

# YELLOWSTONE COUNTY BOARD OF COUNTY COMMISSIONERS

Resolution No. 20 – 85

## Resolution to Create Yellowstone County Rural Special Improvement District No. 858

WHEREAS, pursuant to Sections 7-12-2101 through 7-12-2113 of the Montana Code Annotated, a board of county commissioners has the authority to create a rural special improvement district to construct roads. To create a district, a board should pass a resolution of intent, set a public hearing, provide notice of the public hearing, receive protests, hold a public hearing, consider protests and pass a resolution that either creates or does not create the district.

WHEREAS, the Yellowstone County Board of County Commissioners received a request from Frank Pelican, who owns land in Vista Buttes Subdivision, to create a rural special improvement district to pave (overlay) portions of the roads in the Subdivision, in particular Vista Loop Dr., and Pond Rd. Recently, the developer paved these roads in the Subdivision. The developer did not pave the roads to the required thickness. To pave the roads to the required thickness Frank Pelican would like the Board to create a District. If the Board creates the District, Rural Special Improvement District No. 761M will maintain the roads. The developer created the district to maintain the roads when it created the Subdivision. Exhibit 1 contains the specifics of the District such as name, location, map, parcels, property owners, activities, costs, assessment method, assessment and engineer. Below is a summary of the specifics of the District.

### District Summary

District Name:	Yellowstone County Rural Special Improvement District No. 858C
District Location:	Vista Buttes Subdivision
District Parcels:	15 parcels
District Activities:	Pave (overlay) Vista Loop Dr., and Pond Rd.
District Costs:	\$93,891.13 estimated total
District Assessment Method:	Per parcel
District Assessment:	Annual assessment \$1,004.67 per parcel estimated
District Duration:	7 years
District Engineer:	Michael Black, PE – Yellowstone County Public Works Department

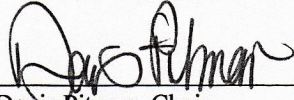
WHEREAS, on October 6, 2020, the Yellowstone County Board of County Commissioners passed a resolution of intent to create Rural Special Improvement District No. 858 to pave (overlay) portions of the roads in Vista Buttes Subdivision and set a public hearing on the creation of the District for November 17, 2020, at 9:30 am in Room 3008 of the Stillwater Building (316 North 26<sup>th</sup> Street). On October 8, 2020, the Yellowstone County Clerk and Recorder mailed notice of the hearing to all property owners in the District. On October 9, 2020 and October 16, 2020, the Yellowstone County Clerk and Recorder published notice of the public hearings in the *Yellowstone County News*. On November 17, 2020, the Board held a public hearing on the creation of the District. The Board heard comments on the District and considered protests as to the creation of the District. The Board did not receive enough protests to prevent the creation of the District. 7 out of 15 property owners protested the creation of the District. The Board believes that it is in the best interest of the public to create the District.

NOW THEREFORE, BE IT RESOLVED,

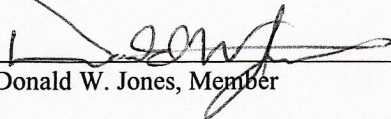
The Yellowstone County Board of County Commissioners creates Rural Special Improvement District No. 858 to pave (overlay) portions of the road in Vista Buttes Subdivision. The specifics of the District are contained in the exhibit attached to this Resolution. The Board assessment for the District will appear on the property owners 2021 tax statement.

Passed and Adopted on the 17<sup>th</sup> day of November 2020.

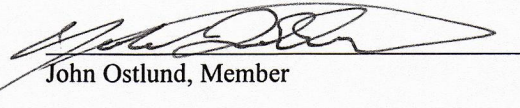
BOARD OF COUNTY COMMISSIONERS  
YELLOWSTONE COUNTY, MONTANA



Denis Pitman, Chair

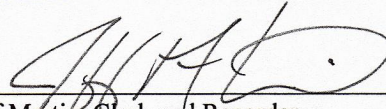


Donald W. Jones, Member



John Ostlund, Member

ATTEST:



Jeff Martin, Clerk and Recorder

Attachment

Exhibit 1 Coversheet

Map (EXHIBIT A)

Properties and Property Owners Lists (EXHIBIT B)

Construction and Maintenance Cost Estimate (EXHIBIT C)

Assessment Estimate Amount & Time (EXHIBIT C)

**Exhibit 1**

**Yellowstone County Rural Special Improvement District No. (858C)**

**District Summary**

District Name:	Yellowstone County Rural Special Improvement District No. 858C
District Location:	Vista Buttes Subdivision
District Parcels:	15 parcels
District Activities:	Pavement Overlay (Vista Loop Dr., Pond Rd.)
District Costs:	\$93,891.13 estimated total
District Assessment Method:	Per parcel
District Assessment:	Annual assessment \$1,004.67 per parcel estimated
District Duration:	7 years
District Engineer:	Michael Black, PE – Yellowstone County Public Works Department

**District Name:**

The name of the District shall be Yellowstone County Rural Special Improvement District No. 858C.

**District Location:**

Yellowstone County Rural Special Improvement District No. 858C shall include the parcels in Vista Butte Subdivision. Attached is a map of Yellowstone County Rural Special Improvement District No. 858C (EXHIBIT A).

**District Parcels:**

Yellowstone County Rural Special Improvement District No. 858C shall include 15 parcels in Vista Butte Subdivision. The parcels benefited by the paving of the roads shall be included in the District. Attached is a list of the legal description of each parcel and the current owner of each parcel in Yellowstone County Rural Special Improvement District No. 858C (EXHIBIT B).

**District Activities:**

Yellowstone County Rural Special Improvement District No. 858C shall overlay various roads (Vista Loop Dr., Pond Rd.). Yellowstone County Rural Special Improvement District No. 761M shall maintain the roads.

**District Costs:**

The Yellowstone County Public Works Department estimates it will cost approximately \$93,891.13 to pave (overlay) the roads. This is only the cost to pave (overlay) the roads. It does not include the cost to maintain the roads. The actual cost to pave (overlay) the roads may be more or less. The exact cost to pave the roads shall be determined when the County awards the contract to pave the roads. The Public Works Department estimates the annual cost to maintain the roads to be approximately \$400.00. Attached is an explanation of the cost to pave and maintain the roads (EXHIBIT C).

**District Assessment Method:**

Yellowstone County Rural Special Improvement District No. 858C shall use the per parcel method of assessment to finance the construction of the roads. If the number of parcels increases during the term of the District, the maintenance assessment district (RSID 761M) shall be modified to account for the increased number of parcels.

**District Assessment:**

The Yellowstone County Finance Department estimates that annual assessment per parcel for the construction would be approximately \$1,004.67. The assessment would appear on the tax statements for the properties. A property owner would have the option to prepay the construction assessment or pay the assessment over 7 years. Attached is an explanation of the calculation of the assessment for the construction costs (also EXHIBIT C).

**District Duration:**

Yellowstone County Rural Special Improvement District No. 858C shall exist for 7 years. The Yellowstone County Finance Department calculated it would take 7 years for the property owners to pay for the construction of the roads.

**District Engineer:**

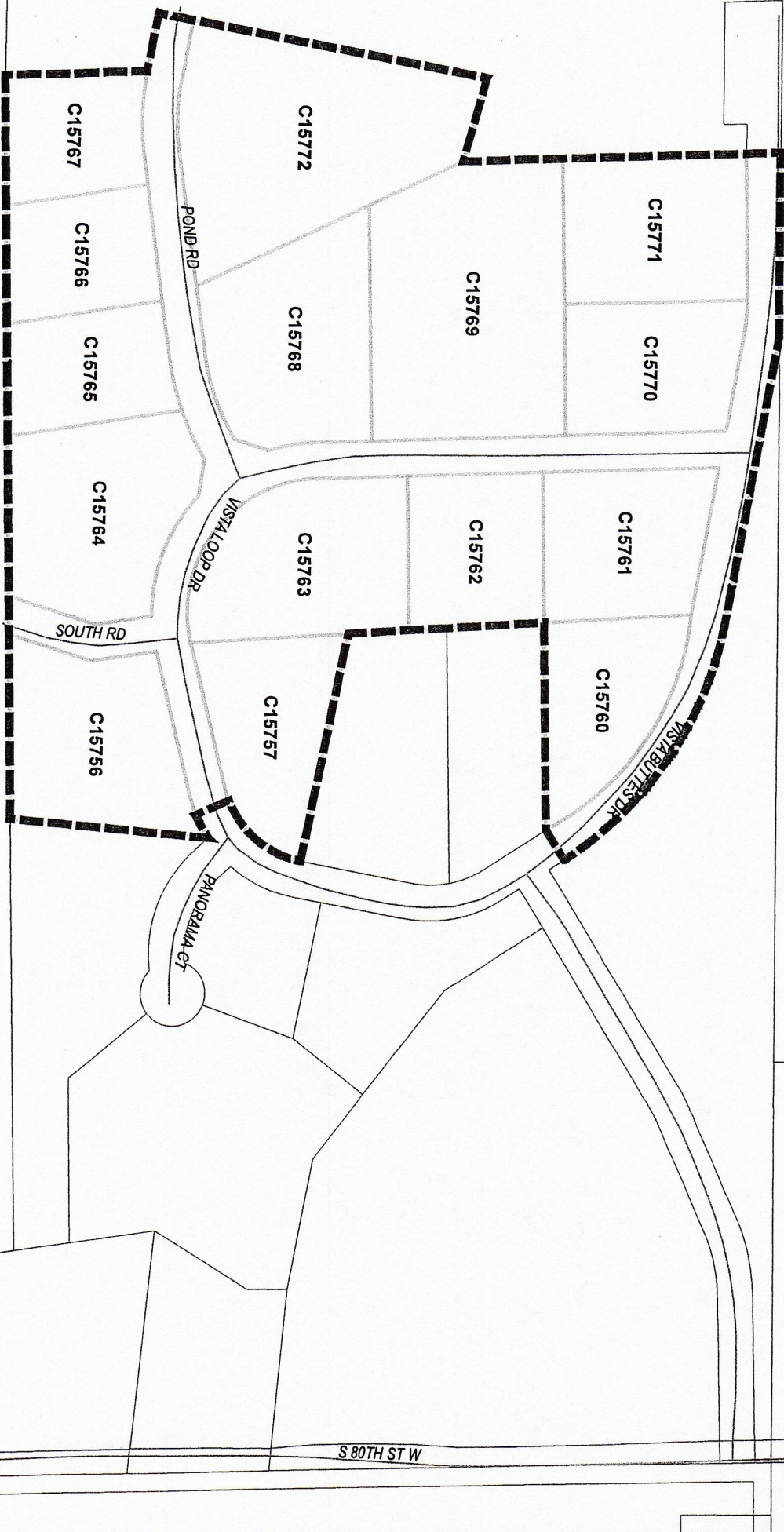
Michael Black, PE, a civil engineer with the Yellowstone County Public Works Department, shall be the District Engineer for Yellowstone County Rural Special Improvement District No. 858C. As needed, the Yellowstone County Board of County Commissioner shall appoint a District Engineer. The District Engineer shall manage the construction and maintenance of the roads. The District Engineer shall keep the Board advised of construction and maintenance of the roads.

Yellowstone County Public Works Department  
Attn: Michael Black, PE  
P.O. Box 35024  
Billings Montana, 59107-5024  
(406) 256-2735  
[mblack@co.yellowstone.mt.gov](mailto:mblack@co.yellowstone.mt.gov)

**Attachments**

- Map (EXHIBIT A)
- Properties and Property Owner Lists (EXHIBIT B)
- Construction and Maintenance Cost Estimate (EXHIBIT C)
- Assessment Estimate (EXHIBIT C)

# EXHIBIT A (MAP BOUNDARY)



## Legend



Proposed RSID 858C Boundary

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10/15/2014  
YELLOWSTONE COUNTY, MT  
Map Services/Development/Planning and

## EXHIBIT B (PROPERTY OWNER, LEGAL DESCRIPTION)

Number	Tax Code	Owner Name	Additional Owner	Mailing Address	City, State, Zipcode	Legal Description
1	C15756	WILCOX, RICHARD L JR & TINA D		2525 VISTA LOOP DR	BILLINGS, MT 59106-3403	VISTA BUTTES SUB 2ND FIL, Lot 6
2	C15757	LANDON FAMILY TRUST		2520 VISTA LOOP DR	BILLINGS, MT 59106-3403	VISTA BUTTES SUB 2ND FIL, Lot 7
3	C15760	PELICAN, FRANK T	YES	5817 Danford Rd.	BILLINGS, MT 59106	VISTA BUTTES SUB 2ND FIL, Lot 10
4	C15760	HALE, VERLIN C	YES	1707 HOMER DAVIS RD	SHEPHERD, MT 59076	VISTA BUTTES SUB 2ND FIL, Lot 10
5	C15761	SMITH, ROBERT C & LINDA M		506 CARAVAN AVE	BILLINGS, MT 59105-2802	VISTA BUTTES SUB 2ND FIL, Lot 11
6	C15762	PELICAN, FRANK T	YES	5817 Danford Rd.	BILLINGS, MT 59106	VISTA BUTTES SUB 2ND FIL, Lot 12
7	C15762	HALE, VERLIN C	YES	1707 HOMER DAVIS RD	SHEPHERD, MT 59076	VISTA BUTTES SUB 2ND FIL, Lot 12
8	C15763	DEAN, JAMES RONALD & KIMMIE SUE		1226 4TH AVE	LAUREL, MT 59044-9604	VISTA BUTTES SUB 2ND FIL, Lot 13,
9	C15764	BLACK, SCOTT L		8270 POND RD	BILLINGS, MT 59106-3055	VISTA BUTTES SUB 2ND FIL, Lot 14
10	C15765	BLACK, KYMBERLEE	YES	8270 POND RD	BILLINGS, MT 59106-3055	VISTA BUTTES SUB 2ND FIL, Lot 15
11	C15766	PELICAN, FRANK T	YES	5817 Danford Rd.	BILLINGS, MT 59106	VISTA BUTTES SUB 2ND FIL, Lot 16
12	C15766	HALE, VERLIN C	YES	1707 HOMER DAVIS RD	SHEPHERD, MT 59076	VISTA BUTTES SUB 2ND FIL, Lot 16
13	C15767	HALE, VERLIN C	YES	5817 Danford Rd.	BILLINGS, MT 59106	VISTA BUTTES SUB 2ND FIL, Lot 17
14	C15767	PELICAN, FRANK T	YES	1707 HOMER DAVIS RD	SHEPHERD, MT 59076	VISTA BUTTES SUB 2ND FIL, Lot 17
15	C15768	MARCIA A HURLBURT REVOCABLE TRUST	YES	1707 HOMER DAVIS RD	SHEPHERD, MT 59076	VISTA BUTTES SUB 2ND FIL, Lot 18
16	C15769	PELICAN, FRANK T	YES	5550 WALTER HAGEN DR	BILLINGS, MT 59106-1005	VISTA BUTTES SUB 2ND FIL, Lot 18
17	C15769	HALE, VERLIN C	YES	5817 Danford Rd.	BILLINGS, MT 59106	VISTA BUTTES SUB 2ND FIL, Lot 19
18	C15770	HALE, VERLIN C	YES	1707 HOMER DAVIS RD	SHEPHERD, MT 59076	VISTA BUTTES SUB 2ND FIL, Lot 19
19	C15770	PELICAN, FRANK T	YES	5817 Danford Rd.	BILLINGS, MT 59106	VISTA BUTTES SUB 2ND FIL, Lot 19
20	C15770	HALE, VERLIN C	YES	1707 HOMER DAVIS RD	SHEPHERD, MT 59076	VISTA BUTTES SUB 2ND FIL, Lot 20
21	C15771	KNATTERUD, KOLTEN L & SPENCYR E		945 VENICE BEACH WAY UNIT 4	BILLINGS, MT 59106-2496	VISTA BUTTES SUB 2ND FIL, Lot 20
22	C15772	ANDERSON, DAVID J & JUNE A (UND 1/2) &	YES	8105 PANORAMA CT	BILLINGS, MT 59106-3402	VISTA BUTTES SUB 2ND FIL, Lot 21
23	C15772	PELICAN, FRANK T	YES	5817 Danford Rd.	BILLINGS, MT 59106	VISTA BUTTES SUB 2ND FIL, Lot 22

# EXHIBIT C

## Engineer's Estimate of Probable Cost

Estimate for Proposed Construction RSID  
Various Overlay for Vista Buttes Roads Construction Improvements

**CONSTRUCTION**

ITEM	Unit	Quantity	Price	Amount
Overlay	LS	1	\$66,655.00	\$66,655.00
<b>S U B T O T A L</b>				<b>\$66,655.00</b>
Construction Testing	LS	1	\$2,000.00	\$2,000.00
Contingency (25%)	LS	1	\$16,663.75	\$16,663.75
Engineering Design, Surveying, & Construction Management (7.5%)				\$0.00
Construction Staking (2.5%)				\$0.00
Administration (3%)				\$0.00
<b>ESTIMATED TOTAL CONSTRUCTION COST</b>				<b>\$85,318.75</b>
<b>NET TOTAL CONSTRUCTION, CONTINGENCY &amp; ENGINEERING</b>				<b>\$85,318.75</b>

**Admin Costs**

Estimated Administrative Costs By Rural Special Improvement District	
Ownership Reports, Advertising, Printing, Offering Circular & Postage	\$1,000.00
County Administration - Attorney - Finance - Commissioners	\$1,000.00
<b>SUBTOTAL</b>	<b>\$2,000.00</b>
<b>SUBTOTAL CONSTRUCTION AND ADMINISTRATIVE</b>	<b>\$87,318.75</b>

# EXHIBIT C

## Engineer's Estimate of Probable Cost

Estimate for Proposed Construction RSID Various Overlay for Vista Buttes Roads Construction Improvements
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FINANCE COSTS

REVOLVING FUND BACKING OF DEBT - 5% of Loan Financing (Mandatory)	\$4,694.56
RESERVE FUND BACKING OF DEBT - 5% of Loan Financing (Required)*      29% developed - reserve at 4%	\$0.00
COUNTY ADMINISTRATION - Attorney - Finance - Commissioners (Flat Fee per Loan Issuance - above) 2% of Loan Financing	\$1,877.82
LOAN ISSUANCE COSTS, LOAN ORIGATION FEE - 1% of Loan Financing	\$0.00
<b>SUBTOTAL FINANCE COSTS</b>	<b>\$6,572.38</b>

TOTAL RSID COST	\$93,891.13
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COST BREAKDOWN PER UNIT / PARCEL

Number of Assessment Units	15
* Number of Parcels Developed	5
Percentage Developed	33%
Reserve Percentage (%) Required per Development Completed	4%
<b><u>Alternate 1 - Financed Option (PAY OVER TIME WITH PROPERTY TAXES)</u></b>	
Total Assessment per Property (Based on an Equal Basis)	\$6,259.41
Estimated Interest Rate	3.00%
Estimated Annual Assessment for 7 Years (per property)	\$1,004.67
Total Amount Paid Back (Financed) Over 7 Years With Interest	\$7,032.72
<b><u>Alternate 2 - Non-Financed Option (PAY UP FRONT)</u></b>	
Total Estimated Cost Per Parcel	
This option is the "Pay Up Front" or Pay In Advance Alternative - (saves Loan Financing Costs of 7%)	\$5,821.25
Savings of Non-Financed Option vs. Financed Option (tot. asmnt. alt. 2 - tot. asmnt. alt. 1)	\$1,211.47

<b><u>Maintenance Assessment Per Parcel Per Year</u></b>	
Road Maint. >> 5,455 ft of road X 24 ft wide x \$0.05 / sq. ft (cost per year to maintain) = \$6,545.00	\$400.00
Snow Removal >> \$1,855 per year	