

## Billings City Administrator Weekly Report

May 17, 2024

- 1. Encampment Cleanup @ I-90 and Vegas Motel** – Code Enforcement started this cleanup on May 9<sup>th</sup> and completed it May 16<sup>th</sup>. The Solid Waste Division and their claw truck/.driver were instrumental in the efficiency of this project. (See attached photos.)
- 2. Intermountain Health Updates** – I met with Lee Boyles the newly appointed President of Intermountain Health St. Vincent Hospital. Lee anticipates announcing IH's decision on the new hospital within the next few weeks.
- 3. City of Billings/Kilbourne Group/BSED Working Session** – we had our second face to face meeting with the Kilbourne Group. They have invested heavily into redevelopment of downtown Fargo. They are considering a \$30M mixed use investment in our downtown.
- 4. Boys and Girls Clubs** – I had lunch with Brian Dennis, CEO to discuss how the city can support their programs to help kids. BGC served 998 kids last year (71% elementary, 23% Jr High, 7% HS) spending over 251,000 hours in the club. I found this data interesting from their Youth Outcome Survey:

• Safe Positive Environment	88% (doing fine/doing great)
• Physical Safety	86% (doing fine/doing great)
• Emotional Safety	93% (doing fine/doing great)
• Strong Adult Connections	84% (doing fine/doing great)
• Strong Peer Connections	18% (doing fine/doing great)
• Strong Sense of Belonging	76% (doing fine/doing great)
- 5. Leadership Billings** – I learned a lot and made new friends by participating in Leadership Billings, it was well worth the effort. I encourage all leaders within our organization to consider joining a future class. The program provided great insight into private enterprise, agriculture, medical, education and local government.
- 6. Budget & Finance Committee** – The committee's focus was on storm water and the Public Works Department budget.
- 7. Municipal Summit** – Today, Todd Corn and I attended the Municipal Summit in Laurel put on by the MLCT, MMIA and the Local Government Center.
- 8. Budget** – we have two budget work sessions next week, Monday and Tuesday evenings at 5:30 in the Council Chambers in City Hall. (See the attached Council Budget Q & A.)
- 9. BIL Airport Update** – Please see the Air Service Committee Newsletter attached.
- 10. City of Billings Grant Funding Update** – Please see the attached grant update for Connect and Protect: Law Enforcement Behavioral Health Response Program.

**11. Library News** - The library is excited to announce that we are one of 25 libraries in Montana to receive the Excellent Library Services Award 2024. To put this in perspective, there are approximately 730 public, school, academic, and special libraries in the state. (See attached.)

**12. Public Works News** - MT State Legislature Proposed Nutrient Rules for Wastewater Treatment – The City of Billings currently removes 90% (soon to be 95%) of the nutrients from the wastewater before returning it to the Yellowstone River. The MT Department of Environmental Quality (DEQ) is proposing further reductions. Currently, there are no feasible technologies that can meet the DEQ's proposed rules. Billings has conducted 3 years of river sampling specific to nutrients, and the Yellowstone River is more than 10x below the threshold for nutrient impairment. If enacted, these rules have the potential to cost more than \$100M infrastructure upgrades at the Water Reclamation Facility resulting in no noticeable improvement to the Yellowstone River. Louis Engels, Water Quality Superintendent, will be speaking against new proposed nutrient rules at the Water Policy Interim Committee next week and asking that an economic impact analysis be performed prior to further rule making. Other communities including Helena and Bozeman are speaking against the proposed rule changes. Montana League of Cities and Towns has also spoken in opposition.

There is information attached regarding many “myths” that have been circulating about the new standards. Also, there is a letter that was sent to WPIC formally asking them to object to the proposed rules and direct DEQ to prepare an economic impact statement to analyze the economic costs of the proposed rules on utilities, local taxpayers, and important industries in Montana . Staff will be bringing this issue to the Legislative Committee to discuss.

The other piece of information that can be helpful to get the big picture are the videos we made.

<https://www.youtube.com/watch?v=IRgfmxqoINw>  
[https://www.youtube.com/watch?v=4mRsCGG\\_h2g](https://www.youtube.com/watch?v=4mRsCGG_h2g)

**13. Next Week's Meetings/Task Forces**

- a. West End Task Force, Tuesday, May 21<sup>st</sup> 7:00 PM Connections Church, 56<sup>th</sup> St. W.
- b. Public Works Week, Wednesday, May 22<sup>nd</sup> 4:00 – 7:00 PM, Water Treatment Plant
- c. Public Works Week, Thursday, May 23<sup>rd</sup> 4:00 – 7:00 PM, Billings Operation Center

**14. 2024 Council Meeting Schedule** – Please see the attached Council Meeting schedule for upcoming items on the agenda.

**15. New City Hall Update –**



### 5<sup>th</sup> floor

Install carpet, base, and replace yellow carpet.

PLAM panels installed on Dias wall in council chambers.

Pre punch list work.

Data test and trim out.

Clean fan room.

Work on solid surface tops.

### 4th Floor

Carpet installed northeast side.

Sills and aprons completed.

Window shade installation continues.

Work on solid surface top.

Prep for LVT flooring.

Clean fan room.



### 2<sup>nd</sup> Floor

Finish PLAM panels in the south courtroom.

Electrical trim out.

Caulk storefront frames and install glass.

Install grab bars in single use restrooms.

Drop acoustic ceiling border tile.

### **1<sup>st</sup> Floor**

Paint hard lid in gallery.  
Paint exterior walls on the north end.  
Prep, prime and paint gallery stairs.  
Cable tray and equipment work in server room.  
Air handler and duct install in fan room.  
Copper heat piping on south end.



### **Parking Garage**

Copper heat piping on north end.  
Core drill holes for transfer switch conduit.  
Run overhead 4" conduit for new transfer switch.



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May 15 2024 2:43:35 PM



May 15 2024 2:30:23 PM



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May 15 2024 2:30:25 PM



May 15 2024 2:30:29 PM



May 15, 2024 2:40:55 PM



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*The following questions or additional information was requested by City Council during budget work sessions at the May 6 & 7 meetings. Staff has provided additional context.*

### **State Entitlement Share Allocation & MACO website**

The State Entitlement Share has been allocated to the following funds, and in the following manner since 2007

General Fund 76.58%

Library 2.79%

Transit 2.96%

Public Safety 12.67%

Street & Traffic 5.00%

The City of Billings is expected to receive \$17.4 million in entitlement share in FY25. For FY24 & FY25, the budget includes a reduction of entitlement share for Library, Transit, and Street & Traffic of \$150,000, \$200,000, and \$300,000 respectively. These reduced amounts were then applied toward financing improvements to new City Hall. There is not a plan to continue with these reductions in FY26.

More history on entitlement share can be found on the Montana Association of Counties website:  
<https://www.mtcounties.org/resources-data/entitlement-share/>

### **General Fund Reserves FY25**

The FY25 budget estimates the minimum fund balance in the General Fund to be \$12.7 million. Estimated ending fund balance in the proposed FY25 budget for the General Fund is \$12.38 million. The Public Safety Fund (PSF), which has no minimum fund balance due to the large transfer from the GF, is estimated to have an ending fund balance of \$1.96 million. Historically, we've tried to keep ending fund balance in the PSF at around \$1.6 million.

### **What are we spending on Public Safety?**

<b>Department</b>	<b>FY25 Proposed Budget</b>
Fire	27,826,460
Legal	3,423,409
Municipal Court	2,119,094
Code Enforcement	1,200,866
Police	32,507,930
<b>Expense Total</b>	<b>67,077,759</b>

## **PW COLA assumption**

The Public Works budget does not contain an assumed cost of living increase for wages and salaries.

## **MET – expenses per passenger metrics**

Regarding the cost per passenger question as a straight breakdown of the proposed annual expenditure, the figures shown on the passenger slide reflecting 429,000+ rides is the anticipated ridership for the **calendar year** (through December 24) as opposed to the fiscal year (June – July). When basing a projection on the most recent month of ridership (because ridership is continuing to grow), MET averaged 1,878 daily riders on weekdays and 575 passengers on Saturdays; for FY25, these averages would result in 508,790 rides, for a per passenger cost of \$15.37. This figure is similar to MET's recent cost of service analysis performed by the transit planner, which focused on the period of October 2023 through April 2024 (7 months), which is the period the new MET fixed-route system has been in operation with expanded hours and frequencies. Full info as follows:

- Fixed Route
  - Passengers for defined period = 230,457
  - Mode Expense = \$3,017,147
  - Cost per passenger = \$13.09
- Paratransit
  - Passengers for defined period = 26,319
  - Mode Expense = \$909,071
  - Cost per passenger = \$34.54
- Total
  - Passengers for defined period = 256,776
  - Total Expense = \$3,926,218
  - Cost per passenger = \$15.29

## **Working Capital needs at MET**

Regarding the discussion around MET's anticipated working Capital after FY25 planned expenditures and capital projects, MET anticipates a number of factors could potentially impact the balance reflected; these include:

- MET will be completing a budget adjustment prior to FY24 fiscal year end due to the METropolex expansion and renovation project cost escalation since original Federal grant award; prior to completing design and engineering on the project, MET had budgeted the project using only the federal competitive award information, which was reflected as \$1,600,000 in federal funds and \$400,000 in local funds for a total of \$2,000,000. In order to meet the original intent of the grant, the finalized design includes dedicated classroom space for training of staff, a large conference area, centralized operations area for dispatch and supervisors, upgraded access controls,

as well as multiple needed repairs to the facility; the final project cost with A&E design and management services (\$409,000) now totals \$3,785,646, with an available federal funding increased to \$1,940,344 using both competitive and formula funds, but requires a local match of \$1,845,302. This results in local expenses for the project requiring additional capital reserves expenditure of \$1,445,302.

- MET will also be completing a budget amendment for projects requested for approval at the May 13, 2024 City Council meeting supporting the upgrade of the METroplex security camera system; this project was identified in future years in the CIP but MET is opting to complete the project this year in conjunction with the METroplex expansion and renovation project to increase efficiency of the upgrade. Requested contact award is \$176,963, with \$141,570 in federal funds and \$35,932 in local funds required. The A&E work on this also requires an additional local expenditure of \$2,720 out of a total contract value of \$13,600. Both local expenses for the project result in additional capital reserve expenditure of \$38,652.
- MET currently has nine (9) paratransit vehicles which have reached end of usable life; in an attempt to be fiscally constrained and not put MET in a position to need to replace large numbers of paratransit vehicles in one year in a similar fashion to the fixed route buses, MET anticipated only replacing two of these vehicles in the current fiscal year. However, should these vehicles prove to be non-usable or untenable to continue to maintain, MET would incur a replacement cost of \$1,017,000 without using federal assistance (approximately \$113,000 per van); MET recently submitted a competitive grant to the FTA to replace these vehicles, but is in no way guaranteed to receive federal funding in support of this project.
- As was discussed at the worksession, MET has identified a number of bus stop locations (currently at 30) requiring updates to meet ADA eligibility requirements and the potential for improved amenities; these updates include installation of concrete pads through existing boulevard areas and the placement of shelters. Based on estimates from our contracted A&E firm engineer as well as estimates from bus shelter manufacturers, each location would cost approximately \$6,400 for a 16' x 8' concrete bus pad (some will require larger pads to span the boulevard) and \$16,900 for a bus shelter, for a total cost of \$23,300 per location and a total expenditure of \$699,000 for full upgrade of all locations. However, further locations will most likely be identified as the bus stop plan continues to progress.
- Again referencing the recently submitted federal grant request, MET also requested funding for equipment to support maintenance of the soon to be delivered electric buses, including mobile scaffolding units to reach the rooftop equipment and

batteries, as well as a mobile vehicle lift. Total budget request for two scaffolding units as well as a mobile vehicle lift totaled \$70,000.

- In regard to future replacement of buses, the most recently purchased diesel buses (4) were approximately \$532,000 each for a total purchase price of \$2,128,000 while each electric bus (4) is expected to cost \$1,003,196 for a total purchase price \$4,012,784 not including the required charging infrastructure; MET does not anticipate these prices will decrease in the coming years and must have a healthy reserve in place in the event federal funding is not at adequate levels to replace buses.
- In regards to additional anticipated technology expenditures, MET does anticipate the need to replace it's onboard digital fare readers within the next two years due to the age of the technology and the equipment being worn out. The most recent purchase of 4 replacement ruggedized readers cost MET \$2,500 per updated unit; leaving 21 additional units to be replaced. Total budget request to replace these units totals \$52,500. Further, current Automated Passenger Counting technology on the vehicles are now 5 years old, meaning these 21 vehicles will also need these replaced, with two units per vehicle; each APC costs approximately \$1580, requiring an estimated expenditure of \$66,360.
- Taking all of the above into account, MET's obligated reserve is as follows:
  - Budget book working capital = \$5,875,296
  - Budget adjustment for Metroplex expansion = \$1,424,302
  - Budget adjustment for Metroplex cameras = \$38,652
  - New total = **\$4,412,342**
  - New total minus operating reserve = **\$3,112,342**
- Taking into account the non-budgeted but potential expenses in the next two years:
  - Additional expenditure needed for replacement vans with no federal funds = \$1,017,000
  - Additional expenditure needed for bus stop upgrades with no federal funds = \$699,000
  - Additional expenditure needed for electric bus maintenance support items with no federal funds = \$70,000
  - Additional expenditure needed for onboard technology replacement with no federal funds = \$118,860
  - New total if all projects executed = **\$1,207,482**

For recent bus purchases, six (6) of the 2020 buses were purchased using **competitive** funds with local match that MET successfully obtained, five (5) were purchased using a four year total of allotment of federal **formula** funds with local match, and an additional six (6) were purchased using **covid relief funds**. The four (4) recently delivered diesel buses and the four (4) soon to be delivered electric buses were purchased using **competitive** federal funds with local match. These purchases would not have been possible without MET staff securing \$ 8,268,316 in **competitive** federal funds; again, there is no guarantee that MET will receive federal competitive funds in the future nor can we rely upon pandemic relief funds to get us out of a large vehicle bind. Further emphasizing this issue, the previous majority of the MET fleet consisting of 17 Gillig Phantom Heavy Duty buses were all purchased across a 3 year period by the previous administration by primarily utilizing earmarked funds accomplished at the Federal level with federal representatives, leading MET to the need to replace a large portion of it's vehicles all at the same time. Finding a local way to secure our transit system is a necessity; without consistent and authorized funding levels that allow for MET to meet its operating expenditure as well as good fiscal management allowing for the deposit of additional funds into a capital reserve, the future of the MET system will be in jeopardy due to an inability to meet significant capital costs as they arise. Further complicating this situation is the continued and rapid growth of the Billings area; as was indicated during the presentation, once the the population level of the urbanized area surpasses 200k, MET can no longer rely upon federal funding for operations, so continued and expanding local financial support becomes more imperative with each passing year.

One final thing to consider is the significant delays in federal budgets being passed annually; without the federal operating formula funds being made available in a timely manner, it can be argued that MET Transit has a significant need to keep a higher amount of the reserve in order to ensure operations continue should federal monies not be available.

Please let me know if you have additional questions; the MET team will work with finance to ensure the budget amendments are reflected in the total working capital after the anticipated contract award on May 13.

#### **Can we levy the \$200k for local government review?**

On 2/26/24 City Council approved a staff memo authorizing a “Resolution calling for election on the question for a local government review”. The fiscal effects section of that memo stated the following “The amount appropriated will need to come from general funds or Council may levy additional mills as authorized by MCA Section 7-3-184(2)(a).” If Council chooses to levy additional mills, it is possible that someone may argue that we should not be able to due to the cap in the Charter. While state law does allow for a specific mill levy for this purpose, the cost of litigating a case may exceed the total levied amount of \$200,000.

#### **Fire & Police Impact Fee**

Impact fees exist in Montana for a variety of governmental services. Most common impact fees appear to be for Water, Wastewater, Transportation, Fire, Police, and Parks. Currently the City has development fees for Water, Wastewater, and Transportation. If the City wanted to develop impact fees for Fire, Police, and Parks the estimated study cost is \$75k-\$85k. The fewer impact analysis' that are completed, the less it would cost.



## **BILLINGS LOGAN INTERNATIONAL AIRPORT UPDATES**

## RENOVATION UPDATES

### New Concourse B is Open for Business!

We're proud to announce that our Concourse B project is complete. In September 2019, the airport (BIL) had their groundbreaking ceremony to start the Terminal Expansion Project, and on Friday, April 19, 2024, BIL held a ribbon cutting ceremony to welcome our partners and community to celebrate the project's completion.

Speakers Mayor Bill Cole, Director Jeff Roach, Engineer Heather Mosser from Morrison-Maierle, Inc., and Project Manager Colt Castlebury from Sletten Construction all addressed the crowd that attended the ribbon cutting ceremony.

Don't forget to look up as you walk down the beautiful new Concourse to see all the natural light beaming from the skylights that run the entire length of the Concourse.

You can also admire the beautiful views towards North Billings or out East to Emerald Hills thanks to all the floor-to-ceiling windows. On the south wall there are three spaces dedicated to displaying local art. We appreciate the dedication of our community partners and look forward to a busy summer season at BIL!



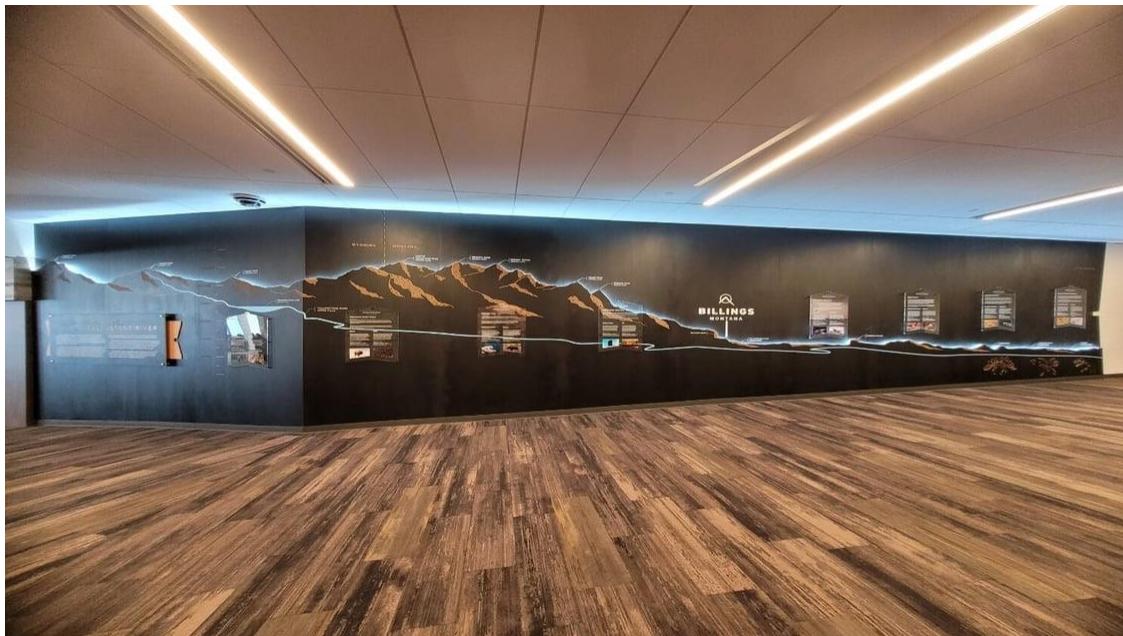
[Explore All Airport Construction Projects](#)

## FEATURED ARTIST

### At BIL

The Yellowstone River Wall is the central art piece for the Terminal Expansion Project in the exit corridor that passengers will see when they arrive at BIL and walk to the Baggage Claim Area. This was created during the design process of the project in 2018 and was a collaborative effort between A&E Architects, Airport Staff, Morrison-Maierle, Inc. and the prime contractor Sletten Construction.

Our goal was to focus on the Yellowstone River that runs throughout Montana and highlight the Mountain Peaks and wildlife that we all enjoy as Montanans. We hope that all travelers arriving to BIL will enjoy the new display and all that we have to offer in the beautiful state of Montana.



## FEATURED STORIES

Billings, MT Named Best Places to Live in the U.S. in 2024

by Livability

Stunning scenery and nearby Yellowstone National Park are just two reasons Billings, MT, is a perfect place for nature lovers. With friendly locals, top-notch schools and a low cost of living, residents enjoy a laid-back lifestyle in the heart of the beauty of Big Sky Country.



## Billings Named Best Places to Live in the U.S. in 2024 by Livability

Read Here

Montana State Breaks Ground on Billings Nursing Building

April 2024

About 200 people gathered in Billings on April 12, 2024 to celebrate the groundbreaking of a new nursing education building for Montana State University's [Mark and Robyn Jones College of Nursing](#).

The new building will be paid for by part of a [\\$101 million philanthropic investment by Mark and Robyn Jones](#), co-founders of Goosehead Insurance, and will feature state-of-the-art classrooms and laboratories. Previously, the college operated in Billings out of leased facilities.



[Read Full Release](#)

## BIL Small Community Air Service Development Program (SCASD) Update

On September 29, 2023 the City of Billings, in partnership with the Tourism Business Improvement District (TBID), the Billings Chamber of Commerce, and Big Sky Economic Development were awarded a competitive \$1,000,000 Small Community Air Service Development Program (SCASD) grant by the United States Department of Transportation to recruit, initiate, and support new air service between Billings and one of two California hubs—San Francisco or Los Angeles.

This milestone could not be possible without community support – demonstrated by the community partners shared in this graphic and many other stakeholders who have actively championed Billings and our airport. Together, we successfully combined this grant with a community match by our generous partners to demonstrate our commitment and enthusiasm for new and increased air service opportunities to serve our community and region.”

## Thank you to our sponsors:



Weave Industries | Collaborative Design | Northwestern Energy  
Rocky Vista University | Jones Construction, Inc | Overland West  
Billings Logan International Airport | Corning Companies  
Intermountain Health St. Vincent Regional Hospital | Edwards Jet Center  
Mountain College | Greg McDonald | Honaker Real Estate Group

## MORE TO EXPLORE

Regional Destination for World-Class Healthcare  
Largest City & Economy in the State



- Service area of approximately **650,000 patients** (*according to a study by Big Sky Economic Development*).
- Billings serves as the **medical hub** for world-class healthcare. Frequent and expanded air service helps us connect more patients with lifesaving, high quality services.
- Billings is proud that both Billings Clinic and St. Vincent Healthcare - Intermountain Health are certified **Level 1 Trauma Centers**, the only to have this highly-competitive distinction in Montana and the region.
- **Over \$1 billion** in upcoming investment (new buildings, increased services) will draw more talent and patients to Billings.



# Update on Grant Funding Sought by the City of Billings

## May 2024

### Connect and Protect: Law Enforcement Behavioral Health Response Program



The City of Billings has partnered with Riverstone Health in an application to the U.S. Department of Justice, Bureau of Justice Assistance. The application requests \$550,000 to support a project that would help reduce court non-compliance and revocations of release findings for individuals with mental health disorders and co-occurring substance use issues. The project would establish a "comprehensive, collaborative, and data-driven framework" managed by the City in collaboration with mental health and substance abuse service providers.

#### More About This Project

Efforts continue on multiple fronts to reduce crime and make the City of Billings a safer place to live, work, and play.

- Our criminal justice system is currently overwhelmed with offenders, cases, and inmates. Many of those who are in the system experience mental health disorders or co-occurring mental health and substance use disorders.
- The courts attempt to divert offenders toward mental health and substance use treatment when appropriate – beginning with requirements that offenders seek evaluations, obtain treatment, and check back in with courts on their progress.
- Communication systems between state, county, district, and municipal courts, and communication systems between courts and mental health/substance use providers are lacking, resulting in communication gaps that result in a large number of offenders having their release revoked due to non-compliance with conditions of release.
- Funding from the Connect and Protect grant would help the system establish a data-sharing system and communication management between courts and between courts and providers. The system will save time and help ensure that these offenders get the help they need so that they can successfully serve their sentences and re-enter the community as contributing citizens.
- Funding would help streamline and supplement efforts to stabilize offenders while incarcerated and in the community by providing mental health and re-entry support through local providers.

#### More About This Funding Source

- The U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance Connect and Protect grant program "supports law enforcement-behavioral health cross-system collaboration to improve public health and public safety by improving responses to and outcomes for individuals with mental health disorders (MHDs) or co-occurring mental health and substance use disorders (MHSUDs)."
- The grant solicitation can be found at the BJA [website](#).
- BJA expects to announce award decisions no later than September 30, 2024.

To learn more about this grant-funded project, contact:

Ted Wilson  
City of Billings Grants Administrator  
406-869-3997  
wilson@billingsmt.gov

MONTANA STATE LIBRARY COMMISSION'S

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## **EXCELLENT LIBRARY SERVICES AWARD 2024**

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This is to certify that

# **Billings Public Library**

is hereby honored with the Excellent Library Services Award  
in recognition of providing excellent library service to the community.



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Jennie Stapp  
STATE LIBRARIAN  
MONTANA STATE LIBRARY



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Robyn Scribner  
COMMISSION CHAIRPERSON  
MONTANA STATE LIBRARY





May 10, 2024

Water Policy Interim Committee

P.O. Box 201706

Helena, MT 59620-1706

Dear Chairman Walsh and Committee Members,

Our members collectively do more than any other group or entity in Montana to protect and improve Montana's surface water quality. Over the past decade, Montana's municipalities, their industry partners, and our wastewater system taxpayers have spent hundreds of millions of dollars to remove excess nutrients from their wastewater discharge loads. Montana has done far more to reduce the amount of nutrients in our discharges than any of our neighboring states in EPA Region 8 and most other states across the nation. We are proud stewards of both our watersheds and our ratepayer funds.

Our organizations were strong proponents of SB 358 (Chapter 342, Laws 2021) and have been members of the Nutrient Work Group since it began its work on these rules in May 2021. SB 358 authorized for Montana the same process that many other states in the country use successfully to protect waters from nutrients, and what the USEPA itself encourages states to do – adaptive management. (*Memorandum from Radhika Fox Assistant Administrator, Office of Water, USEPA, "Accelerating Nutrient Pollution Reductions in the Nation's Waters," April 5, 2022.*) Under this framework, stakeholders in protecting Montana's water quality and beneficial uses can more effectively, accurately, and affordably determine how best to address all nutrient contributions to a waterbody.

Unfortunately, the draft rules that the Department published propose a program that will instead require expensive and environmentally costly treatment upgrades. Therefore, we respectfully request that WPIC object to the adoption of the rules published at MAR Notice No. 17-434 on April 26, 2024 and direct the Department to analyze the economic impacts of the proposal pursuant to the Montana Administrative Procedure Act and the Montana Water Quality Act and submit that analysis to the public for review and comment before the Department moves forward with its proposal.

### **Analyze the Economic Impacts of the Proposed Standards on Montanans**

The Montana Administrative Procedures Act provides that on written request of an administrative review committee, a state agency must prepare a statement of the estimated economic impact of a proposal. (Section 2-4-405, MCA.) The Water Policy Interim Committee is the administrative rule review committee for the Department of Environmental Quality where the primary concern is the quality or quantity of water.

The need to conduct an economic impact analysis of the nutrient rule package cannot be overstated. SB 358 was, in part, passed in response to the ongoing litigation over the Department's adoption of numeric nutrient standards concurrent with a "variance." The variance, allowed by the Clean Water Act, would grant a discharger more time to meet the numeric standards if the discharger could show that doing so was infeasible due to natural conditions, the presence of dams, diversion or other hydrologic modifications, physical conditions related to natural features, or that meeting the standard would cause more environmental damage or would result in substantial and widespread economic and social impact. During the term of the variance, the "highest attainable condition" of the waterbody, as determined by DEQ and approved by EPA, must be met.

Instead of creating a narrative standard for nutrient regulation, however, the Department's proposal "translates" the narrative standards to numeric standards for total nitrogen and total phosphorus that are similar to the previous numeric standards and, likewise, not reasonably achievable. Additionally, the Department's proposal adds numeric limits for causal and instream response variables. These revised "narrative" rules work exactly like numeric standards – if a discharger hits or exceeds the threshold number, they are considered in violation of the standard. That is not and was never intended by the legislature to be the narrative standard or the implementation of SB 358. However, it is the interpretation and implementation specifically requested by EPA Region 8:

"One way to provide such assurance would be to adopt a numeric translator for the narrative criterion in rule or to incorporate a numeric translator by reference. For example, MDEQ could adopt protective thresholds for response variables that are scientifically defensible and protective of the applicable designated uses in rule, and incorporate by reference the technical documents that provide a reliable process for deriving TN and TP levels associated with those response variable thresholds." (*Letter from Andrew Todd, Chief, Water Quality Section, Region 8, U.S.EPA to Galen Steffens, Water Quality Planning Bureau Chief, MDEQ, August 18, 2021.*)

This approach does not follow the process set forth in the Clean Water Act, recognizing that the state has primacy in setting water quality standards. Instead, the Department's proposed rules essentially follow the path of the numeric standards that were repealed by SB 358. Because those standards were technologically and economically infeasible, we respectfully ask WPIC to request that the Department prepare an economic impact statement for the proposed rules that includes:

- (1) a description of the classes of persons who will be affected by the proposed rule, including those Montanans that will bear the costs of the proposed rule;
- (2) a description and quantification of the probable economic impact of the proposed rule upon the dischargers, their taxpayers, owners, and shareholders;
- (3) the probable costs to state agencies of the implementation and enforcement of the proposed rule and any anticipated effect on state revenue;
- (4) an analysis comparing the costs and benefits of the proposed rule to the costs and benefits of alternatives to the rule;
- (5) an analysis that determines whether there are less costly or less intrusive methods for achieving the purpose of the proposed rule;
- (6) an analysis of any alternative methods for achieving the purpose of the proposed rule, including those were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule;

- (7) a determination as to whether the proposed rule represents an efficient allocation of public and private resources; and
- (8) a quantification or description of the data upon which subsections (2)(a) through (2)(g) are based and an explanation of how the data was gathered. (Section 2-4-405(2), MCA.)

The Montana Water Quality Act also specifically requires the Department to ensure that effluent standards meet these thresholds. The Department shall “formulate and adopt standards of water quality, considering the economics of waste treatment and prevention.” (Section 75-5-301(2), MCA.) Further, in adopting effluent standards, “the Department shall … ensure that the standards are cost-effective and economically, environmentally, and technologically feasible.” (Section 75-5-304(2), MCA.) The Department has not analyzed any of these economic impacts required by the statute in proposing the new nutrient rules.

Since at least September 2021, our members have been providing data and information to DEQ about the impacts of the Department’s proposed course of action to impose technologically unachievable and cost-prohibitive nutrient standards on point source dischargers. By setting nutrient limits, with or without an adaptive management program, the proposed rules will require permittees who discharge to a listed waterbody in Montana to move to the highest levels of treatment. The USEPA itself recognizes that upgrading to these treatment levels requires greater use of chemicals and energy, release more greenhouse gases, generate greater volumes of biosolids residuals for disposal, and require enormous design, construction, and operating costs:

“Careful consideration should be given to the benefits from lower nutrient levels compared to the potential environmental and economic costs associated with treatment processes used to achieve those levels.” (EPA, *Life Cycle and Cost Assessments of Nutrient Removal Technologies in Wastewater Treatment Plants*, August 2021.)

Utilities cannot meet the very low standards proposed in the rules even with the highest levels of treatment currently available. The current version of the rule package includes these unachievable standards in the first permit cycle. Treatment upgrades to attempt to meet them will necessitate huge increases in assessments on the community ratepayers and existing industrial dischargers. The new standards also create a barrier to new industrial and municipal development.

Whereas the Department has contended permittees may obtain a variance or compliance schedule, these are not certain nor permanent solutions. DEQ is required to continually revisit the applicability of the variance and the Ninth Circuit found that variances cannot apply in perpetuity. At some point, every permittee that discharges could be required to pay for and achieve the highest levels of treatment with serious environmental and economic consequences, particularly for smaller communities. Even if that treatment is accomplished, the underlying standards will still not be achieved.

## **Review the Nutrient Science**

Since the passage of SB 358, DEQ has repeatedly informed the Nutrient Working Group and this committee that in developing the new nutrient rules, they “will utilize the existing science of nutrient impacts to Montana’s beneficial uses [and] will not revisit the science.” (*Nutrient Work Group Session 1 Meeting Presentation*, May 27, 2021.) While we had hoped that the rule package would allow watershed-specific investigations that consider the specific uses within the watershed and their relationship to nutrient

levels, instead the rule package begins with the premise that the unachievable numeric standards for total nitrogen, total phosphorus, and the response variables all apply at the large-scale ecoregion level. But the relationship between uses and nutrient levels is not clearly defined and is highly variable. For example, the Department listed the middle segment of the Gallatin River as impaired for algae, which indicates that the river no longer supports recreation. But recreation continues and the river's nutrient levels remain below even the previous numeric standards. That indicates that there are likely other factors beyond what a permitted discharger can control that are leading to algae growth. In such situations, continued lowering of nutrient discharge limits at great cost is not the correct answer, yet under the Department's rule package that is exactly what will occur, with no flexibility for a site-specific solution absent additional rulemaking.

This illustrates a fundamental requirement of SB358 that is lacking in the rule package – a reasonable balance of all factors impacting the water body. We have additional technical concerns, including the subjective nature of measuring at least one response variable (percent bottom cover by filamentous algae), the subjective nature of studies used to establish the threshold level of benthic algal chlorophyll, the creation of a revised biotic index that has not previously been used in mainstream assessments, potential duplication or contradiction of the proposed dissolved oxygen standards with existing dissolved oxygen standards, the applicability and validity of historic nutrient dosing studies (which, among other concerns, was also raised by EPA in their August 18, 2021 letter to DEQ), and whether the numeric standards DEQ crafted represent impairment levels or sensitivity levels. The independent applicability of each of these variables essentially creates new water quality standards for parameters that have not been measured.

### **Compare the Nutrient Regulation in Other States**

To help the Committee understand the extreme position of the rules proposed by DEQ, we suggest that the Committee request that its legislative staff prepare a state-by-state analysis of the nutrient standards adopted and enforced nationwide, or at least by those states within EPA Region 8 as well as neighboring states like Idaho. No other state in Montana's region is required to comply with the type of strict nutrient thresholds – whether adopted as numeric standards or “translated” into response variables – that Montana dischargers are being required to meet. This seems irrational since a significant portion of nutrients in wastewater come from human waste and Montana has one of the lowest populations among the headwaters or Rocky Mountain states. Colorado, where EPA Region 8 is headquartered, recently announced that, due to the apparent impossibility of obtaining the necessary design, construction, and operational services needed to comply with numeric nutrient standards, it has further extended the timeline by which it intends to even begin consideration of numeric nitrogen standards. Of note, Colorado has also created an incentive program to reward dischargers that move forward with the kinds of system improvements that Montana's dischargers have already made.

We have detailed information about the nutrient regulations adopted in each of our surrounding states that have been reviewed and approved by EPA. See Attachment A. However, there may be a benefit to having a wider, neutral, and independent review conducted by your own staff.

In summary, we respectfully request that WPIC object to the proposed rules and direct the department to conduct an economic impact statement of the proposed rules and program while the committee obtains an evaluation of the use of the nutrient science in the proposed rules and a comparison of how other states regulate nutrients. These analyses will allow the Department, the Water Policy Interim Committee (WPIC), the Water Pollution Control Advisory Council (WPCAC), the Nutrient Working Group, the

sponsor of SB 358, and the public to fully understand and consider the economic impacts of and alternatives to the proposed rules prior to their adoption.

Sincerely,



Kelly A. Lynch  
Executive Director  
Montana League of Cities and Towns



Matt Vincent  
Executive Director  
Montana Mining Association



Alan Olson  
Executive Director  
Montana Petroleum Association



John Iverson  
Executive Director  
Treasure State Resources Association

Enclosure; Attachments

cc:

Honorable Greg Gianforte, Governor of Montana  
Honorable Kristen Juras, Lieutenant Governor of Montana  
Senator John Esp  
Water Pollution Control Advisory Council (WPCAC)  
Department of Environmental Quality  
Nutrient Work Group

# NUTRIENTS EXPLAINED

## MYTH

Current levels of nutrients being discharged by the permittees are still leaving "green snot" in the bottom of rivers and still killing fish.

Even if dischargers remove 90% of the nutrients in their effluent, they still add nutrients to the surface water sufficient to cause algae growth that kills fish.

Nutrient standards are needed to ensure that algae growth does not take oxygen away from the fish and kill them.

Montana must regulate nutrients with a numeric value.

Claims that municipalities need to spend more than \$100 million to improve treatment to ensure compliance with the proposed standards are fictitious.

## REALITY

There have been no recorded nutrient related fish kills downstream of treatment plants in Montana. While there is algae in nearly all Montana rivers, many rivers have higher algae densities because there are a wide variety of sources of nutrients in Montana watersheds. This is why SB 358 proposed a watershed approach to nutrient control.

EPA recognizes that moving from base levels of nutrient removal to higher levels of nutrient removal, as the proposed rules require, is the point at which diminishing returns in water quality improvement should be balanced with adverse environmental effects and economic impacts. (EPA, *Life Cycle and Cost Assessments of Nutrient Removal Technologies in Wastewater Treatment Plants*, August 2021.)

**Dissolved oxygen standards are in place for discharge permits to protect aquatic life from lack of oxygen.** The proposed rules do include a number of water quality indicators that can be monitored and tested to determine the health of a water body, including dissolved oxygen. However, each of those indicators have a hard and fast number that must be met. That is not the flexible watershed approach envisioned by SB 358, nor is it necessary to protect aquatic life. As noted by EPA, once dischargers achieve base levels of nutrient removal, the remaining increment to be removed from wastewater treatment plants comes at an extreme cost with little benefit.

There are no federal numeric nutrient water quality standards and the Clean Water Act does not require numeric nutrient standards. No other state in EPA Region 8 regulates statewide with numeric nutrient water quality-based state standards. No other state in EPA Region 8 regulates with statewide numeric nutrient standards nor permits point source discharges with water quality-based effluent limits. Colorado and Utah use technology-based effluent standards that are both economically and technologically achievable because they recognize that regulating with numeric nutrient standards is infeasible. Wyoming, North Dakota, and South Dakota all use purely narrative nutrient standards.

The proposed rules contain effluent concentrations that require the highest levels of treatment and, at the lowest numbers, are not currently technologically achievable. Although the Department claims these are not the numbers that will be used in discharge permits, the proposed rules do not contain permitting guidance so there is no way to substantiate that claim. Contracted engineers for the communities in Montana have been designing, building, and operating local wastewater facilities for decades. They have provided estimated costs based on their knowledge and experience. For example, continued discharge to the East Gallatin River will require a higher level of treatment at a capital cost of more than \$90M and annual operating cost of more than \$2M (this is in addition to the more than \$55M already invested to get to the current treatment level, which the local taxpayers are still paying off). A mechanical plant capable of removing about 90% of nutrients is estimated to cost a community of 3,000 residents that is currently operating a lagoon more than \$20M; more than \$15,000 per household to pay off over the standard 20-year bonding period.

## Summary of Nutrient Regulation in States Near Montana

Compared to other states in the region, Montana is the only state that proposes to apply stringent numeric values for phosphorus and nitrogen across the entire state, effective immediately. Colorado proposes stringent numeric standards, but only for consideration after 2027. In the meantime, Colorado governs dischargers with permit limitations that are achievable and differ for publicly owned treatment works and industrial facilities. Colorado also exempts certain dischargers from the limitations and provides an incentive program that rewards early nutrient reductions. Utah promulgated stringent numeric criteria, but only for perennial headwaters streams. Utah also governs dischargers with permit limitations for phosphorus that are achievable for municipal plants and differ for lagoon or non-lagoon facilities. Idaho, Wyoming, North Dakota, and South Dakota all regulate nutrients with narrative criteria and site-specific values.

**Montana's Proposal:** Table 2-3 of Circular DEQ15 (March 8, 2024) proposes values that vary by ecoregion:

- Total Phosphorus values range from 40 to 226 µg/L
- Total Nitrogen values range from 640 to 1,300 µg/L

The text preceding Table 2-3 makes clear that those values are the highest that could protect beneficial uses and that “harm to beneficial uses (e.g. aquatic life) at lower TN and TP concentrations are documented in the scientific literature.” DEQ also states that “either the TN or the TP value may need to be at a lower concentration than shown in the table to ensure full protection” because “[s]imultaneous realization of paired TN and TP concentrations in Table 2-3 could also affect beneficial uses.”

**Table 2-3. Ecoregional TP and TN Concentrations Protective of Aquatic Life and Recreation Beneficial Uses. The most sensitive beneficial use associated with the ecoregional concentrations is shown. Also shown are the minimum time periods when the concentrations should be applied.**

Region	Ecoregion (Level III)	Ecoregion (Level IV)	Upper Threshold		Most Sensitive Beneficial Use Threshold is Associated With	Applicable Time Period	
			Total Phosphorus (µg/L)	Total Nitrogen (µg/L)		Start of Growing Season	End of Growing Season
Western	Northern Rockies (15)	All	40 <sup>b</sup>	640 <sup>a</sup>	Aquatic Life	July 1	September 30
Western	Canadian Rockies (41)	All	60 <sup>b</sup>				
Western	Idaho Batholith (16)	All					
Western	Middle Rockies (17)	all except 17i					
Western	Middle Rockies (17)	Absaroka-Gallatin Volcanic Mountains (17i)	117 <sup>c</sup>	Apply concentrations less than Middle Rockies (17) ecoregion threshold above	Aquatic Life	July 1	September 30
Transitional	Northwestern Glaciated Plains (42)	Sweetgrass Upland (42l), Milk River Pothole Upland (42n), Rocky Mountain Front Foothill Potholes (42q), and Foothill Grassland (42r)	226 <sup>d</sup>	640 <sup>a</sup>	Aquatic Life	July 1	September 30
Transitional	Northwestern Great Plains (43)	Non-calcareous Foothill Grassland (43s), Shields-Smith Valleys (43t), Limy Foothill Grassland (43u), Pryor-Bighorn Foothills (43v), and Unglaciated Montana High Plains (43o)*	41 <sup>e</sup>	640 <sup>a</sup>	Aquatic Life	July 1	September 30
Eastern	Northwestern Glaciated Plains (42)	all except those listed above as transitional for 42	150 <sup>f</sup>	1300 <sup>g</sup>	Aquatic Life	June 16	September 30
Eastern	Northwestern Great Plains (43) and Wyoming Basin (18)	all except for those listed above as transitional for 43, and 43c below				July 1	September 30
Eastern	Northwestern Great Plains (43)	River Breaks (43c)	Narrative Nutrient Standards Apply	Narrative Nutrient Standards Apply		June 16	September 30

**Colorado:** 5 CCR 1002-31:31:17 NUTRIENTS; 5 CCR 1002-31:31:Table V; 5 CCR 1002-31:31:Table VI; and 5 CCR 1002-85:85.5 SPECIFIC LIMITATIONS FOR DISCHARGERS OF NUTRIENTS

Colorado adopted a phased approach that allows numeric values to be considered for adoption after 2027. The values may be considered prior to that only in certain circumstances, including for waters upstream of permitted domestic wastewater treatment facilities. EPA has not acted on the phased

approach. EPA approved Colorado's use of "the annual median of the daily average flows with a 1 in 5 year recurrence interval" as the critical flow to be used when implementing the standard in permits (i.e.: when conducting a reasonable potential analysis). The deferred values, to be considered for adoption as standards after 2027 are:

- Rivers and streams interim standard (EPA has not acted on these numbers):
  - Algae standard for rivers and streams applies July 1 through September 30:
    - 150 mg/m<sup>2</sup> Chlorophyll *a* (applies July 1 through September 30)
  - Cold water rivers and streams:
    - 110 µg/L phosphorus
    - 1,250 µg/L nitrogen
  - Warm water rivers and streams:
    - 170 µg/L phosphorus
    - 2,010 µg/L nitrogen
- Lakes and Reservoirs:
  - Direct use waters
    - 0.005 mg/L Chlorophyll *a* for, March 1 – November 30, annual seasonal average
  - Cold water lakes and reservoirs greater than 25 acres in surface area
    - 0.008 mg/L Chlorophyll *a* for cold water
    - 21 µg/L phosphorus
    - 380 µg/L nitrogen
  - Warm water lakes and reservoirs greater than 25 acres in surface area
    - 0.020 mg/L Chlorophyll *a*
    - 47 µg/L phosphorus
    - 670 µg/L nitrogen

In the meantime, the following effluent limitations apply to Wastewater Treatment Works on two bases: the rolling annual median limit and the 95<sup>th</sup> percentile of all samples taken in the most recent 12 months:

- Domestic Wastewater Treatment Works are subject to limitations:
  - Total Phosphorus 1,000 µg/L annual median; 2,500 µg/L 95<sup>th</sup> percentile
  - Total Inorganic Nitrogen 15,000 µg/L annual median; 20,000 µg/L 95<sup>th</sup> percentile
  - Facilities are exempt from the limits:
    - If the design capacity is less than or equal to 1.0 million gallons per day
    - If the system is owned by a disadvantaged community
  - Delayed Implementation of effluent limits until 2027 for:
    - Permitted facilities subject to Watershed Protection Control Regulations
    - Facilities with a design capacity less than or equal to 2.0 mgd
    - Existing permitted facilities discharging into low priority watersheds
  - New facilities are subject to limitations:
    - Total Phosphorus 700 µg/L annual median; 1,750 µg/L 95<sup>th</sup> percentile
    - Total Nitrogen 7,000 µg/L annual median; 14,000 µg/L 95<sup>th</sup> percentile
- Non-Domestic Wastewater Treatment Works
  - Facilities within SIC Code 20 (food and kindred products):
    - Total Phosphorus at 10,000 µg/L annual median; 25,000 µg/L 95<sup>th</sup> percentile
    - Total Inorganic Nitrogen at 20,000 µg/L annual median; 27,000 µg/L 95<sup>th</sup> percentile
  - Other Non-Domestic facilities determined to discharge in excess of the following will be subject to the following as limitations:

- Total Phosphorus 1,000 µg/L annual median; 2,500 µg/L 95<sup>th</sup> percentile
  - Total Inorganic Nitrogen 15,000 µg/L annual median; 20,000 µg/L 95<sup>th</sup> percentile
- Existing facilities discharging to low priority watersheds are exempt from the limitations until after 2027.
- New facilities within SIC code 20 (food and kindred products):
  - Total Phosphorus 5,000 µg/L annual median; 13,000 µg/L 95<sup>th</sup> percentile
  - Total Inorganic Nitrogen 10,000 µg/L annual median; 20,000 µg/L 95<sup>th</sup> percentile
- New facilities not in SIC code 20, determined to discharge in excess of the following will be subject to the following as limitations:
  - Total Phosphorus 700 µg/L annual median; 1,750 µg/L 95<sup>th</sup> percentile
  - Total Inorganic Nitrogen 7,000 µg/L annual median; 14,000 µg/L 95<sup>th</sup> percentile
- Specific provisions exist for compliance schedules, exceptions to the interim limitations, variances, nutrient trading, MS4 nutrient source reductions, BMPs and public information for nonpoint source discharges.
- A voluntary incentive program is offered that allows facilities to delay permit limits beyond 2027 based on increased treatment and improved effluent quality.

**Idaho:**<sup>1</sup> Idaho Admin. Code R. 58.01.02.200.06

Surface waters of the state shall be free from excess nutrients that can cause visible slime growths or other nuisance aquatic growths impairing designated beneficial uses.

**North Dakota:** ND ADC 33.1-16-02.1-08.1.a.(6).

All waters of the state shall be... "Free from nutrients attributed to municipal, industrial, or other discharges or agricultural practices, in concentrations or loadings which will cause accelerated eutrophication resulting in the objectionable growth of aquatic vegetation or algae or other impairments to the extent that it threatens public health or welfare or impairs present or future beneficial uses."

- "Eutrophication" means the process of enrichment of rivers, streams, lakes, reservoirs, and wetlands with nutrients needed to maintain primary production.
- "Nutrients" mean the chemical elements, primarily nitrogen and phosphorus, which are critical to the growth of aquatic plants and animals.

**South Dakota:** S.D. Admin. R. 74:51:01:09

Materials which produce nuisance aquatic life may not be discharged or caused to be discharged into surface waters of the state in concentrations that impair an existing or designated beneficial use or create a human health problem.

**Utah:** Utah Admin. Code R. R317-2-14, Tables 2.14.7 and 2.14.8; Utah Admin. Code R. R317-1-3

Numeric criteria apply only to perennial headwaters streams:

- For Classes 2A and 2B (recreation protected) headwaters:
  - 125 mg/m<sup>2</sup> chlorophyll-a; or
  - 49 g/m<sup>2</sup> ash free dry mass
- For Classes 3A, 3B, 3C, and 3D headwaters:
  - For low and moderate enrichment headwater perennial streams:  
Total Phosphorus 35 µg/L and Total Nitrogen 400 µg/L
  - For moderate and high enrichment headwater perennial streams:  
Total Phosphorus 80 µg/L and Total Nitrogen 800 µg/L and:

<sup>1</sup> Idaho is in EPA Region 10, the other states listed are all in Region 8 like Montana.

- 33% cover filamentous algae; or
- 6g O<sub>2</sub>/m<sup>2</sup>-day gross primary production; or
- 5 g O<sub>2</sub>/m<sup>2</sup>-day ecosystem respiration.

Technology Based Effluent Limitations for Phosphorus apply to dischargers:

- 1,000 µg/L total phosphorus for non-lagoon facilities
- cap at 125% of the current annual total phosphorus load for discharging lagoons

Variances are allowed, but only until 2025.

Facilities that optimize for nitrogen removal may receive a waiver of up to 10 years from requirements to meet total inorganic nitrogen effluent limitations.

**Wyoming:** Wyo. Admin. Code 020.0011.1 § 28

All Wyoming surface waters shall be free from substances and conditions or combinations thereof which are attributable to or influenced by the activities of man, in concentrations which produce undesirable aquatic life.

# NUTRIENTS EXPLAINED

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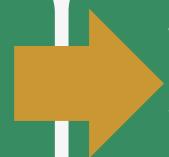
The proposed rules contain effluent concentrations that require the highest levels of treatment and, at the lowest numbers, are not currently technologically achievable. Although the Department claims these are not the numbers that will be used in discharge permits, the proposed rules do not contain permitting guidance so there is no way to substantiate that claim. Contracted engineers for the communities in Montana have been designing, building, and operating local wastewater facilities for decades. They have provided estimated costs based on their knowledge and experience. For example, continued discharge to the East Gallatin River will require a higher level of treatment at a capital cost of more than \$90M and annual operating cost of more than \$2M (this is in addition to the more than \$55M already invested to get to the current treatment level, which the local taxpayers are still paying off). A mechanical plant capable of removing about 90% of nutrients is estimated to cost a community of 3,000 residents that is currently operating a lagoon more than \$20M; more than \$15,000 per household to pay off over the standard 20-year bonding period.

# NUTRIENTS EXPLAINED

## MYTH

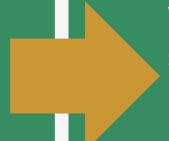
## REALITY

We need to improve permittees' control of nutrients.



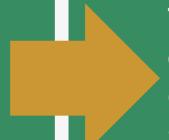
The largest dischargers in Montana have already removed more than 90% of their nutrients at a cost of more than \$250M. DEQ has long recognized that other sources also contribute nutrients to surface waters and in certain situations may be the largest contributors. (*DEQ, Scientific and Technical Basis of the Numeric Nutrient Criteria for Montana's Wadeable Streams and Rivers, November 2008.*)

The rule package includes a workable adaptive management program (AMP).



While AMPs will serve as a long-range compliance plan for discharge permitting purposes, there is not sufficient information to understand how final effluent limits will be determined, applied, or how implementation of AMP watershed nutrient improvements will be credited against permitted nutrient loads. **Since permits are an integral component of the AMP, the feasibility of the proposed AMP cannot be ascertained without this accompanying permit guidance.** Additionally, a compliance plan presumes that the standard will be met at some point. There is no clarity on what will happen if all control efforts are completed and the numeric criteria still cannot be met.

The rule package will result in reasonable permit limits.



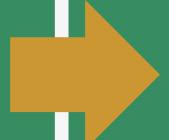
**The proposed rules require treatment at an order of magnitude below EPA's recognized limits of existing treatment technology** (*EPA, Biological Nutrient Removal Processes and Costs, 2007*). While DEQ claims the permit limits will not be set at these treatment levels, that is not what the proposed rules say, and since there is no permit guidance in the proposed rules, regulated dischargers cannot ascertain how permits will be written. The current rule package is problematic for dischargers where DEQ has already allocated unachievable numeric nutrient loads to dischargers within a watershed. The rules indicate that those numbers will remain in place, regardless of what permit limits a discharger receives under the proposed rules.

Some municipalities can and are already meeting the proposed numeric standards.



No municipal discharger is currently meeting the proposed nitrogen standard through treatment. This is why SB 358 called for prioritizing phosphorus removal, since the technology exists to address that nutrient, it is more cost-effective, and uses less chemicals and energy. Several point-source dischargers in Montana are meeting or planning to meet the proposed nitrogen standard by not discharging at all during the summer months, arguably a time when fish, recreation, and irrigation need water the most.

The numeric criteria in DEQ12A still govern until a new standard is adopted.



In 2022, Judge Morris dismissed the case *Upper Missouri Waterkeeper v. U.S. EPA*, because "the Legislature has repealed the 12-A numeric criteria." EPA agreed to that dismissal based on SB 358's repeal of DEQ12A. Therefore, DEQ12A has been repealed and that repeal has been acknowledged by EPA. To claim otherwise means that additional litigation is required to determine the validity of the non-severability clause and whether it has been triggered, which would also void DEQ12A.

If Montana does not adopt the proposed rules, EPA will withdraw Montana's primacy over water quality standards and take over MPDES permitting in Montana.



Criteria for EPA withdrawal of a state program are laid out in the federal Clean Water Act rules and include documentation of systemic and programmatic failures before EPA is allowed to act. Failure to adopt a numeric water quality standard, as EPA prefers and the rules propose, does not meet the criteria for withdrawal of the program. EPA may disapprove a water quality standard and return it to the state for recommended changes, but that does not equate to taking over Montana's program.

**2024 COUNCIL MEETINGS SCHEDULE**  
(Year to date listing appears at the end of this schedule)

**May 20, 2024 (BUDGET) – WORK SESSION**

1. Planning / Code Enforcement / Community Development
2. Public Works
3. Storm Water Program
4. Council Discussion

**May 21, 2024 (Tuesday) (BUDGET) – SPECIAL WORK SESSION**

1. Legal
2. Parks and Recreation
3. TIF Districts
4. Budget Wrap-up
5. Council Discussion

**May 28, 2024, Tuesday - REGULAR BUSINESS**

**Courtesies** – Award for Steve McConnell – Parks Forestry from Patrick Clattenburg from MT Urban and Community Forestry Assn. (Don't put on the Agenda – to be a surprise, but remind the Mayor)

**SPECIAL PRESENTATION:** Thorne Run

**CONSENT:**

1. Boards and Commissions
2. BID AWARD: W.O. 20-13: King Ave. W. and 36<sup>th</sup> St. W. Traffic Signal Improvements
3. BID AWARD: W.O. 23-45: Street & Traffic Remote Sale Storage/Breakroom
4. BID AWARD: W.O. 24-24: Voelker Pump Station Pressure Reducing Valve
5. Amendment No. 1 - W.O. 24-01, Contract 2: 2024 Sewer Main Replacement Professional Services Agreement with Morrison-Maierle
6. Security Contract with Signal of Montana for Library
7. Purchase of FY25 Solid Waste Refuse Trucks
8. Surplus Disposal of 300-Gallon Waste Containers to Powell, WY
9. 2024 HIDTA Award for PD
10. Donations - Graffiti reward fund
11. Donations – Mobilize the MAGIC City Project
12. Easement from Billings Public Schools for the Rose Park Trail
13. Prelim. Minor Plat – Broso Valley Park Sub.
14. Prelim. Minor Plat – Les Schwab Sub.
15. Final Plat - Annafeld Sub., 5<sup>th</sup> Filing
16. Resolution Authorizing the Sale and Prescribing the Form and Terms for the Expanded North 27th Street Refunding Bonds
17. Second/Final Reading ORD – Amending Parking Sections

**REGULAR:**

1. PH and RES for FY25 Collection and Landfill Fees
2. PH and 1<sup>st</sup> Rdg. ORD for Zone Change 1041 – SB 245 Text Amendments
3. PH and 1<sup>st</sup> Rdg. ORD for Zone Change 1047 - Copper Ridge 7th & 8th Filing
4. BID AWARD: W.O. 23-11: Downtown 2-way Street Conversion (Cont'd from 5/13/24)
5. MOU with Yellowstone County Short-Term Holding Facility (not in AQ)

**June 3, 2024 – WORK SESSION**

1. Billings Mustangs?? Chris will check
2. Code Enforcement/Encroachments (CM Kennedy request)
3. Yellowstone River Parks Association (YRPA) Presentation – Mike Pigg
4. International Fire Code
5. Fire Dept. 2023/24 Annual Report
6. Police Dept. 2023/24 Annual Report
7. Proposed City Subdivision Regulation Amendments
8. Budget Wrap up
9. Council Discussion

**June 10, 2024 - REGULAR BUSINESS**

**CONSENT:**

1. Purchase of 4 Frontload Refuse Trucks for Solid Waste Div.
2. Purchase of 2025 12-Yard Dump Truck for Distribution/Collection Div.
3. MOU with Yellowstone County MetraPark Water Line Replacement
4. Mitchell Court Affordable Housing Project
5. Amendment to Whisper Ridge Sub. SIA

**REGULAR:**

1. PH and RES donating Whisper Ridge Sub., Phase II
2. PH and RES Adopting FY25 Budget
3. Babcock Marquee

**June 17, 2024 – WORK SESSION**

**CLOSED EXECUTIVE SESSION 4:30 – 5:30 PM**

1. Pedestrian/Bike Master Plan Progress Report
2. SIDs – Gravel Roads
3. Tax Abatement Policy (Dianne, BSEDA/Chris)
4. Council Discussion

**June 24, 2024 - REGULAR BUSINESS**

**CONSENT:**

1. Boards and Commissions

**REGULAR:**

1. PH and RES Setting Annual TBID Assessments
2. PH and RES Setting Annual Street Maintenance District Assessments for FY25
3. PH and 1<sup>st</sup> Reading ORD - Zone Change 1052 - Zimmerman Trail - NO to NX3

**July 1, 2024 – WORK SESSION**

- 1.
2. Council Discussion

**July 8, 2024 - REGULAR BUSINESS**

**CONSENT:**

1.

**REGULAR:**

1.

**July 15, 2024 – WORK SESSION**

- 1.
2. Council Discussion

**July 22, 2024 - REGULAR BUSINESS CHRIS OUT**

**CONSENT:**

1.

**REGULAR:**

1.

**August 5, 2024 – WORK SESSION**

1. Billings Association of Realtors (Steve Simonson)
2. Council Discussion

**August 12, 2024 - REGULAR BUSINESS**

**CONSENT:**

1.

**REGULAR:**

1.

**August 19, 2024 – WORK SESSION**

1. CD Board role and responsibilities
  - Eligible CDBG activities
  - HOME Investment Partnerships Program
  - Consolidated Plan, Annual Action Plans, and Requirements
  - HUD principles
  - CDBG Timeliness, pandemic changes
  - Regulatory compliance
  - Grants versus loans
  - Conflict of Interest
  - Consolidated Plan components
  - Foreclosure program, including MDOC repayments (restricted to foreclosures)
  - First Time Home Buyer
  - AmeriCorps VISTA
2. Council Discussion

**August 26, 2024 - REGULAR BUSINESS**

**CONSENT:**

1.

**REGULAR:**

1.

**September 3, 2024 (Tues.) – WORK SESSION**

1.

2. Council Discussion

**September 9, 2024 - REGULAR BUSINESS**

**CONSENT:**

1.

**REGULAR:**

1.

**September 16, 2024 – WORK SESSION**

**CLOSED EXECUTIVE SESSION 4:30 – 5:30 PM**

1.

2. Council Discussion

**September 23, 2024 - REGULAR BUSINESS**

**CONSENT:**

1.

**REGULAR:**

1.

**October 7, 2024 – WORK SESSION**

**CLOSED EXECUTIVE SESSION 4:30 – 5:30 PM CA Annual Review**

1. Council Discussion

**October 15, 2024 - REGULAR BUSINESS**

**CONSENT:**

1.

**REGULAR:**

1.

**October 21, 2024 – WORK SESSION**

- 1.
2. Council Discussion

**October 28, 2024 - REGULAR BUSINESS**

**CONSENT:**

- 1.

**REGULAR:**

- 1.

**November 4, 2024 – WORK SESSION**

- 1.
2. Council Discussion

**November 12, 2024 (Tues.) - REGULAR BUSINESS**

**CONSENT:**

- 1.

**REGULAR:**

- 1.

**November 18, 2024 – WORK SESSION**

- 1.
2. Council Discussion

**November 25, 2024 - REGULAR BUSINESS**

**CONSENT:**

- 1.

**REGULAR:**

- 1.

**December 2, 2024 – WORK SESSION**

**CLOSED EXECUTIVE SESSION 4:30 – 5:30 PM**

- 1.
2. Council Discussion

**December 9, 2024 - REGULAR BUSINESS**

**CONSENT:**

1. Beartooth RC&D MOU

**REGULAR:**

- 1.

**December 16, 2024 – WORK SESSION (Vacate?)**

- 1.
2. Council Discussion

**December 23, 2024 - REGULAR BUSINESS**

**CONSENT:**

1.

**REGULAR:**

1.

DRAFT

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### **January 2, 2024 (Tues.) – WORK SESSION**

1. Administration of Oaths and Affirmations of Office for reelected Councilmembers
2. DES Emergency Management Update (K.C. Williams)
3. Ordinance Amendments to Water and Wastewater Utilities
4. Stormwater Billing
5. Council Discussion

### **January 8, 2024 - REGULAR BUSINESS**

#### **CONSENT:**

- A. Bid Award: W.O. 24-03: Contract 2 Chip Seal / Scrub Seal
- B. Bid Award: W.O. 23-46: Compost Facility Waterline
- C. Purchase Water Reclamation Facility Equipment – Disinfection parts
- D. City-County Special Investigations Unit (CCSIU) Agreement for 2024
- E. W.O. 19-42: WE Water Treatment contract - Dick Anderson
- F. Bureau of Reclamation WaterSMART Small-Scale Water Efficiency Projects
- G. Donations to Library
- H. MT FWP trail stewardship grant application
- I. Northwestern Energy easement for Mountview Cemetery
- J. ~~Easements North 28th Street~~

#### **REGULAR:**

2. PH and 1<sup>st</sup> reading ORD – Cemetery Code changes
3. PH and 1<sup>st</sup> reading ORD – ZC 1040 - 1404 and 1406 Avenue B
4. PH and 1<sup>st</sup> reading ORD – Special Review 998 – 1406 Avenue B
5. Nomination and Election of Deputy Mayor Pro Tempore

### **January 16, 2024 (Tues.) – WORK SESSION at the Library!**

1. Crime Prevention Round Table Discussion – focused on Crime Prevention
2. Council Discussion

### **January 22, 2024 - REGULAR BUSINESS**

#### **CONSENT:**

1. Change Order 1 – New City Hall Access Control and Camera System
2. Contract for Airport Master Plan update
3. Memorandum of Understanding with Yellowstone County - West End Neighborhood Plan Update
4. Amendment to Memorandum of Understanding with the Yellowstone Conservation District for West End Reservoir Master Plan
5. Amend Park Development Council 2024 Proposed Budget
6. Federal Aviation Administration Airport Improvement Program Grants
7. Montana Community Reinvestment Plan Act Planning Grant (SB 382) growth policy
8. Donation to Parks from Billings Go Kickball to Youth Scholarship Fund
9. Donation to Parks from Scheels for Youth Scholarship Fund
10. Release of Perpetual ROW Easements - North 28th Street
11. Preliminary plat extension request for Annafeld North Subdivision, 2nd Filing
12. Resolution Authorizing the Filing and Acceptance of Transit Grant Funds and Related Documents
13. Resolution Authorizing the Issuance and Private Negotiated Sale of Expanded North 27th Street Tax Increment Bonds
14. Resolution of Intent to Create District and Set a Public Hearing-SID 1427
15. Resolution of Intent to Create District and Set a Public Hearing-SID 1426
16. 2<sup>nd</sup>/ Final Reading ORD. – ZC 1040 – 1404 and 1406 Avenue B
17. 2<sup>nd</sup>/ Final Reading ORD amending Cemetery Rules and Regulations and Repealing ORD 03-5240

#### **REGULAR:**

2. PH - MT Dept. of Commerce Infrastructure Grant Application
3. PH and 1<sup>st</sup> reading ORD - BMCC Chapter 26 Water and Wastewater First Reading and Public Hearing
4. Appointments to Council Subcommittees and Boards and Commissions

**February 5, 2024 – WORK SESSION**

1. YC Short Term Jail Request
2. MRM update – Matt Lundgren
3. CRU and MRT Updates (Pepper and Banfield)
4. Family Violence Response Unit Update (St. John per Owen's Initiative)
5. CPTED (John Caterino, Mike Pigg and Wyeth Friday)
6. Council Discussion

**February 12, 2024 - REGULAR BUSINESS****CONSENT:**

1. Bid Award: Landon's Inclusive Playground and Phase II Parking Lot Poly Vista Park
2. Bid Award: W.O. 24-07: Safe Routes to School
3. Bid Award: W.O. 24-19: Arnold Drain Intake Structure
4. Purchase 8 Police Utility Vehicles from Duval Ford
5. Purchase Night Vision Systems for Police S.W.A.T. Team
6. Contract for Uniform Rental / Purchase and Laundry Services for Public Works
7. Contract for scanning services with DIS Technologies
8. Contract for New City Hall Elevator Modernization
9. Amendment 15 with Morrison-Maierle, Inc. for Engineering Services to Construct Cargo Ramp Slot 5
10. Amendment 16 with Morrison-Maierle, Inc. for Engineering Services to Rehabilitate Aviation Place Access Road
11. Fire grant from State Farm
12. Annual Certified Local Government Grant Program for Historic Preservation
13. Second Reading BMCC Water and Wastewater

**REGULAR:**

2. PH and RES Creating SID 1426, Arvin Lane
  - a. Bid Award: SID 1426, Arvin Lane
3. PH and RES Creating SID 1427, Hancock Drive
  - a. Bid Award: SID 1427, Hancock Drive
4. New City Hall Security and additional updates (Kevin)
5. Gifting land to YVAS Discussion (Chris)

**COUNCIL INITIATIVE - BUILT Environment - CM Rupsis****February 20, 2024 (Tues.) – WORK SESSION**

1. City Ordinance Amendments – Code Enforcement (Tina Hoeger)
2. Montana Land Use Planning Act (SB 382) Wyeth
3. PMD Assessment Approval Discussion (Per Rupsis's question)
4. Short Term Detention Center Discussion
5. Retreat Prep Discussion
6. Council Discussion

**February 26, 2024 - REGULAR BUSINESS****CONSENT:**

1. Boards and Commissions
2. BID AWARD: W.O. 24-01: Contract 1: 2024 Billings Water Main Replacement
3. BID AWARD: W.O. 24-03: Contract No 2 City Chip/Scrub Seal
4. BID AWARD: W.O. 24-11: WRF Solids Process Building Roof Replacement
5. Purchase of 2024 Asphalt Roller – Public Works
6. Purchase of 3 New Vehicles - Public Works - Engineering
7. Contract W.O. 24-21: 1st Ave N Two-Way Conversion Feasibility Study – Sanderson Stewart
8. Funding, Maintenance, Construction and Local Agency Guidelines MDT Agreement - Stagecoach Trail
9. West End Hangar Ground Leases with Beacon Air Group, LLC
10. Donation from the Yellowstone County DUI Task Force to Police Dept.
11. Donation from Streeter Brothers Insurance to Senior Scholarship Fund to Parks
12. Preliminary Plat Extension for Hunters Point Sub
13. Resolution – June Ballot - Local Government Review
14. Letter to County Re Jail discussion re: short-term holding

**REGULAR:**

2. PH – Low-income Multi-family rental housing (No Action) (Bjornson Jones Mungas Law office)
3. PH & RES for Nuisance Property Abatement Assessments
4. PH & RES for Weed Assessments
5. PH and 1<sup>st</sup> Reading ORD – ZC 1042, 655 West Wicks Lane

**March 4, 2024 – WORK SESSION (Mayor out of town this week)**

1. SBURA Update – Recreation Center Next Steps (Dick Zier, SBURA)
2. 2024-2028 Transportation Improvement Program Review (Lora Mattox)
3. Update on upcoming Council retreat - Chris
4. Council Discussion

**March 11, 2024 - REGULAR BUSINESS**

**CONSENT:**

1. BID AWARD: W.O. 24-02: Missing Sidewalk Project
2. BID AWARD: 1709 St. Johns Ave. – Housing Rehab Project
3. Agreement with United Diagnostic Services for Medical Evaluation /Diagnostic – Fire
4. MOU with Little League Baseball and Softball
5. MOU with Annafeld Homeowners Association
6. 2024-2028 Transportation Improvement Program
7. AmeriCorps Vista Project Grant Application Submittal
8. Inflation Reduction Act Forest Grant
9. Preliminary Minor Plat - Zimmerman Home Place Subdivision, 4th Filing
10. Resolution Ordering Improvements - W.O. 24-02: Missing Sidewalk Program
11. 2<sup>nd</sup>/Final Reading ORD – ZC 1042 – 655 West Wicks Lane

**REGULAR:**

2. PH & RES. rescinding Resolution 90-16317, Hogan Homestead (Continued)
3. PH & 1<sup>st</sup> Rdg. ORD. - Stormwater Billing
4. PH for Sale of City Hall, South Parking Lot, and North Parking Lot
5. Downtown Billings Partnership - Tax Increment Assistance - Rockman Hotel Project
6. EBURD - Tax Increment Assistance – 320 North 17<sup>th</sup> Street

**March 15, 2024 - Council Retreat at Rock 31 (Noon – 6:30 PM)**

**March 16, 2024 - Council Retreat at Rock 31 (8:00 AM – 1:00 PM)**

**March 18, 2024 – WORK SESSION**

**CLOSED EXECUTIVE SESSION 4:30 – 5:30 PM**

1. Bicycle and Pedestrian Advisory Committee Annual
2. Permanent Supportive Housing Discussion (Dean Wells from United Way and CoC)
3. Art House / Babcock Theater Discussion
4. Zoom – Public Comment Discussion
5. Council Discussion

**March 25, 2024 - REGULAR BUSINESS**

**CONSENT:**

1. BID AWARD: Airport Cargo Ramp Slot 5
2. Amendment No. 5, W.O. 19-42: West End Water Treatment Plant Project
3. W.O. 24-28: Water Treatment Plant Sediment Hauling
4. Non-Commercial Aviation Ground Lease with Agri-Systems
5. Lease Purchase Agreement with MT Board of Investments to finance New City Hall Improvements
6. Commercial and Roll-off Container Purchases

7. Purchase 95-gallon Residential Refuse Carts for SW
8. Donations to Billings Public Library
9. Donation to Parks from Addie Allen
10. Donation to Parks from United States Tennis Association of Montana
11. Donation from Scheels for K9 Operations
12. Fire - Plains Pipeline Grant
13. Fire - Phillips 66 Grant
14. Preliminary Major Plat – Skyview Ridge, 2<sup>nd</sup> Filing
15. Resolution of Intent to Create SID 1425 Broso Park and Gabel Traffic Signal
16. 2<sup>nd</sup> Reading Ordinance Amending BMCC, Art. 22-800, Storm Sewers

**REGULAR:**

2. PH - MT Dept. of Commerce Infrastructure Grant Application
3. PH and 1<sup>st</sup> Reading - ZC 1043 – 4190 S. Frontage Rd.
4. Joint PH
  - a. RES Annexation 24-01
  - b. 1<sup>st</sup> Reading ZC 1044 – 5900 Block of Grand Ave.
  - c. ~~Annexation Agreement – George Jurovich (add to April 22)~~
  - d. PH and 1<sup>st</sup> Reading – Ward Boundary Expansion – Annexation 24-01
5. Joint PH
  - a. RES Annexation 24-02
  - b. 1<sup>st</sup> Reading ZC 1045 – 4524 Central Avenue
  - c. Annexation Agreement – Brown Builders, LLC
  - d. PH and 1<sup>st</sup> Reading – Ward Boundary Expansion – Annexation
6. PH – 1<sup>st</sup> Reading – ZC 1046 – 1202 West Wicks Lane (May be continued to the 22<sup>nd</sup>)

**April 1, 2024 – WORK SESSION**

1. Chase Hawks and Visit Billings (Alex Tyson) - economic impact study (Burn the Point event)
2. MOU with Hoodies 4 Heroes /Dehler Park Memorial
3. Joint Drone Program (Mark Solberg/FD)
4. Safe Routes to School (Elyse Monat)
5. Parks Recreation update for 2024 programs
6. Council Discussion

**April 8, 2024 - REGULAR BUSINESS**

**CONSENT:**

1. BID AWARD: W.O. 23-33 Grandview Park Irrigation System Replacement
2. BID AWARD: W.O. 24-01: Contract 3, Cedar Park Water Main Replacement
3. BID AWARD: W.O. 24-27: 2024 Water Service Repairs
4. BID AWARD: Aviation Place Road Rehabilitation
5. BID AWARD: MET Transit Office Addition and Remodel
6. BID AWARD: Pioneer Park Tennis Court Replacement Project
7. Contract with TeleData Technologies - New City Hall Audio Visual Systems
8. MOU with Hoodies 4 Heroes for Memorial at Dehler Park
9. Agreement with Yellowstone County to Provide Law Enforcement Data Processing
10. Amend Park Community Garden grant – Parks Department
11. Safe Routes to School Plan Update, Phase 2, recommendation to PCC
12. Boundary Line Relocation between City Parking Lot and Grand Building
13. 2<sup>nd</sup> Reading Ord. Ward Boundary Expansion – Annexation 24-01
14. 2<sup>nd</sup> Reading Ord. Ward Boundary Expansion – Annexation 24-02
15. 2<sup>nd</sup> Reading Ord. ZC 1043
16. 2<sup>nd</sup> Reading Ord. ZC 1044
17. 2<sup>nd</sup> Reading Ord. ZC 1045
18. 2<sup>nd</sup> Reading Ord. ZC 1046
19. Resolution authorizing the issuance and sale for refunding Series 2013A bonds

**REGULAR:**

2. PH – Land Use Contrary to Zoning for HomeFront - 302 Sioux Lane
3. PH and 1<sup>st</sup> Reading - City Ordinance Amendments – Code Enforcement
  - a. 18-300, Nuisances

- b. 18-1100, Graffiti
- c. 18-1400, Boarded up structures
- 4. Resolution establishing graffiti fund
- 5. Cottonwood Park Master Plan (Tabled)

#### **April 15, 2024 – WORK SESSION**

- 1. Community Impact of Legalized Marijuana – Ben Cort
- 2. CGL – Efficiency Study – Court and Legal
- 3. Zoning Code Update to Comply with SB 245 (2023)
- 4. Disposal of Lampman Park
- 5. Council Discussion

#### **April 22, 2024 - REGULAR BUSINESS CHRIS OUT**

##### **CONSENT:**

- 1. Boards and Commissions
- 2. BID AWARD: W.O. 23-23: Briarwood H2S Mitigation
- 3. BID AWARD: W.O. 24-01, Contract 2: 2024 Sewer Main Replacement Project
- 4. BID AWARD: W.O. 24-10 and W.O. 22-22: 2024 Annual Street Reconstruction
- 5. BID AWARD: (2) 2024 37,000 GVW Single Axle Trucks with Dump/Sander/Plow
- 6. Consulting Agreement with DOWL - Heights Neighborhood Plan Update
- 7. ~~Amendment 1, WO 24-01: Contract 2, Sewer Main Replacement~~
- 8. MOU Extension with 3 TIF Boards
- 9. ~~MOU with BBWA for DNRC Grants (Delayed to May 13<sup>th</sup> to be brought back as a single grant, rather than a blanket MOU for all DNRC grants)~~
- 10. Acceptance of CRU backup vehicle
- 11. Donations to the Billings Public Library
- 12. Donation to the Billings Police Department
- 13. Donation for Poly Vista Park
- 14. Release of Right-of-Way Easement on Tract 2A-1 of the Amended Plat of Tract 2A of COS 2063
- 15. Annexation Agreement with C&T Equipment Holding, LLC – Annexation 24-01
- 16. Resolution ordering improvements to W.O. 22-22: 10<sup>th</sup> Avenue South and S. 30<sup>th</sup> St.
- 17. 2<sup>nd</sup> Reading ORD – Code Enforcement Amendment – Graffiti
- 18. 2<sup>nd</sup> Reading ORD – Code Enforcement Amendment – Boarded up structures
- 19. 2<sup>nd</sup> Reading ORD – Code Enforcement Amendment – Nuisances

##### **REGULAR:**

- 2. Public Hearing and Approval of FY24-FY25 Annual Action Plan including CDBG & HOME Budget Allocations
- 3. PH and RES. rescinding Resolution 90-16317, Hogan Homestead (Continued from 3.11.24)
- 4. SID 1425, Broso Park and Gabel Road Traffic Signal
  - a. PH and RES. SID 1425, Broso Park and Gabel Road Traffic Signal
  - b. Bid Award: SID 1425, Broso Park and Gabel Road Traffic Signal
- 5. PH and 1<sup>st</sup> Rdg. ORD. ZC 1049 – 1911 & 1915 8<sup>th</sup> Ave. N.
- 6. PH and 1<sup>st</sup> Rdg. ORD. ZC 1050 – Hawk Creek Ave.
- 7. TIF – EBURD, 204 N. 13<sup>th</sup> Street, 1889 Brewery

**\*\*Judge Kolar would like to be first during budget meetings**

#### **May 6, 2024 (BUDGET) – WORK SESSION**

- 1. Overview
- 2. Municipal Court
- 3. Library
- 4. Aviation and Transit
- 5. General Fund Internal (Admin., HR, Finance, Mayor and Council)
- 6. Council Discussion

#### **May 7, 2024 Tuesday (BUDGET) – SPECIAL WORK SESSION**

- 1. Fire

2. Police
3. Facilities
4. Council Discussion

**May 13, 2024 - REGULAR BUSINESS**

**SPECIAL PRESENTATION:** Airport Update (Jeff)

**CONSENT:**

1. ~~BID AWARD: WO 23-11: Downtown 2-way Street Conversion~~
2. BID AWARD: 1709 Saint John's Ave. Housing Rehabilitation Project
3. BID AWARD: Waterborne Traffic Paint
4. BID AWARD: IP 9 Building Window Replacement Project
5. BID AWARD: Castle Rock Park North Parking Lot Repair
6. BID AWARD: MET Transit Electric Bus Charger
7. BID AWARD: MET Transit Video Surveillance
8. Agreement with Northwest Pipe Fittings for AMR Neptune/AMI Software Hosting
9. Agreement with Tractor and Equipment for Landfill Compactor Powertrain
10. MOA with BBWA for DNRC Rim Tunnel Alternative Feasibility Study Grant
11. Fire Dept. YVEC Grant
12. Donation to PD from Billings Community Foundation to Support The SWAT Medic Program
13. Emergency RES for WO 24-39: Heights 24-inch sewer rehab
14. RES adopting contract limits – Foreclosure Acquisition / Rehab program
15. Second/Final Rdg. ORD ZC 1049 – 1911 & 1915 8<sup>th</sup> Ave. N.
16. Second/Final Rdg. ORD ZC 1050 – 5403 Hawk Creek Ave.

**REGULAR:**

1. PH and RES of Intent to Donate Property in Whisper Ridge Sub.
2. PH and RES to adopt the City of Billings Public Participation Plan
3. PH and 1<sup>st</sup> Rdg. ORD - Amending BMCC Sec. 24-426 and 24-431 - Parking