

COMMITTEE OF THE WHOLE

FEBRUARY 20, 2024

6:00 PM

1. Presentation by Community Minded Solutions

NOTICE FOR, AND AGENDA FOR, A REGULAR MEETING OF THE CITY COMMISSION, CITY OF LEWISTOWN, FEBRUARY 20, 2024 AT 7:00 P.M. AT THE CENTRAL MONTANA COMMUNITY CENTER LOCATED AT 307 W WATSON

To participate virtually the options are as follows:

To join by zoom:

<https://zoom.us/j/8486275925?pwd=dTVGbndDK253ZUJLMjRuZXU5QVpMdz09>

Meeting ID: 848 627 5925 Passcode: 59457

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES –January 16, 2024 & February 5, 2024

COURTESIES

PROCLAMATIONS – Arbor Day

BOARD AND COMMISSION REPORTS

CITY MANAGER REPORT

PUBLIC COMMENT – non agenda items

CONSENT AGENDA

Acknowledgment of the claims that have been paid from February 1, 2024 to February 15, 2024 for a total of \$156,199.04

***REGULAR AGENDA – Resolutions, Ordinances & Other Action Items:**

1. Discussion and action on approving Resolution No. 4149, a resolution approving an application from L-town Pizza for TIF funds made to the Lewistown Tax Increment Financing District Board (**Action: approve, disapprove or amend Resolution No. 4149**) City Manager Holly Phelps
2. Discussion and action on approving the quote from Dana Safety in the amount of \$20,159.00 for the upfit of a new patrol vehicle (**Action: approve, disapprove or amend approving quote in the amount of \$20,159**) City Manager Holly Phelps
3. Discussion and action on approving Resolution No. 4150, a resolution adopting the Montana Land Use Planning Act of 2023 and creating an interim planning commission (**Action: approve, disapprove or amend Resolution No. 4150**) City Manager Holly Phelps
4. Discussion and action on approving Resolution No. 4151, a resolution of the City Commission of the City of Lewistown, Montana calling for an election on the question of conducting a local government review and establishing a study commission to do so (**Action: approve, disapprove or amend Resolution No. 4151**) City Manager Holly Phelps

5. Discussion and action on authorizing the City staff to submit an application to The State Local Infrastructure Partnership Act of 2023, with the understanding the City will provide a 25% cash match for the approved project and authorizing the City Manager to sign the agreement if awarded (**Action: approve, disapprove or amend submitting an application and understanding the City will provide a 25% cash match and authorizing the City Manager to sign agreement if approved**) City Manager Holly Phelps

CITIZENS' REQUESTS

COMMISSIONER'S MINUTE

ADJOURNMENT

* All citizens are invited to make comment on any agenda item prior to action being taken by the Commission



ARBOR DAY PROCLAMATION

WHEREAS, natural areas, trees, and landscapes provide not only community beautification but also economic and environmental benefits; and

WHEREAS, trees provide many benefits to the community, including air purification, windbreaks, noise reduction, shade and energy savings; and

WHEREAS, planting trees and maintaining older trees provides an opportunity for community interaction, volunteerism, economic development, and environmental conservation; and

WHEREAS, our efforts to improve the environment benefit present and future generations; and

WHEREAS, Arbor Day in Montana is officially the last Friday in April;

BE IT THEREFORE RESOLVED,

I, KellyAnne Terry, Commission Chairman of Lewistown, Montana, do hereby proclaim May 3, 2024, as Arbor Day in Lewistown, and encourage citizens to participate in appropriate activities and to take advantage of the benefits of the parks and other natural areas in our community.

IN WITNESS THEREOF,

I have hereunto set my hand and caused the Seal of the City of Lewistown to be affixed on, February 20, 2024.

Commission Chairman

Date

RESOLUTION NO. 4149

A RESOLUTION AWARDED TIF DISTRICT FUNDS TO L-TOWN PIZZA APPROVED BY THE LEWISTOWN TAX INCREMENT FINANCING DISTRICT BOARD

WHEREAS, the Lewistown City Commission has adopted Ordinance No. 1748 – An Ordinance establishing the Lewistown Urban Renewal Area, creating the Lewistown Urban Renewal District and adopting the Lewistown Urban Renewal District Plan; and

WHEREAS, by Resolution number 3903 the City created an Urban Renewal Agency per 7-15-4232 Montana Codes Annotated (MCA), which was designated as the “Lewistown Improvement District Board” to engage in activities authorized in 7-15-4234 MCA and provide administrative functions; and

WHEREAS, the Commission re-designated the “Lewistown Improvement District Board” as the “Lewistown Tax Increment Financing District Board” by Resolution 3923; and,

WHEREAS, the Commission appointed a Lewistown Tax Increment Financing District Board (hereafter, the “TIF Board”) in order to manage the Lewistown Urban Renewal District created by Ordinance 1748; and,

WHEREAS, the TIF Board oversees the operation of the Lewistown Urban Renewal District, including public purpose activities; promotional activities; façade building conservation and loan programs; and administrative functions; and,

WHEREAS, the TIF Board exercises those powers authorized by law as specified in Resolution 3923; and,

WHEREAS, the TIF Board has developed the Lewistown TIF District (LTD) Program whereby qualified applicants may apply for TIF District Program Funds for assistance in redevelopment or rehabilitation of properties within the Urban Renewal District; and,

WHEREAS, through its LTD Program the TIF Board has received numerous applications for TIF District Program Funds, has reviewed the same and, has recommended approval of several applicants for those funds; and,

WHEREAS, the City Commission has retained final budgetary authority for TIF program activities.

NOW, THEREFORE, BE IT RESOLVED, that the Lewistown City Commission hereby awards TIF District Program Funds as recommended by the TIF Board to:

1. L-town Pizza, applicant for signage and facade improvements, at 316 W. Main Street; up to \$20,000 grant

BE IT FURTHER RESOLVED, that prior to disbursement of any TIF funds, all applicants shall enter into such Development Agreements as established and approved by the TIF Board.

PASSED AND APPROVED this 20th day of February, 2024.

KellyAnne Terry, Chairperson
Lewistown City Commission

Attest:

Nikki Brummond
City Financial Officer/Clerk

City of Lewistown
Application
Tax Increment Financing District (TIF)

Project Name: L-town Pizza Date Submitted: _____

A) Applicant Information:

Name: Ashley Jenness

Address: Box 297

City/ST/Zip: Lewistown, MT 59457

Telephone Number(s): 406-599-6892

Email: ashleyjenness@gmail.com

If the applicant is not an individual doing business under his/her own name, the applicant has the status indicated below and is organized or operating under the laws of:

- ☐ A Corporation
- ☐ A nonprofit or charitable institution or corporation
- ☐ A partnership known as _____
- ☒ Other (explain) Jenness Investments Ltd. LLC.

B) Project Information:

Building Address: 316 W. Main St.

Legal Description: SWLY 1/2

Lot & Block Location: LOT 4, Block C-8 Lewistown Original

Existing/Proposed Business: L-town Pizza

Business Description:

Pizza Restaurant

City of Lewistown
Application
Tax Increment Financing District (TIF)

Job Creation: Will there be any new permanent or part-time jobs created as a result of this project excluding construction jobs associated with the development of the project? If so, how many? 10-20

Project Completion: What is the expected completion date of the project?

Summer 2024

Property Taxes:

How much are the annual property taxes including any improvements? \$2951.39

Are the taxes current? Yes

Do you intend to apply for tax abatement? Yes

Has tax abatement been awarded on the property prior to your ownership? No

Project Financing: Briefly describe how the project will be financed:

- Loans and any grants awarded.
- CANCE

Description of Project: Please provide a full written description of your project, including type of use, square footage, number of stories, number of parking spaces, general building materials, etc. (Attach to application)

Project Renderings: Please submit design schematic and/or site and landscaping plans for the project. (Attach to application)

City of Lewistown
Application
Tax Increment Financing District (TIF)

Eligible Improvements Cost Worksheet Under TIF Program

List eligible items that pertain to the project that falls under TIF Program Policies (list beginning on page 1). If in doubt about an item's eligibility, include it, the board will review items and help determine eligibility. Please include formal contractor bids to establish costs. *There is no guarantee that additional costs beyond what is listed here will be covered.*

- | | |
|---|------------------|
| 1. <u>New Windows throughout Building</u> | \$ <u>50,000</u> |
| 2. <u>New Signs Signage</u> | \$ _____ |
| 3. _____ | \$ _____ |
| 4. _____ | \$ _____ |
| 5. _____ | \$ _____ |
| 6. _____ | \$ _____ |
| 7. _____ | \$ _____ |
| 8. _____ | \$ _____ |
| 9. _____ | \$ _____ |
| 10. _____ | \$ _____ |
| 11. _____ | \$ _____ |
| 12. _____ | \$ _____ |
| 13. _____ | \$ _____ |
| 14. Permitting Fees _____ | \$ _____ |
| 15. Other Fees _____ | \$ _____ |
| Total Lewistown TIF District Program Request | \$ _____ |

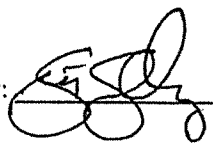
TIF District Program Award (to be filled out by TIF Administrator)

\$ 20,000

To the best of my knowledge and belief, the information provided in this application and in the attached documents is true and correct. The signature attests to my having read, understand and agree to all terms in the Lewistown Tax Increment Financing District Investment Plan.

Signature of Applicant: _____

Date: _____

Signature of TIF Board Chair:  _____

Date: 2-5-24

L-Town Pizza is going to be utilizing the main floor at 316 W. Main St as the restaurant sitting area and the downstairs as dry storage for the restaurant. The upstairs of the building will be unoccupied because currently there is no access to it. The main floor is 2,169 sq.ft.

Parking will be street parking on main and off on the side streets. We will be using the original walls, which are made of stone and mortar. We are hoping the original hardwood floors will be usable to help save on flooring costs. New windows throughout the main level and the upper level to help with heating and cooling costs. New door with a breezeway and new signage out front with our logo. New lighting will also be installed inside and out, but we will use the existing endpoints. New seating, such as booths, tables, barstools, live edge bar, and chairs will be added. The kitchen will also have new appliances.

DANA SAFETY SUPPLY, INC
4809 KOGER BLVD
GREENSBORO, NC 27407

Sales Quote

Telephone: 800-845-0405

Sales Quote No.	518905-D
Customer No.	LEWISTOWN

Bill To
CITY OF LEWISTOWN POLICE DEPT 305 W Watson St Lewistown, MT 59457

Ship To
CITY OF LEWISTOWN POLICE DEPT 305 W Watson St Lewistown, MT 59457

Contact: JUSTIN JENNESS
Telephone: 406-535-1800
E-mail: jjeness@ci.lewistown.mt.us

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Quote Date	Ship Via			F.O.B.	Customer PO Number	Payment Method	
02/05/24	GROUND SHIPMENT			QUOTED FREIGHT		NET30	
Entered By			Salesperson		Ordered By		Resale Number
Cody Craig			CODY CRAIG - MONTANA		CHIEF JUSTIN JENNESS		
Order Quantity	Approve Quantity	Tax	Item Number / Description			Unit Price	Extended Price
1	1	N	INFO 2024 Ford PIU Warehouse: MT			0.0000	0.00
1	1	Y	ENFWB Vsior - Soundoff - Red/Blue with Full Scene Warehouse: MT DO NOT USE GENERIC P/N, USE EOS PART NUMBER			951.0000	951.00
1	1	Y	ENFTC002FU Rear Light - RB with Amber Arrow when Activated Warehouse: MT The upgraded product for this item is the mpower® Traffic Controller. The new product allows for both interior and exterior mounting and controllability for arrow functions when installed in other than a rear facing application. NFORCE TRAFFIC CONTROLLER 6 Head Interior Deck/Grille Mount (WIRE EXIT) D12 D12 D12 D12 D12 T18 R_A R_A R_A B_A B_A RBA Mount Kit - PNFTCM07 Accessories - PNFLBSPLT1 Breakout Box (Included)			525.0000	525.00
1	1	Y	435873 TESSCO150-155 MHZ Phantom Elite Warehouse: MT			110.0000	110.00

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Order Quantity	Approve Quantity	Tax	Item Number / Description		Unit Price	Extended Price
1	1	Y	ETSA481RSP SOI, 400 SERIES REMOTE SIREN, 100WATT Warehouse: MT		555.0000	555.00
1	1	Y	7140-0385 GJ, FACEPLATE Warehouse: MT		0.0000	0.00
1	1	Y	809-0002-00 STALKER PATROL K BAND 2 ANTENNA Warehouse: MT End-User:		1,850.0000	1,850.00
1	1	Y	Vehicle: 20033 GJ SOI 500 SERIES FACEPLATE Warehouse: MT		0.0000	0.00
1	1	Y	7160-0321 GJ FULL FACEPLATE FOR XTL2500/5000 Warehouse: MT		0.0000	0.00
1	1	Y	7170-0902-13 GJ Getac F110 G6 Vehicle Docking Station w/ 120W Adapt Warehouse: MT Getac F110 G6 Vehicle Docking Station with Getac 120W Auto Power Adapter with Bare Wire Lead (Tri RF)		731.0000	731.00

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Order Quantity	Approve Quantity	Tax	Item Number / Description		Unit Price	Extended Price
1	1	Y	7160-0857 GJ LOW PROFILE QUICK RELEASE KEYBOARD TRAY Warehouse: MT		141.0000	141.00
1	1	Y	7160-0761 GJ INDEPENDENT TABLET DISPLAY MOUNT Warehouse: MT		69.0000	69.00
1	1	Y	7170-0822-04 GJ, CONSOLE PKG, 2020-24 PIU, RMK TAB, 10", +P Warehouse: MT KIT - 2020+ Ford Utility Deep Console Kit with PRNTR Mount, Cup Holder, Rear Armrest, & 9" Mongoose KIT INCLUDES Full Depth Console (7160-1477) Internal Cup Holder (7160-0846) Vehicle Specific External Armrest (7160-0429) In-Console Printer Mount (7160-1543) Side Mount (19416) Mongoose®- 9" Locking Slide Arm (7160-0220) WEIGHT: 54.65 lbs / 24.79 kg HEIGHT: 15.69 in / 39.85 cm WIDTH: 11.55 in / 29.34 cm DEPTH: 31.15 in / 79.12 cm		1,051.0000	1,051.00

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1	1	Y	AP-MMF-CG-Q-S22-BL ANTENNA PLUS, ANTENNA, W/ SMA CONN. BLACK Warehouse: MT		165.0000	165.00
1	1	Y	B500T AME 5# (2A:10B:C) FIRE EXTINGUISHER W/VEHICLE BRKT Warehouse: MT		95.0000	95.00
1	1	Y	2 on Tag R/B Warning - White Reverse 2 on 1/4 Glass - R/B Warn - White Alley Function EMPSCG1SLS3D Grille Knockout Red/White - White on Scene Warehouse: MT		110.0000	110.00
1	1	Y	3" 3-Wire Light w/ Stud Mount, for use with mpower Arrow Kit and Connect-n-Go, SAE Class 1 & CA Title 13, 9-32 Vdc, Black Housing, 8 LED, Dual Color - Red/White EMPSCG1SLS3E Grille Knockout Blue/White - White on Scene Warehouse: MT		110.0000	110.00
4	4	Y	NO SOI CONFIG ONLINE EMPSCG2STS5RBW TAG - SIDE 1/4 GLASS Warehouse: MT TAG -- R/B Warning - White Reverse 1/4 GLASS - R/B Warning - White on Alley		130.0000	520.00

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2	2	Y	PMP2BKDGAJ Side 1/4 Glass Bracket Warehouse: MT		25.0000	50.00
2	2	Y	ENT2B3RBW Under Mirror - RB with White Alley Warehouse: MT		195.0000	390.00
1	1	Y	PNT1CRV05 SOI INTERSECTOR UNDER MIRROR ADPTR SET 2013+ PI SU Warehouse: MT		15.0000	15.00
1	1	Y	C3900U CODE3 100W SPEAKER W UNIV BRKT Warehouse: MT		202.0000	202.00
1	1	Y	D1200-402 10-8 VIDEO TWO CAMERAS 900 MIC Warehouse: MT		2,350.0000	2,350.00
1	1	Y	ETFBSSN-P SOI 100% SOLID STATE TAILLIGHT FLASHER (12-WIRE) Warehouse: MT		85.0000	85.00
1	1	Y	GK10342UHK SMC DUAL VERT. RACK 2 UNIV. LOCKS W/ HC KEY Warehouse: MT "Dual T-Rail Mount2 Universal XL Handcuff Key Override"		451.0000	451.00

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Order Quantity	Approve Quantity	Tax	Item Number / Description		Unit Price	Extended Price
1	1	Y	GRAPHICS INSTALL GRAPHICS INSTALL Warehouse: MT		950.0000	950.00
1	1	Y	INSTALL KIT MISC INSTALLATION SUPPLIES I.E. Warehouse: MT LOOM, WIRE, HARDWARE, CONNECTORS, ETC *****		395.0000	395.00
1	1	N	INSTALL DSS INSTALLATION OF EQUIPMENT Warehouse: MT		3,950.0000	3,950.00
1	1	Y	4703-150B EGIS Thermal Circuit Breaker 150 A, Surface Mount Warehouse: MT		150.0000	150.00
1	1	Y	7615B BLUE SEA, SOLENOID TIMER 120A 12VDC ATD Warehouse: MT		150.0000	150.00
1	1	Y	PK0123ITU202ND SMC 12-VS EXP MTL CARGO BARRIER 2020+ FORD PIUT Warehouse: MT VEHICLE - *****		451.0000	451.00

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Order Quantity	Approve Quantity	Tax	Item Number / Description		Unit Price	Extended Price
1	1	Y	1K0576ITU20WD SMC #7VS SPT Stationary Window Warehouse: MT SPT Single Prisoner Transport Partition Vinyl Coated Expanded Metal *FOR USE WITH: -Stock Seat		1,011.0000	1,011.00
1	1	Y	SS0009 PRO GARD SAFESTOP, 2020 PI-UTILITY Warehouse: MT		175.0000	175.00
1	1	Y	ELUC3H010E Front HL - Right Warehouse: MT		75.0000	75.00
2	2	Y	ELUC3H010J REAR TL - R/B 1 EACH Warehouse: MT		75.0000	150.00
1	1	Y	ELUC3H010D Front HL - Left Warehouse: MT		75.0000	75.00
1	1	Y	WK0595ITU20 SMC CLEAR POLY WINDOW BARRIER - 2020+ PIUT Warehouse: MT		271.0000	271.00

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Cody Craig		CODY CRAIG - MONTANA		CHIEF JUSTIN JENNESS		
Order Quantity	Approve Quantity	Tax	Item Number / Description		Unit Price	Extended Price
1	1	Y	ETSKLF101 SOI LOW FREQUENCY AFTERSHOCK SIREN W/I SPEAKERS Warehouse: MT LF Aftershock Siren System, includes: 100 Watt Speaker, 200 Watt Amplifier and Universal Bracket		461.0000	461.00
1	1	Y	ETSSLFVBK07 SOI 2020 PIUT AFTERSHOCK MNT BRACKET PASS. Warehouse: MT		45.0000	45.00
1	1	Y	PJ823VK BROTHER PocketJet 8 Vehicle Kit Warehouse: MT Kit Includes: PJ823 Printer, 14' DC Vehicle Adapter, Battery Cavity Mounting Block, 4' USB A to C Cable, Premium Paper Roll and Special Configuration (Auto Power On, No Auto Shut Off)		499.0000	499.00
Approved By: _____ ☐ Approve All Items & Quantities Quote Good for 30 Days						

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Subtotal	19,334.00
Freight	825.00
Order Total	20,159.00

RESOLUTION NO. 4150

A RESOLUTION ADOPTING THE MONTANA LAND USE PLANNING ACT OF 2023 AND CREATING AN INTERIM PLANNING COMMISSION.

WHEREAS, The Montana Legislature passed and enacted SB 382, now referred to as the Montana Land Use Planning Act and Codified under Montana Code Annotated Title 76; Chapter 5; and

WHEREAS, Montana Code Annotated § 76-25-105(3)(a) states that “A local government that is not required to comply with the provision of this chapter may decide to comply with the provisions of this chapter by an affirmative vote of the local governing body”; and

WHEREAS, the Lewistown City Commission has decided to comply with this chapter; and

WHEREAS, the City Manager submitted names of three (3) proposed Planning Commissioners currently serving on City Boards and Commissions, two of whom are residents of the City and one of whom is a resident of the Lewistown Unincorporated Planning Area; and

WHEREAS, the Interim Planning Commissioners shall aid the City developing the following documents:

- Draft, adopt and implement a public participation plan
- Draft and adopt a land use plan, map, and implementation plan
- Draft and adopt updated zoning regulations and map. Making sure they are compliant with the land use plan and map.
- Draft and adopt updated subdivision regulations. Making sure they are compliant with the land use plan and map.
- Work with the City to create bylaws for the Planning Commission.

WHEREAS, the Lewistown City Commission shall establish an Interim Planning Commission as set forth in Montana Code Annotated § 76-25-104 to enable completion of a land use plan in 2024 while retaining the functions of existing Boards and Commissions;

WHEREAS, as set forth in Montana Code Annotated § 76-25-104(1)(c)(i) the Planning Commission can be “any combination of legally authorized planning boards, zoning commissions, planning and zoning commissions, or boards of adjustment existing prior to May 17, 2023 may be considered duly constituted under this chapter as a planning commission”;

NOW THEREFORE BE IT RESOLVED, that the Lewistown City Commission, by this resolution, votes to adopt and operate under the Montana Land Use Planning Act; and

BE IT FURTHER RESOLVED that by this resolution the Lewistown City Commission creates an Interim Planning Commission for the initial period of one year (March 1, 2024, to February 28, 2025). The Interim Planning Commission shall consist of (3) three voting members chosen from the current Board of Adjustment, Airport Board, and Zoning Commission by appointing:

- Gayle Doney, Board of Adjustment
- Tim Robertson, Airport Board
- Jeff Whitcraft, Zoning Commission

BE IT FURTHER RESOLVED that this Resolution shall become effective upon passage by the Lewistown City Commission; and

PASSED AND ADOPTED by the City Commission of the City of Lewistown, Montana, in regular session on the 20th day of February, 2024.

KellyAnne Terry, Chairperson
Lewistown City Commission

ATTEST:

Nikki Brummond, City Clerk

RESOLUTION NO. 4151

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF
LEWISTOWN, MONTANA CALLING FOR AN ELECTION ON THE
QUESTION OF CONDUCTING A LOCAL GOVERNMENT REVIEW
AND ESTABLISHING A STUDY COMMISSION TO DO SO.**

WHEREAS, Section 9, Article XI of the Constitution of the State of Montana requires that each unit of local government shall conduct an election once every ten years to determine whether the local government will undertake a local government review procedure; and

WHEREAS, 7-3-173(2) M.C.A. requires that the governing body shall call for an election, to be held on the primary election date, on the question of conducting a local government review and establishing a study commission; and

WHEREAS, the Lewistown City Commission is the governing body of the City of Lewistown.

NOW THEREFORE BE IT RESOLVED THAT:

1. The City Commission of Lewistown hereby calls for an election on the question of conducting a local government review and electing a study commission to be held at the primary election on June 4, 2024.
2. If the voters decide in favor of conducting a local government review, a study commission comprised of five members shall be elected at the general election of November 5, 2024.
3. Pursuant to 7-3-175, M.C.A. the question of conducting a local government review shall be submitted to the electors in substantially the following form:

Vote for one:

[] FOR the review of the government of the City of Lewistown and the establishment and funding, not to exceed \$35,000, of a local government study commission consisting of five members to examine the government of the City of Lewistown and submit recommendations on the government.

[] AGAINST the review of the government of the City of Lewistown and the establishment and funding, not to \$47,500, of a local government study commission consisting of five members to

examine the government of the City of Lewistown and submit recommendations on the government.

BE IT FURTHER RESOLVED that the City Clerk is directed to provide a certified copy of this Resolution to the Fergus County Election Administrator.

Passed and adopted by the City Commission of the City of Lewistown, Montana meeting at regular session held on the _____ day of February, 2024.

KellyAnne Terry
Chairman of the Commission

ATTEST:

City Clerk

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Passed and adopted by the City Commission of the City of Lewistown, Montana meeting at regular session held on the _____ day of February, 2024.

KellyAnne Terry
Chairman of the Commission

ATTEST:

City Clerk



HB 355

The State-Local Infrastructure Partnership Act of 2023 (“SLIPA”)

Application and Guidelines

Incorporated Cities and Towns must: (i) solicit and accept applications for eligible projects by **December 31, 2023**; and (ii) make reasonable efforts to submit completed applications to the Department of Commerce by **March 30, 2024**.

Community MT
301 S. Park
Helena, MT 59601
DOCCDD@mt.gov

Alternative accessible formats for this document will be provided upon request. If you need this document in an alternative format, such as large print, Braille, audio tape, or computer diskette, please contact the Montana Department of Commerce Destination MT Division at (406) 841-2870, TDD (406) 841-2702, or the Relay Services number, 711.

The Department of Commerce does not discriminate on the basis of disability in admission to, access to, or operations of its program, services, or activities. Individuals who need aid or services for effective communications or other disability-related accommodations in the programs and services offered are invited to make their needs and preferences known. Please provide as much advance notice as possible for requests.

The State-Local Infrastructure Partnership Act of 2023 (HB 355) Guidelines

In 2023, the Montana Legislature passed the State-Local Infrastructure Partnership Act of 2023 ("SLIPA"). For the biennium beginning July 1, 2023, there is appropriated \$20 million from the general fund to the Montana Department of Commerce ("Commerce") to distribute as grants to incorporated cities and towns for eligible local government infrastructure projects that fully comply with HB 355.

Commerce has adopted these Guidelines to provide additional information to eligible incorporated cities and towns. To the extent these Guidelines conflict with HB 355, the terms of HB 355 control.

Purpose

The purpose of SLIPA is to fund the maintenance and repair of existing local government facilities on a partnership basis with the local government supplying a cash match.

Eligibility

Eligible entities as defined by SLIPA are limited to incorporated cities and towns.

Eligible Projects

Eligible entities may use allocated SLIPA funds to maintain or repair existing local government infrastructure, including:

- drinking water systems;
- wastewater treatment systems;
- fire suppression systems if independent of the drinking water systems,
- streets;
- roads;
- bridges;
- landfills;
- street lights;
- airports; and
- public grounds and buildings.

Allocated funds also may be used to expand existing water and wastewater treatment plants that are being operated at 90% of design capacity or greater.

Priority is given to projects that maintain or repair existing publicly owned drinking water systems, publicly owned wastewater treatment systems, and municipal fire suppression systems that are independent of a water system. If one of these systems is not submitted to Commerce, please provide details and rationale.

Allocations and Required Match

Allocations:

Consistent with Section 11 of HB 355, Commerce has created a spreadsheet that identifies what amounts eligible incorporated cities and towns are entitled to receive under SLIPA. That spreadsheet is available at this [website](#).

Match:

A city or town is required to contribute a local cash match equal to no less than 25% of the total project cost. Local cash match is defined as revenue generated by the local government, including via its tax system. A local cash match cannot include in-kind contributions of goods or in-kind services.

Limitations:

A city or town that receives more than \$1 million in SLIPA funds cannot allocate more than one-third of the total grant per approved application. However, cities and towns in which the local government infrastructure has been significantly damaged by a natural disaster are not subject to this funding restriction.

Application Submission and Award Process

Application Submission:

The legislative body of a city or town shall solicit and accept applications for eligible projects on or before **December 31, 2023**. Next, the legislative body of the city or town is required to hold a public hearing on the applications for eligible projects it has received. Based on the information contained within those applications and information received at the public hearing, the legislative body must prepare a recommendation for funding in priority order and make reasonable efforts to transmit that recommendation to Commerce by **March 30, 2024**. Applicants may submit completed applications prior to March 30, 2024. Additionally, applications received after March 30, 2024, are eligible for review.

Commerce recommends that the legislative bodies document for their records: (i) the applications solicited and accepted; (ii) that a public hearing was held on those applications, with a summary of public comment received; and (iii) the funding recommendations made to Commerce.

Commerce shall review the legislative bodies' recommendations to determine whether their applications comply with Section 6 of HB 355. If the application does not comply, Commerce shall issue notice to the applicable applicant within 45 days of application receipt, if practicable.

Commerce may not substitute its judgment for that of the legislative body of the city or town and cannot revise the recommended priority list.

File Transfer Service:

To apply for grant funding, an applicant must upload the application to the State of Montana File Transfer Service (FTS). To access the FTS, an applicant must register with OKTA. To register with OKTA, go to the FTS [page](#) and select '[Register now!](#)' from the Login screen and follow the prompts. After registration, an applicant can access the FTS to upload the application for submission. Please see these [instructions](#) for additional help.

Award Process:

Once priority lists are received, Commerce will review and determine compliance with HB 355. Commerce shall issue notice to the applicable applicant within 45 days of application receipt, if practicable. A grant recipient's eligibility to receive SLIPA funds is dependent on the grant recipient's compliance with HB 355, especially Section 6 and 12. Grant recipients must satisfy the conditions required by Section 12 of HB 355 prior to signing a contract with Commerce.

The disbursement of grant funds for awarded projects are subject to grantee's completion, and submission to Commerce, of the following:

- I. a completed budget and implementation schedule for the project;
- II. a completed project management plan approved by Commerce;
- III. compliance with the auditing and reporting requirements provided in § 2-7-503, MCA, and an established financial accounting system that reasonably conforms to generally accepted accounting principles;
- IV. a completed contract with Commerce, a provision of which must document that local matching funds are available and committed to the project; and
- V. a certification that Grantee has obtained local, state, and federal permits and approvals; and
- VI. a completed SLIPA Environmental Review Form and additional documentation, if necessary.

Montana Environmental Policy Act

Projects that are awarded SLIPA funds may be subject to the requirements of the Montana Environmental Policy Act ("MEPA"). Eligible applicants' contracts with Commerce will require certification that their project(s) qualify for a categorical exclusion under MEPA. *See, e.g.,* Admin. R. Mont. 8.2.328(2)(d), (e), and (g). If a project does not qualify for a categorical exclusion, additional MEPA analysis may be required. Eligible applicants also must complete and submit to Commerce the SLIPA Environmental Review Form.

Reimbursement Basis for Grant Disbursements:

Commerce shall disburse grants by reimbursement as grant recipients incur eligible project expenses in accordance with the terms of the contract. If actual project expenses are lower than the projected expense of the project, Commerce may, at its sole discretion, reduce the amount of grant funds provided to grant recipients in proportion to all the project funding sources.

Project Reports and Completion Notices

As required by Commerce and Section 10 of HB 355, grantees shall provide a quarterly progress report, including by completing Commerce's invoice tracking sheet, to Commerce identifying the following:

- I. submission of all permitting or licensing approval documents as applicable;
- II. work that has been undertaken on the project;
- III. the percentage of work completed;
- IV. the amount of funds expended to date;
- V. remaining funds;
- VI. a description of any significant problems; and
- VII. whether the project encountered any modification necessary to the scope of work, budget, or schedule.

The quarterly report and invoice tracking sheet can be found on Commerce's website.

Grantees also must submit a final report to Commerce at the completion of the project, which must include a statement attesting to the completion of the project that is signed by the project manager.

Additional Considerations:

Technical or planning documents are not required to be submitted with the application. However, applicants may include the development of these documents (necessary to complete the specific project activities that would be listed as the scope of work) in the project budget and implementation schedule. Any planning or technical documents must follow