter 65, except for recreational camping vehicles or mobile home parks;
  - iv. The building is for farming or agricultural purposes; or
  - v. The landowner records a notarized declaration with the Yellowstone County Clerk and Recorder stating that the proposed building will not be leased or rented. The declaration runs with the land and is binding on the landowner and all subsequent landowners and successors in interest to the property, *and can only be revoked by review and approval by the governing body under these Regulations*. The declaration must include:
    - a. The name and address of the landowner;
    - b. A legal description of the tract upon which the proposed building will be located; and
    - c. A specific description of the building on the tract of record.
- C. The first three (3) or fewer buildings for lease or rent proposed on a single tract of record and not otherwise exempt under subsections (A) or (B), require review and approval by the department or local reviewing authority for sanitation review if required by Title 76,

Chapter 4, MCA, or to the local board or department of health if review is required by Title 50, MCA. If the department, local reviewing authority, or local board or department of health approves the application for sanitation review, the landowner shall record the certificate of approval and any conditions associated with the approval of the application with the Yellowstone County Clerk and Recorder.

- D. All other buildings for lease or rent on a single tract of record require review and approval by the governing body, pursuant to the provisions of Section 6.

## **6. Application for Creation of Buildings for Lease or Rent**

### **A. Application Submittal Requirements**

- i. An application for the creation of buildings for rent or lease shall be submitted to the administrator designated by the governing body, and accompanied by the payment of any fees established for the review of same.
- ii. The application shall include:
  - a. A copy of the deed or other legal description of the real property;
  - b. Signature of the landowner of the land for which the application is being made;
  - c. Evidence of legal access to the subject property;
  - d. A site plan showing:
    - I. North arrow and scale bar;
    - II. Property boundaries;
    - III. Existing and proposed onsite and adjacent offsite streets, roads and easements that will serve the proposal;
    - IV. Existing and proposed access to the subject property;
    - V. Pertinent geographic features of the subject property, such as significant topographical features, areas with slopes greater than 25%, and designated floodplain;
    - VI. Location of existing and proposed private or public utilities serving the subject property;
    - VII. The location of existing and proposed buildings or structures on the subject property.
  - e. A description of existing and proposed buildings and their location on the subject property, including the uses proposed for each and the approximate floor area and ground coverage of each building;
  - f. A description of the proposed water, wastewater, stormwater, and solid waste disposal facilities intended to serve the buildings for lease or rent;
  - g. A description of the emergency medical, fire, and law enforcement services proposed to serve the buildings for lease or rent.
  - h. A description of any existing or proposed on-site land uses that may create a nuisance to human population in the area such as unpleasant odors, unusual or loud noises, dust or smoke.

### **B. Review Standards for Buildings for Lease or Rent**

- i. Buildings for lease or rent that are not or will not be served by water or wastewater, and that are not exempt under the provisions of Sections 5.A. or 5.C, above, shall provide the following:
  - a. Physical access to all proposed or existing buildings for lease or rent of a minimum unobstructed width of not less than 20 feet, constructed to adequately support a 40-ton vehicle with an all-weather driving surface;
  - b. A traffic impact study (TIS) prepared by a licensed engineer specializing in traffic applications for any buildings for lease or rent on a tract of record that will generate five hundred (500) or more vehicular trips per day, as referenced in the most current edition of the Trip Generation manual of the Institute of Transportation Engineers. The TIS shall contain the information specified in Section 4.6.C.4.B of the Yellowstone County Subdivision Regulations.
- ii. Buildings for lease or rent that are or will be served by water or wastewater, and that are not exempt under the provisions of Sections 5.B. or 5.C, above, shall provide the following:
  - a. Physical access to all proposed or existing buildings for lease or rent of a minimum unobstructed width of not less than 20 feet, constructed to adequately support a 40-ton vehicle with an all-weather driving surface;
  - b. A traffic impact study (TIS) prepared by a licensed engineer specializing in traffic applications for any buildings for lease or rent on a tract of record that will generate five hundred or more vehicular trips per day, as referenced in the most current edition of the Trip Generation manual of the Institute of Transportation Engineers. The TIS shall contain the information specified in Section 4.6.C.4.B of the Yellowstone County Subdivision Regulations;
  - c. A reliable water source for fire-fighting needs;
  - d. Evidence of availability of structure-rated fire protection services.

C. Review Process

- i. Upon receipt of an application along with all applicable fees, the administrator shall, within ten (10) working days, determine whether the application is complete and notify the applicant in writing.
- ii. If the application is incomplete, the administrator shall identify, in writing, any missing materials or insufficient information necessary to conduct the required review.
- iii. If the application is complete, the administrator shall complete review of the application, and the governing body shall approve, conditionally approve, or deny the application within sixty (60) working days. The timeframe may be extended upon mutual agreement, in writing, by the applicant and the governing body. Review and approval, conditional approval, or denial of an application for the creation of buildings for lease or rent pursuant to this section must be based upon the regulations in effect at the time an application is determined to be complete.
- iv. The governing body may approve or conditionally approve the proposed buildings for lease or rent upon finding:
  - a. The proposed buildings for lease or rent, as submitted or conditioned, comply with these regulations and avoid or minimize potential significant impacts on the physical environment and human population in the area affected by the buildings for lease or rent;

- b. Adequate water, wastewater, and solid waste facilities are available to serve the buildings for rent or lease;
- c. Adequate access to the site is provided to serve the buildings for lease or rent;
- d. Adequate emergency medical, fire protection, and law enforcement services are available to serve the buildings for rent or lease; and
- e. The buildings for lease or rent comply with any applicable flood plain regulations.
- v. The governing body shall provide written notification to the landowner of the approval, conditional approval, or denial of the application within 60 working days after determining the application was complete.

**D. Appeal**

- i. An applicant who is aggrieved by a final decision of the department or the local reviewing authority may request a hearing as provided in Section 76-4-126(1), MCA. For purposes of this subsection, the contested case provisions of the Montana Administrative Procedure Act, Title 2, chapter 4, part 6, apply to the proceeding.
- ii. An applicant or landowner with a property boundary contiguous to the tract on which buildings for lease or rent are proposed to be located who is aggrieved by a decision of the governing body may, within 30 days of the date of the final decision of the governing body, appeal to the district court in the county in which the property involved is located.
- iii. For purposes of this section, "aggrieved" has the meaning provided in Section 76-3-625, MCA.

**7. Enforcement and Penalties**

- A. The administrator shall notify the landowner or any other responsible party of a violation of these regulations by certified mail and/or posting on the subject property. The notice shall describe the violation, cite the section of these regulations being violated, and request the responsible party to voluntarily comply within 30 days.
- B. Any person who receives a notice of violation may, within the 30 days allowed, request inspection by the administrator to show that compliance has been attained or appeal the notice of violation to the governing body.
- C. If, after the 30 days for voluntary compliance has lapsed, compliance has not been attained or an appeal has not been filed, the administrator shall request the County Attorney begin legal action against the landowner or any other responsible party.
- D. Upon request by the administrator, the County Attorney may request that the governing body grant the County Attorney the authority to commence any actions and proceedings available in law or equity to prevent the creation of a building for lease or rent in violation of these regulations; restrain, correct, or abate a building for lease or rent in violation of these regulations; or prevent the occupancy of a building for lease or rent in violation of these regulations.

**B.O.C.C. Regular**

**Meeting Date:** 12/23/2025

**Title:** Resolution 25-135 Solid Waste District Intent to Raise Fees

**Submitted By:** Anna Ullom, Senior Accountant

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**TOPIC:**

Resolution 25-135 Solid Waste District Intent to Raise Fees and Setting the Public Hearing for Tuesday January 6, 2026 @ 9:00 a.m. in Room 309 of the John V. Ostlund Building located at 2825 3rd Ave North

**BACKGROUND:**

A resolution is needed to increase rates in the district to cover increases in fees charged to the district by the City of Billings.

**RECOMMENDED ACTION:**

Approve.

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**Attachments**

Resolution 25-135 Intent to Raise Fees for Solid Waste District

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# **YELLOWSTONE COUNTY BOARD OF COUNTY COMMISSIONERS**

Resolution No. 25-135

## **Resolution of Intent to Increase Fee for Yellowstone County Solid Waste Disposal District**

WHEREAS, pursuant to Sections 7-11-1001 through 7-11-1029 of the Montana Code Annotated, a board of county commissioners has the authority to create a county solid waste disposal district.

WHEREAS, pursuant to Section 7-11-1024(1) of the Montana Code Annotated, a board may assess a fee for a solid waste disposal district.

WHEREAS, pursuant to Section 7-11-1025, to assess a fee a board shall pass a resolution of intent and set a public hearing on the fee. The resolution of intent shall contain a list of the parcels in the district, the names of the parcel owners and the amount of the assessment against each of the parcels. The board shall publish notice of the public hearing. The board shall accept comments on the fee, including objections to the fee. The board shall hold a public hearing and hear comments on the fee, including objections on the fee. The board shall pass a resolution to enact the fee.

WHEREAS, the Yellowstone County Board of County Commissioners has created the Yellowstone County Solid Waste Disposal District. The Yellowstone County Commission manages the District. The County Commission wants to increase the fee for the District from \$25.00 to \$35.00 per residential parcel effective as of July 1, 2026. The County Commission wants to increase the fee because of projected increases in the cost to dispose of the waste charged by the City of Billings. The Board of County Commissioners believes that the fee increase may be necessary to maintain the current level of service provided by the District.

WHEREAS, the Yellowstone County Board of County Commissioners desires to pass this resolution of intent to increase the fee for the Yellowstone County Solid Waste Disposal District and set a public hearing on the fee increase for January 6, 2026.

WHEREAS, the fee increase is needed to cover increased costs. The fee increase is needed to maintain the current level of service provided by the District.

WHEREAS, on January 6, 2026, the Yellowstone County Board of County Commissioners will hold a public hearing on the fee increase. The Board will receive written objections and both written and oral comments on the fee increase. The Board will consider the objections and comments. If the Board finds that the fee increase is in the best interest of the public, it shall pass a resolution increasing the fees for residential properties from \$25 to \$35 per year.

NOW THEREFORE, BE IT RESOLVED,

The Yellowstone County Board of County Commissioners shall hold a public hearing on January 6, 2026 to determine whether to increase the fee assessed by the Yellowstone County Solid Waste Disposal District on residential properties from \$25.00 to \$35.00 effective as of July 1, 2026 per parcel to continue until otherwise amended. A list of the parcels in the District, the owners of the parcels in the District and the old and new assessment for each parcel in the District is available in the Clerk & Recorder's Office with this Resolution 25-135 of Intent to Increase Fees for Yellowstone County Solid Waste Disposal District.

The Yellowstone County Clerk and Recorder shall provide notice of the hearing, shall receive written objections and comments on the proposed fee increase and shall provide the objections and comments to the Board before the hearing. On December 26, 2025 and January 2, 2026, the Clerk and Recorder is ordered to publish notice of the hearing in the *Yellowstone County News*.

Passed and Adopted on the 23<sup>rd</sup> day of December, 2025.

BOARD OF COUNTY COMMISSIONERS

YELLOWSTONE COUNTY, MONTANA

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Mark Morse, Chairman

---

Michael J. Waters, Member

Attest:

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Chris White, Member

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Jeff Martin

Yellowstone County Clerk and Recorder

**B.O.C.C. Regular**

**1. a.**

**Meeting Date:** 12/23/2025

**Title:** Board Appointment

**Submitted By:** Erika Guy

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**TOPIC:**

Board Appointment - Kim Deal to LPSD

**BACKGROUND:**

See Attached

**RECOMMENDED ACTION:**

Sign and Mail

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**Attachments**

Kim Deal

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# Yellowstone County



COMMISSIONERS  
(406) 256-2701  
(406) 256-2777 (FAX)

P.O. Box 35000  
Billings, MT 59107-5000  
bocc@yellowstonecountymt.gov

December 23, 2025

Kim Deal  
1847 US Hwy 87 E  
Billings, MT 59101

RE: Lockwood Pedestrian Safety District Advisory Board

Dear Kim,

The Board of County Commissioners of Yellowstone County has appointed you to represent Yellowstone County as a member on the above-named board. Your term by this appointment will be to December 31, 2028.

We wish to take this opportunity to thank you in advance for accepting this community service.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
YELLOWSTONE COUNTY, MONTANA

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Mark Morse, Chair

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Michael J. Waters, Member

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Chris White, Member

BOCC/eg

cc: Board File - Clerk & Recorder  
Mr. Travis Smith, 560 Toluca Drive, Billings, MT 59101

**B.O.C.C. Regular**

1. b.

**Meeting Date:** 12/23/2025

**Title:** Lockwood Pedestrian Safety District Bylaws 2025

**Submitted By:** Erika Guy

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**TOPIC:**

Lockwood Pedestrian Safety District Bylaws 2025

**BACKGROUND:**

See Attached. Updated Bylaws.

**RECOMMENDED ACTION:**

Approve or Deny

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**Attachments**

Lockwood Pedestrian Safety District Bylaws 2025

Lockwood Pedestrian Safety District Bylaws 2015

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**LOCKWOOD PEDESTRIAN SAFETY DISTRICT ADVISORY BOARD  
YELLOWSTONE COUNTY, MONTANA  
BYLAWS 2<sup>nd</sup> Edition 2025**

**INTRODUCTION**

On March 11, 2014, after a referendum in favor of the creation of a special district to improve pedestrian safety in the Lockwood area of Yellowstone County, the Yellowstone County Board of County Commissioners created the Lockwood Pedestrian Safety District, also known as Yellowstone County Special District No. 1. Resolution No. 2014-14. The purpose of the District is to improve pedestrian safety in the area. Preceding the creation of the District there had been two unfortunate pedestrian deaths in the area. The authority to create the District was Sections 7-11-1001 through 7-11-1035 of the Montana Code Annotated. The District is funded through a mill levy on the land in the area.

To assist the Board of County Commissioners manage the District, it created the Lockwood Pedestrian Safety District Advisory Board. The purpose of the Board is to provide advice to the officials of Yellowstone County as to pedestrian safety issues in the area, such as what are the issues and how the issues could be mitigated.

In 2015, the Board enacted its first edition of bylaws as to its operation. Attached are a copy of the first edition of the bylaws. In 2025, the Board decided to enact new bylaws, a second edition of bylaws as to its operation. Below are the bylaws adopted by the Board.

**ARTICLE I- LOCKWOOD PEDESTRIAN SAFETY DISTRICT ADVISORY BOARD**

**SECTION 1 NAME**

The name of this board shall be the Lockwood Pedestrian Safety District Advisory Board of Yellowstone County, Montana.

**SECTION 2 PURPOSE**

The purpose of the Board is to advise the Board of County Commissioners, Yellowstone County Board of Planning, and all departments and boards of the County with regard to non-motorized transportation matters within the boundaries of the District.

**SECTION 3 MEMBERSHIP**

The Board shall be composed of seven (7) members to serve three (3) year terms. The County Commissioners shall appoint the seven members. The board members may include, but not be limited to, representatives of bicycling organizations; organizations concerned with transit, smart growth and healthy communities; educational organizations concerned with safety such as the Lockwood Schools Parent Teachers Association, SAFE KIDS; a representative of business organizations in Lockwood; interested private citizens concerned with walking and bicycling opportunities, such as commuting or recreating, people with disabilities, the aging community, and high school students. A representative from the Sheriff's Office and the Bicycle/Pedestrian Coordinator or a staff person from the City-County Planning Division or County Public Works Department may serve as staff liaisons to the Board.

**SECTION 4 ORGANIZATION**

At the first scheduled meeting of the calendar year the Board shall elect its officers; a chair, a vice chair and secretary. The officers shall serve a one-year term until a successor is elected.

**Officers of the Board**

- (1) Chair - The chair will be elected by current members at the first annual meeting. The chair shall preside at all meetings of the Board, call special meetings as needed and prepare an agenda.
- (2) Vice Chair - A vice chair will be elected by current members at the first annual meeting to act during the absence of the elected chair.
- (3) Secretary - A secretary will be elected to record meeting minutes and distribute correspondence as required.

## **ARTICLE II – DUTIES**

### **SECTION 1 DUTIES OF THE BOARD**

The duties of the Board are to:

- (1) Ensure an open and transparent forum, open to the public, for creating recommendations to County Commissioners and public officials for allocation of annual District revenues and related matters within the District.
- (2) Make recommendations on capital projects, transportation improvement plans, bicycle and pedestrian programs, subdivision regulations and other county programs and projects, insofar as they relate to non-motorized transportation and safety. County staff and officials shall provide appropriate plans and other materials for review by the Board within a timely manner;
- (3) Advise in the development and implementation of county non-motorized transportation plans and the development of long-range transportation plans;
- (4) Make recommendations to the County Commissioners, and Planning Board to improve the institutional and professional responsiveness of the County to promote non-motorized transportation and pedestrian safety;
- (5) Advise the Bicycle and Pedestrian Coordinator regarding school programs to promote operator awareness - including children, youth and adults about walking, bicycling and driving - and activity through education and public information programs and enforcement;
- (6) Make recommendations to the County Commissioners, and Planning Board regarding design standards for all types of bicycle and pedestrian facilities. Make recommendations regarding design improvements for existing bicycle and pedestrian facilities;
- (7) Make recommendations to the County Commissioners, and Planning Board regarding bicycle and pedestrian planning as it relates to facility selection, cost and safety impacts;
- (8) Make recommendations regarding prioritization of bicycle and pedestrian facilities needed in the District;
- (9) Consult and advise government agencies to promote bicycling and pedestrian activity as viable forms of urban transportation and to reduce dependence on private automobiles as a primary mode of transportation;
- (10) Advise Lockwood School District to provide effective linkages between walking, bicycling and transit. Explore opportunities for transit within and between the District and the City of Billings.

## **ARTICLE III - MEETINGS**

### **SECTION 1 MEETINGS**

The Board shall hold regular meetings on the first Wednesday of the month at 7:00 pm. When a regularly scheduled meeting is cancelled, a publicly available cancellation notice will be sent to all the members. Special meetings of the Board may be called with no less than six (6) days notice, or less time when approved by a majority of the Board.

All regular meetings will be noticed at the Yellowstone County Courthouse no less than 6 days prior to the meeting. All meetings shall be open to the public in accordance with the open meeting laws of Montana. Notice of the meetings shall be distributed to reach all interested and affected members of the community.

Each member shall inform the chair at least one day before the meeting of their inability to attend a meeting. Such an absence shall be considered an excused absence. If any member accrues three (3) or more consecutive unexcused absences from regular meetings, notice of which has been given at their usual place of work or residence, or by announcement at a meeting attended by that member, the chair may call such absences to the attention of the Board which may then recommend to the Board of County Commissioners that it request the member resign and, if the member resigns, appoint another person to serve out the unexpired term of the member requested to resign.

### **SECTION 2 QUORUM FOR COMMITTEE MEETINGS**

A majority of members constitutes a quorum for the purposes of conducting business. Action may be taken by a majority vote of members present. With the consent of the Board a member may appear at a meeting by telephone or audio video link. Roberts Rules of Order shall be followed by the Board.

### SECTION 3 REPORTING ON MEETINGS

A member of the Board shall act as Secretary to record the minutes and attendance, prepare required reports, notify members of meetings, and such other duties as required by the Board. Only the date, time, attendance, order of business, abbreviated discussions and final decisions of the Board shall be reported in the minutes.

## ARTICLE IV ADOPTION AND AMENDMENT OF BYLAWS

### SECTION 1 HOW ADOPTED

These bylaws shall be adopted by a majority of the Board at a meeting.

### SECTION 2 HOW AMENDED

These bylaws may be amended by a majority of the Board at a meeting at which the bylaws are an agenda item.

### SECTION 3 TERM

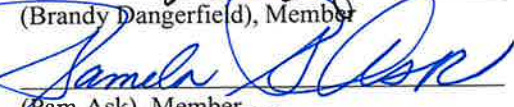
These bylaws shall continue until superseded by new bylaws.

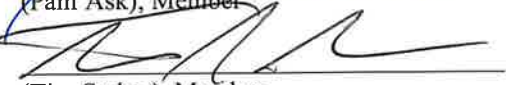
### Lockwood Pedestrian Safety District Advisory Board

  
(Travis Smith), Chair

  
(Nicholas Pancheau), Member

  
(Brandy Dangerfield), Member

  
(Pam Ask), Member

  
(Tim Sather), Member

Adopted by the Advisory Board on (11/5/2025).

### Yellowstone County Board of County Commissioners

\_\_\_\_\_  
Mark Morse, Chair

\_\_\_\_\_  
Michael J. Waters, Member

\_\_\_\_\_  
Chris White, Member

ATTEST:

\_\_\_\_\_  
Jeff Martin, Clerk and Recorder

Adopted by the Board of County Commissioners on (       )

### Attachment

Bylaws First Edition (2015)



**BY-LAWS  
OF THE  
LOCKWOOD PEDESTRIAN SAFETY DISTRICT  
ADVISORY BOARD  
BILLINGS, MONTANA**

***Third Draft***

October 20, 2015

Prepared By:  
LPSD Advisory Board  
Lockwood, Montana

**BY-LAWS**  
**LOCKWOOD PEDESTRIAN SAFETY DISTRICT**

Functions, duties and responsibilities of the Lockwood Pedestrian Safety District Advisory Board of Yellowstone County, Montana hereinafter referred to as the Lockwood Pedestrian Safety District are as follows:

**ARTICLE I – LOCKWOOD PEDESTRIAN SAFETY DISTRICT**  
**ADVISORY BOARD**

**SECTION 1 NAME**

The name of this committee shall be the Lockwood Pedestrian Safety District (LPSD) Advisory Board of Yellowstone County, Montana.

**SECTION 2 PURPOSE**

The purpose of the Lockwood Pedestrian Safety District Advisory Board is to advise the Board of County Commissioners, Yellowstone County Board of Planning, and all departments and boards of the County with regard to non-motorized transportation matters within the boundaries of Yellowstone County Special District No. 1 for Lockwood Area.

**SECTION 3 MEMBERSHIP**

The Board shall be composed of ten (10) members to serve three (3) year terms. The County Commissioners will appoint ten members. The committee members may include, but not be limited to, representatives of bicycling organizations; organizations concerned with transit, smart growth and healthy communities; educational organizations concerned with safety such as the Lockwood Schools Parent Teachers Association, SAFE KIDS; a representative of business organizations in Lockwood; interested private citizens concerned with walking and bicycling opportunities, such as commuting or recreating, people with disabilities, the aging community, and high school students. A representative from the Sheriff's Department and the Bicycle/Pedestrian Coordinator or a staff person from the City-County Planning Division or County Public Works Department may serve as staff liaisons to the board.

**SECTION 4 ORGANIZATION**

A Chair shall be elected at the first scheduled meeting of the calendar year by a quorum of the Lockwood Pedestrian Safety District Advisory Board membership

present at a duly called meeting. Term of office will be one year or until a successor is elected.

## **OFFICERS OF THE BOARD**

1. Chair - The Chair will be elected by current members at the first annual meeting. The Chair shall preside at all meetings of the Lockwood Pedestrian Safety District Advisory Board, call special meetings as needed and prepare an agenda.
2. Vice Chair - A Vice Chair will be elected by current members at the first annual meeting to act during the absence of the elected chair.
3. Secretary – A secretary will be elected to record meeting minutes and distribute correspondence as required.

## **ARTICLE II – DUTIES**

### **SECTION 1 DUTIES OF THE BOARD**

The Lockwood Pedestrian Safety District Advisory Board has the duties to:

1. Ensure an open and transparent forum, open to the public, for creating recommendations to County Commissioners and public officials for allocation of annual district revenues and related matters within the boundaries of the special district.
2. Make recommendations on capital projects, transportation improvement plans, bicycle and pedestrian programs, subdivision regulations and other county programs and projects, insofar as they relate to non-motorized transportation and safety. County staff and officials shall provide appropriate plans and other materials for review by the board within a timely manner;
3. Advise in the development and implementation of county non-motorized transportation plans and the development of long-range transportation plans;
4. Make recommendations to the County Commissioners, and Planning Board to improve the institutional and professional responsiveness of the County to promote non-motorized transportation and pedestrian safety;
5. Advise the Bicycle and Pedestrian Coordinator regarding school programs to promote operator awareness – including children, youth and adults about walking, bicycling and driving – and activity through education and public information programs and enforcement;
6. Make recommendations to the County Commissioners, and

- Planning Board regarding design standards for all types of bicycle and pedestrian facilities. Make recommendations regarding design improvements for existing bicycle and pedestrian facilities;
7. Make recommendations to the County Commissioners, and Planning Board regarding bicycle and pedestrian planning as it relates to facility selection, cost and safety impacts;
  8. Make recommendations regarding prioritization of bicycle and pedestrian facilities needed in the district;
  9. Consult and advise government agencies to promote bicycling and pedestrian activity as viable forms of urban transportation and to reduce dependence on private automobiles as a primary mode of transportation;
  10. Advise Lockwood School District to provide effective linkages between walking, bicycling and transit. Explore opportunities for transit within and between the District and the City of Billings.

### **ARTICLE III - MEETINGS**

#### **SECTION 1 MEETINGS**

The Lockwood Pedestrian Safety District Advisory Board shall hold regular meetings on the first Wednesday of the month at 7:00 pm. When a regularly scheduled meeting is cancelled, a publically available cancellation notice will be sent to all the members. Special meetings of the Lockwood Pedestrian Safety District Advisory Board may be called with no less than six (6) days notice, or less time when approved by a majority of the Board.

All regular meetings will be noticed at the Yellowstone County Courthouse no less than 6 days prior to the meeting date of the Lockwood Pedestrian Safety District Advisory Board. All meetings shall be open to the public in accordance with the Montana State Open Meeting Law. Notice of the meetings shall be distributed to reach all interested and affected members of the community.

Each member shall inform the Chair at least one day before the meeting of their 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 their usual place of work or residence, or by announcement at a meeting attended by that person, the Chair 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.

## **SECTION 2 QUORUM FOR COMMITTEE MEETINGS**

A quorum shall consist of a simple majority of the voting members in attendance, in person or via teleconferencing, listed in the regular membership section of these bylaws including the Chair or designated representative. Roberts Rules of Order will be followed in all meetings.

## **SECTION 3 REPORTING ON MEETINGS**

A member of the Lockwood Pedestrian Safety District Advisory Board will act as Secretary to record the minutes and attendance, prepare required reports, notify members of meetings, and such other duties as required by the Lockwood Pedestrian Safety District Advisory Board. Only the date, time, attendance, order of business, abbreviated discussions and final decisions of the Lockwood Pedestrian Safety District Advisory Board will be reported in the minutes.

## **ARTICLE IV ADOPTION AND AMENDMENT OF ARTICLES**

### **SECTION 1 HOW ADOPTED**

These articles may be adopted by a majority of the Lockwood Pedestrian Safety District Advisory Board at a duly called LPSD meeting.

### **SECTION 2 HOW AMENDED**

These articles may be amended by a majority of the Lockwood Pedestrian Safety District Advisory Board at a duly called meeting in which a discussion of the By-laws is a published agenda item.

**B.O.C.C. Regular**

**1. c.**

**Meeting Date:** 12/23/2025

**Title:** Ostlund Building Employee Guidelines

**Submitted By:** Erika Guy

---

**TOPIC:**

Ostlund Building Employee Guidelines

**BACKGROUND:**

See Attached

**RECOMMENDED ACTION:**

Approve or Deny

---

**Attachments**

Ostlund Building Employee Guidelines

---

# Yellowstone County



**COMMISSIONERS**  
(406) 256-2701  
(406) 256-2777 (FAX)

P.O. Box 35000  
Billings, MT 59107-5000  
bocc@yellowstonecountymt.gov

December 23, 2025

To All Ostlund Building County Employees,

As we prepare to move into the newly remodeled Ostlund Building, the Board would like to provide a few guidelines to help ensure a smooth transition and to maintain the professional environment our community expects.

All construction, renovation, improvements as well as preventive maintenance in the Ostlund Building will be handled exclusively by the Facilities Department. In the event offices or common areas require attention, rather than attempting repairs or changes on your own, please let your department head, or Elected Official know, they will coordinate with Facilities to address any issues.

Designated storage areas will be assigned to each department and any storage outside those areas, particularly in offices, must be approved in advance by department heads and Facilities.

For safety reasons, personal space heaters are not allowed; Facilities will provide approved units if needed. Additionally, to keep our new workspace clean and professional department heads are responsible for ensuring employees maintain orderly offices. Department Heads have discretion to determine if couches, throw rugs, excessive décor, excessive amount of plants and other non-standard furnishings will be permitted in offices and work spaces.

Please note that smoking is not permitted anywhere inside the building, nor will there be any designated employee smoking areas near entryways or exits to the Ostlund Building. To maintain clear hallways, bicycles may not be brought inside the building. A secure bike rack will be provided outdoors for your use.

We appreciate everyone's cooperation in caring for this newly renovated building and helping us keep it a safe, functional, and professional space for both staff and the public.

Sincerely,

BOARD OF COUNTY COMMISSIONERS

YELLOWSTONE COUNTY, MONTANA

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Mark Morse, Chair

---

Michael J. Waters, Member

---

Chris White, Member

**B.O.C.C. Regular**

**Meeting Date:** 12/23/2025

**Title:** Release and Settlement of Claims- Davis

**Submitted For:** Melissa Williams, Deputy County Attorney

**Submitted By:** Melissa Williams, Deputy County Attorney

---

**TOPIC:**

Release and Settlement of Claims — Davis

**BACKGROUND:**

This case settled in mediation on 12/18/25 for a sum of \$2,000.00.

**RECOMMENDED ACTION:**

Agenda Item

---

**Attachments**

Davis Release

---



## **RELEASE AND SETTLEMENT OF ALL CLAIMS**

**RELEASOR:** **Alexandre Davis**

**RELEASEE:** Yellowstone County, Yellowstone County Board of County Commissioners and the agents, servants, present and past employees, successors, heirs, directors, members of all Boards and assigns of Yellowstone County.

**CLAIM:** **UNITED STATES DISTRICT COURT  
CAUSE NO. CV 23-58-BLG-SPW-TJC**

**The parties to this Release have engaged in settlement negotiations. Pursuant to these negotiations, settlement has been reached between Alexandre Davis, Releasor, and Yellowstone County, et al, Releasee.**

**SUM OF SETTLEMENT:** \$2,000.00 (two thousand dollars) total for full release, as indicated in the Occurrence Section of this document.

### **1. OCCURRENCE**

Pursuant to a Complaint and Jury Demand filed on or about May 23, 2023, by Releasor referenced above, Releasor made a claim for a civil rights violation based on medical care at the Yellowstone County Detention Facility while he was incarcerated at the Yellowstone County Detention Facility from May 02, 2023 through July 26, 2023.

Releasor acknowledges receipt of the above sum of money and for payment of such sum fully and forever releases and discharges Releasee, Releasee's successors, assigns, agents, partners, officers, employees, former employees, and attorneys from any and all actions, claims, causes of action, demands, or expenses for claimed damages for lost wages and other injury, whether asserted or unasserted, known or unknown, foreseen or unforeseen, arising out of the claims as alleged in the above-referenced Complaint.

### **2. FUTURE DAMAGES**

Inasmuch as any damages and losses resulting from the events described herein may not be fully known and may be more serious than it is now understood or expected, Releasor individually agrees, as a further consideration of this agreement, that this Release applies to any and all damages and losses resulting from the allegations against Releasee described herein, even though now unanticipated, unexpected and unknown, as well as any and all damages and losses which have already developed and which are now known or anticipated.

### **3. EXTENT OF LIABILITY**

It is understood and agreed that this settlement is the compromise of disputed claims and that the above-mentioned sum is accepted as the sole consideration for full satisfaction and accord of these claims. Payment made under this settlement is not to be construed as an admission of liability on the part of the party or parties hereby released, and that said Releasee disputes the claims and therefore intends merely to avoid litigation and buy their peace.

### **4. NO ADDITIONAL CLAIMS**

Releasor represents that no additional claims are contemplated against any other party potentially liable for the losses, damages and injuries for which this Release is given. In the event any additional claim is made which directly or indirectly results in additional liability exposure to Releasee for the losses, injuries and damages for which this Release is given, Releasor covenants and agrees to indemnify and hold Releasee harmless from all such claims and demands, including reasonable attorney's fees and all other expenses necessarily incurred.

### **5. DISCLAIMER**

Releasor has carefully read the forgoing, understands the contents thereof, and signs the same of Releasor's own free will and accord. This Release shall be binding upon Releasor, heirs, successors, personal representatives and assigns.

### **6. TAXABILITY OF BENEFITS**

Releasee makes no warranty, representation, or promise, in any respect, with respect to the taxability of the sums which have been or will be received by Releasor. It is hereby expressly understood and agreed that Releasor is fully and exclusively responsible for complying with the tax laws of the United States or any state and that Releasor shall make no claim or demand in the future upon Releasee in any respect, including the issue of taxability of the benefits to be paid hereunder.

### **7. CONFIDENTIAL AGREEMENT**

The parties agree that no part of this agreement can be confidential and that the original Release will be kept on file as a public document in the office of the Yellowstone County Clerk and Recorder. Releasee agrees that it will not however publicize in the media, the courts, informally or in any way, the facts of this case, the facts of settlement or the amount and terms of settlement as set forth in this agreement. However, Releasee may disclose such information as it is required to disclose under applicable laws and regulations.

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Dated this 18 day of December, 2025.

**CAUTION! READ BEFORE SIGNING**

  
\_\_\_\_\_  
Alexandre Davis

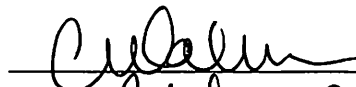
STATE OF ILLINOIS )  
County of LAZARUS : ss. )

On this 18<sup>th</sup> day of DECEMBER, 2025, before me, a notary public for the State of ILLINOIS, personally appeared Alexandre Davis, known to me to be named in the foregoing Release, and acknowledged to me that he has voluntarily executed the Release.

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

(NOTARY SEAL)

C. Waller, Case Manager  
Authorized by the Act of July 7, 1955,  
as amended, to administer oaths  
(18 U.S.C. § 4004).

  
\_\_\_\_\_  
C. Waller  
Notary Public for the State of ILLINOIS  
Residing at: FBI PEKIN, IL  
My Commission expires: N/A

**B.O.C.C. Regular**

**3. a.**

**Meeting Date:** 12/23/2025

**Title:** Change Order #1 - Sletten Construction - Short Term Hold

**Submitted For:** Matt Kessler, Purchasing Agent

**Submitted By:** Matt Kessler, Purchasing Agent

---

**TOPIC:**

Change Order #1 - Sletten Construction - Short Term Hold

**BACKGROUND:**

The Finance department is requesting Commissioners' approval for a deductive change order for the Short Term Detention Facility contract with Sletten Construction. The original contract value was \$8,727,707.45. The change order will deduct \$544,632.02 from the contract for a new contract sum of \$8,183,075.43. This change order will close the project out.

**RECOMMENDED ACTION:**

Sign change order and return a copy to Finance.

---

**Attachments**

Sletten Change Order #1

---

# **AIA® Document G701® – 2017**

## Change Order

**PROJECT:** *(Name and address)*  
Short Term Detention Addition  
3165 King Ave. E.  
Billings, MT 59101

**CONTRACT INFORMATION:**  
Contract For: General Construction  
Date: 8/21/2024

**CHANGE ORDER INFORMATION:**  
Change Order Number: 1  
Date: 11/25/2025

**OWNER:** *(Name and address)*  
Yellowstone County  
217 N. 27<sup>th</sup> St.  
Billings, MT 59101

**ARCHITECT:** *(Name and address)*  
Schutz Foss Architects, P.C.  
3030 4<sup>th</sup> Ave. N.  
Billings, MT 59101

**CONTRACTOR:** *(Name and address)*  
Sletten Construction Company  
1000 25<sup>th</sup> St. N.  
PO Box 2467  
Great Falls, MT 59403

### THE CONTRACT IS CHANGED AS FOLLOWS:

*(Insert a detailed description of the change and, if applicable, attach or reference specific exhibits. Also include agreed upon adjustments attributable to executed Construction Change Directives.)*

#### 1. Remaining Contingency Funds (deduct).

The original Contract Sum was	\$ 8,727,707.45
The net change by previously authorized Change Orders	\$ 0.00
The Contract Sum prior to this Change Order was	\$ 8,727,707.45
The Contract Sum will be decreased by this Change Order in the amount of	\$ 544,632.02
The new Contract Sum including this Change Order will be	\$ 8,183,075.43

The Contract Time will be unchanged by Zero (0) days.

The new date of Substantial Completion will be N/A

**NOTE:** This Change Order does not include adjustments to the Contract Sum or Guaranteed Maximum Price, or the Contract Time, that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

### NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

Schutz Foss Architects, P.C.

**ARCHITECT** *(Firm name)*

**SIGNATURE**

Kyle Gillette, Sr. Project Manager

**PRINTED NAME AND TITLE**

**DEC. 1, 2025**

**DATE**

Sletten Construction Company

**CONTRACTOR** *(Firm name)*

**SIGNATURE**

Cliff Garness, Vice President

**PRINTED NAME AND TITLE**

**12.2.2025**

**DATE**

Yellowstone County

**OWNER** *(Firm name)*

**SIGNATURE**

**PRINTED NAME AND TITLE**

**DATE**

**B.O.C.C. Regular**

3. b.

**Meeting Date:** 12/23/2025

**Title:** Request to Expend - Facilities - Snow Plow

**Submitted For:** Matt Kessler, Purchasing Agent

**Submitted By:** Matt Kessler, Purchasing Agent

---

**TOPIC:**

Request to Expend - Facilities - Snow Plow

**BACKGROUND:**

The Facilities Department is requesting Commissioners' approval for the purchase of a snow plow for the new facilities pickup truck at the Ostlund Building. The cost of the snow plow is \$7,245.00. The purchase was included in the FY26 budget and there are sufficient funds in the General Fund - Equipment account (4050.000.599.411200.940).

**RECOMMENDED ACTION:**

Approve request and return a copy to Finance.

---

**Attachments**

RTE - Facilities Snow Plow

---



# Yellowstone County

## Request to Expend

This form is to be completed for all Capital outlay requests (a single item costing \$5,000.00 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 date will be verified by the Finance 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:

Snow Plow

Cost: 7,245.00

Other Costs: \_\_\_\_\_

Less Trade-in / Discount \_\_\_\_\_

Net Cost of Request 7,245.00

Explanation of Purchase

Snow plow for new pick-up at Ostland building

Facilities

[Signature]

Department

Elected Official or Department Manager

Budget Information

COMMISSIONER ACTION

Account Numbers: 4050.000.599.411200.940

Approved: YES \_\_\_ NO \_\_\_

Budget Balance: \$398,675.50

Tabled: \_\_\_\_\_

Is this a budgeted item? Yes

Date: \_\_\_\_\_

Finance Note: \_\_\_\_\_

Votes: YES NO

Chairperson \_\_\_\_\_

Member \_\_\_\_\_

Member \_\_\_\_\_

[Signature]

12/3/25

Purchasing Agent

Date

**B.O.C.C. Regular**

3. c.

**Meeting Date:** 12/23/2025

**Title:** Recommendation of Award - Metra Skybox Renovation

**Submitted For:** Matt Kessler, Purchasing Agent

**Submitted By:** Matt Kessler, Purchasing Agent

---

**TOPIC:**

Recommendation of Award - Metra Skybox Renovation

**BACKGROUND:**

An Invitation for Bids was released on October 28th, 2025, seeking a contractor to provide construction services for the renovation of the Skybox suites located in the First Interstate Arena. Bids were received from Yellowstone Basin Construction, TW Ridley Construction, Jackson Contractor Group, and Bauer Construction, Inc., and were opened and read aloud by the Commissioners on December 16th, 2025. A selection committee reviewed the bids and it is the recommendation of the committee to award the contract to Bauer Construction, Inc.

**RECOMMENDED ACTION:**

Approve the Notice of Intent to Award and return a copy to Finance.

---

**Attachments**

NOIA - Metra Skybox Reno

---





## **Yellowstone County Finance Department**

### **Notice of Intent to Award**

Solicitation Title: Metra Skybox Renovation

Solicitation Close Date: December 15<sup>th</sup>, 2025

Notice of Intent to Award Posting Date: December 23<sup>rd</sup>, 2025

Yellowstone County intends to award a contract to the apparent successful bidder/offeror of the above-mentioned solicitation. This Notice of Intent to Award shall not be considered a binding commitment by the County.

In accordance with relevant statutes and policies, the County has made available for public inspection the relevant bid tab/scoring matrix for the above-mentioned solicitation. Comments from the public regarding the proposed award must be submitted in writing to the Purchasing Agent at the email address listed below within this seven-day notice period.

Purchasing Agent/Contact Information: Matt Kessler, [mkessler@yellowstonecountymt.gov](mailto:mkessler@yellowstonecountymt.gov)

Apparent Successful Offeror(s)

**Bauer Construction, Inc.**

Unsuccessful Offeror(s)

Jackson Contractor Group

TW Ridley Construction

Yellowstone Basin Construction

**B.O.C.C. Regular**

**3. d.**

**Meeting Date:** 12/23/2025

**Title:** EDA Grant Amendment - Scope Increase North Frontage

**Submitted By:** Erika Guy

---

**TOPIC:**

EDA Grant Amendment - Scope Increase North Frontage

**BACKGROUND:**

See Attached

**RECOMMENDED ACTION:**

Approve or Deny

---

**Attachments**

EDA Grant Amendment - Scope Increase North Frontage

---

# *Yellowstone County*



**COMMISSIONERS**  
(406) 256-2701  
(406) 256-2777 (FAX)

P.O. Box 35000  
Billings, MT 59107-5000  
bocc@yellowstonecountymt.gov

December 23, 2025

Vincent Greener  
US Department of Commerce  
Economic Development Administration  
Denver Regional Office  
1244 Speer Boulevard, Suite 431  
Denver, CO 80204

Re: Lockwood Targeted Economic Development District (TEDD) Water/Sewer Service  
Extension Project – Scope Increase Amendment

Dear Mr. Vincent Greener,

Yellowstone County requests approval to expand the original project scope to include construction of approximately 3,977 linear feet of 10-inch PVC water main along North Frontage Road east of Firth Street. This extension will connect to the originally funded I-90 Water and Sewer Crossings East of Johnson Lane project and provide support for future development within the Lockwood TEDD.

## **JUSTIFICATION FOR SCOPE INCREASE**

Bids received for the I-90 Water and Sewer Crossings East of Johnson Lane project were significantly under the engineer's estimate, resulting in a substantial amount of unused funding. During initial discussions with EDA and the County, there was interest in potentially extending the project further along the North Frontage Road in Lockwood to support the larger Targeted Economic Development District (TEDD) project. The original project focused on extending water and wastewater services across I-90 to the TEDD boundary, addressing critical infrastructure gaps and improving resiliency. The proposed water main extension enhances these objectives by:

- **Expanding Service Coverage:** Extends water infrastructure deeper into the TEDD, reducing future costs and delays for industrial and commercial users.
- **Supporting Planned Growth:** Aligns with the Lockwood TEDD Infrastructure Master Plan to create 'ready-to-go' industrial space.
- **Improving System Resiliency:** Provides redundancy and improved fire protection capabilities, reducing vulnerability to service interruptions.

## ALIGNMENT WITH ORIGINAL GOALS

This scope increase directly supports the original goals of:

- **Economic Development:** Facilitates industrial and commercial growth within the TEDD.
- **Disaster Resiliency:** Strengthens infrastructure reliability and capacity.
- **Regional Competitiveness:** Positions Yellowstone County to attract new businesses and investment.

## ECONOMIC AND COMMUNITY BENEFITS

- **Private Investment Attraction:** Reliable water infrastructure is essential for industrial operations, making the TEDD more competitive.
- **Job Creation:** Supports development of industrial parcels, generating employment opportunities.
- **Tax Base Growth:** Increased property values and tax revenues will fund public services and community amenities.
- **Cost Efficiency:** Coordinating this extension with ongoing transportation improvements (Billings Bypass) minimizes future disruption and expense.

## BUDGET IMPACT

The estimated cost for the proposed water main extension is \$1,317,702, which includes:

- 3,977 LF of 10-inch PVC water main
- Asphalt surface restoration
- Mobilization and traffic control
- 10% contingency
- Local match has been provided through TEDD increment and Yellowstone County Capital Improvement Program funds.

## **SCHEDULE**

The water main extension will be constructed in series with the original project to ensure completion prior to Montana Department of Transportation's Johnson Lane Interchange improvements, minimizing cost and coordination challenges.

Sincerely,

BOARD OF COUNTY COMMISSIONERS

YELLOWSTONE COUNTY, MONTANA

---

Mark Morse, Chair

---

Michael J. Waters, Member

---

Chris White, Member

**B.O.C.C. Regular**

**Meeting Date:** 12/23/2025

**Title:**

**Submitted By:** Teri Reitz, Board Clerk

---

**TOPIC:**

Big Horn County Agreement for Adult Detention Services

**BACKGROUND:**

The previous agreement expired in 2023. The new agreement is effective 1/1/26 through 12/31/26 and stipulates a fee of \$130.00 per inmate per day, excluding medical expenses.

**RECOMMENDED ACTION:**

Approve.

---

**B.O.C.C. Regular**

**5. a.**

**Meeting Date:** 12/23/2025

**Title:** Yellowstone County Class Specificaiton - Custodian/Housekeeping Supervisor

**Submitted By:** Erika Guy

---

**TOPIC:**

Yellowstone County Class Specificaiton - Custodian/Housekeeping Supervisor

**BACKGROUND:**

See Attached

**RECOMMENDED ACTION:**

Approve or Deny

---

**Attachments**

Yellowstone County Class Specificaiton - Custodian/Housekeeping Supervisor

---

# Yellowstone County Class Specification

<b>Class Title</b>	<b>Custodian / Housekeeping Supervisor</b>
<b>Class Code Number</b>	<b>6032</b>
<b>Grade</b>	<b>E</b>
<b>FLSA</b>	<b>Non-Exempt</b>
<b>EEO Function</b>	<b>Natural Resources/Parks &amp; Recreation (6)</b>
<b>EEO Category</b>	<b>Service Maintenance (8)</b>
<b>Date</b>	<b>November 1, 2025</b>

## Job Summary

MetraPark, a premier event and entertainment venue in Billings Montana is seeking a dedicated and detailed -oriented Custodian/Housekeeping Supervisor. This full-time, hands on, working position is responsible for overseeing the custodial operations by ensuring a clean, safe, and welcoming environment for guest and staff. The Custodian/Housekeeping Supervisor will supervise a team of temporary cleaning staff, create schedules for both regular facility cleaning and event specific cleaning, recruit and train cleaning staff, and order cleaning supplies and cleaning equipment. The Supervisor reports to the Facilities Manager and Facilities Foreperson.

## Distinguishing Class Features

Distinguishing class features for a custodian supervisor include first- level supervision of custodial staff, coordinating daily cleaning and light maintenance tasks, recruiting, training and evaluating temporary employees, ensuring compliance with safety and cleaning standards, maintaining records and managing supplies. This Supervisor position differs from the custodial staff position by having supervisory and administrative duties. This position is distinguished from higher-level supervisors by the direct focus on operations and hands on work, rather than policy-level oversight.

## Essential Job Duties and Responsibilities

*(These are examples only; any one position may not include all of the listed examples nor do the listed examples include all functions, which may be found in positions of this class.)*

- ☐ Lead, supervise, and motivate a team of temporary custodial staff to ensure high-quality cleaning services;
- ☐ Conduct performance evaluations, provide feedback, and address any staff-related issues promptly;
- ☐ Recruit and interview temporary cleaning staff as needed;
- ☐ Develop and implement training programs to ensure staff are skilled in proper cleaning techniques, safety protocols, and equipment use;
- ☐ Create and manage custodial staff schedules for daily operations and specific events, ensuring adequate coverage for concerts, rodeos, trade shows, and other activities at MetraPark;
- ☐ Adjust work schedules on event demands, facility usage and staffing availability;
- ☐ Perform hands-on cleaning duties alongside the team to maintain facility standards, including restrooms, event spaces, offices and public areas;
- ☐ Ensure compliance with health, safety, and sanitation regulations;



- ☐ Conduct regular documented inspections to ensure all areas meet MetraPark's cleanliness and presentation standards;
- ☐ Order, track and maintain an inventory of cleaning supplies, tools and equipment;
- ☐ Ensure proper maintenance, storage, and safe operation of custodial equipment;
- ☐ Monitor budget for supplies and recommend cost-effective solutions;
- ☐ Schedule custodial needs for events, including pre-event, during, and post event cleanup;
- ☐ Collaborate with Event Managers and other departments to ensure seamless operations during events;
- ☐ Maintain accurate records of staff schedules, training logs, and inventory usages;
- ☐ Prepare reports on custodial operations, staffing needs, and budget expenditures as required;
- ☐ Communicate effectively with management to address facility needs and operational challenges.

### Required Knowledge and Abilities

#### *Knowledge and understanding of:*

- ☐ Tools, supplies, and methods used in custodial work;
- ☐ Advanced custodial technique requirements;
- ☐ Advanced cleaning chemicals safety protocol required;
- ☐ Advanced knowledge of safety codes, regulations and sanitation/hazardous materials;
- ☐ Governmental Code of Fair Practices.

#### *Skill to:*

- ☐ Do multiple tasks simultaneously;
- ☐ Communicate clearly in person, in writing, and by telephone and email;
- ☐ Experience operating cleaning, power and hand tools.
- ☐ Deal effectively with the public.

#### *Ability to:*

- ☐ Prioritize work duties to accommodate the facility;
- ☐ Be flexible and available to work various shifts, including nights, weekends, and holidays;
- ☐ Promote good public relations in a cooperative, productive working environment;
- ☐ Respond to difficult and stressful situations in an efficient, effective, and positive manner;
- ☐ Must be able to analyze situations and adopt effective courses of action;
- ☐ Lift up to 50 pounds;
- ☐ Withstand prolonged walking, standing, bending, pushing, climbing (including ladders) and kneeling;
- ☐ Work indoors and outdoors and be exposed to environmental factors such as excessive noise, seasonal heat and cold, hard to reach and unclean work areas, and hazardous material and equipment;
- ☐ Good organizational skills and pay attention to detail;
- ☐ Work effectively under pressure and/or stringent schedule to produce accurate results.
- ☐ Work in cooperation with others and promote excellent customer service skills, positive attitude;
- ☐ Operate power tools and cleaning equipment;
- ☐ Operate standard business office equipment, including a computer and other office equipment;
- ☐ Drive golf cart or ATV;
- ☐ Always follow uniform policy.

## Reporting Relationships

### ***Decision- making Authority:***

- ❑ Reports to the Facilities Manager or/and Facilities Foreperson.

## Minimum Qualifications

### ***Education/Experience/Training:***

- High school diploma or equivalent.
- Additional education or certifications in facilities management preferred.
- Two -three years of custodial housekeeping experience, with at least one (1) year in a supervisory role.

### ***Background Check:***

All candidates for this position must undergo a background check.

### ***Certifications:***

- Possession of a valid Montana driver's license.

## Essential Physical Abilities

### ***Essential Physical Abilities:***

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

- While performing the duties of this job, a supervisor is required to use hands; reach with hands and arms; talk and hear;
- A supervisor occasionally needs fine motor manipulation for typing, operate a computer and other office equipment;
- A supervisor is required to stand; walk; climb or balance; and stoop, kneel, bend, crouch, or crawl;
- A supervisor must frequently carry/lift, and push/pull;
- A supervisor must occasionally lift and/or move up to 25-50 pounds and occasionally lift and/or move more than 50 pounds;
- A supervisor must possess the ability to drive/operate a golf cart and/or ATV;
- Specific vision abilities required by this job include close vision, mid-range vision, distance vision, depth perception, color/field of vision and ability to adjust focus.

### ***Working Conditions:***

The work environment characteristics described here are representative of those a supervisor encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

- While performing the duties of this job, a supervisor can become exposed to moving mechanical parts;
- A supervisor is frequently exposed to chemicals, insecticides/pesticides;
- A supervisor is frequently exposed to outside weather conditions; extreme heat/cold;
- A supervisor is occasionally exposed to wet and/or humid conditions; fumes or airborne particles; and vibration;
- Constant exposure to noise, the noise level in the work environment varies from moderate to loud.

Accepted - Board of County Commissioners

Date Stamp

**B.O.C.C. Regular**

5. b.

**Meeting Date:** 12/23/2025

**Title:** ISolved Contract Renewal

**Submitted By:** Teri Reitz, Board Clerk

---

**TOPIC:**

Isolved Contract Renwal

**BACKGROUND:**

See attached.

**RECOMMENDED ACTION:**

Approve.

---

**Attachments**

ISolved Contract Renewal

---



11215 N. Community House Rd, Suite 800 • Charlotte, NC 28277

**800 733.8839**

**isolvedhcm.com**

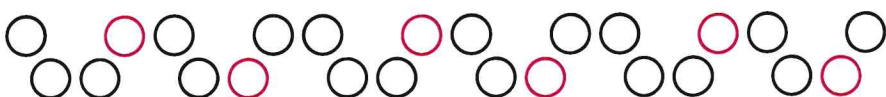
12/16/2025

11110 Yellowstone County  
PO Box 35003  
Billings, MT 59101

TimeForce II SaaS Renewal Information 2026

TimeForce SaaS Software Monthly Billing \$2688.00 Mo

Monthly Hardware Contract- Extended Service Agreement \$282.24/Mo



**B.O.C.C. Regular**

**5. c.**

**Meeting Date:** 12/23/2025

**Title:** PARS

**Submitted By:** Teri Reitz, Board Clerk

---

**TOPIC:**

**PERSONNEL ACTION REPORTS — Detention Facility — 5 Appointments, 1 Termination; District Court — 2 Appointments; MetraPark — 1 Appointment; Road & Bridge — 1 Appointment; Youth Services Center — 1 Salary & Other, 2 Terminations; Sheriff's Office - 5 Salary & Other; County Attorney - 1 Termination**

**BACKGROUND:**

See attached.

**RECOMMENDED ACTION:**

Approve.

---

**Attachments**

PARS

---



Yellowstone County Commissioners  
RECEIVED

DEC 18 2025

# Hire/Personnel Action Form

## Employee Information

Employee  
Analyse Potter

## Hire Information

Position Details	Hire Req#	Job Type
Detention Officer (D) (5090)	202500314	Full-Time Regular
Person ID 58571176	Job Class Detention Officer (D)	Pay Rate \$25.21
Department Sheriff's Office	Job Class# 5090	HireDate 1/1/26

## Comments

Funding:2300.136.420200.111 @ 100%  
replaces: Mulder  
Transfer from Sheriff Deputy

## Approvals

HUMAN RESOURCES	Kevin Gillen	12/18/25 8:23 AM
FINANCE	JENNIFER JONES	12/18/25 8:26 AM

Commissioners Action  
Approve Disapprove

Chair	<u>MY</u>	_____
Member	<u>MTN</u>	_____
Member	<u>PD</u>	_____

DEC 13 2025



Employer logo

# Hire/Personnel Action Form

## Employee Information

Employee  
Jaymie Strever

## Hire Information

Position Details	Hire Req#	Job Type
District Court Clerk (C) (3025)	202500367	Full-Time Regular
Person ID	Job Class	Pay Rate
61540795	District Court Clerk (C)	\$18.46
Department	Job Class#	HireDate
District Court	3025	1/5/26
Division		
N/A		

## Comments

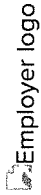
Bonnie Goodyear

## Approvals

HUMAN RESOURCES	Kevin Gillen	12/12/25 2:07 PM
FINANCE	JENNIFER JONES	12/12/25 4:45 PM

Commissioners Action  
Approve Disapprove

Chair	<u>44</u>	_____
Member	<u>MJ</u>	_____
Member	<u>RL</u>	_____



Employer logo

Yellowstone County Commissioners  
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DEC 10 2025

# Hire/Personnel Action Form

## Employee Information

Employee

Megan Ayala

## Hire Information

Position Details	Hire Req#	Job Type
District Court Clerk (C) (3025)	202500367	Full-Time Regular
Person ID	Job Class	Pay Rate
52848506	District Court Clerk (C)	\$18.46
Department	Job Class#	HireDate
District Court	3025	12/15/25
Division		
N/A		

## Approvals

HUMAN RESOURCES	Kevin Gillen	12/12/25 2:08 PM
FINANCE	JENNIFER JONES	12/12/25 4:45 PM

Commissioners Action  
Approve Disapprove

Chair	<u>MJG</u>	_____
Member	_____	_____
Member	_____	_____





Yellowstone County Commissioners  
RECEIVED

DEC 13 2025

# Hire/Personnel Action Form

## Employee Information

Employee  
Dwayne Cramer

## Hire Information

Position Details	Hire Req#	Job Type
Equipment Operator I (D/E) (4020)	202500366	N/A
Person ID	Job Class	Pay Rate
53292806	Equipment Operator I (D/E)	\$24.48
Department	Job Class#	HireDate
Public Works	4020	12/15/25
Division		
Road		

## Comments

2110.401.430200.111 replaces S. Douglas

## Approvals

HUMAN RESOURCES	Kevin Gillen	12/15/25 8:05 AM
FINANCE	JENNIFER JONES	12/15/25 8:12 AM

Commissioners Action  
Approve Disapprove

Chair	<u>uh</u>	_____
Member	<u>MTN</u>	_____
Member	<u>Q</u>	_____



Yellowstone County Commissioners  
RECEIVED

DEC 16 2025

# Hire/Personnel Action Form

## Employee Information

Employee  
Brody VanDyke

## Hire Information

Position Details	Hire Req#	Job Type
Detention Officer (D) (5090)	202500314	Full-Time Regular
Person ID	Job Class	Pay Rate
65025465	Detention Officer (D)	\$24.67
Department	Job Class#	HireDate
Sheriff's Office	5090	12/22/25
Division		
Detention Facility		

## Comments

Funding: 2300.136.420200.111 @ 100%  
replaces: Lyncoln

## Approvals

HUMAN RESOURCES	Kevin Gillen	12/15/25 3:09 PM
FINANCE	JENNIFER JONES	12/15/25 4:56 PM

Commissioners Action  
Approve Disapprove

Chair	<u>my</u>	_____
Member	<u>my</u>	_____
Member	<u>my</u>	_____



Yellowstone County Commissioners  
RECEIVED

DEC 16 2025

# Hire/Personnel Action Form

## Employee Information

Employee  
Zabriel Bell

## Hire Information

Position Details	Hire Req#	Job Type
Detention Officer (D) (5090)	202500314	Full-Time Regular
Person ID 63561012	Job Class Detention Officer (D)	Pay Rate \$24.67
Department Sheriff's Office	Job Class# 5090	HireDate 12/22/25
Division Detention Facility		

## Comments

Funding: 2300.136.420200.111 @ 100%  
replaces: Vaichus

## Approvals

HUMAN RESOURCES	Kevin Gillen	12/15/25 3:10 PM
FINANCE	JENNIFER JONES	12/15/25 4:56 PM

Commissioners Action  
Approve Disapprove

Chair	<u>MM</u>	_____
Member	<u>MM</u>	_____
Member	<u>MM</u>	_____



Yellowstone County Commissioners  
RECEIVED

DEC 16 2025

# Hire/Personnel Action Form

## Employee Information

Employee  
Sarah Byrd

## Hire Information

Position Details	Hire Req#	Job Type
Custodian/Housekeeping Supervisor (E) (6032)	202500371	Promotional
Person ID	Job Class	Pay Rate
52935607	Custodian/Housekeeping Supervisor (E)	\$51,068.16
Department	Job Class#	HireDate
MetraPark	6032	12/16/25
Division		
MetraPark Facilities		

## Comments

5810.552.460442.111 new position

## Approvals

HUMAN RESOURCES	Kevin Gillen	12/15/25 4:28 PM
FINANCE	JENNIFER JONES	12/15/25 4:56 PM

Commissioners Action  
Approve Disapprove

Chair	<u>Hy</u>	_____
Member	<u>MM</u>	_____
Member	<u>DE</u>	_____



Yellowstone County Commissioners  
RECEIVED

DEC 16 2025

# Hire/Personnel Action Form

## Employee Information

Employee  
Eddie Hamilton

## Hire Information

Position Details	Hire Req#	Job Type
Detention Officer (D) (5090)	202500314	Full-Time Regular
Person ID 59375059	Job Class Detention Officer (D)	Pay Rate \$24.67
Department Sheriff's Office	Job Class# 5090	HireDate 12/22/25
Division Detention Facility		

## Comments

Funding: 2300.136.420200.111 @ 100%  
replaces: Bell

## Approvals

HUMAN RESOURCES	Kevin Gillen	12/15/25 3:10 PM
FINANCE	JENNIFER JONES	12/15/25 4:56 PM

Commissioners Action  
Approve Disapprove

Chair	<u>WJ</u>	_____
Member	<u>WJ</u>	_____
Member	<u>WJ</u>	_____



Yellowstone County Commissioners  
RECEIVED

DEC 11 2025

# Hire/Personnel Action Form

## Employee Information

Employee  
Ryan Flores

## Hire Information

Position Details	Hire Req#	Job Type
Detention Officer (D) (5090)	202500314	Full-Time Regular
Person ID 65108004	Job Class Detention Officer (D)	Pay Rate \$24.67
Department Sheriff's Office	Job Class# 5090	HireDate 12/22/25

Division  
Detention Facility

## Comments

Funding: 2300.136.420200.111 @100 %  
replaces: King

## Approvals

HUMAN RESOURCES	Kevin Gillen	12/10/25 4:39 PM
FINANCE	JENNIFER JONES	12/11/25 7:19 AM

Commissioners Action  
Approve Disapprove

Chair	<u>HY</u>	_____
Member	<u>MA</u>	_____
Member	<u>Q</u>	_____

YELLOWSTONE COUNTY  
PERSONNEL ACTION REPORT

DEC 13 2025

Section 1

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

Name: Keari Cooley Effective Date: 12/11/25  
Current Title: JCW Gr. 7 Salary \$ 25.47  
Title Change: \_\_\_\_\_ Gr. \_\_\_\_\_ Salary \$ \_\_\_\_\_

Check as Applicable:

Regular Full Time: X New Hire: \_\_\_\_\_  
Regular Part Time: \_\_\_\_\_ Rehire: \_\_\_\_\_

Temp Full Time: \_\_\_\_\_ Termination: X  
Temp Part Time: \_\_\_\_\_ Promotion: \_\_\_\_\_

Seasonal Hire: \_\_\_\_\_

Replaces position \_\_\_\_\_  
Name \_\_\_\_\_

New Budgeted Position \_\_\_\_\_

Other: probation term Reclassification: \_\_\_\_\_

Funding: 2399 - 275 - 420250 - 111 Percent 100% New Account \_\_\_\_\_  
Percent \_\_\_\_\_ Split Account \_\_\_\_\_

LB Elected Official/Department Head Date 12-11-25

Section 2

Human Resources: \_\_\_\_\_ Finance: \_\_\_\_\_

Note: \_\_\_\_\_ Note: \_\_\_\_\_  
Kem Allen 12-11-25 JW Jones 12-15-25  
Director Date Director Date

H.R. Comments: \_\_\_\_\_ Commissioner's Action  
Approve \_\_\_\_\_ Disapprove \_\_\_\_\_

Chair 44 \_\_\_\_\_  
Member MAN \_\_\_\_\_  
Member CD \_\_\_\_\_

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



DEC 15 2025

YELLOWSTONE COUNTY  
PERSONNEL ACTION REPORT

Section 1

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

Name: Analyse Potter Effective Date: 01/01/2026  
Current Title: Deputy Sheriff Gr.      Salary \$ 32.85  
Title Change: Deputy Sheriff/diff Gr.      Salary \$ 33.75

Check as Applicable:

Regular Full Time: xx New Hire:       
Regular Part Time:      Rehire:       
Temp Full Time:      Termination:       
Temp Part Time:      Promotion:       
Seasonal Hire:      Transfer:       
Replaces position      Demotion:       
Name       
New Budgeted Position     

Other: add      diff xx Reclassification:     

Funding: 2300 - 132 - 420150 - 111 Percent 100 New Account       
Percent      Split Account     

12/08/2025

RAH  
Elected Official/Department Head      Date     

Section 2

Human Resources:

Finance:

Note: Karen Miller 12-11-25  
Director      Date     

Note: Juliana 12.15.25  
Director      Date     

H.R. Comments:     

Commissioner's Action  
Approve      Disapprove     

Chair WJ       
Member MAN       
Member          

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



# YELLOWSTONE COUNTY PERSONNEL ACTION REPORT

DEC 13 2025

## Section 1

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

Name: Devin Aiello Effective Date: 01/01/2026  
 Current Title: Deputy Sheriff Gr.      Salary \$ 32.85  
 Title Change: Deputy Sheriff/ Diff Gr.      Salary \$ 33.75

### Check as Applicable:

Regular Full Time:      New Hire:       
 Regular Part Time:      Rehire:       
 Temp Full Time:      Termination:       
 Temp Part Time:      Promotion:       
 Seasonal Hire:      Transfer:       
 Replaces position      Demotion:       
 Name      Reclassification:       
 New Budgeted Position       
 Other: add Diff XX

Funding: 2300 - 132 - 420150 - 111 Percent 100 New Account       
 - - - - - Percent      Split Account       
Devin Aiello 12/08/2025  
 Elected Official/Department Head Date

## Section 2

Human Resources: Finance:  
 Note: Devin Aiello 12-11-25 Note: Devin Aiello 12-15-25  
 Director Date Director Date  
 H.R. Comments: Commissioner's Action  
 Approve Disapprove

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



## Section 1

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

Name: Reginald Currie

Effective Date: 01/01/2026

Current Title: Deputy Sheriff/diff

Gr.            Salary \$ 33.13

Title Change: Deputy Sheriff

Gr.            Salary \$ 32.23

**Check as Applicable:**

Regular Full Time:	xx	New Hire:	
Regular Part Time:		Rehire:	
Temp Full Time:		Termination:	
Temp Part Time:		Promotion:	
Seasonal Hire:		Transfer:	
Replaces position Name		Demotion:	
New Budgeted Position			

Other:	remove diff	<u>xx</u>	Reclassification:
--------	-------------	-----------	-------------------

Funding:	<u>2300</u>	-	<u>132</u>	-	<u>420150</u>	-	<u>111</u>	Percent	<u>100</u>	New Account
	<u>//</u>	-	<u>-</u>	-	<u>-</u>	-	<u>-</u>	Percent	<u>-</u>	Split Account

Elected Official/Department Head

Date

12/08/2025

## Section 2

Human Resources:

### Finance:

Note: \_\_\_\_\_  
Director \_\_\_\_\_  
Date 12-11-25

H.R. Comments:

Commissioner's Action  
Approve Disapprove

\_\_\_\_\_

Date entered in payroll \_\_\_\_\_

Clerk & Recorder - original \_\_\_\_\_

Human Resources - canary \_\_\_\_\_

Chair my \_\_\_\_\_

Member MSK \_\_\_\_\_

Member [Signature] \_\_\_\_\_

Department - goldenrod



## Section 1

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

Name: Bryan Anderson Effective Date: 01/01/2026

Current Title: Deputy Sheriff Gr.      Salary \$ 36.81

Title Change: Deputy Sheriff/ Taskforce Gr.      Salary \$ 36.81

**Check as Applicable:**

Regular Full Time:	xx	New Hire:	
Regular Part Time:		Rehire:	
Temp Full Time:		Termination:	
Temp Part Time:		Promotion:	
Seasonal Hire:		Transfer:	
Replaces position		Demotion:	
Name			
New Budgeted Position			

Other: change funding xx      Reclassification: \_\_\_\_\_

Funding:	<u>2300</u>	-	<u>131</u>	-	<u>420140</u>	-	<u>111</u>	Percent	<u>100</u>	New Account	—
	<u>sf</u>	-	<u>—</u>	-	<u>—</u>	-	<u>—</u>	Percent	<u>—</u>	Split Account	—

12/08/2026  
Date

Elected Official/Department Head

## Section 2

Human Resources:

Finance:

Note: \_\_\_\_\_  
Kern Miller 12-11-25  
Director Date

H.R. Comments:	Commissioner's Action	
	Approve	Disapprove

\_\_\_\_\_

Date entered in payroll \_\_\_\_\_

Clerk & Recorder - original

Human Resources - canary

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Chair MM

Member MDW

Member MB

YELLOWSTONE COUNTY  
PERSONNEL ACTION REPORT

DEC 17 2025

Section 1

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

Name: Emin Altman Effective Date: 12/17/25  
Current Title: ICUW Gr. 7 Salary \$ 25.28  
Title Change: \_\_\_\_\_ Gr. \_\_\_\_\_ Salary \$ \_\_\_\_\_

Check as Applicable:

Regular Full Time: 0 New Hire: \_\_\_\_\_  
Regular Part Time: \_\_\_\_\_ Rehire: \_\_\_\_\_  
Temp Full Time: \_\_\_\_\_ Termination: 0  
Temp Part Time: \_\_\_\_\_ Promotion: \_\_\_\_\_  
Seasonal Hire: \_\_\_\_\_ Transfer: \_\_\_\_\_  
Replaces position \_\_\_\_\_ Demotion: \_\_\_\_\_  
Name \_\_\_\_\_  
New Budgeted Position \_\_\_\_\_  
Other: None Reclassification: \_\_\_\_\_

Funding: 2399 - 235 - 420250 - 111 Percent 100% New Account \_\_\_\_\_  
Percent \_\_\_\_\_ Split Account \_\_\_\_\_  
ABH 12-15-25  
Elected Official/Department Head \_\_\_\_\_ Date \_\_\_\_\_

Section 2

Human Resources:

Note: \_\_\_\_\_  
Ken Allen 12-15-25  
Director \_\_\_\_\_ Date \_\_\_\_\_

H.R. Comments: \_\_\_\_\_

Finance:

Note: \_\_\_\_\_  
Paul Jones 12-17-25  
Director \_\_\_\_\_ Date \_\_\_\_\_

Commissioner's Action  
Approve \_\_\_\_\_  
Disapprove \_\_\_\_\_

Chair MA \_\_\_\_\_  
Member MSW \_\_\_\_\_  
Member Q \_\_\_\_\_

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





YELLOWSTONE COUNTY  
PERSONNEL ACTION REPORT

DEC 17 2025

Section 1

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

Name: Leonard Smith Effective Date: 12/16/25  
Current Title: JCU Gr. 7 Salary \$ 2458  
Title Change: \_\_\_\_\_ Gr. \_\_\_\_\_ Salary \$ .70  
25.28

Check as Applicable:

Regular Full Time: ☒ New Hire: \_\_\_\_\_  
Regular Part Time: \_\_\_\_\_ Rehire: \_\_\_\_\_  
Temp Full Time: \_\_\_\_\_ Termination: \_\_\_\_\_  
Temp Part Time: \_\_\_\_\_ Promotion: \_\_\_\_\_  
Seasonal Hire: \_\_\_\_\_ Transfer: \_\_\_\_\_  
Replaces position \_\_\_\_\_ Demotion: \_\_\_\_\_  
Name \_\_\_\_\_  
New Budgeted Position \_\_\_\_\_

Other: show staff, Reclassification: 8  
going to overnight

Funding: 2399 - 235 - 410750 - 111 Percent 100% New Account \_\_\_\_\_  
Percent \_\_\_\_\_ Split Account \_\_\_\_\_

D.B.D. Elected Official/Department Head Date 12-15-25

Section 2

Human Resources: \_\_\_\_\_ Finance: \_\_\_\_\_

Note: \_\_\_\_\_ Note: \_\_\_\_\_  
Director Date 12-15-25 Director Date 12-17-25

H.R. Comments: \_\_\_\_\_ Commissioner's Action  
Approve \_\_\_\_\_ Disapprove \_\_\_\_\_

Chair HV \_\_\_\_\_  
Member MAN \_\_\_\_\_  
Member MAN \_\_\_\_\_

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

YELLOWSTONE COUNTY  
PERSONNEL ACTION REPORT

DEC 17 2025

Section 1

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

Name: Helvie Christenson Effective Date: 12/30/25  
Current Title: Legal Assistant Gr.      Salary \$ 22.40  
Title Change:      Gr.      Salary \$     

Check as Applicable:

Regular Full Time: X New Hire:       
Regular Part Time:      Rehire:       
Temp Full Time:      Termination: X  
Temp Part Time:      Promotion:       
Seasonal Hire:      Transfer:       
Replaces position      Demotion:       
Name      Reclassification:       
New Budgeted Position     

Other:     

Funding: 2301 - 122 - 411100 - 111 Percent      New Account       
     -      -      Percent      Split Account       
     12/12/25  
Elected Official/Department Head      Date     

Section 2

Human Resources:     

Finance:     

Note:       
Ken Allen 12-15-25  
Director Date

Note:       
Deed Jones 12-17-25  
Director Date

H.R. Comments:     

Commissioner's Action  
Approve      Disapprove     

Date entered in payroll       
Chair HH  
Clerk & Recorder - original       
Member MSW  
Human Resources - canary       
Member       
Auditor - pink       
Department - goldenrod



**B.O.C.C. Regular**

**Meeting Date:** 12/23/2025

**Title:** Board Minutes

**Submitted By:** Teri Reitz, Board Clerk

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**TOPIC:**

Board Minutes - MetraPark Advisory Board

**BACKGROUND:**

N/A

**RECOMMENDED ACTION:**

Place to file.

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**Attachments**

MetraPark Advisory Board Minutes

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**Minutes MetraPark Advisory Board Meeting  
December 16, 2025**

**ATTENDING BOARD MEMBERS:** Dana Bishop, Woody Woods, Jennifer Sayler, Charlie Loveridge, and Pam Ask

**ABSENT:** Jase Muri, Joy Culver, Mike Mayott and Brian Brown  
(Steve Hurd sent a resignation letter before meeting date.)

**COMMISSIONERS:** Mike Waters

**OTHERS:** Tim Wombolt, Tim Goodridge, David Roth, Billie Chase, Michael Groscop, Cody Reitz, Stoney Field, Michaela Woempner, Craig Peterson, Callie Clark (recording)

**GUESTS:** Dianne Lehm with BSED

**OPENING REMARKS**

Dana Bishop called the meeting to order.

Plaque Presented by Stoney Field to all Advisory Board Members for service to this Board. Woody Woods, Dana Bishop, Jennifer Sayler, Charlie Loveridge, and Pam Ask

**MINUTES**

The motion to approve was made by Charlie Loveridge and seconded by Pam Ask. They were approved unanimously.

**MANAGERS REPORTS**

**Stoney Field** –Reported bids were in on skyboxes and construction would begin soon for updates. New security company would be starting this week, Chase Hawks would be first event. We welcome Best the new crowd management company.

**Tim Goodridge** – Nothing to add

**Billie Chase** – Report in the packet. Working on lights around the Expo. Repainting Powder River panels to add permanent fencing around the outdoor arena.

**Craig Peterson** – Report was in the packet. Basketball and Holiday Shows. New radio transition coming directly.

**Michaela Woempner** – Report in packet

**Cody Reitz** – He has a report in the packet. Convention season for his department, they attended RMAF and IAFE.

**Tim Wombolt** – Report was in the packet.

**Mike Groscop** – Report on the table.

**David Roth** – Report on the table.

**All Committee** – No Report

**Unfinished Business-** N/A

**New Business** -N/A

**Commissioners Comments** – Mike Waters thanked all board members for their service and years to this board.

**Advisory Board Comments-** Charlie Loveridge thanked every for his 9 years on this Board. Pam Ask thanked MetraPark for moving in a new direction over the last 4 years.

**Public comment** -N/A

**Meeting was adjourned.**

**B.O.C.C. Regular**

**Meeting Date:** 12/23/2025

**Title:** Board Minutes

**Submitted By:** Erika Guy

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**TOPIC:**

Board Minutes - DUI Task Force November 2025

**BACKGROUND:**

See Attached

**RECOMMENDED ACTION:**

File

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**Attachments**

Board Minutes

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Yellowstone County DUI Task Force  
PO Box 20982  
Billings, MT 59104

**Yellowstone County DUI Task Force Green Lab Planning Meeting Minutes  
November 20, 2025**

**Present:** Bob Drake, Andrew Loken, Monty Wallis, Kevin Holland, Gabby Thompson, Sam Morris, Brandon Ihde, Darla Tyler-McSherry.

Brandon called the meeting to order at 11:05 AM.

Brandon stated Lt. Colonel Hayter at the Montana Highway Patrol said that MHP will likely support the event with DRE help, but has not fully committed yet. He will get a meeting set that will include Lt. Colonel Hayter, Darla, and himself.

The Save the Date postcard is finished.

The sunset date for event cancellation is Monday, June 22.

We have courtesy blocks for individual guest rooms at both the DoubleTree Hilton and SureStay. Courtesy blocks allow us to have a block of rooms reserved but not guaranteed. There is no penalty to us if the courtesy block is not filled. Darla will confirm communication re: courtesy block released to other bookings.

The Save the Date flyer will include hotel booking info and training center address.

Meeting adjourned at 11:30 AM.



Yellowstone County DUI Task Force  
PO Box 20982  
Billings, MT 59104

## **Yellowstone County DUI Task Force Meeting Minutes November 20, 2025**

**Present:** Andy Beach, Gabby Thompson, Sam Atwood, Sam Morris, Kevin Holland, Kacy Keith, Andrew Loken, Bob Drake, Haley Swan, Brandon Ihde, Travis Sylvester, Monty Wallis, Brandon Gatlin, Jenna Solomon, Cameron Farrell-Fox, Ben Milam, Darla Tyler-McSherry.  
**Excused:** Micky Eckart, Karen Sylvester, Brennen Plucker

Brandon called the meeting to order at 11:57 AM.

Members received the October meeting minutes via email. Kacy motioned to approve the October meeting minutes without changes. Bob seconded. Motion approved.

Brandon asked for any new Conflicts of Interest. None reported at this time.

Members received the latest budget updates via email. Darla provided an overview of the one-pager Budget and Cash update. No questions were brought forward at this time.

Travis provided a social media update. They are wrapping up the messaging focusing on hunting season and Veterans' Day and transitioning to holiday-theme. He also made updates to the Symposium flyer and Darla will send it out with the meeting minutes.

Prior to the RFP review and vote, Brandon noted several late submissions. The group agreed that moving forward it is imperative to honor the due date. This will also be discussed again at the January meeting. The following RFPs were submitted for the January 1-June 30, 2026, cycle:

<b>Organization</b>	<b>Date Rec'd</b>	<b>Project</b>	<b>Requested</b>	<b>Funded</b>
MT Hwy Patrol	10/31	OT DUI Patrol	\$3,000	\$2,500
Laurel PD	11/1	OT DUI Patrol	\$2,000	\$1,500
YC Sheriff's Office	11/13	PBTs & Supplies	\$2,500	\$2,000
Billings PD	11/13	PBTs & Supplies	\$3,000	\$2,000
STEER Court	11/19	Client Transportation	\$1,500	\$1,000
<b>Total</b>			<b>\$12,000</b>	<b>\$9,000</b>

Sam Atwood motioned to approve the funded amounts shown. Andy seconded. Motion carried.

Brandon read Award of Merit nomination letters for the following individuals:

Montana Highway Patrol—Trooper Brennen Plucker  
Motor Carrier Services—Corporal Brett Heggem  
Yellowstone County Sheriff's Office—Deputy Dylan Council  
Laurel Police Department—Officer Ryland Ratcliff  
Billings Police Department—Officer Kathy Brown

Andy motioned to approve all nominations. Sam Atwood seconded. Motion carried.

The Angel Tree/Award of Merit Ceremony takes place Thursday, December 18 at noon in the Courthouse Lobby. This event replaces our monthly meeting. Volunteers for the ceremony are as follows: Bob Drake, Andy Beach, Andrew Loken, Kacy Keith, Haley Swan. Setup will begin at 10:30 AM on the day of the event. We have an angel to place on the tree to memorialize Marilyn Packard. Sam Atwood made a motion to recognize Marilyn. Sam Morris seconded the motion. Motion carried.

Darla stated the Holiday Media campaign is set to begin on Thanksgiving and run through New Year's Eve Day. Radio stations include Mojo 92.5, Cat County, and the Mixx 97.1 FM. Television stations include KTVQ and Charter Spectrum.

The Blue Light Ceremony will not take place this year.

The Holiday parade is set for Friday, November 28. Haley, Gabby, and Darla will participate.

Brandon provided an update on the Green Lab event. The Save the Date postcard and flyer are set; we need to confirm agency support and involvement prior to large-scale event promotion.

We received Letters of Interest for Cameron Farrell-Fox from the County Attorney's Office and Shaun Pisk from Probation and Parole.

No New Business items were discussed at this time.

Brandon asked for a motion to adjourn. Motion seconded by Andy. Motion carried.

Meeting adjourned at 12:45 PM.

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**B.O.C.C. Regular**

**Meeting Date:** 12/23/2025

**Title:** ARPA Projects - Complete

**Submitted By:** Anna Ullom, Senior Accountant

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**TOPIC:**

ARPA Project Tracking Sheet - through 12/18/25

**BACKGROUND:**

All ARPA projects are now complete and all money fully expended.

**RECOMMENDED ACTION:**

File item.

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**Attachments**

ARPA Project Tracking Sheet - through 12.18.25

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ARPA Projects

UPDATED: 10/31/2025		Expenditures
Cash @ 7.1.21		\$ 15,665,317.00
Revenue rec'd 6/10/22		15,665,317.00
LATC Funds rec'd 12/20/22 A101 #104900 // 7/31/23 A101 #109225		125,781.82
COB Water Main Repl. Share A101 #109669 8/23/23 //A101 #116289 7/24/24		325,606.10
COB STDF Portion A101 #116379 12/31/24 // A101 #119681 1/16/25 // A101 #125389 10/22/25		2,000,000.00
Expended to date		(33,782,021.92)
	Cash @ 10/31/25	-
Remaining Budgeted Projects w/o Contingency		-
Left to Expend/ Assign		\$ -

Remaining Funds to Spend	
-	LATC Funds - CAB Plumbing
-	Project #6 - South Expo Lot (Water Service Lines)
-	Short Term Detention Facility project

Name	Discussion	Budget	Expended	Remaining Exp.	Explanation for Variance	Expenditure Category
IAQ (indoor air quality) upgrades - HEPA Filtration (Original anticipated budget was \$4,000,000)	5/27/21, 7/12/21					1.4 - Prevention in Congregate Settings
(COMBINED WITH IAQ PROJECT)						
- Propane-air standby facility (Original Budget was	5/27/21, 7/12/21	\$ 1,356,565.40	\$ (1,356,565.40)	\$ -	Deduct REPLACING ALL Roof Top AHU - Declined by BOCC	1.4 - Prevention in Congregate Settings
Digital screens/ public address system						
- PA System	5/27/21, 7/12/21	\$ 305,604.85	\$ (305,604.85)	\$ -	DEDUCT - Did not replace 186 Sub-Woofer in original budget	1.7-Other COVID-19 Public Health Expenses
- Arena Security system & Parking Lot	5/27/21, 7/12/21	\$ 1,134,518.33	\$ (1,134,518.33)	\$ -	Deducted Data Cables and extensive number of drops proposed for Expo & Pavilion	1.7-Other COVID-19 Public Health Expenses (incl. Comm., Enforcement, Isolation/Quarantine)
- LED Video Display/Signage	5/27/21, 7/12/21	\$ 1,442,076.20	\$ (1,442,076.20)	\$ -	Bids came in substantially below original estimates	1.7-Other COVID-19 Public Health Expenses
Sewer, Water, and Power infrastructure upgrades (Original Budget was \$14,509,546.00)	5/27/21, 7/12/21					5.18- Water and Sewer: Other
PROJECT #1 OF 6 – VIP PREMIUM LOT (COMPLETED) & ARENA PARKING LOT ISLANDS (COMPLETED)		\$ 900,037.23	\$ (900,037.23)	\$ -	Reduced # of Security Cameras & bids came in under estimates // Est vs. Bid	
PROJECT #2 OF 6 - LOWER LOT (PAVILION & EXPO) OUTSIDE SEWER LINES		\$ 6,929,149.43	\$ (6,929,149.43)	\$ -	City Participation and value engineering	5.18- Water and Sewer: Other
PROJECT #3 OF 6 - ARENA LOT & RIDESHARE BID = \$2,178,344.00 less exclusion of vault (\$528,000.00) + C.O.s 60,860.52 = \$1,711,979.52		\$ 1,530,797.89	\$ (1,530,797.89)	\$ -	Bids came in below original estimates and removed Vault replacement	5.18- Water and Sewer: Other
PROJECT #4 OF 6 - ARENA - INDOOR SEWER LINES		\$ 315,319.52	\$ (315,319.52)	\$ -		5.18- Water and Sewer: Other
PROJECT #5 OF 6 - BACK LOTS / RV LOTS (ELECTRICAL, WATER, SANITARY SEWER, ROCK SCALING, SCARFING ROCK LEDGE, WEB CABLE NETTING)		\$ 4,346,337.54	\$ (4,346,337.54)	\$ -		5.18- Water and Sewer: Other
PROJECT #6 OF 6 - METRA H2O LINES		\$ 1,475,237.72	\$ (1,475,237.72)	\$ -		5.18- Water and Sewer: Other
PROJECT #6 OF 6 - SOUTH EXPO LOT - WATER SERVICE LINES - CITY OF BILLINGS PORTION (not ARPA reported)	CITY FUNDS	\$ 325,606.10	\$ (325,606.10)	\$ -	CITY PORTION OF WATER MAIN REPLACEMENT	N/A
Lockwood TEDD - Engineering Costs (Original Budget was \$556,000.00)	5/27/21, 7/12/21	\$ 772,305.83	\$ (726,552.23)	\$ -		7.2- Transfer to Other Units of Gov't
Previously Completed Projects (YWCA \$200k; Huntley Water & Sewer \$25k; Kart Kleen \$53,850; LUX Electrostatic Cleaner \$1,702; Temperature Scanner \$2,907; Remote Learning Wifi and Cabling YSC \$13,583.49; VTC Equip for Justice Court \$2,388.88)		\$ 299,431.37	\$ (299,431.37)	\$ -		
County Attorney	10/26/2021	\$ 996,901.51	\$ (996,901.51)	\$ -		3.4-Public Sector Capacity: Effective Service Delivery
EXTENSION / 4H HVAC SYSTEM		\$ 132,880.00	\$ (132,880.00)	\$ -		6.1- Provision of Government Services
County Admin/Miller Building - HVAC		\$ 1,643,255.52	\$ (1,643,255.52)	\$ -	HVAC portion of Dick Anderson Construction contract.	1.4-Prevention in Congregate Settings
County Admin/Miller Building - Plumbing		\$ 2,072,039.76	\$ (2,072,039.76)	\$ -	Plumbing portion of Dick Anderson Construction contract is \$2,199,408 - reduced budget to get to zero dollars left to obligate	6.1-Provision of Government Services
County Admin/Miller Building - Construction Docs (LATC Funds Report)	LATC FUNDS	\$ 9,031.82	\$ (9,031.82)	\$ -	Plumbing from Dick Anderson Construction contract partially funded with LATC Funds - FINAL REPORT WILL BE 12/31/25	
County Admin/Miller Building - Plumbing (LATC Funds Report)	LATC FUNDS	\$ 116,750.00	\$ (116,750.00)	\$ -	Plumbing from Dick Anderson Construction contract partially funded with LATC Funds - FINAL REPORT WILL BE 12/31/25	
Short Term Jail		\$ 5,723,929.50	\$ (5,723,929.50)	\$ -	Remainder of project/contracts to be expensed out of General Fund CIP; this budget amount represents signed contracts as of 12/31/24.	6.1-Provision of Government Services
Short Term Jail (not ARPA reported)	CITY FUNDS	2,000,000.00	(2,000,000.00)	\$ -	Received \$500k & \$750k in FY25, and will receive \$750k in FY26	
*Color indicates completed project		\$ 33,827,775.52	\$ (33,782,021.92)	\$ -		

**B.O.C.C. Regular**

**4. a.**

**Meeting Date:** 12/23/2025

**Title:** Snow Removal Contract with Sparks Inc.

**Submitted For:** Monica Plecker, Public Works Director

**Submitted By:** Trasee Field, Senior Secretary

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**TOPIC:**

2025-2026 Snow Removal Contract with Sparks Inc.

**BACKGROUND:**

Snow removal contract with Sparks Inc. for Makenzie Meadows Subdivision.

**RECOMMENDED ACTION:**

File

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**Attachments**

Contract

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# **Standard Form of Agreement for Snow Removal between Yellowstone County and Contractor on the Basis of a Stipulated Price Makenzie Meadows Sub RSID 852**

This agreement is dated as of the 1 day of December 2025, by and between Yellowstone County, Montana (the County), and Sparks Inc., Billings, Montana (hereinafter called Contractor).

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

**1. Scope of Work:**

Snow plowing in Mackenzie Meadows Subdivision

Contractor shall provide all labor and equipment necessary to plow snow on all constructed public streets located in Mackenzie Meadows Subdivision.

Snowplowing will expected automatically once 4 inches of snow has accumulated. The advisory chair (Sam Sparks) may request plowing for lesser amounts but he must authorize the work.

**2. Contract Times**

This contract will be in effect from December 1, 2025 until May 1<sup>st</sup>, 2026. Should any work, outside the Scope of Work need to be performed, both parties must agree in writing.

**3. Contract Price**

The County shall pay the contractor \$900.00 per plowing

**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 the County 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.
- 4.5 The Contractor will not be responsible for damage to landscaping that is within 3 feet

of the edge of pavement.

**5. Contract Documents**

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

5.1 This Agreement.

5.2

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

**6. Miscellaneous**

6.1 Contractor shall not assign this agreement in whole or in part without written consent by the County, which consent shall not be unreasonably withheld.

6.2 Contractor 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 Contractors 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. 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 Contractors 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.
- 6.7 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.

- 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.

## **8.0 Termination**

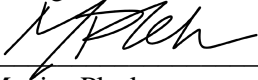
This Agreement shall terminate in its entirety in accordance with the terms found in paragraph 2. However, either party may terminate this contract on thirty (30) calendar days written notice, or if prior to such action, the other party materially breaches any of its representations or obligations under this Agreement. Except as may be otherwise provided in this Agreement, such breach by either party will result in the other party being responsible to reimburse the non-defaulting party for all costs incurred directly as a result of the breach of this Agreement, and shall be subject to such damages as may be allowed by law including attorneys' fees and costs of enforcing this Agreement.

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

This Agreement will be effective December 1, 2025.

OWNER:

Yellowstone County  
Billings, Montana 59101



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Monica Plecker  
Public Works Director

CONTRACTOR:

Sparks Inc.  
Billings, MT 59101



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Contractor

Advisory Board Chair – Sam Sparks

Phone 406-281-0329

e-mail Sam Sparks <samsparks@elitemechanical.com>

**B.O.C.C. Regular**

4. b.

**Meeting Date:** 12/23/2025

**Title:** Snow Removal Contracts with John's Home and Yard Service

**Submitted By:** Trasee Field, Senior Secretary

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**TOPIC:**

25-26 Snow removal contracts with John's Home and Yard Service.

**BACKGROUND:**

25-26 Snow removal contracts for Brookwood Subdivision and West Meadows Subdivision.

**RECOMMENDED ACTION:**

File

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**Attachments**

Contract

Contract

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**Standard Form of Agreement for Snow Removal between Yellowstone County  
and Contractor on the Basis of a Stipulated Price  
Brookwood Subdivision RSID 769M**

This agreement is dated as of the 1 day of December 2025, by and between Yellowstone County, Montana (the County), and John's Yard and Home service, Billings, Montana (hereinafter called Contractor).

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

**1. Scope of Work:**

Snow plowing in Brookwood Subdivision see attached scope of work

Contractor shall provide all labor and equipment necessary to remove the snow from all constructed public roads, including cul-de-sacs, located in the Brookwood Subdivision, RSID 769, as outlined in the attached Scope of work date March 4<sup>th</sup>, 2019 Brookwood Subdivision.

**2. Contract Times**

This contract will be in effect from October \_\_\_\_, 2024 until May 1<sup>st</sup>, 2025. 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 \$500.00 per plowing.

**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 the County 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 the County and Contractor, consist of the following:

- 5.1 This Agreement.
- 5.2 Scope of Work dated March 4<sup>th</sup>, 2019.
- 5.3 Contractor's current Certificate of Insurance, current Independent Contractor designation and Workers Compensation coverage.

**6. Miscellaneous**

- 6.1 Contractor shall not assign this agreement in whole or in part without written consent by the County, which consent shall not be unreasonably withheld.
- 6.2 Contractor 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 Contractors 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. 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 Contractors 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.
- 6.7 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.

- 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.

## **8.0 Termination**

This Agreement shall terminate in its entirety in accordance with the terms found in paragraph 2. However, either party may terminate this contract on thirty (30) calendar days written notice, or if prior to such action, the other party materially breaches any of its representations or obligations under this Agreement. Except as may be otherwise provided in this Agreement, such breach by either party will result in the other party being responsible to reimburse the non-defaulting party for all costs incurred directly as a result of the breach of this Agreement, and shall be subject to such damages as may be allowed by law including attorneys' fees and costs of enforcing this Agreement.

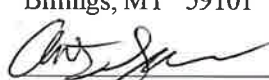
IN WITNESS WHEREOF, the County and Contractor have signed this Agreement in duplicate. One counterpart each will be delivered to the County and Contractor. All portions of the Contract Documents have been signed, initialed or identified by the County and Contractor.

This Agreement will be effective December 1, 2025.

OWNER:  
Yellowstone County  
Billings, Montana 59101

  
\_\_\_\_\_  
Monica Plecker  
Public Works Director

CONTRACTOR:  
John's Home & Yard Service  
Billings, MT 59101

  
\_\_\_\_\_  
Matt Singer  
Owner

**Standard Form of Agreement for Snow Removal between Yellowstone County  
and Contractor on the Basis of a Stipulated Price  
West Meadows RSID 773**

This agreement is dated as of the 11 day of December 2025, by and between Yellowstone County, Montana (the County), and John's Yard and Home service, Billings, Montana (hereinafter called Contractor).

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

**1. Scope of Work:**

Snow plowing in West Meadows Subdivision see attached scope of work

Contractor shall provide all labor and equipment necessary to fulfill the Scope of Work specification sheet, attached.

**2. Contract Times**

This contract will be in effect from December \_\_\_\_, 2025 until May 1<sup>st</sup>, 2025. Should any work, outside the Scope of Work need to be performed, both parties must agree in writing.

**3. Contract Price**

The County shall pay the contractor \$600.00 per plowing

**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 the County 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 the County

and Contractor, consist of the following:

- 5.1 This Agreement.
- 5.2 Scope of Work Specification Sheet dated November 21<sup>st</sup>, 2016.
- 5.3 Contractor's current Certificate of Insurance, current Independent Contractor designation and Workers Compensation coverage.

**6. Miscellaneous**

- 6.1 Contractor shall not assign this agreement in whole or in part without written consent by the County, which consent shall not be unreasonably withheld.
- 6.2 Contractor 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 Contractors 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. 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 Contractors 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.

- 6.7 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.
- 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.

#### **8.0 Termination**

This Agreement shall terminate in its entirety in accordance with the terms found in paragraph 2. However, either party may terminate this contract on thirty (30) calendar days written notice, or if prior to such action, the other party materially breaches any of its representations or obligations under this Agreement. Except as may be otherwise provided in this Agreement, such breach by either party will result in the other party being responsible to reimburse the non-defaulting party for all costs incurred directly as a result of the breach of this Agreement, and shall be subject to such damages as may be allowed by law including attorneys' fees and costs of enforcing this Agreement.

**Snow Plowing in West Meadows Subdivision, RSID 773M**  
**Scope of Work – Specifications**

The scope of work includes but is not limited to the following:

- Yellowstone County is requesting price quotes for snow removal for roads, including cul-de-sacs, located in West Meadows Subdivision.
- West Meadows Subdivision is located west of Billings, Montana off 80<sup>th</sup> St W.. 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 roads to be plowed are the paved portions of Monad Rd. Homewood Park Drive, Penta Circle, Whistler Way and Wood Duck Circle.
- **All driveways are to be left cleared from any snow piles.**
- Snow plowing will automatically be expected once 2 or more inches of snow have accumulated on the road surfaces to be plowed. The Ad-Hoc committee chairperson, Levi Britten, may request snow plowing if less than 2 inches of snow have accumulated but he must request it.
- The County is requesting a per time Lump Sum Amount quote to plow the streets listed above; the amount of the quote will apply each time the roads are plowed regardless of the amount of snow on the roads.

All Contractors interested in submitting a price quote for this work are encouraged to visit the site(s) and verify or obtain their own measurements of lengths, widths, slopes and obtain any other data needed to perform this work.

- Coordinate with property owners and RSID Ad-Hoc members as necessary.
  - After completion of the work provide copies of the invoice to:  
Yellowstone County Public Works  
Ad-Hoc Committee Member Levi Britton  
Address 7623 N. Leopard Ave. Billings Mt. 59106  
Phone (406) 690-6633  
Fax (406) 652-5163

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

This Agreement will be effective December 1, 2025.

OWNER:  
Yellowstone County  
Billings, Montana 59101



Monica Plecker  
Public Works Director

CONTRACTOR:  
John's Home & Yard Service  
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Matt Singer  
Owner