

# YELLOWSTONE COUNTY BOARD OF COUNTY COMMISSIONERS

Resolution No. 21- 33

## Resolution to Create Yellowstone County Rural Special Improvement District No. 865M

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 and or maintain a public improvement. When all the owners of the land in the proposed district do not consent to the creation of the district, 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. When all the owners of the land in the proposed district consent to the creation of a district, to create the district, the board does not have to hold a public hearing. The board can create the district with a resolution without a hearing.

WHEREAS, in 2006, as a condition of subdivision approval, the developers of Vista Buttes Subdivision 2<sup>nd</sup> Filing installed a dry hydrant for the Subdivision. The developers were also supposed to request the County create a rural special improvement district to maintain the dry hydrant that would include the lots in Vista Buttes Subdivision 1<sup>st</sup> and 2<sup>nd</sup> Filings. For some unknown reason, the developers did not request the County create a district to maintain the dry hydrant. The dry hydrant needs repairs. Recently, the developers requested the County create a district to maintain the dry hydrant (see Exhibit D). Exhibit A contains the specifics of the District, such as name, location, map, parcels, property owners (see Exhibit C), activities, costs, assessment method, assessment and engineer.

### District Summary

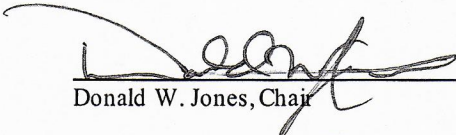
District Name:	Yellowstone County Rural Special Improvement District No. 865M
District Location:	Vista Buttes Subdivision 1 <sup>st</sup> and 2 <sup>nd</sup> Filings. See Exhibit B.
District Parcels:	21 parcels
District Activities:	Maintenance of dry hydrant
District Costs:	\$525 Annual Estimated Cost Subject to Change
District Assessment Method:	Equal Per Parcel
District Assessment:	\$25 Annual Estimated Assessment Per Parcel Subject to Change
District Duration:	Indefinite
District Engineer:	Michael Black, Yellowstone County Public Works Department

WHEREAS, on May 25, 2021, the Yellowstone County Board of County Commissioners passed a resolution of intent to create Rural Special Improvement District No. 865M to maintain the dry hydrant in Vista Buttes Subdivision 1<sup>st</sup> and 2<sup>nd</sup> Filings and set a public hearing on the creation of the District for June 29, 2021. On May 28, 2021, the Yellowstone County Clerk and Recorder mailed notice of the hearing to all property owners in the District. On May 28, 2021 and June 4, 2021, the Yellowstone County Clerk and Recorder published notice of the public hearing in the *Yellowstone County News*. On June 29, 2021, 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. 0 out of 21 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. 865M to maintain the dry hydrant in Vista Buttes Subdivision 1<sup>st</sup> and 2<sup>nd</sup> Filings. 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 29<sup>th</sup> day of June 2021.  
BOARD OF COUNTY COMMISSIONERS  
YELLOWSTONE COUNTY, MONTANA



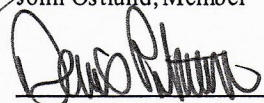
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Donald W. Jones, Chair



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John Ostlund, Member



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Denis Pitman, Member

ATTEST:



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Jeff Martin, Clerk and Recorder



# EXHIBIT A

## Yellowstone County Rural Special Improvement District No. 865M

**District Name:**

The name of the District shall be Rural Special Improvement District 865M- Vista Buttes.

**District Location:**

Yellowstone County Rural Special Improvement District No. 865M shall include all the parcels in Vista Buttes Subdivision 1<sup>st</sup> and 2<sup>nd</sup> Filings.

**District Parcels:**

Yellowstone County Rural Special Improvement District No. 865M shall include all 21 parcels in Vista Buttes Subdivision 1<sup>st</sup> and 2<sup>nd</sup> Filings, these are the parcels benefited by the dry hydrant. 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. 865M.

**District Activities:**

Yellowstone County Rural Special Improvement District No. 865M shall maintain the dry hydrant installed with Vista Buttes Subdivision that benefits the parcels in Vista Buttes 1<sup>st</sup> and 2<sup>nd</sup> Filings.

**District Costs:**

The Public Works Department estimates the annual cost to maintain the dry hydrant to be approximately \$525.

**District Assessment Method:**

Yellowstone County Rural Special Improvement District No. 865M shall use the per parcel method of assessment to maintain the dry hydrant. If the number of parcels increases during the term of the District, the assessment 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 maintenance of the dry hydrant would be approximately \$525 and the annual assessment per parcel for maintenance would be \$25. The assessment would appear on the tax statements for the properties and is subject to increase based on maintenance needs.

**District Duration:**

Yellowstone County Rural Special Improvement District No. 865M shall exist as long as needed to maintain the dry hydrant in Vista Buttes Subdivision 1<sup>st</sup> and 2<sup>nd</sup> Filings.

**District Engineer:**

Michael Black PE, shall be the District Engineer for Yellowstone County Rural Special Improvement District No. 865M. As needed, the Yellowstone County Board of County Commissioners shall appoint a District Engineer. The District Engineer shall manage the maintenance of the dry hydrant in consultation with the Laurel Urban Fire Service Area. The District Engineer shall keep the Board advised of the maintenance of the dry hydrant.

Yellowstone County Public Works Department

Attn: Michael Black PE

P.O. Box 35024

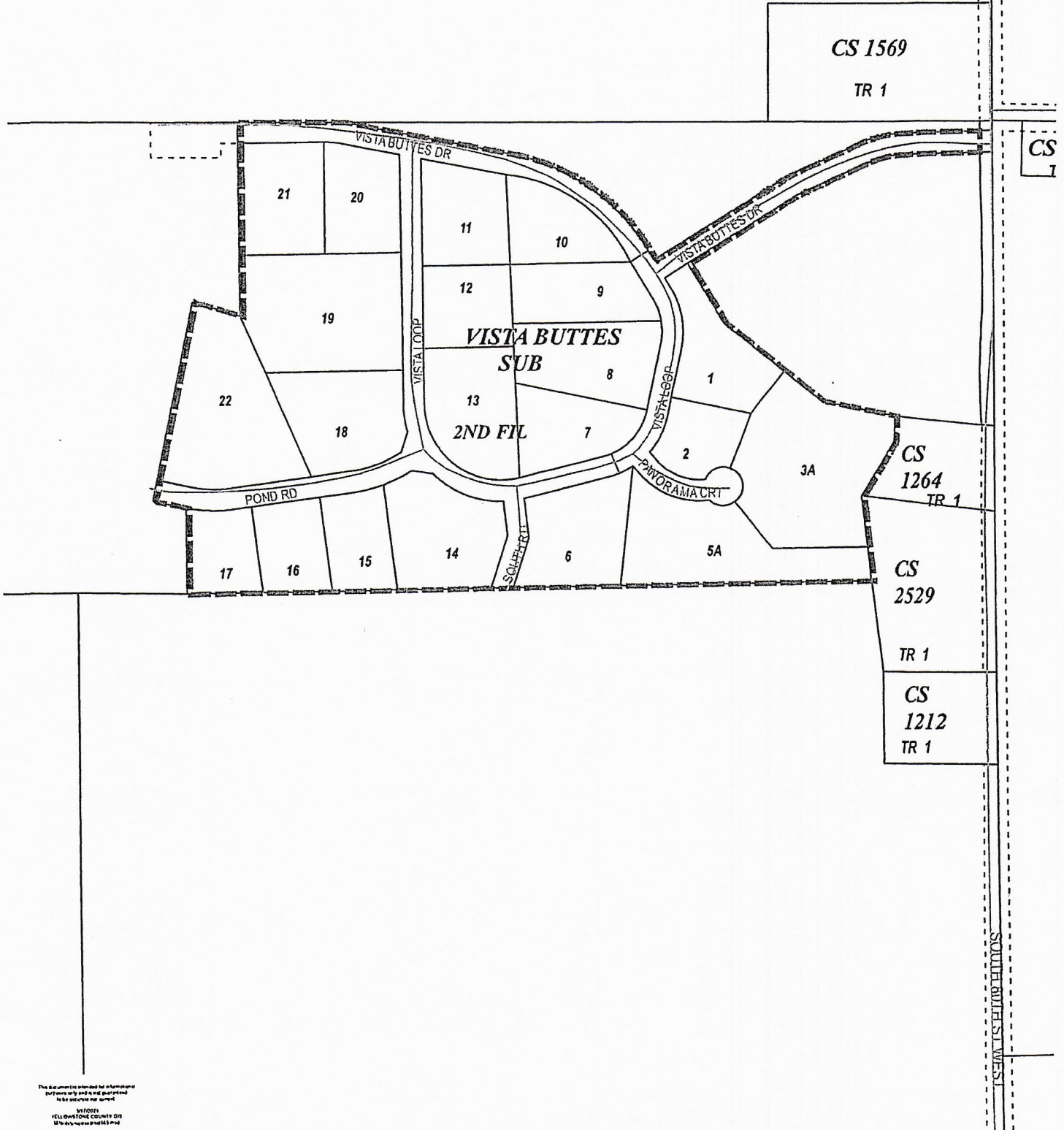
Billings Montana, 59107-5024

(406) 256-2735

[mblack@co.yellowstone.mt.gov](mailto:mblack@co.yellowstone.mt.gov)

EXHIBIT B

Proposed RSID 865  
Dry Hydrant





# EXHIBIT C

	Owner name	Tax Code	Legal Description	Address	City_State_Zip
1	WELCH, NANCY	C14786	VISTA BUTTES SUB, Lot 1	2505 VISTA LOOP DR	Billings, MT 59106
2	ANDERSON REVOCABLE LIVING TRUST	C14787	VISTA BUTTES SUB, Lot 2	8105 PANORAMA CT	Billings, MT 59106
3	ANDERSON REVOCABLE LIVING TRUST	C14788	VISTA BUTTES SUB, Lot 3A, AMD LTS 3-5	8105 PANORAMA CT	Billings, MT 59106
4	BARACKER, PATRICK R & DENISE	C14790	VISTA BUTTES SUB, Lot 5A, AMD LTS 3-5	8120 PANORAMA CT	Billings, MT 59106
5	WILCOX, RICHARD L JR & TINA D	C15756	VISTA BUTTES SUB 2ND FIL Lot 6	2525 VISTA LOOP DR	Billings, MT 59106
6	LANDON, DANIEL R & CHARLENE A	C15757	VISTA BUTTES SUB 2ND FIL Lot 7	2520 VISTA LOOP RD	Billings, MT 59106
7	PELICAN, FRANK T	C15758	VISTA BUTTES SUB 2ND FIL Lot 8	5817 Danford Rd	Billings, MT 59106
8	PELICAN, FRANK T	C15759	VISTA BUTTES SUB 2ND FIL Lot 9	5817 Danford Rd	Billings, MT 59106
9	PELICAN, FRANK T	C15760	VISTA BUTTES SUB 2ND FIL Lot 10	5817 Danford Rd	Billings, MT 59106
10	SMITH, ROBERT C & LINDA M	C15761	VISTA BUTTES SUB 2ND FIL Lot 11	506 CARAVAN AVE	Billings, MT 59105
11	PELICAN, FRANK T	C15762	VISTA BUTTES SUB 2ND FIL Lot 12	5817 Danford Rd	Billings, MT 59106
12	DEAN, JAMES RONALD & KIMMIE SUE	C15763	VISTA BUTTES SUB 2ND FIL Lot 13	1226 4TH AVE	Laurel, MT 59044
13	CLOUSE, KANSYS & DYLAN	C15764	VISTA BUTTES SUB 2ND FIL Lot 14	2549 QUEEN ST UNIT 2	Seaside, OR 97138
14	BLACK, KYMBERLEE	C15765	VISTA BUTTES SUB 2ND FIL Lot 15	8270 POND RD	Billings, MT 59106
15	PELICAN, FRANK T	C15766	VISTA BUTTES SUB 2ND FIL Lot 16	5817 Danford Rd	Billings, MT 59106
16	PELICAN, FRANK T	C15767	VISTA BUTTES SUB 2ND FIL Lot 17	5817 Danford Rd	Billings, MT 59106
17	MARCIA A HURLBURT REVOCABLE TRUST &	C15768	VISTA BUTTES SUB 2ND FIL Lot 18	5550 WALTER HAGEN DR	Billings, MT 59106
18	PELICAN, FRANK T	C15769	VISTA BUTTES SUB 2ND FIL Lot 19	5817 Danford Rd	Billings, MT 59106
19	PELICAN, FRANK T	C15770	VISTA BUTTES SUB 2ND FIL Lot 20	5817 Danford Rd	Billings, MT 59106
20	KNATTERUD, KOLTEN L & SPENCYR E	C15771	VISTA BUTTES SUB 2ND FIL Lot 21	945 VENICE BEACH WAY UNIT 4	Billings, MT 59106
21	ANDERSON, DAVID J & JUNE A (UND 1/2) &	C15772	VISTA BUTTES SUB 2ND FIL Lot 22	8105 PANORAMA CT	Billings, MT 59106

EXHIBIT D

Parker, Heitz & Cosgrove, PLLC

ATTORNEYS AT LAW

MARK D. PARKER  
CASEY HEITZ  
SHAWN P. COSGROVE  
GEOFFREY T. CUNNINGHAM

401 North 31st St., Suite 805  
P.O. Box 7212  
Billings, MT 59103-7212  
(406) 245-8991  
FAX (406) 245-0971

May 5, 2021

**VIA: U.S. Mail**  
Yellowstone County Commissioners  
Hon. John Ostland  
Hon. Donald Jones  
Hon. Denis Pitman  
PO Box 35000  
Billings, MT 59107

Re: Vista Buttes Subdivision  
Fire Suppression RSID

Dear Commissioners:

Parker, Heitz & Cosgrove, PLLC, represents Frank and Connie Pelican and Axilon Law Group represents Verlin and Connie Hale. The Pelicans and Hales were the Developers of Vista Buttes Subdivision. The Vista Buttes Subdivision Improvements Agreement for Vista Buttes Subdivision, Second Filing (hereafter "SIA"), at p. 2, ¶ 5, addresses the installation of a 16,000-gallon underground storage tank with piping and fittings to be used for fire suppression by the Laurel Volunteer Fire Department. Page 3, ¶ 8 of the SIA provides that a Rural Special Improvement District will be established to maintain the dry hydrant and related piping and facilities. The SIA, at p. 3, ¶ 9, provides for a waiver whereby the Developers waived the right to protest the creation of a Rural Special Improvement District for special improvements.

The Pelicans and Hales, as Developers and existing lot owners, request that Yellowstone County create a Rural Special Improvement District for the maintenance of the fire suppression system as contemplated by the Vista Buttes Subdivision Improvements Agreement for Vista Buttes Subdivision, Second Filing. Do not hesitate to contact Brent Brooks or me should you have any questions or concerns. Thank you for your consideration.



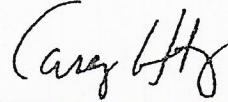
Yellowstone County Commissioners  
May 5, 2021  
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Very truly yours,



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Brent Brooks  
Attorney for Verlin and Connie Hale



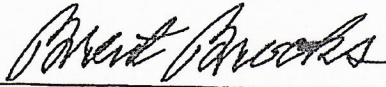
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Casey Heitz  
Attorney for Frank and Connie Pelican

cc: Clients

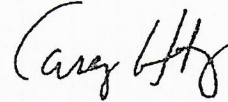
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May 5, 2021  
Page 2

Very truly yours,



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Brent Brooks  
Attorney for Verlin and Connie Hale



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Casey Heitz  
Attorney for Frank and Connie Pelican

cc: Clients