



## COUNTY WATER DISTRICT OF BILLINGS HEIGHTS

### Board of Directors Meeting Agenda

April 13, 2022 at 6:00 PM

Board Room, County Water District of Billings Heights 1540 Popelka Dr.

The meeting is open to any interested member of the public. Agendas are prepared for the meetings; agendas may be requested from the General Manager Peyton Brookshire, [peyton@heightswaterdistrict.com](mailto:peyton@heightswaterdistrict.com) and are available at <https://heightswaterdistrict.com/agendas-and-minutes/> and <https://www.yellowstonecountynews.com/county-water-district-of-billings-heights/>.

**CALL MEETING TO ORDER:** President Ming Cabrera

**PRESIDENT'S REMARKS:** Ming Cabrera

During the course of the meeting the Public may be heard before a vote is cast by the Board. The President will acknowledge the Public once the motion has been made and discussed by the Board for their input. The President will recognize speakers who raise their hand. Once recognized, the speaker should move to the side of the board table so comments can be heard, identify themselves by name, and limit their comments to two minutes. Each speaker will have one opportunity to speak on any agenda item.

1. 2020.03.20 Attorney General Advice Open Meetings attachment

Article II, Section 8 of the Montana Constitution provides:

Right of participation. The public has the right to expect governmental agencies to afford such reasonable opportunity for citizen participation in the operation of the agencies prior to the final decision as may be provided by law. The Legislature has codified guidelines to protect the Article II, Section 8, guarantees at 2-3-101, et seq., MCA.

Article II, Section 9 of the Montana Constitution provides:

Right to know. No person shall be deprived of the right to examine documents or to observe the deliberations of all public bodies or agencies of state government and its subdivisions, except in cases in which the demand of individual privacy clearly exceeds the merits of public disclosure....The authorities cited in 47 Op. Att'y Gen. No. 13 indicate that a reasonable opportunity for public observation and participation is required. The manner by which notice, participation and observation are provided to the public must be reasonable.

### WELCOME AND INTRODUCTIONS

Background The City converted to a new utility billing software in January 2015. In 2017, the City performed an in-depth review of water bills and found a significant discrepancy between the volume of water produced at the water treatment plant and customer bills. It discovered the actual production was higher than what was being billed. Typically, this is caused by an undiscovered leak in the water distribution system. After spending several months trying to find leaks in the system, it was determined that the missing water was accounted for and caused by an incorrect conversion factor within the new billing software for the specific type of water meter used only by the CWDBH; no other customers were affected by the software conversion billing error. As a result, CWDBH was underbilled by \$2,970,599.35 since the software conversion took place from February 27, 2015, until December 15, 2017. With interest, the total amount owed as of October 2020 was approximately \$3,965,327.49.

There is no dispute on how much water was provided to the CWDBH, only how much CWDBH should pay for water they sold to their customers. The District was underbilled for consumption by approximately 40%;

however, they continued to bill their customers for the full consumption utilized. Once the error was corrected, CWDBH began paying the full amount but refused to pay for the undercharged amounts.

Since the fall of 2018, the City and CWDBH attempted to resolve this dispute informally and then again through formal mediation in November 2020 but were unable to reach an agreement. In December 2020, the City filed a Complaint against the CWDBH asserting a breach of contract for unpaid amounts due under the contract plus interest.

Because the City and CWDBH are long term partners and not competitors serving Billings citizens, negotiations resumed after new board members were seated on the CWDBH board. Representatives of the City and the CWDBH met several times between October 2021 and February 2022 to discuss the dispute and finally reached an agreement in February. The agreement provides for the parties to stipulate to the dismissal of 1) the City's claim for breach of contract for the underbilled amount; 2) CWDBH's counterclaims for negligence and declaratory relief related to the underbilled amount; and 3) CWDBH's counterclaim related to franchise fees. The agreement requires CWDBH to pay \$2,936,251.80 within 30 days of the agreement to the City for the water that was underbilled from 2015 to 2017. Since CWDBH has agreed to pay the amount owed in full rather than over a two-year period, the original amount was reduced by \$34,347.55 to reflect the interest CWDBH would have earned if it had made payments over a two-year period.

In addition to its claim for breach of contract under the UCC, the City asserted a claim for account stated or an open account. Under Montana law, the statute of limitations on that claim is five years. Open account: 5 years. *Mercury Marine v. Monty's Enterprises, Inc.*, 270 Mont. 413, 415, 892 P.2d 568, 570 (1995) (citing Mont. Code Ann. § 27-2-202(2)).

Any funds received from the Heights Water District are water revenues. The funds will have the same rules applied to use that all water revenues have and will need to be used towards the treatment and conveyance of water according to the water fund budget approved by city council. The rates were developed with the assumption that the city would receive the \$2.9M.

#### Fees For Services -- Hearing And Resolution

**7-6-4013. Fees for services -- hearing and resolution.** (1) If a local government has the authority to regulate, establish, and change fees, rates, charges, and classifications that are imposed for services to its inhabitants and other persons served by the local government, the fees, rates, charges, and classifications must be reasonable and related to the cost of providing the service.

The District countersued claiming \$1.5 for franchise fees and \$250,000 for right-of-way fees.. The city's liability to the District for the franchise fees was limited to \$35,000 due to the statute of limitations and the date the District gave notice to the City when filing a counter lawsuit (January 7, 2021). The second counter claim of right-of-way fees are about \$5000 annually and the committee's recommendation is that any dispute could be resolved through discussion, not litigation.

Evidence does not exist to draw a clear conclusion on who made the error, the software vender or a city employee. This was made more difficult by the timeline. The error wasn't discovered until way past the contract liability limitations with the vender.

The Billings city council unanimously approved the Final Settlement Agreement on March 28 with a minor amendment in paragraph 6; the amended version is not a substantive change. If anything it is less mandatory and therefore favorable to the District.

The Parties through their respective representatives, have mutually agreed to meet to begin addressing issues with the existing Water Purchase Agreement with a goal of drafting a new Water Purchase Agreement that may be acceptable to both the City of Billings and the County

Water District of Billings.

The legal committee of David Graves, Laura Drager and Pam Ellis recommend approval of the Final Settlement Agreement.

Recommended motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve SETTLEMENT AGREEMENT between THE CITY OF BILLINGS (the “City”) and THE COUNTY WATER DISTRICT OF BILLINGS HEIGHTS (the “District”) with the SETTLEMENT AMOUNT: \$2,936,251.80 (Two Million, Nine Hundred Thirty-Six Thousand, Two Hundred Fifty-One Dollars and 80 cents) and to direct the District to pay the full amount within thirty (30) days after the approval of this Settlement Agreement and Release by the later of the City of Billings City Council and the Board of Directors of the County Water District of Billings Heights. At a later date, The Parties through their respective representatives, shall meet to begin addressing issues with the existing Water Purchase Agreement with a goal of drafting a new Water Purchase Agreement that may be acceptable to both the City of Billings and the County Water District of Billings.

- [2.](#) Notice of Public Meeting
- [3.](#) 2022.03.29 Revised Final Settlement Agreement City and Heights Water District
- [4.](#) **Water District Seeks More Public Input, Dianne Crees Retires**  
by Evelyn Pyburn YCN ❖March 25, 2022
- [5.](#) County Water Board Summary of Minutes re COB vs CWDBH
- [6.](#) 2020.12.28 Complaint - filed 4811-4050-9141 v1
- [7.](#) 2021.1.7 Districts Answer, Counterclaim & Jury Trial Demand 4822-5160-3926 v1
- [8.](#) 2021.1.7 Answer, Counterclaim & Jury Trial Demand
9. 2021.01.25 FINAL Answer Heights Water District
- [10.](#) 2022.04.07 Letters & Emails from Ratepayers
- [11.](#) President Ming Caberera "Thanks to all who helped Heights Water settlement..."

#### **Audit Report Postponed.**

Stefeni Freese will get the adjusted trial balance and adjustments to the Finance Committee and the bookkeeper and then a draft of the audit by this weekend. Stefeni Freese needed to work through any findings and write them up, so they won't affect the numbers; she had a family emergency that delayed the completion.

Stefeni Freese | CPA, Business Unit Director, Shareholde

#### **PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items**

- A. Any member of the Public may be heard on any subject that is not on the Agenda.
- B. The board will not take action on these items at this time but may choose to add an item to the next meeting's Agenda for discussion.

#### **CONSENT AGENDA**

- [12.](#) Payables April 13
- [13.](#) March Prepaid bills for approval
- [14.](#) Profit and Loss Statement – March 2021 and March 2022
- [15.](#) Minutes March 16,2022
- [16.](#) March Stifel Statement
- [17.](#) FIB Gross Income March

- [18.](#) FIB O&M March
- [19.](#) FIB Payroll March No checks
- [20.](#) FIB Savings March Quarterly Statement
- [21.](#) March Stats Billing software
- [22.](#) CWD March Check Register

**GENERAL MANAGER REPORT - Peyton Brookshire**

- [23.](#) April General Manager's Report
- [24.](#) Sartorie Annexation Application
- [25.](#) Recommended motion having conducted a public hearing, considered written and spoken public testimony, I move that the Board approve Sartorie Annexation of Tract 2B-2A-1 of Amended Tracts of Corrected Certificate of Survey No. 840, Fifth Amended and President Cabrera sign Resolution 012-22 Authorizing the Annexation.  
  
Resolution 012-22 to Authorize SARTORIE ANNEXATION 2.792 Acres 121619.52, Sqft. \$28,337.35.
- [26.](#) Annexation petition for 2207 Bench Boulevard. .723 Acres 31885.92 Sq Ft buy in is \$7,429.42
- [27.](#) Recommended motion having conducted a public hearing, considered written and spoken public testimony, I move that the Board approve Annexation petition for 2207 Bench Boulevard..723 Acres 31885.92 Sq Ft buy in is \$7,429.42 and authorize President Cabrera to sign Resolution 013-22.
- [28.](#) We are looking at the government and accounting software offered by black mountain who's software does our utility billing and service orders to consolidate and streamline all the processes from budget to payroll and everything in between. This will get rid of QuickBooks and enable more people to have access to any information in the day to day operation. We will have a demo with black mountain and then assess. Quote is attached.

**OLD BUSINESS**

**NEW BUSINESS**

**FINANCE COMMITTEE REPORT: Laura Drager**

- [29.](#) see attached

**BYLAWS AND GOVERNANCE COMMITTEE REPORT: Pam Ellis**

The new website is ready to review.

Please review; let Pam Ellis know if anything needs to be adjusted.

Here is the link to the site: <https://billingsheightscwd.teamunicode.com/>

- [30.](#) Municode Website: Additional Information attached

**SAFETY COMMITTEE REPORT: Jeff Engel (see attachments)**

- [31.](#) 2022.04.06 Safety committee Report
- [32.](#) Let's Talk Safety (attached)

**ANNOUNCEMENTS** The May County Water Board Meeting will be the second Wednesday, May 18, @ 6:00 pm

**ITEMS TO BE CONSIDERED AT FUTURE BOARD MEETINGS**

Note: No action can be taken on items that were not on the agenda.

...Audit Report Stefani Freese, Anderson ZurMuehlen

...Interstate Engineering and Andrew Rheem (Raftelis)

..May Genny Garrick, the Agenda and Board

...Management trainer from Municode will attend the May meeting to help the Board learn to use the software to vote. She will prepare a video for members to review prior to the meeting.

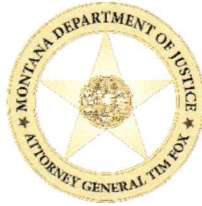
..Clay will provide a Quarterly Safety Report to the Board in June 2022.

# ATTORNEY GENERAL

## STATE OF MONTANA

Tim Fox  
Attorney General

Jon Bennion  
Chief Deputy Attorney General



Department of Justice  
Joseph P. Mazurek Building  
215 North Sanders  
P.O. Box 201401  
Helena, MT 59620-1401

March 27, 2020

Wyatt Glade  
Custer County Attorney  
President of Montana County Attorney Assoc.  
1010 Main Street  
Miles City, MT 59301  
attorney@co.custer.mt.us

Montana League of Cities and Towns  
P.O. Box 7388  
Helena, MT 59604-7388  
kelly.lynch@mtleague.net

Greg Sullivan  
Bozeman City Attorney  
P.O. Box 1230  
Bozeman, MT 59771-1230  
gsullivan@bozeman.net

Re: Request for Opinion  
Open public meetings during an emergency

Gentlemen:

On behalf of Custer County, the City of Bozeman and the Montana County Attorneys Association you have jointly requested an Opinion regarding an issue we have rephrased as follows:

During a declared state of emergency affecting the citizens and government of the State of Montana, may a public agency or local government conduct public meetings in whole or in part, after reasonable notice to the public, by means including electronic communication, video conferencing or other forms of remote participation?

Your request is made because of emergencies declared by both the State of Montana and the President of the United States to suppress the danger to the public posed by the novel coronavirus and resulting COVID-19.

On March 24, 2020, Governor Bullock issued a Directive authorizing local governments to modify the means by which they conduct the people’s business, including modification of work hours, office access, building closures and work practices. That Directive specifically states:

Local governments are encouraged to find ways to provide for the right of public participation consistent with social distancing practices, including virtual participation where legal and practicable.

TELEPHONE: (406) 444-2026    FAX: (406)444-3549    E-MAIL: [contactdoj@mt.gov](mailto:contactdoj@mt.gov)    WEB: [mtdoj.gov](http://mtdoj.gov)

### MONTANA DEPARTMENT OF JUSTICE

Legal Services Division \* Division of Criminal Investigation\* Highway Patrol Division \* Forensic Science Division  
Gambling Control Division \* Motor Vehicle Division \* Information Technology Services Division \* Central Services Division

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 Greg Sullivan  
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On March 26, 2020, Governor Bullock issued another Directive to “immediately implement measures to ensure social distancing to prevent the spread of disease.” The Governor declared:

I have determined that to protect public health and human safety, it is essential to the health, safety, and welfare of the State of Montana during the ongoing state of emergency that, to the maximum extent possible, individuals stay at home or at their place of residence.

Section I. 1. of the Directive specifically limits activity outside the home or place of residence “to the greatest extent possible, except as allowed in this Directive.” Further, the Directive states:

All **public** and private **gatherings** of any number of people occurring outside a household or living unit **are prohibited**, except for the limited purposes permitted by this Directive.

Governor’s Directive, March 26, 2020, Section 3 (emphasis added). The Governor’s Directive thereafter does not allow residents to leave their residences to attend government-centered meetings, conferences, workshops or any other type of public gathering related to the ongoing business of local government.

The March 26, 2020 Directive is effective from March 28 through April 10, 2020. If the “shelter” Directive is extended, your question regarding open meetings will present again. Based upon the research that you provided and our own, we offer the following advice.

Article II, Section 8 of the Montana Constitution provides:

**Right of participation.** The public has the right to expect governmental agencies to afford such reasonable opportunity for citizen participation in the operation of the agencies prior to the final decision as may be provided by law. The Legislature has codified guidelines to protect the Article II, Section 8, guarantees at § 2-3-101, et seq., MCA.

Article II, Section 9 of the Montana Constitution provides:

**Right to know.** No person shall be deprived of the right to examine documents or to observe the deliberations of all public bodies or agencies of state government and its subdivisions, except in cases in which the demand of individual privacy clearly exceeds the merits of public disclosure.

As you referenced, these rights are also generally created statutorily pursuant to Mont. Code Ann. §§ 2-3-103, 2-3-111 and 2-3-201. The Legislature has also codified specific requirements for local governments with respect to public participation in government operations. (See §§ 7-1-4142 and 7-1-4143.) Under the Montana Constitution, the “right of participation” requires a “reasonable opportunity” and “right to know” carries the mandate of the opportunity to “observe.” Neither require actual physical presence.

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Each agency shall develop procedures for *permitting and encouraging the public to participate* in agency decisions that are of significant interest to the public. The procedures must *ensure adequate notice and assist public participation* before a final agency action is taken that is of significant interest to the public.

Mont. Code Ann. § 2-3-103(1)(a) (emphasis added). An agenda, notice, and an opportunity for public comment must be provided. *Id.*

In 47 Op. Att’y Gen. No. 13 (1998), Attorney General Mazurek recognized that under Montana’s open meeting and public participation laws, the public must be given “the opportunity to participate” in any decision of a local government, other than ministerial acts, if there is any question of whether the decision is of “significant public interest.” The Opinion notes statutory provisions regarding the public’s “right to observe the deliberation of all public bodies . . .” found in Title 2, Ch. 2, Part 2, Montana Code Annotated. 47 Op. Att’y Gen. No. 13 at 2. The intent of the statutes is to ensure that public agencies conduct all actions and deliberations openly. *Id.* Additionally, under Mont. Code Ann. § 7-5-2125, all meetings of a county commission “must be public.” *Id.* One may assume that this principle applies to town and city council meetings as well.

While that Opinion was concerned with the subjects triggering the requirement of holding open meetings, the intent of the statutory and constitutional requirements for open government are applicable here. Our previous analysis of cases and statutes revealed the intent that the public be provided the reasonable opportunity to participate and observe while the manner or mechanism is not defined.

The “right of participation” requires each public body to adopt policies which permit and encourage public participation in agency decisions. 47 Op. Att’y Gen. No. 13 at 3. The required procedures “must include a method of affording interested persons reasonable opportunity to submit data, views, or arguments, orally or in written form, prior to a final decision that is of significant interest to the public.” *Id.*, citing Mont. Code Ann. § 2-3-111(1). The Opinion notes that public participation may be waived when the agency decision concerns an emergency situation affecting the public health, welfare or safety (Mont. Code Ann. § 2-3-112(1)), but that involves the subject of the decision itself.

The authorities cited in 47 Op. Att’y Gen. No. 13 indicate that a reasonable opportunity for public observation and participation is required. The manner by which notice, participation and observation are provided to the public must be reasonable. *Id.* at 5.

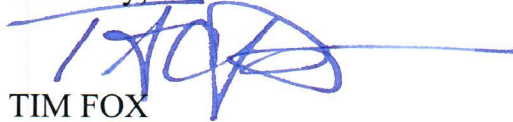
Based on the above and the prior analysis by General Mazurek, the proposed “Guidelines for Conducting Local Public Meetings During COVID-19 Emergency” (revised March 27, 2020 through 1:00 p.m.; see Attachment) are reasonable and consistent with the intent of both the Montana Constitution and implementing statutes and the Governor’s Directives during this emergency.



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This letter is provided as a letter of advice to assist your resolution of the question presented as quickly as possible under these unprecedented events. It is not a formal Attorney General Opinion and should not be presented or cited as such.

Sincerely,



TIM FOX  
Attorney General

Enc.

**Attachment to Letter of Advice, March 27, 2020**

**Proposed March 25, 2020 (revised by Montana League of Cities and Towns, through 1:00 p.m. March 27, 2020):**

**Guidelines for Conducting Local Public Meetings During COVID-19 Emergency**

Montana local governments have a responsibility, duty, and power to secure and promote the public health and safety of those persons present in their respective jurisdictions as well as their public employee staffs and public officials from the COVID-19 pandemic disease. I recognize that different types and forms of Montana local government exist pursuant to Montana state law, and these different local governments have different statutory and local laws governing notice and conduct of public meetings. Therefore, each public agency should discuss the best protocol to follow with their respective local government attorney and executive staff before making any decision about when and how to proceed with a public meeting during the COVID-19 emergency pursuant to these guidelines.

1. **Cancel Non-Essential Meetings.** During this national and state COVID-19 emergency, and in light of *Executive Directive Implementing Executive Orders 2-2020 and 3-2020 providing measures for the operation of local government* issued March 24, 2020, local governments should take all steps possible to indefinitely suspend all non-essential public meetings of any board, agency, or committee of the local government other than the governing body.
2. **Limit Public Meetings to Critical Items Only.** If a local government determines that a public meeting must be held, local governments should strive to limit the meeting to only those items necessitating immediate or timely action by the governing body. The local government may consider using a “consent agenda” or other methods for allowing for the quickest and most efficient meeting possible.
3. **Determine Type of Meeting.** In accordance with current public health and safety protocols and national or state directives, the local government should determine the best method for holding a public meeting while protecting public health and safety. During the COVID-19 emergency, a public meeting may be held through remote means.
4. **Noticing the Public Meeting.** The notice of any public meeting held during the COVID-19 emergency should also include information on the method by which the meeting will be held, including information about how the public may participate remotely and how documents to be discussed during the meeting can be accessed by the public.
5. **Meetings by Remote Communication.** If a meeting will be held in whole or in part through remote attendance and participation, the local government should strive, if possible, to provide a remote communication system that provides the members of the local governing body and the public the ability to see, hear, and reasonably participate in the meeting. If a local government does not have the technology or resources to provide video

conferencing, either temporarily or permanently, the local government must ensure, at a minimum:

- a. Each member of the governing body and the public in attendance must be able to adequately hear each other;
- b. Members of the public must be provided a reasonable opportunity to comment on both items on the agenda and on any matters not on the agenda, either through participation via the remote communication system or by other reasonable means;
- c. All members of the governing body and the public must be able to reasonably observe all materials reviewed and discussed by the governing body during the meeting. The local government may determine the best procedure for submitting materials to the governing body prior to or during the meeting, so long as the public can access the agenda and all related materials through one of the following methods:
  - i. On the local government's website;
  - ii. Through the video conferencing platform to be used for the meeting; or
  - iii. On an individual basis by email, mail, in-person, or other method described in the notice of the meeting.
- d. The local government must provide a method to take minutes of or record the meeting pursuant to the governing body's established rules for taking minutes.

These guidelines are recommendations as to how Montana local governments might implement temporary emergency measures for public meetings that provide reasonable opportunity for public participation prior to public body final decision making in light of the current emergency circumstances. The current COVID-19 pandemic necessitates a balancing of public participatory rights and more limited local government operations, including limited public meetings, that take into account current public health and safety protocols and national or state directives and recommended measures including social distancing and shelter in place orders. Acting in accordance with these guidelines will allow a reasonable opportunity for public participation and critical local government operations to continue while protecting the public health and safety of the public, local government employees, and local elected officials.

# Notice of Public Hearing

Item 2.

The County Water District of Billings Heights will hold a Public Hearing meeting on Wednesday, April 13, 2022 at 6:00 p.m. at the District office located at 1540 Popelka Drive in Billings, Montana. The purpose of the Public Hearing is to receive public comment on the proposed settlement agreement between the District and the City of Billings over the billing error by the City of Billings and subsequent lawsuit filed against the District. The proposed settlement agreement is for \$2,936,251.80.

Written comments may be submitted by email to [cwdbhboard@gmail.com](mailto:cwdbhboard@gmail.com) or mailed to the district office. The deadline for written comments is April 8th at 5:00 pm. The proposed settlement agreement and legal documents can be reviewed online on the district website:

[www.heightswaterdistrict.com](http://www.heightswaterdistrict.com) under the about us/agenda and minutes tab or at [www.yellowstonecountynews.com/county-water-district-of-billings-heights](http://www.yellowstonecountynews.com/county-water-district-of-billings-heights).

For further information, please call:

Peyton Brookshire  
General Manager  
(406) 252-0539 Ext 3

# SETTLEMENT AGREEMENT

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between

THE CITY OF BILLINGS (the “City”)

and

THE COUNTY WATER DISTRICT OF  
BILLINGS HEIGHTS (the “District”)

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Dated March \_\_\_\_, 2022.

## RELEASE AND SETTLEMENT AGREEMENT

**RELEASOR:** The City of Billings, a Montana municipal corporation.

**RELEASEE:** County Water District of Billings Heights, a Montana local government unit.

**DESCRIPTION OF CLAIMS:** (1) Breach of Contract/Collection for amounts due under the Water Supply and Purchase Agreement dated December 14, 1998 between the City and the Water District for amounts owed by the District to the City for water purchased by the District between February 27, 2015 and December 15, 2017; and

(2) counterclaims for Negligence (Count I), Collection and Declaratory Judgment (Count II).

**SETTLEMENT AMOUNT:** \$2,936,251.80 (Two Million, Nine Hundred Thirty-Six Thousand, Two Hundred Fifty-One Dollars and 80 cents).

**CIVIL CAUSE:** The City of Billings v. County Water District of Billings Heights, before the Thirteenth Judicial District Court, in and for the State of Montana, Cause No. DV 20-1653.

### 1. Releases

Releasor releases the Releasee Water District of and from all amounts that Releasee owes to the City under and pursuant to the Water Supply and Purchase Agreement dated December 14, 1998 for water purchased by the District between February 27, 2015 and December 15, 2017. The City agrees to accept the Settlement Amount stated above in full satisfaction of all amounts owed by the Water District to the City under the Water Supply and Purchase Agreement for the time period of February 27, 2015 and December 15, 2017. The Releasor City is expressly reserving and is not releasing its claims: (a) that the Water District is selling water outside of its Service Area in violation of § 27-201 - 207, Billings Montana City Code; and (b) that the Water Supply and Purchase Agreement dated December 14, 1998 is a contract for an indefinite term under the Uniform Commercial Code and may be terminated at any time, pursuant to Montana Code Annotated § 30-2-309.

The Releasee Water District releases the Releasor City of and from the Releasee's claims for: (a) negligence (Count I) in connection with the City's billing practices under

the Water Supply and Purchase Agreement dated December 14, 1998; and (b) for collection and declaratory relief (Count II) with respect to the Water District's claims arising from or related to any franchise fees paid by the Water District to the City. The Releasee Water District expressly reserves and does not release any claims that it may have against the City arising from any service fees that the City may have unlawfully billed to the Water District.

## **2. No Admission of Liability**

It is understood that the above-mentioned sum is accepted as the sole consideration for full satisfaction and accord to compromise a disputed claim, and that neither the payment of the sum by Releasee nor the negotiations for settlement shall be considered as an admission of liability by either Party. The claims reserved and not released remain disputed and not admitted by the opposing party.

## **3. Stipulation for Dismissal.**

The Parties enter into this Settlement Agreement in order to settle and resolve the above-described civil litigation. Towards that end:

- A. The Releasor's complaint against the Releasee with respect to amounts owed to the Releasor for water purchased by the Releasee between February 27, 2015 and December 15, 2017, shall be dismissed, with prejudice;
- B. Releasee's counterclaim against Releasor for negligence and declaratory relief shall be dismissed with prejudice;
- C. Releasee's counterclaim against Releasor arising from or related to any franchise fees paid by Releasee shall be dismissed, with prejudice; and
- D. Releasor's claims and Releasee's counterclaim against each other as may be alleged in the pleadings but not subject to the prayer of their Complaint and Counterclaim shall be dismissed without prejudice and shall not be subject to the mutual release of all claims.
- E. Each party shall pay their respective costs and attorneys' fees.

## **4. Approval of Settlement**

The Releasor warrants and represents that this Settlement Agreement has been approved by the Billings City Council and that the Mayor of the City of Billings has the power and authority to execute and deliver this Settlement Agreement.

The Releasee warrants and represents that this Settlement Agreement has been approved by the Board of Directors of the County Water District of Billings Heights and

that the undersigned has the power and authority to execute and deliver this Settlement Agreement.

## **5. Payment**

Within thirty (30) days after the approval of this Settlement Agreement and Release by the later of the City of Billings City Council and the Board of Directors of the County Water District of Billings Heights, Releasee shall pay to Releasor the sum of Two Million, Nine Hundred Thirty-Six Thousand, Two Hundred Fifty-One Dollars and 80 cents **(\$2,936,251.80)**.

Upon receipt of payment of the Settlement Amount, counsel for the Parties shall cause a Stipulation for Dismissal of the pending Civil Action to be filed in the District Court. The Stipulation for Dismissal shall be substantially in the form that is attached as Exhibit "A".

## **6. New Water Purchase Agreement**

The Parties through their respective representatives, have mutually agreed to meet to begin addressing issues with the existing Water Purchase Agreement with a goal of drafting a new Water Purchase Agreement that may be acceptable to both the City of Billings and the County Water District of Billings. The Parties acknowledge that many of the customers of the County Water District of Billings Heights are also citizens of the City of Billings. Therefore, it may be in the interest of both Parties to negotiate and finalize a new agreement for the future. However, nothing in this Paragraph 6 shall impose any legal duty upon either party.

## **7. Taxation**

Neither Party makes any representation about the taxability of any portion of this Settlement. Each Party warrants and represents to the Other Party that it has consulted such accountants, attorneys, and advisors as it deemed appropriate regarding this settlement and that it is not relying upon any statement from the Other Party or its attorneys

## **8. Severability**

Should any provision of this Agreement be determined to be unenforceable, all remaining terms and clauses shall remain in force and shall be fully severable.

## **9. Choice of Law**

The laws of the State of Montana shall apply to the interpretation of this Agreement.

## **10. Final Agreement**



This written Agreement constitutes the final agreement between the parties and shall supersede any oral agreements to the contrary.

**CITY OF BILLINGS, MONTANA**

By: \_\_\_\_\_  
Mayor, William A. Cole

**COUNTY WATER DISTRICT OF BILLINGS HEIGHTS**

By: \_\_\_\_\_  
Ming Cabrera, President

STATE OF MONTANA            )  
  : ss.  
County of Yellowstone        )

This instrument was acknowledged before me on this \_\_\_\_ day of March, 2022, by **William A. Cole**, Mayor of the City of Billings.

\_\_\_\_\_  
Notary Public for the State of Montana

STATE OF MONTANA            )  
  : ss.  
County of Yellowstone        )

This instrument was acknowledged before me on this \_\_\_\_ day of March, 2022, by **Ming Cabrera**, President of the County Water District of Billings Heights.

\_\_\_\_\_  
Notary Public for the State of Montana

Doug James  
Jordan W. FitzGerald  
MOULTON BELLINGHAM PC  
27 North 27<sup>th</sup> Street, Suite 1900  
P. O. Box 2559  
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*Attorneys for Plaintiff & Counter-Defendant City of Billings*

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mark@hendricksonlawmt.com

*Attorneys for Defendant & Counterclaimant*

MONTANA THIRTEENTH JUDICIAL DISTRICT COURT,  
YELLOWSTONE COUNTY

CITY OF BILLINGS, a Montana municipal  
corporation,

Plaintiff & Counter-Defendant,

-v-

COUNTY WATER DISTRICT OF BILLINGS  
HEIGHTS, a Montana local government unit,

Defendant & Counterclaimant.

Cause No. DV 20-1653

Judge Rod Souza

**JOINT MOTION FOR DISMISSAL**

The City of Billings and the County Water District of Billings Heights, by and through their respective counsel, stipulate and agree:

- A. The prayer for relief under Counts I, II, and III of The City's complaint against the Water District for amounts owed to the City for water purchased by the County Water District between February 27, 2015 and December 15, 2017, shall be dismissed, **with prejudice**;
- B. The prayer for relief under Counts I and II of The Water District's counterclaim against the City for negligence and declaratory relief, including any claim based on "franchise fees," shall be dismissed, **with prejudice**. Provided, however, that any claims in Count II of the Water District's counterclaim against the City that the City had unlawfully billed Releasee for various service fees shall be dismissed, **without prejudice**;
- C. Allegations not included in the prayers of the complaint or counterclaim, or included above shall be dismissed **without prejudice**; and
- D. Each Party shall pay its own respective costs and attorneys' fees.

DATED this \_\_\_\_ day of March, 2022.

MOULTON BELLINGHAM PC

By \_\_\_\_\_  
 Doug James  
 Jordan W. FitzGerald  
 27 North 27<sup>th</sup> Street, Suite 1900  
 P. O. Box 2559  
 Billings, Montana 59103-2559

*Attorneys for Plaintiff & Counter-Defendant City of Billings*

HENDRICKSON LAW FIRM, P.C.

By \_\_\_\_\_

Mark Noennig  
Hendrickson Law Firm, P.C.  
208 North Broadway, Suite 324  
P. O. Box 2502  
Billings, Mt 59103-2502

*Attorneys for Defendant & Counterclaimant*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing was duly served upon the following persons and counsel of record by depositing the same, postage prepaid, in the United States mail this \_\_\_\_\_ day of March, 2022:

Mark Noennig  
Hendrickson Law Firm  
P. O. Box 2502  
Billings, Mt 59103-2502

*Attorneys for Defendant & Counterclaimant*

By: \_\_\_\_\_

Doug James  
Jordan W. FitzGerald

MONTANA THIRTEENTH JUDICIAL DISTRICT COURT,  
YELLOWSTONE COUNTY

CITY OF BILLINGS, a Montana municipal  
corporation,

Plaintiff & Counter-Defendant,

-v-

COUNTY WATER DISTRICT OF BILLINGS  
HEIGHTS, a Montana local government unit,

Defendant & Counterclaimant.

Cause No. DV 20-1653

Judge Rod Souza

**ORDER OF DISMISSAL**

The City of Billings and the County Water District of Billings Heights, by and through their respective counsel, filed a Joint Motion for Dismissal of this action. Good cause appearing, the Parties Motion is GRANTED.

In accordance with the Joint Motion of the Parties:

- A. The prayer for relief under Counts I, II, and III of The City's complaint against the Water District for amounts owed to the City for water purchased by the District between February 27, 2015 and December 15, 2017, is hereby dismissed, **with prejudice**;
- B. The prayer for relief under Counts I and II, of The Water District's counterclaim against the City for negligence and declaratory relief,

including any claim based on “franchise fees,” except for claims pertaining to service fees, is hereby dismissed **with prejudice**;

C. Any claims in Count II of The Water District’s counterclaim against the City that the City had unlawfully billed Releasee for various service fees are hereby dismissed, **without prejudice**.

D. Allegations not included in the prayers of the complaint or counterclaim, or included above, are hereby dismissed **without prejudice**.

Each party shall pay its respective costs and attorneys' fees.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2022.

---

Judge Rod Souza

Cc: Doug James  
Jordan Fitzgerald  
Mark Noennig

4857-5030-7853, v. 2

## Water District Seeks More Public Input, Dianne Crees Retires

by Evelyn Pyburn YCN ❖ March 25, 2022

The Heights Water District Board agreed, last Wednesday, to continue the discussion about the pending agreement with the city to pay an almost \$3 million water bill, at their next board meeting to allow more opportunity for the public to weigh in on the matter. It was also announced, at the meeting, that Dianne Crees, the District's Clerk Treasurer, is retiring on April 22, – 30 years and two days from the day she began working for the Water District. Jennifer Burnside has been hired to fill her position. Heights Water District customers are urged to voice their opinions about paying the city water bill at the April board meeting, which is being moved up a week, to Wednesday, April 13. It will be the meeting's first agenda item, beginning at 6 pm, in the Water District Offices.

The City Council is expected to consider approving the agreement at their March 28 meeting.

The district board's attorney, Mark Noennig, explained the legalities involved regarding payment of the bill. He reviewed the issues involved in paying the bill, which accrued over time because of an error in how the city was billing the Water District for the water it used.

Controversy about the \$2,970,599.35 has hung in limbo for the past three years.

Noennig noted that the city is not trying to collect any interest on the debt, which in his opinion they could legally do at 10 percent under state law, which would increase the total owed by the District to over \$5 million.

It was pointed out that by the time the city discovered the error in billing, it was too late to determine who was responsible – the public works department or the new software company from whom they had acquired a new system to do their billing. By the time the error was discovered the software company's liability had expired.

The District's legal committee, comprised of Board members David Graves, Pam Ellis and Jeff Engel, reported to the board that they have negotiated an agreement with the city to pay the bill in one payment, less \$34,347.55 in interest, which they would have earned on money if they had accepted the city's initial offer of paying it in three installments.

Other issues left on the table by the District involved the collection of \$35,000 by the city in franchise fees which a court decision has declared an illegal tax, but for which the court also said reimbursement to ratepayers was not collectable. There also lingers a dispute between the District and the city over a \$5,000 right-of-way fee, over which the committee said "we agreed not to agree."

Chairman of the Board Ming Cabrera urged the board to accept the settlement saying that to go back to negotiations could put the district at risk of having to pay the interest which would be a liability of over \$5 million. Cabrera said that he believes it was a desire of district members to pay the bill and "move on," that got him elected to serve on the board. That's what he heard the public repeatedly say in campaigning for his position, he said.

Peyton Brookshire, the district's former assistant manager who has been named the new manager, said he believed settling with the city created the wrong kind of "optics," although he understands the decision is the board's to make.

"It looks like we didn't pay it," he said, rather than that the city made a mistake in billing the district. He said he believed the district has no liability and that the decision to pay it is serious because "we are giving up 30 percent of our reserves."

Board member Pam Ellis commented that the district is not giving up 30 percent of its reserves because they wouldn't have those funds if they had had to pay the full amount for the water they were getting.

Brookshire and others have also been concerned about putting at risk the purchasing agreement the district with the city, which the city has been “very aggressive” about wanting to change. “It is about control,” said Brookshire. Gaining greater control over Heights’ issues of growth and fees has been a primary goal of the city for a long time. He said, “The only way they can do that is if we let them.”

The proposed settlement involves no changes in the district’s purchasing agreement with the city, an agreement that has been assessed as being a very advantageous one for the district. The proposed settlement does state, however, “The Parties, through their respective representatives, shall meet to begin addressing issues with the existing Water Purchase Agreement with a goal of drafting a new Water Purchase Agreement that may be acceptable to both the City of Billings and the County Water District of Billings.”

Board member Brandon Hurst, who attended the board meeting virtually, made the motion to seek more public input at the April meeting of the Board, a position strongly supported by Cabrera who said he thought it was very important, considering the sum involved, to give the public as much opportunity as possible to voice their views. Dennis Cook also attended virtually and Jeff Engel intended to, but could not, due to technical difficulties.

Cook indicated in written text on the monitor that he wanted to vote “no” on accepting the settlement.

The retiring Dianne Crees began working as a bookkeeper for the Water District on April 20, 1992. In an interview, she said that she has very much enjoyed her job, but she is looking forward to retirement “to work on other projects” and to enjoy grandchildren. Crees’ father, Victor Reichenbach, who will soon be 92, was among the Heights residents who help start the effort to get water into the Heights, which eventually evolved into the Water District.

When Crees began working for the district, her primary job was to help in the process of reading meters. It used to take “four guys four days to read meters . . . I had to manually punch in their readings,” she said. Over the years the district has used several systems to make meter reading more efficient, and today it’s a job that require one person a day-and-a-half to gather the data, which is stored “in the cloud.”

Most of Crees’ time is now focused on doing payroll, the general ledger and customer service.

Cree’s is married to Chip Crees who sells B-Fit exercise equipment. They have four children and eleven grandchildren.

In other district business, ellis reported that the city’s rate increase for July 2022 is “off the table.” She said that Jennifer Duray of the billings Public works department confirmed to the district’s Legal Committee on Feb. 7, that a proposed rate increase for city water will probably not occur in FY23, but that when it goes into effect, it will probably be more than the 30.6 percent announced.

Future rate increases will be based on the cost of the completed new infrastructure. Impacting those costs are increasing prices for materials and construction and perhas the award of grants that which will help defray the costs.

The board also approved three requests for annexation into the district. The board approved the Annexation of Barrett Road Development of 10.77 acres, for a fee of \$109,309.85; for High Sierra 21st filing, of 10.454 acres for a total fee of \$105,910.15; and for Ed McCullough for 1228 Rawhide Strip of 1.13 acres for a fee of \$11,446.91.



**October 11, 2017** Duke was contacted by a customer at Cherry Creek Development. There is a citizen group who would like to do a class action lawsuit against the City of Billings over the franchise fees the City charges. The customer wanted to know if the District would be interested in joining the class action suit. The District does not want to get involved because it would not be in our customer's best interest to bite the hand that feeds us, so to speak.

**June 13, 2018** • The City of Billings dropped the franchise fee of 4% which will be effective on the July billing. Duke stated this would be a savings of approximately \$57,000 annually. If we were to pass this cost savings on to our customers, it would amount to \$ .80 a month. The other option would be to put it towards infrastructure i.e.: SRF loans.

### **August 8, 2018 Meeting**

Duke received a call from Jennifer Drury, Finance Manager with the City of Billings. The City made an error on our water bill that they corrected January 2018. When converting gallons to CCF (100 cubic feet) the conversion should be .13368. Their billing program only calculated out .1336. The City researched it further, and found the error happened when the City converted to a new billing system February 2015. The City is asking the District to pay the back amount owed of \$2,601,752.19. Bud Dunham made a motion that the board is in favor of not paying any charges from the City of Billings that were incurred prior to the calculation being corrected by the City of Billings. Jim Miller seconded. Motion carried 6-0.

### **September 12, 2018**

Duke handed out a letter from the City of Billings Attorney, Brent Brooks regarding the City Public Utilities Department underbilling the District for three years due to a conversion the City of Billings did with their billing system. The letter stated that the City has an 8-year statutory period to bring collection action for the undercharged amount. In order to avoid litigation, the City would like the District to reconsider their position on paying the undercharged amount. The District received the water bill from the City, who had also added on \$39,026.28 in late fee. Duke contacted our lawyer, Randy Nelson. Randy advised that given the legal costs to go to court with the City, it is in our best judgement to negotiate. The board discussed it being a "billing error" and not a "collection issue". The Board would like to meet with Randy Nelson. Duke will schedule a meeting, and let the board members know the date and time if they would like to attend.

### **October 10, 2018**

Duke and Wynn met with Dave Mumford and Jennifer Drury with the City of Billings to discuss negotiations on the City of Billings billing error. The take away from that meeting was the City expects payment in full, but would allow the District to pay in installments. Duke handed out information from the Administrative Rules of Montana (ARM); some emails between Duke and Attorney Randy Nelson; and Randy's proposed letter to the City of Billings. The Board discussed options for the District. Donna Dinsmore made a motion to approve Randy Nelson's letter to be sent to the City of Billings Attorney, Brett Brooks regarding the ARM stipulation being only six months of back billing may be collected for billing errors. Jim Miller seconded. Motion passed 4-0.

**November 14, 2018**

Duke handed out a letter our attorney, Randy Nelson sent to the City of Billings regarding the billing error the City made. No update at this time.

**December 12, 2018**

Duke and Wynn are scheduled to meet with the City of Billings on December 13 at 1:00 p.m

**January 9, 2019**

Duke was contacted again by the people who are bringing a Class Action lawsuit against the City of Billing regarding the franchise fees. They would like a plaintiff who is a bulk rate customer of the City's, which we are the only one. We are not interested in joining the lawsuit. (franchise lawsuit)

Update on the City of Billings meeting Duke and Wynn attended December 13. The City is maintaining that they are owed the money, and would allow us to make payments over three years. Our belief is that it was a billing error made by the City, and we would be willing to pay 6 months. We paid what the City billed. Our attorney, Randy Nelson, is waiting for the City Attorney, Brett Brooks to contact him. Randy is saying for us to do nothing, and these cases typically take a long time to resolve. (lawsuit with COB)

**February 13, 2019**

Update on the City of Billings billing issue. Our attorney, Randy Nelson requested information from our auditors, Summers, McNea; and from Interstate Engineering to show the financial stress for future development on our District. Duke also visited with Kristen Omvig, who was our attorney when she worked with Crowley, Fleck. She has since relocated to Kalispell, MT. Duke said she was open to representing the District if, and when, we might need it

**March 13, 2019**

City Council members, Roy Neese and Frank Ewalt stopped by for an impromptu meeting. The reason for their dropping by our board meeting was in regards to the City of Billings Public Works billing error from February 2015. The City Attorney had sent the District's Attorney, Randy Nelson a letter on January 14, 2018 (which should have been dated 2019). The District had not replied to that letter due to gathering information from our auditor and engineering firms. The City fully acknowledges that a mistake was made, but expects the District to pay for the mistake because we received the water. There was quite a bit of discussion. (lawsuit COB)

The Board had a lengthy discussion regarding the City's impromptu attendance of the Board meeting. Duke and Wynn have an appointment with our attorney, Randy Nelson on Thursday, March 14. (lawsuit COB NOTE the lengthy discussion happened when the city administrator and council members had left the meeting)

<u>Attorneys</u>	<u>Attorneys at Law</u>	<u>Legal Assistant</u>
Randall G. Nelson	Brenda Webster rgnelson@nelsonlawmontana.com Ste. E bwebster@nelsonlawmontana.com	2619 St. Johns Ave.,
Thomas C. Bancroft*	Billings, MT 59102	

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March 18, 2019

Brent Brooks  
CITY ATTORNEY  
P.O. Box 1178  
Billings, MT 59103

EMAIL TRANSMISSION

RE: County Water District of Billings Heights ("CWDBH")

Dear Brent:

I apologize for the delay in getting back to you and Stacey. The Board was unable to meet about this matter because of travel schedules. The delay is not the result of a failure to regard this matter as a priority.

Our clients share a common goal of providing the best water service possible to the taxpayers and citizens whom they serve. You and I have recognized that, particularly with government entities, those served by the entities are never benefitted by litigation. The CWDBH and its Board understand this well. Toward that end, the CWDBH has and continues to negotiate with the City in the utmost good faith, despite its strong conviction that it is not financially liable for the City's alleged error. In keeping with our mutual belief that litigation is to be avoided if at all possible, you and I have left our clients free to negotiate directly with each other. That probably has to change now.

The CWDBH Board met on March 13, 2019. The City Manager and two council members came to the meeting without the courtesy of any advance notice. The City Manager began by stating the false and insulting accusation that members of the CWDBH knew of the City's alleged error and said nothing, in hopes of taking advantage of the situation. We would have expected more of a public official at this level than to make unsupported reckless allegations that impugn the character of the CWDBH members. It is simply not true. He is lucky that his actions did not result in a permanent end to any dialog on the dispute. If this matter is negotiated to a resolution, it will be in spite of, and not because of, the grandstanding actions of the City Manager.

The CWDBH's delay in responding was in part because it was waiting on a financial analysis from its accountants. As you know, the CWDBH was unaware of the alleged underbilling by the City, and understandably continued to budget, make financial decisions, and plan based on its real-time financial picture. CWDBH's accountants predict a serious financial impact upon

the entity if it is forced to reverse the results of the last two years and make a \$2.6 million payment to the City. In fact, the accountants estimate a financial impact in excess of half the amount demanded by the City. To date, the City asks for "responsible" action by the CWDBH, but the City's demands take no responsibility for the financial impact of now demanding a \$2.6 million payment. Responsibility is a two-way street, one hopes.

Notwithstanding the City Manager's behavior, which won't be tolerated again, the CWDBH recognizes that its successful partnership with the City of Billings Water Department is of paramount importance to the customers both entities serve, and the Board will continue to be guided by this priority. In order to best serve its customers, and to offer the most responsible action possible, the CWDBH voluntarily set aside the strength of its legal position and offered the City to pay half of the amount demanded \$1.3 million. While suffering the gaslighting by the City Manager about responsibility, the City officials take no responsibility for the harm upon the CWDBH; they rejected the offer. The City's demand to recoup the entirety of the alleged amount due without an offset for the amount of harm inflicted on the CWDBH is rather hypocritical, to put it kindly.

The CWDBH's offer is a generous, good faith offer that reflects the Board's desire to work with the City, and put both entities' customers first. The City's demand offers no accounting for its responsibility. My hope is that you will step in and help the misguided City officials understand the error of their ways.

This offer expires in 60 days.

Kind Regards,



Randall G. Nelson

RGN/kma

c: Duke Nieskens

July 12, 2019



**CITY OF BILLINGS**

**CITY ATTORNEY'S OFFICE  
P.O. BOX 1178  
BILLINGS, MONTANA 59103**

**(406) 657-8205  
FAX (406) 657-3067**

July 12, 2019

Randall G. Nelson  
Attorney at Law  
Nelson Law Firm, P.C.  
2619 St. Johns Ave., Ste. E  
Billings, MT 59102

RE: Breach of Contract Dispute with County Water District of Billings Heights and Tolling Agreement

Dear Randy:

Per my previous correspondence, the City maintains that the County Water District of Billings Heights is in breach of its Water Service Agreement with the City for its refusal to pay the currently billed and past due amount for undercharged water usage between the dates of 2/27/2015 and 12/15/2017; this amount is \$2,970,599-35.

The City's Public Works Director has offered to forfeit accruing interest on this balance past due and to accept time payments for the period of undercharges (approximately 34 months). Your client has offered to pay the City \$1.3 million dollars.

To date, the parties have engaged in informal discussions to settle this matter without their respective attorneys' presence. Would your client be willing to enter into the enclosed Tolling Agreement in order to continue informal discussion with counsel present or formal mediation?

Very truly yours,



Brent Brooks  
City Attorney

Cc: Chris Kukulski, Acting City Administrator  
David Mumford, Public Works Director  
Jennifer Duray, Deputy Public Works Director  
enclosure

**December 31, 2020. Tolling agreement expired**

1. The Parties express their intention that this Agreement shall be interpreted broadly to toll the running of all statutes of limitation and defenses from the date of this Agreement through December 31, 2020.

**May 8, 2019** Duke was contacted by another attorney in regards to the class action suit against the City of Billings regarding the franchise fees. These attorneys would like to see the District become a plaintiff. Duke contacted the District's Attorney, Randy Nelson, who said no.

**January 13, 2021** The District was served papers by the City of Billings regarding the lawsuit. Our attorney was working on a response. We will be going to trial. Wynn mentioned that a lawsuit will not just open up the billing error by the City of Billings, but the City of Billings would like to open up the existing contract between the District and the City. The District has maintained that the lawsuit is only about the billing error by the City. One of the items the board needs to discuss is the possibility of a counter-suit for the twenty-six (26) years of franchise fees illegally assessed which totals \$1.25 million (without interest), as well as the street permit fees being charged illegally because the District is a quasi-government entity. The permit fees are approximately \$250,000. The District attorney, Randy Nelson is working on the counter suit, but needs approval from the Board to proceed. Steve Blood made a motion to approve the back franchise and street permit fees in a counter suit with the City of Billings. Jon Muessig seconded. Motion carried 6-0.

**September 8, 2021** Legal Dispute with the City of Billings: re fees Roberta "Bobbi" Berkhof is an experienced litigator who has been assigned to represent the District in this matter. She is meeting with Duke and Peyton this week to discuss the specifics of the case. There was general consensus that the Board is not happy with the slow pace of working toward resolution and the lack of communication with the Board. Jeff Engel suggested that the "squeaky wheel" gets the attention. Laura Drager noted that the Board controls the purse strings; the legal memos need to be received in a timely manner and more effort needs to be evident in addressing the concerns raised. The Board will expect a summary memo from Bobbi Berkhof prior to the October meeting.

Brandon Hurst asked about accepting renegotiation of the existing contract. The Board agreed by consensus at the August 19th meeting that this would be two separate discussions and agreements. Pam Ellis commented that the CWDBH had opened the contract up by failing to pay for the water received from the city as specified in the contract.

**October 20, 2021** Lawsuit with the City

1. Due to Dennis's recent health issue, the legal committee meeting scheduled for last week was cancelled. The meeting was rescheduled for Monday, October 18th. There are a few informational items that we requested Roberta Berkhof to obtain. With that information, the committee is planning to present the Board with a recommendation for action
2. The committee is working to come to conclusion on a number of concerns. The City's demand is for \$2,970,599.35. However, there are concerns related to past charges from the City that could result in a substantial adjustment to the amount owed the City.
3. On or about September 22, 2021, the Board of Directors selected 3 Board members to represent the Board at informal discussions with the City related to the lawsuit. Our first meeting was on September 30, 2021. There were attorneys for both parties present. It was a productive

meeting that was very helpful in determining the issues and discussing the various positions taken by the City. After a lengthy discussion, and in order to save the District additional attorney's fees, it was collectively decided to continue these meetings informally, without attorneys present. Another meeting is tentatively scheduled for October 29th. The committee will continue to work toward resolution. If the informal meetings are no longer productive, a third-party mediator is available to help negotiate a settlement.

4. It was discussed at length the need to not circumvent the process of collecting the information and determining the best results for the District by the legal committee; the Board of Directors will be given the opportunity to vote on any recommendations the legal committee presents. There is a fine line between the District's legal position and the public's right to know. Discussions that publicly discuss particular issues and legal strategies have the potential to compromise the District's legal position. The committee will do its work and make a recommendation regarding the lawsuit to the Board at the appropriate time. Our current recommendation is to have the legal committee continue on the same path, working toward a negotiated settlement with the City of Billings.

5. The initial meeting with the City of Billings included: Dennis Cook, Brandon Hurst, Jeff Engel, Bobbi Berkhoff (Felt, Martin, Frazier & Weldon, P.C) and Chris Kukulski (city manager), Jennifer Duray (Deputy Director of Public Works), Roy Neese (Ward 2 Council member) and Gina Dahl (City of Billings City Attorney). Jeff felt they made good headway. The next meeting schedule for Friday, October 29 @ 4:00 pm will be even more informal; no attorneys will be present. Jeff Engel stressed the city called and invited representatives of the County Water District board to meet informally.

Dennis Cook said the board needs to know that the city initiated and that's where we're at. We're working through it and we feel a lot better from where we were to where we are now. Jeff has done a great job as far as being our liaison and Brandon too. I think we're closer than ever to making an agreement that will be beneficial to both parties. They initiated the call and said let's get together, let's figure this out. To me that is very encouraging, it shows a willingness on both sides to get something done.

Ming Cabrera expressed concern with our legal representative, Bobbi Berkhoff, because she sent us a letter that cautions against discussion by the full board because it limits her ability to negotiate. As far as I'm concerned, let's get this darn thing done and get the attorneys out of the room. Any attorney wants to stay in there for another 4 months and get paid. But if the city is willing to talk, let's do that and get the attorneys out of the room and have this bill done. From the reading I have done, there is a bill for \$2,970,599.35. Obviously someone has had a number and they are willing to defer all the finance charges and back charges. But the attorneys are going to eat us alive if you continue with their helping with the negotiations to get this done. We have some CD's that will be due in the future and we need to consider to get this thing done. Thank you Dennis, Jeff and Brandon for getting this thing moving. But I am not going to listen to our attorney because we listened to that other attorney for a year and a half and he just kept writing the bills. Same with Swimley and Tommy Towe. Let's get back to business.

Laura Drager noted that from the documentation she has seen, it looks like the amount the city is asking for is \$2,970,599.35 and that is for the water that we received and sold to our customers. In previous board meeting we had discussions where we were directing our legal liaison committee to discuss with the city or whoever that we want to get the bill paid, we don't want to

pay any service charges and we don't want to bring into play any discussion regarding contract, rates. We just want to focus on that one thing and get that taken care of. Can you tell me in your meeting that you had, was that the case? Was it just discussing that or were other things brought into the discussion?

Jeff Engel said there were some other things on the table but I don't know that we can discuss them. This is one of the things that are really hard to deal with. Let me back up a step here. The attorney Bobbi Berkhoff is one of ones that is on board with us here to give us rein and let us do our thing by ourselves. She is not pushing the issue of being in all those meetings. She is supporting us in that decision to have these informal meetings with the city and she is looking at it strictly from a cost standpoint. I just wanted to clarify that. There is a fine line between the district's legal position and the public's right to know. They strongly encouraged us to try to keep it quiet until we have something to present to the board. At this point in time, we don't have anything formal to present to the board.

Pam Ellis stated that that essentially violates MT Open Meeting laws and she is offended. Jeff Engel said that Jeff Weldon disagrees with that. If we bring everything that we've discussed to the table, it becomes public knowledge and it affects our ability to negotiate.

Pam Ellis said she was not clear why we were negotiating. The number has been the same for the last 2 ½ years. The number has not changed by a penny. The city was demanding that we change the contract and they are now saying they will accept the payment.

Jeff Engel said the contract is not an issue at this point. In our last meeting, Chris Kukulski said the city would address the contract as a separate issue. They agreed to that right off the bat; we didn't have to press that issue at all. So those two items are separated.

Dennis Cook said there is a definite willingness to look at both sides and to try to come to some resolve. We're as close as we're ever going to be. If it looks like there are underlying circumstances that we could come to some agreement on and actually save the district some money, those are things that are still being talked about. All we're asking for the board here is some patience to let us follow through and see what can happen. The worst scenario is the number stays the same; we don't know that. We don't know that it is going to stay the same because that is part of our back and forth. So we have to just take these meetings initiated by the city. They are willing to listen. To me, that is a situation where I believe it could be a winning for us as we move forward. And all the facts and details that are being talked about between us, they don't want their attorney there and our attorney will not be there. This meeting coming up will just be ourselves; it will be that informal. Dennis believes there is light at the end of the tunnel. I am asking the board for your confidence and trust that we can at least talk to them, follow it a little further along, and see if it is going to develop into something that is going to benefit our ratepayers and be a decision that will come out where both parties can hold their head high and get on with what we are supposed to be doing.

Pam Ellis said she would like to point out because she was in the mediation meeting and the January 13th, 2021 board meeting. The minutes of January 13th say that the board approved filing a counter claim for \$250,000 based on the permit fees. That meeting was January 13th based on the City of Billings resolution passed on January 7th 2021. Pam Ellis does not recall approval of that counter claim being discussed by the board; she doesn't believe that 6 days later the district was able to compute. Pam thinks it was added to the minutes because the Amended



Answer, Counter Claim and Jury Trial Demand filed by Randy Nelson was filed on February 8, 2021 before the February board meeting. There has been more than \$250,000 spent on lawyers (between the City of Billings and the CWDBH). The other issue in the complaint is the franchise lawsuit. The ratepayers are already represented by Matthew Monforton. For the franchise lawsuit, if there is a payment you have to assess the ratepayers the payment, hire an attorney to distribute it, and that benefits the ratepayers not at all (Note: The district did not return the \$57,000 annual franchise fee reduction made by the City of Billings in 2017 and rejected requests from the Franchise fee plaintiffs on October 11, 2017 and January 9, 2019. The October 11, 2017 record “The District does not want to get involved because it would not be in our customer’s best interest to bite the hand that feeds us, so to speak.”)

Pam Ellis said she believes there are some real problems with the complaint that was filed by Randy Nelson in February 2021 and she hopes we don’t pursue that. \$250,000, if that is an issue it can be dealt with informally. But it shouldn’t be an issue in resolving the fee dispute with the city.

Dennis Cook said those complaints were only part of it. I want to make sure we’re clear on that. There are bits and pieces to the whole back and forth that are going on in this smaller group. That is what we are working through. We are asking again to let us meet with them to see if they really mean what they say because like I say, they are the ones that called it. We are willing to listen to them, put our offer on the table, they put their offer on the table, and we will see where we are at.

Laura Drager asked for clarification about the October 29 meeting. Who will be participating? Our legal committee, who from the city?

Jeff Engel said it would be Chris Kukulski, Public Works Assistant Director Jennifer Duray and Council member Roy Neese. Brandon Hurst explained that there is no cost to the ratepayers for the meeting; it is the least we can do. Trust us as a committee to do that. Brandon stated that he was at the mediation and nothing came from it and it wasn’t our fault. We haven’t had a real negotiation with the city ever. Two council members and the city manager came to the board and started accusing us of things, that the engineers were lying and that kind of stuff. So we never really had a real negotiation, an honest negotiation.

Ming Cabrera asked if the committee anticipated coming to a consensus on October 29th. To settle this as soon as possible, can we set another board meeting to get this thing settled and out the door. Jeff Engel said it really depends on what is accomplished October 29th. Agreed to leave it up to the committee to think about it; let’s get it done.

Jeff Engel said he didn’t think we are into having a lot of meetings and I don’t think the city is either. I think everybody is focused on getting to the subject to try to get this thing solved. And that was one of the reasons the suggestion was made to leave the attorneys out of it and just cut right to it.

Pam Ellis said that what killed the mediation from her perspective was when the city demanded changes to the contract. People who had been on the board may have known, but as a relatively new member she was stunned.

Dennis Cook said, “well, that is our ask”. Have trust and confidence in us to let us move ahead and see what we can get accomplished here. Jeff Engel agreed.

**November 17, 2021** (Notes of the meeting—no action was taken) In attendance: Board members: David Graves, Ming Cabrera, Pam Ellis; City Manager Chris Kukulski, Assistant Public Works Director Jennifer Duray, and Ward 2 Council member Roy Neese

Legal Liaison Report – Jeff Engel (from the Agenda)

The legal committee has conducted 2 informal meetings with City officials to negotiate a settlement for the lawsuit with the City. No attorneys were present. The first meeting was essentially a meet and greet; the atmosphere was good and the meeting was productive in that both parties were able to determine the basics of each other's position. The second meeting was more productive in that the subject matter became more specific related to demands; the meeting became less productive in that there was obvious disagreement as to which issues are included in the lawsuit and which issues are not,

The City has agreed to separate the contract negotiations from the lawsuit settlement. Other issues, and whether they should be included as a part of the lawsuit, are still on the table and are being rigorously debated. The committee is currently waiting for the City to provide some additional information to better clarify at least one issue.

There is some disagreement amongst some Board members and the legal committee as to how information regarding the lawsuit is being handled; apparently some Board members feel the need to know what is going on in detail; understandable but legal counsel has advised the legal committee to not share discussions that take place behind closed doors in order to avoid compromising the negotiations. Legal advice indicates there is a fine line between closed door negotiations and the public's right to know; negotiations being very difficult to conduct when information is being dispersed and received from multiple sources outside the negotiating team.

Knowing the full Board will be voting on any proposed settlement, a recommendation will be arrived at by the legal committee and shared with the full Board at the appropriate time; the public's right to know will be addressed at the same time.

The legal committee is following Board guidelines regarding committee structure as there are a lot of other issues the Board of Directors are addressing currently. The committee structure enables smaller working groups to dissect specific topics thoroughly without involving everyone on the Board of Directors. All committees are responsible to the Board to make recommendations based on good quality research and intent. If the Board would like to reconsider the legal advice it is receiving and approach the lawsuit negotiations in a different manner, it can direct the legal committee accordingly. It is advisable that counsel be apprised ahead of time of any proposed changes to the legal committee's approach to the City lawsuit.

Notes from the meeting Ming Cabrera noted in moving forward to discuss resolution of the fee dispute with the City of Billings, this has caused a split with the Board members themselves. This is why we don't have the full seven here.

How old is this bill at this point? Jennifer Duray said it is 4 years old. Ming noted that we wanted to get the dispute resolved and over with.

Pam Ellis noted that in August we met with Jeff Weldon in an open session and I thought it was clear that what the board wanted was to resolve the fee dispute, pay what was owed for the water. We collected the money from the ratepayers, we have the money. It was held in cash up until the tolling agreement expired and then it was put in CD's. Some of the CD's are earning 3 hundredths of a percent so essentially worthless. We wanted the bill paid. We did not want to deal with the contract issue. Roy and Pam talked about it and Roy talked with Chris. The issue with not wanting to deal with the contract have to do with what Scott and David said. We need to get our rates rationalized, we need to get development working, it is not a priority. We understand where the city is coming from, but we have so many things on our plate including some quite unhelpful behavior on the part of some individuals. That is what the board directed. In October, three board members (Ming, Laura and Pam) repeated the direction from August. We were told things were going fine, things with the city are going great. Evelyn reported it. When I talked with Roy, Evelyn said the reporting is not even in the ball park. Dennis Cook and Jeff Engel had come to the meeting with a list of 11 items. Evelyn's reporting was correct—she reported what happened at the October meeting. What we had said to other board members was that we wanted to invited the city in so we could have the discussion because there was a difference of opinion between what the members of the legal committee (Dennis Cook, Jeff Engel and Brandon Hurst). Other board members would not speak to the other board members. Jeff Engel said he would only speak if Dennis Cook gave him permission; a lack of the concept of boardsmanship,.

Dave Graves said we need to add more. Four of us want to pay the bill in full (\$2.95 million). We voted and that is why it is on the agenda that was out last Friday. They knew we wanted to pay that bill. We want to get things done so we can move on with other things. Because we do need to hire a new General Manager. So pretty much there would have been six of us. When they saw what we had submitted in the agenda, all of a sudden we weren't having a meeting. I can show you the text on the phone and things like that. So we still had four board members and they knew exactly what we were going on with. And they did their best to stop us. We don't know what is going on with the negotiations with the city other than they led us to believe that you walked away. We walked away and would not agree to meet again until January. We have so much stuff on the agenda that we need to get this stuff done. We drank the water, we showered with it, we watered our lawns. We owe the city that money because we are part of the city. The amazing part when we were getting underbilled by the city, our water rates didn't go down. They stayed the same.

We can't be angry at the city. They made a mistake, they admitted it, we drank it. We need to pay the bill. That is what we wanted to do and we were shut down. And people were attacked on the board. They tried to force people to resign and different things. You can shake your head Suzie, but I read the stuff about certain things. That is not how you operate. Dave was appointed because somebody dropped out. Laura and Ming and Dennis were elected; the first election since 56?

Pam Ellis said Laura has been in her house 45 years and there was never an election she recalls in 45 years. I have been in my house 21 years and there has not been an election.

Ming noted that the remaining 4 board members have no idea what is going on in regard to the negotiations whatsoever. We have been completely put in the dark. We were told to keep our mouth shut and the committee would come back later. But there was clear direction that we wanted to have this completed. We want it done so we can get a contract, we can get a rate study, we can get things done for the Heights. We can approve the health care plan for the staff; the plan has to be signed by November 30th. That's what is on the table right now because people didn't want to show up because they are so mad because they felt that we were interfering with the discussion. We are all members of the board. We have been open about everything else, but when it came to do with the discussion with the city, the remaining 4 board members had no say whatsoever. So that's is where the point of this is going.

Suzie McKethen said the district didn't know about the underbilling for two years.

Dianne Crees said there are reasons we honestly did not know we were being undercharged. #1 because we bill in gallons; they bill in cubic feet. #2 we were reading meters at different times of the month so our usage would never be the same as the city; #3 we changed to a 3 tier conservation billing system at the same time so we did not know how that was going to impact our income from water sales; #4 we were under major construction at that time on Alexander Road and building a reservoir so a lot of our energy was going to that; #5 we believe they had capable people doing their jobs; we never checked the water bill. They sent us a bill and we paid us. So I would like to know how they didn't know they were underbilling and why it took so long and what the city's responsibility is.

Dave asked why the district didn't know our reserves were growing. Dianne said the district didn't know it because they changed the way they billed.

Chris Kukulski, city administrator, said those are fair questions. Chris said his approach is exactly as David Graves approached it. He was 30-60 days on the job; when he was notified of the problem, the city scheduled a meeting with the Board President and his approach was the city has made a mistake, they take full responsibility for the mistake, but we are long term partners. The offer Chris made at that first meeting and has now consistently made it for now three years, has been that the district should not have to pay penalties and interest. Back then we would have allowed the district to pay it back over the same time period it took the city to figure out the error. That was the approach we started in late 2018 and early 2019. What I was told consistently was "shame on you, you fool." Chris said that he looked at this as partners again, long term partners. Most of your customers are city residents, if I walked away from the till with extra money, that is wrong. If I overbilled you and it was determined through a calculation that we had overbilled, I better expect them to say, "hold it, you owe us a refund." So we approached it that way and that started in the very first conversation.

Second, the offer, the same approach, was made numerous times including at meetings and over the last few months with the group that is negotiating on behalf of the board. The goal this evening—we don't want to get in the middle of all that is going on here. I realize that there is nothing that the city benefits from that. We easily could be pointed at and perceived as the bad guy. So I don't want to be here and become the scapegoat for something unnecessary. But I also

wanted to be here to say these same things. We have always made the offer that we would accept the payment in full, assuming that we would both agree on how much water went through the meter. If we agree on how much water went through the meter, there was nothing really to debate. That really was our goal, is our goal, continues to be our goal. Jennifer could explain much better why didn't we catch it? We have made that point at the discussions about why it did take us so long to figure out what was going on.

Did we have a water main break or leaks somewhere? The gallons vs cubic feet certainly added to it. His main point was that he didn't want anybody to leave tonight with the city not showing up and false information to be claimed that the city has not consistently asked that the water that was used to be paid for. So that then we can move onto other issues. Because honestly building this city in a healthy way in all of its borders is a bigger priority to me long term than this dispute.

Ming clarified that no interest or penalties have been added to the amount owed. Chris responded that the late fees have been added to the bill but the offer to resolve it has been consistently that those penalties or late fees were gone.

Chris said that the first negotiations just a few months ago with the team. We have never met the third person of the team. Two very consistently Jeff and Dennis have met 3 times. There was illness in the middle there or we would have met more. We have consistently met with them. We agreed at the first meeting that we will deal with the contract separately. The contract is a huge issue to the city if we can first resolve that and that was what was communicated. If we have 3 or 4 separate issues going on here, the board counter-claimed about franchise fee, cut fees in street right of ways. We can deal with those issues separately. Dennis has been very clear that he wants to deal with them separately.

Pam Ellis noted that the attorneys were really mad that the other board members tried to get information. Dennis told us in October that the worst case scenario was that we would pay the full bill, the worst case scenario. Pam's understanding is that the attorneys thought they had a proposal for a lower amount and that we would save people money. Pam is offended because she is someone who pays her bills. It offends her that the district refuses to pay their bill. That is not something that is desirable to me.

Dave Goodridge said as a concerned citizen, he would put on the table that you don't have a quorum and your board is clearly dysfunctional to a degree, a board of directors is always a steward of the programs they are a board for.

And if this board is as dysfunctional as he is hearing, this is all a waste of time.

Pam Ellis said it actually isn't a waste of time. We need information. The law requires that you have the discussion in open session.

Dave responded that is fine, but "you have bigger fish to fry" right now.

Chris Kukulski agreed. We had various conversations. Jeff Engel is the city's appointee. I have talked to Jeff several times in the past 24 hours and whether to be here. My purpose to be here

was just to share that information and frankly leave because I don't want to get caught up and be perceived that we are trying to do anything other than the offer.

Ming Cabrera agreed that that is all we are asking. Whether that is a foolish negotiation strategy or not as Tom says here, this has not been about negotiating the best settlement for the district. This has been about resolving this in a fair way because Lord willing, we are going to be working together for decades, for a century. We are your water supplier, and you serve 10's of thousands of our citizens.

David Graves said the point is it is foolish for you to hire lawyers and us to hire lawyers when we live in the city and drink the water. Why are we doing this?

Pam Ellis noted that district ratepayers are paying for the lawyers on both sides of the dispute.

Ming reiterated that this situation was created because they felt there was interference but we were never given any information whatsoever. That's where the problem is.

Pam asked what the rationale was for walking out of the meeting and not wanting to meet again until January? Chris said that things did get a little bit heated and they got a little heated over the fact that from his perspective, Dennis communicated pretty clearly, he wasn't going to give us any credit in the negotiation for the fact that we had said all along we would not charge penalties and interest. So when Dennis made that point, the negotiations went from there down. Dennis was pretty firm they were going to negotiate from the amount owed down. And so we decided that rather than have it really dissolve, we stepped away, I would say amicably. Nobody stormed out the door. But I think it might have been December 1, I said, guys, I really think please reach back by December 1 to see if we can get this thing resolved. By this time, the tempers were there and the comments were we are just not going to talk about this again until next year. Chris felt that was not going to be helpful in his opinion. He left it open hoping we could have that meeting; no meeting has been set. As of this moment, there are no additional discussions scheduled to take place between the Heights Water District negotiators and three representatives from the city.

Roy Neese said he would add to that. Just to make it clear in the negotiations because there was not offer from the district, we made it clear that every offer we had made prior was off the table and we were starting over again when we meet the next time. All offers are off the table if the district choses to come back to the table. We are starting with everything and then we can negotiate down from there. Because we already had talked about the original offer subject to council approval.

Chris clarified that he is the administrator, he makes recommendations to the council. At the end of the day, the council has to vote to approve. He does not see any opposition and he would anticipate strong support if we can get this resolved. If we keep paying lawyers on both sides, eventually people start digging in and aren't willing to make offers on either side. That is where I believe we still stand today if we can get this thing off our books on both sides and get on frankly with for us, our big issue, is the contract.

Chris has not been secret that the contract is an issue. We work in a public agency. There are thousands of customers that the district has that keep getting added outside the city limits. They are not required to follow the land use planning rules, they are not helping to pay for streets, parks and police and fire. And of that has created another nightmare, in my opinion, for our community to deal with. And when that new interchange opens, Chris wants both to be ready. The city is the sewer. The district is the water. To have this done right. And the way we are going right now, it is not going to be done right. It will be another disaster that has to get fixed later.

Ming said we will end the discussion at this point. The city has been here discussing but they are not talking about what the negotiations were. We need to move forward; we need to do that.

Dianne did not get an answer about why it took so long and what even happened in the first place.

Jennifer Duray said the city did a conversion back in 2015. We went on line with the new conversion. The Heights has a gallon meter; the only one in our system. There was an incorrect conversion factor put in to the system so it was not converting right. Somebody missed a decimal. We don't know. We are not here to place blame or accuse you of knowing that this happened. We don't know who caused the error on the city's side. We have people we are retired now that were there. Could have been the vendor. Could have been the programmer. Why it took so long? The Heights Water District is approximately 11% of our revenue so we didn't notice a huge revenue change from the misbilling that we were doing for awhile. What we noticed, because we do audit our water and we are noticing our production of water and what we were billing was different. That is when we started looking for leaks. And that takes a long time. We finally narrowed it down to the Heights Water District.

David Graves asked, "didn't that happen in other cities." He tried to look it up and said other cities had problems with new meters and new systems. Down the road they found out there was a mistake in what they were being billed for.

Chris said it certainly is not uncommon in a system. The first thing you look for is how much water is leaking out of the system? Most would probably be shocked at how much water leaks out of the system but it does. The city of Billings literally had 500 miles of pipes in the system. For the longest time, we were looking for a leak in the system that they were not seeing. Unfortunately this is the first time we have had a calculation error or this magnitude. But it is not shocking with the one and only meter being that way.

Jennifer noted that the city has changed how they bill from cubic feet to gallons; the meters still measure cubic feet.

Chris says errors happen, nobody wants them to happen. Utilities are critically important if you are going to have equity billing to make sure you are measuring every drop you can and fairly charging the people who use it. And that is our goal here, period, is to do that. That is why in that first meeting we took full responsibility that the city is the one that messed up the formula

(or the firm we hired). We did not blame the Heights for that. But it did start to get ugly quick when the approach was “shame on you, you fool”. What was shoved back at me was that if the city is that stupid, then the city should pay for this. We believe that sooner or later we could get a resolution; we just have not been able to get there. I sure hope in the near term we can so we can move on with the other bigger issues: development. Chris works with Dave Goodridge on many different projects in town. He sincerely cares about this community as a whole and its success. So we probably better leave before I say too many things.

David Graves said he appreciates the city representatives coming. Because you have the best interests of the citizens of Billings. We are trying to take care of the ratepayers here in our water district. I appreciate you guys being here, and gal. Everybody.

**November 29, 2021 (REVISED)** Mark Noennig HENDRICKSON LAW FIRM, P.C. 208 North Broadway, Suite 324 Billings, Montana <http://hendricksonlawmt.com/attorneys/mark-e-noennig/> Mark Noennig introduced himself. He grew up in Billings, attended Billings Senior, MSU degree in engineering. Had his own engineering firm designing oil refineries. Got his law degree at University of Montana and has been practicing law with Hendrickson Law Firm since 1978. He does a little bit of everything. More important is what he does not do. He does not do criminal defense, personal injuries, worker’s compensation, or divorce. Does a lot of real estate work and commercial work. Spent 8 sessions in the legislature, 3 sessions of which he was chairman of the Local Government Committee. He was asked to give some competent advice and I restricted my participation to procedural matters, contract matters and review of the bylaws. Finally I agreed that if the board had a position to take in litigation, that I would be willing to put in an appearance on behalf of the board so we can get this settled in a timely manner for a reasonable amount that the board directs. Mark submitted the firm’s standard proposed Attorney-Client agreement. I have incurred some time getting ready for the meeting which I would include. His rate is \$275 per hour. My goal is not to spend extra time for which I can try to bill; that’s never been my policy. It certainly is not now since I am recovering from five spine surgeries and old age. But I work 60% of the time. Mark Noennig did represent Tom Zurbuchen previously in a matter that had nothing to do with this board and he does not perceive as a conflict of interest.

Ming Cabrera wanted clarification that he is willing to work with all seven board members. Mark said he would work for this board. Don’t want to get involved in disputes among the board members. It’s one thing to have votes that differ. It’s another thing to have personal attacks. There has been a challenge to the seating of some of the board members. I don’t want to be involved in those issues.

Ming Cabrera said our first goal was to approve bylaws. We got that done.

The second was to settle with the city.

Mark Noennig said it is a delicate balance in litigation with a public entity because as you all know everything the board does or discusses is open to the public. That is the way it should be and that is the way it is. It is not unusual that a committee of less than a quorum is appointed to negotiate a settlement of a case. The committee has to make a recommendation to the full board



and the full board has to approve or disapprove it. Negotiation is a delicate thing. He is an arbitrator for the American Mediation Association. To the extent that you vote on an outcome and put it on the public record, you limit your options. I am not finding fault with where you are in this case. I have not sat down and reviewed all the pleadings. Jeff Weldon has offered to sit down with me and give me everything. So if you appoint me, that's one thing I think is worth my spending the time to do. I just want to make those disclaimers.

Laura Drager commented about the November 18, 2021 testimony that Peyton gave in front of the Local Government Interim Committee in Helena, he stated that 80% of the County Water District is in the City of Billings. What that means is that 80% of the people that are paying for Heights water are paying for two sets of attorneys: the attorney for the city and the attorney for the County Water District to fight each other. That seems absolutely asinine to pay money for both sides because she lives in the city of Billings. As a Board, we discussed paying the city for the water. We have a contract. Sure, they made a billing error. We sold the water to our ratepayers and all seven of us agreed. In May we talked about it. In August we talked about it. September we talked about it. October we talked about it. All seven members of the board were in agreement. Then we find out that there is a stalemate. We just want to get this taken care of so we can move forward. This has been going on for over four years.

An audience member said, "so you're talking about a lawsuit that is pending right now?" What is that lawsuit about?

Pam Ellis said the city failed to bill \$2.95 million. The ratepayers of the District were billed for the water and collected the money. They kept it in cash up until December 2020 knowing full well that they may have to pay the bill. There was a tolling agreement that was signed by both sides that said the city would accept payment in full of the \$2.95 million without late fees or additional penalties. Late fees are 1 ½% per month.

Laura Drager said the late fees increase by \$71,000 per month; the city filed suit in December 2020.

Pam Ellis said that when the tolling agreement expired (which she did not know about at the time even though she was on the Board; she had asked for copies of the documents but was told by Duke Nieskens that that would require a vote of the Board. That is not legal—Board members need to have equal access to information).

When the tolling agreement expired, the City filed a lawsuit against the District for the \$2.95 million plus more than \$5 million in late fees. Duke told us multiple times in the board room that he personally had computed the amount owed. That's true. The city not only failed to bill for almost 3 years, but when they figured out the problem was with the billing to the District and not a leak somewhere in the system, they computed the wrong amount. When we were in mediation and the mediator asked if there was any dispute over the amount owed, Duke said no. Her big concern is that we don't have a legal foot to stand on and ratepayers are at risk. If we are in court—we owe the money and the city charges late fees.

Laura Drager pointed out that the city lawsuit quotes the state code that says they are allowed to charge us late fees.

Question from the audience: they failed to bill us. So is there no legal standing—since they didn't bill us, why would we have to pay the late fees?

Attorney Mark Noennig said it is like if your water company forgot to send you a bill, you still owe the money. Laura Drager said we have all said we are not willing to pay late fees. Mark Noennig said he has not reviewed all the documents. There is a counter claim.

Pam Ellis said part of the counter claim is for the franchise lawsuit. When the city stopped charging franchise fees, the district did not stop charging rate payers and lower the rates.

The other issue is a right of way dispute which the district disputed in 2020. The city responded with the legal rationale. Apparently the District said we are not going to pay the right of way fees (cost of opening up the road to repair a water pipe). The city responded with a letter about their legal authority. The District did not respond and continued to pay the right of way fees. Those are very small fees. The city has said they are more than willing to talk to us about the fees and if we can prove legally that the city cannot charge the fees but their attorney says they can charge. Pam believes it is not worth litigating over that issue. The once you are in court, you have to live with whatever the judge says.

A guest said that should be the position of all of us. Ming Cabrera said the city already agreed that they would not charge us late fees. The money is owed. Rather than running up more lawyer fees for the next four months, enough.

Dave Graves noted that at the November 17th meeting the city administrator sat back in the corner and he said he would make the recommendation that we just pay the principal, not late fees, no interest.

Question: why was that not done? Because the three board members would not follow the direction of the board. Dave Graves and Ming Cabrera repeated that we wanted the bill paid, we wanted the lawsuit dropped.

Laura Drager asked to bring us back to our agenda.

Laura Drager made the motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve Resolution 006-21 to Authorize Engagement of Mark Noennig, HENDRICKSON LAW FIRM, P.C. 208 NORTH BROADWAY, SUITE 324 P.O. BOX 2502 BILLINGS, MT 59103-2502 as Counsel for meeting protocol and bylaws, settlement of pending litigation with the City of Billings, and preparation of contracts for general and interim managers. (1c)

The motion was seconded by Dave Graves.

Frank Ewalt asked if this attorney was going to represent the board or the administrator. Several members responded: the board.

Ming Cabrera and Dave Graves thanked Frank Ewalt. Ming asked the question to make sure he is going to represent all seven members of this board. So then we have open communication at all times with the public and the seven board members. Not three, not one, but seven board members.

Mark Noennig said he has not looked at the case as he told us. It is difficult to strategize in an open meeting. Pam Ellis said the other issue is that we did not expect Jeff Weldon and Bobbi

Berkhoff to be doing something that is in opposition to what the majority of the Board wants and that is what they were doing. Attorneys have a responsibility to communicate with their clients. Jeff Weldon communicated and did something completely different.

Dave Graves said his gal from Great Falls—we were led to believe she was moving down here.

Pam Ellis said Bobbi Berkhoff introduced herself as the new hire for Felt Martin. When she called and asked Pam to get information for her, Pam told her she would be happy to meet her at the office. Roberta's response was that she was in Great Falls and not moving to Billings. We paid her to drive down to Billings and meet with the city. That is hugely expensive.

Tom Zurbuchen said Pam said the franchise fee is covered in existing lawsuit. That is incorrect, this District has been excluded from both franchise fee lawsuits. Plaintiffs would receive \$0 from the City from the franchise fee; they have been excluded from day 1.

Pam Ellis said there are two indications in the minutes that plaintiffs came to the Board and asked them to join the lawsuit. Duke Nieskens recommended that the District not join the suit because "we would be biting the hand that feeds us." If you watched the city council when they discussed the lawsuit in open session in December 2020, Gina Dahl figures the liability was \$50,000.

The motion: to hire Mark Noennig as Counsel for meeting protocol and bylaws, settlement of pending litigation with the City of Billings, and preparation of contracts for general and interim managers was approved unanimously.

Laura Drager made the following motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approving Resolution 007-21 to Direct Mark Noennig, Counsel for meeting protocol and bylaws, settlement of pending litigation with the City of Billings, and preparation of contracts for general and interim managers, to prepare a settlement agreement in cooperation with representatives from the City of Billings to settle the fee dispute for the amount due for unbilled water provided to the District TOTAL: \$2,970,599.35 with no additional late fees or penalties, pending a review of the court records and discussion with prior counsel. The settlement agreement will include an agreement to renegotiate the contract in 2022 when the new General Manager has been hired and may include resolution of the right-of-way issues and other issues identified by either party.1d) (p14)

Seconded by Ming Cabrera.

DISCUSSION Pam Ellis asked Mark Noennig that the resolution states that we want to pay the bill in full and includes pending a review of the court and discussion with prior counsel. Does that give you enough flexibility?

Mark Noennig responded, "I think so, and there is some other language in here too." He wants to make sure the city does what they told you they were going to do. These other issues cannot just be automatically be separated out at our request. If there is a lawsuit pending, they have to be dismissed without prejudice or resolved or something. I'm not trying to draw this out, I'm just saying this has to be dealt with. And I think this gives me enough flexibility to be able to do that.

Tom Zurbuchen said he thought he had seen, I thought they said they were going to negotiate a new contract with the City after a new administrator had been hired. Why would we open a

contract just because we have a new General Manager when our contract is not scheduled to be reopened?

Pam Ellis said that the city will not settle unless we renegotiate the contract. You are absolutely correct Tom, had we paid the bill. The contract totally benefits the District and they had no ability to open it. When we didn't pay the bill, we broke the contract.

Laura Drager said the city agreed to separate the lawsuit for the money owed for the water from any contract renegotiations. It will be legally binding when a settlement agreement is signed.

Mark Noennig said an agreement to renegotiate is pretty open ended. It is not enforceable, but perhaps you have to negotiate in good faith. There is a limit to what you can force people to do when there is a lawsuit pending.

Pam read what Chris Kukulski told us on November 17, 2021:

Chris has not been secret that the contract is an issue. We work in a public agency. There are thousands of customers that the district has that keep getting added outside the city limits. They are not required to follow the land use planning rules, they are not helping to pay for streets, parks and police and fire.

And that has created another nightmare, in my opinion, for our community to deal with. And when that new interchange opens, Chris wants both to be ready. The city is the sewer. The district is the water. To have this done right.

And the way we are going right now, it is not going to be done right. It will be another disaster that has to get fixed later.

Pam noted that Chris has passionate feelings about this issue. She lives in the county. I've gotten questions from council members, "are you willing to be absorbed in the city. The city doesn't provide any benefits. Our lift system for the septic was very expensive. The city doesn't put any money into the parks in the Heights. But he has a legitimate point. The standards are different and it does create problems down the road when property is annexed. Part of this is a conflict between the city and the county and has nothing to do with the County Water District. She has great confidence in Mark Noennig and she feels that we will be able to resolve the problems.

Tom Zurbuchen urged the District to try to negotiate a settlement without opening the contract. We know what the city wants. They want to approve or disapprove of any future annexation. They want the right to have a system development fee that goes to the city for the water treatment plant. They want to raise our rights for development and this is one thing you four board members scream about is the cost of development. The city wants to put a line to serve out by the bypass—that goes through our existing district.

Pam Ellis said that is not a true statement Tom. I have the attended the Bypass meetings and it clearly shows on the Bypass map that that area is served by the County Water District. Chris did introduce that concept when the area was originally included in the area for annexation. He has no ability to do that.

Ming Cabrera said all we are asking at this point is that we separate the contract from what we owe the city and then we negotiate the contract.

A guest said the city has the option to charge whatever the hell they want and they don't care about nothing but what their agenda is and we want to prevent that.

Laura Drager called the question to approve Resolution 007-21 to Direct Mark Noennig, to prepare a settlement agreement in cooperation with representatives from the City of Billings to settle the fee dispute for the amount due for unbilled water provided to the District TOTAL: \$2,970,599.35 with no additional late fees or penalties, pending a review of the court records and discussion with prior counsel. The settlement agreement will include an agreement to renegotiate the contract in 2022 when the new General Manager has been hired and may include resolution of the right-of-way issues and other issues identified by either party. Approved unanimously.

Ming Cabrera would like to make a motion that we do a straw vote and we tally a vote so that the three other votes can be part of the negotiation and we are not excluding.

Pam Ellis said they cannot vote, they are not here. Dave Graves he is going to contact them and ask who they want on the legal committee. Pam Ellis said no, your votes have to be take publicly. That is what screwed it up the last time. Dennis Cook called everybody 1 by 1, that was an illegal serial meeting. Then there was no evidence.

Mark Noennig said you could conduct a straw poll and then have a special meeting. The president is saying he would like to have input from them before. You can do that, but you will have to have another meeting. Otherwise you could authorize the president to take those votes and appoint the committee.

Pam Ellis said we have already done that. The committee that was appointed is not the committee that was recommended.

Ming Cabrera nominated Jeff Engel to be on the legal committee. Dave Graves made a motion to table this to the December meeting and have an interim committee to meet with Mark until December 15th.

Mark Noennig clarified that we were discussing appointing a temporary committee. He has not read enough to understand the contract and the dispute. He said it would be nice if he had someone to work with with the authority of the board. Ming Cabrera said he could be the authority at this point.

Ming asked Pam Ellis how she felt. Pam said she is the one who has all the files. She worked with Roberta Berkhoff about how to move forward.

Mark Noennig said the motion pending is whether to replace that committee. Pam Ellis said we need to replace the committee; the last meeting blew up.

Tom Zurbuchen said you can put anybody on the committee you want. You could put Tom Zurbuchen on as a citizen. You can put Larry Brewster on.

Ming Cabrera asked how we wanted to proceed. Pam Ellis reminded Ming that originally he had talked about appointing Laura, Pam and David so I think we should go with that. Ming could not attend because then we would have a quorum. Ming originally said he did not want to attend.

Laura Drager made the motion to appoint David Graves, Pam Ellis and Jeff Engel because Jeff is also legal liaison.

Pam Ellis seconded the motion. David Graves withdrew his motion to table the appointments. Ming Cabrera said that is a good compromise. Approved unanimously.

**December 15, 2021** Members of the public who did attend the November 29th meeting may comment on any of the board actions for November 29th, preferably no repeating the comments made by that individual on November 29th. The Board will approve by unanimous consent any items not receiving public comment. The board will vote again on any items receiving public comment. Each member of the public may comment once on any given item. This is a seven member board. Four members are present, three are absent. One had an excuse; the two others Jeff Engel and Brandon Hurst are supposed to be here and are not present. Dennis Cook had surgery and he has an excuse at this time.

The reason we are going to do this in this order is because we have to recertify many things because there was a lawsuit against us in regards to our meeting. We were summoned to answer the complaint and this action was filed by the Office of the Court. Jeff Engel, Dennis Cook, Brandon Hurst and Tom Zurbuchen plaintiffs vs the County Water District of Billings Heights sent a summons saying more or less that the meeting was illegal for November 29th. Attorney Mark Noennig commented that we do not concede that the meeting was illegal. We are doing that this is over so that the public can see the actions once again and we can recertify all the actions.

4. APPROVAL OF CONTRACT FOR ATTORNEY MARK NOENNIG No Public Comment

1. Laura Drager made the motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve Resolution 006-21 to Authorize Engagement of Mark Noennig, HENDRICKSON LAW FIRM, P.C.208 NORTH BROADWAY, SUITE 324 P.O. BOX 2502 BILLINGS, MT 59103-2502 as Counsel for meeting protocol and bylaws, settlement of pending litigation with the City of Billings, and preparation of contracts for general and interim managers.

2. Seconded by David Graves.

3. MOTION to hire Mark Noennig as Counsel for meeting protocol and bylaws, settlement of pending litigation with the City of Billings, and preparation of contracts for general and interim managers was approved unanimously.

5. APPROVAL OF BOARD DIRECTION FOR RESOLVING THE FEE DISPUTE WITH THE CITY OF BILLINGS No Public Comment

- Laura Drager made the motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approving Resolution 007-21 to Direct Mark Noennig, Counsel for meeting protocol and bylaws, settlement of pending litigation with the City of Billings, and preparation of contracts for general and interim managers, to prepare a settlement agreement in cooperation with representatives from the City of Billings to settle the fee dispute for the amount due for unbilled water provided to the District TOTAL: \$2,970,599.35 with no additional late fees or penalties, pending a review of the court records and discussion with prior

counsel. The settlement agreement will include an agreement to renegotiate the contract in 2022 when the new General Manager has been hired and may include resolution of the right-of-way issues and other issues identified by either party.

- Seconded by Ming Cabrera.
- Laura Drager called the question to approve Resolution 007-21 to Direct Mark Noennig, to prepare a settlement agreement in cooperation with representatives from the City of Billings to settle the fee dispute for the amount due for unbilled water provided to the District TOTAL: \$2,970,599.35 with no additional late fees or penalties, pending a review of the court records and discussion with prior counsel. The settlement agreement will include an agreement to renegotiate the contract in 2022 when the new General Manager has been hired and may include resolution of the right-of-way issues and other issues identified by either party. Approved unanimously.

#### 6. APPROVAL OF A NEW LEGAL COMMITTEE TO MEET WITH LEGAL COUNSEL MARK NOENNIG

Kelly Brookshire said she doesn't understand why you would change the legal committee because you don't agree with the other legal committee? They don't agree with you.

David Graves responded, first of all, they didn't represent us correctly. (Kelly Brookshire interrupted—David responded, you have to let me finish, I didn't interrupt you). Dennis called us all and did a straw vote on what we wanted to do with the city and who we wanted on the legal committee. He didn't go with what we recommended. He chose his own people and then they went from there. Dennis was told what to do by the majority of the Board to do with the fee dispute with the city. Water that we drank, watered our lawns with and showered with. We owe the city for that. We all agreed to that. But Dennis didn't go along with us and he appointed his own legal committee.

Ming Cabrera said if you look at the straw vote, he had 5 votes for Jeff Engel. Four of us voted for Pam Ellis. He had three for Brandon Hurst. None of us voted for Brandon Hurst. None of us voted for Jeff Engel. When you have seven people on a board and he just appoints his own people, that's what the problem was. He appointed his own people. Dennis is just like everybody else on the board—we each just have one vote. Let me remind everybody here, this public utility has assets every month of \$400,000; \$5,000,000 per year from the ratepayers every year. We need to make sure that we are a public utility, not a private utility. That has been hard for people to understand. As a public utility, voted in by the public. We have to be open with all records to the public. Not what they have done for 58 years, they haven't even changed the charter for that period of time 58 years.

Pam Ellis clarified 63 years, 63 years without bylaws.

- Laura Drager made the motion to appoint David Graves, Pam Ellis and Jeff Engel
- Pam Ellis seconded the motion.
- Motion to Approve a New Legal Committee approved unanimously.

Peyton Brookshire clarified difference between a public hearing vs a public meeting. For a public hearing, you would have to send a notice out to every ratepayer in the Heights.

After all decisions were reviewed and public comments received, the Board votes separate on each item receiving public comment or question:

- Laura Drager made the motion Having conducted a public hearing, considered written and spoken public testimony, I move to appoint David Graves, Pam Ellis and Jeff Engel
- Pam Ellis seconded the motion.
- Motion to Approve a New Legal Committee approved unanimously.

**February 16, 2022** LEGAL COMMITTEE: Pam Ellis, David Graves, Laura Drager

The committee and Larry Brewster met with Mark Noennig and Justin Stark on December 22. The committee met with Chris Kukulski, Debi Meling, Gina Dahl and Jennifer Duray with Mark Noenning on February 7, 2022. Doug James drafted an initial settlement agreement; Mark Noennig suggested edits.

Bud Bailey asked why the District was discussing the contract with the City. The contract requires review and it also required by Universal Commercial Code. The contract does not exist in perpetuity.

**March 16, 2022** (to be approved at the April 13, 2022 Board meeting)

LEGAL COMMITTEE REPORT (see report and attachments)

Background The City of Billings calculated the unpaid bill at \$2,970,599.35 and had offered to let the District repay the balance over a three year period. The legal committee negotiated that the District discount the amount possible to earn if the District invested in CD's during this period ( $\$2,970,599.35 - \$34,347.55 = \$2,936,251.80$ ). The District turned down requests to join the Franchise lawsuit multiple times as reflected in the Minutes (October 11, 2017, June 13, 2018, January 9, 2019).

The city's liability to the District for the franchise fees was limited to \$35,000 due to the statute of limitations and the date the District gave notice to the City when filing a counter lawsuit (January 7, 2021). The second counter claim of right-of-way fees are about \$5000 annually and the committee's recommendation is that any dispute could be resolved through discussion, not litigation.

Evidence does not exist to draw a clear conclusion on who made the error, the software vender or a city employee. This was made more difficult by the timeline. The error wasn't discovered until way past the contract liability limitations with the vender. Added to this is the simple fact that the HWD did receive, and sell the water.

The council is scheduled to approve the agreement March 28.

Attorney Mark Noennig summarized the Settlement Agreement. The agreement is to pay the bill less about \$34,000 in interest that is saved as a result of what we would have saved had we paid it over a 3 year period. The District came out ahead there on the settlement in his view. The franchise fees agreed to dismiss that claim with prejudice meaning it is a "done deal" which offsets the amount the city agreed to deduct. The District court has recently held that the franchise fee was not collectible in another case based upon two observations 1) the Universal Commercial Code applies to this transaction; 2) there wasn't sufficient protest under UCC when the bill was sent out. The City is no longer collecting franchise fees. The permit fees: the District's position was that the City could not charge the District for right-of-way fees (each are a governmental body). We agreed not to agreed. It is subject to discussion and subject to further



litigation if necessary. He is not speaking on behalf of the Board; he is speaking on behalf of an attorney hired to do a specific job. Nothing that he says should be used for legalities—he is just giving his input. He recommends that is likely in the best of the interests of the Board to settle.

1) The Liability It appears that the evidence will show that the city made a mistake; there is a contract that provides the means by which the price for that water is determined. The water was provided; the bill was apparently an error. The city took awhile to find the error. To his knowledge, there is no evidence that there was any intention on the part of the City or anyone else to misrepresent. Strongly supportable legal conclusion that the District would be responsible for that bill. Two other issues that are really important. Interest The city has added in enough interest to say the bill is \$5.2 million. That may not be necessarily supportable. The law based on statute and case history, if there is a contract and there is amount owed under the contract, the statute says 10% simple interest is accrued on that bill until it is paid. The city is charging probably in excess of that and probably compounded. 10% interest on \$3 million for several years, the District is responsible for plus or minus \$1 million in interest. The “consideration” settlement is primarily that the city doesn’t pursue that claim for \$1 million in interest which they may have a legally supportable basis to recover; that is not a conclusive decision. Conclusion: the principal amount is likely to be recovered; the interest too. The franchise fee is probably not winnable but it is set off against the reduction negotiated by the legal committee. Another big consideration is attorney’s fees: if this case is not settled and is litigated, people say attorneys would be the only happy people. He would not be happy because he does not want to litigate this case. The District would spend tens of thousands of dollars in attorney fees in addition to exposure to interest and the principal amount and not much success on the franchise fees or the right-of-way fees. The contract negotiation: we got that paragraph in the settlement agreement to say the parties will meet; no legal liability to do anything. That is within the spirit if not beyond what the charge was when the Resolution was passed.

Ming Cabrera asked “who made the mistake.” That question was answered by Pam Ellis who referenced Chris Kukulski’s response in the agenda: “Evidence does not exist to draw a clear conclusion on who made the error, the software vender or a city employee. This was made more difficult by the timeline. The error wasn’t discovered until way past the contract liability limitations with the vender. Added to this is the simple fact that the HWD did receive, and sell the water”. No one knows who made the error in implementation of the new software. The calculation to convert from cubic feet which the city measured in to gallons which the District measures was in error. The District has a contract, the city provided the water. Duke Nieskens told the old board that he personally had recalculated the correct amount; he confirmed in mediation that is the correct amount that is unbilled.

David Graves said he thought Mark did a fine job and we protected our rights on the contract. We did not negotiate a new contract; we are just paying for the water we used in the this settlement. The city made a lot of sacrifices.

President Cabrera asked for a motion. Pam Ellis read the recommended motion.

Recommended motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve SETTLEMENT AGREEMENT between THE CITY OF BILLINGS (the “City”) and THE COUNTY WATER DISTRICT OF BILLINGS HEIGHTS (the “District”) with the SETTLEMENT AMOUNT: \$2,936,251.80 (Two Million, Nine Hundred Thirty-Six Thousand, Two Hundred Fifty-One Dollars and 80 cents) and to direct the District to

pay the full amount within thirty (30) days after the approval of this Settlement Agreement and Release by the later of the City of Billings City Council and the Board of Directors of the County Water District of Billings Heights. At a later date, The Parties through their respective representatives, shall meet to begin addressing issues with the existing Water Purchase Agreement with a goal of drafting a new Water Purchase Agreement that may be acceptable to both the City of Billings and the County Water District of Billings.

President Cabrera said if there is a second we can have a discussion and public comment (no second). Public comment needs to be done now or in the future. He spoke with city manager Chris Kukulski. Laura Drager advised that the Treasury Bills are maturing at the end of March.

Laura Drager echoed David's sentiment. Mark Noennig did a great job representing the District. The city is going to write off about \$2 million in interest. Pam is the one that insisted that the city deduct the interest which we could have earned if we had paid the principal back over time. She believes this is a good deal for the rate-payers, for the District. This is an opportunity to put this to bed so we can move forward with planning for the future.

Pam Ellis noted that the city has it on the agenda for March 28, 2022. Ming Cabrera asked Mark Noennig if we needed to have a separate meeting and he said no. This was discussed November 15, November 29, December 15, and January 19 and the agenda and notice for this meeting. It was noted in the minutes, the Yellowstone County News has written multiple articles. The bulk of people that she talks to are upset that they were billed for the water and we did not return the money to rate-payers or pay the city. I am supported of approving the settlement offer.

Brandon Hurst wants to have the proper public notice. This is 30% of our reserves. Ming Cabrera asked if he wanted to make a substitute motion. Brandon reiterated that he would like to have a public meeting. Ming Cabrera said, FYI, this is a public meeting. Please amend the motion so that we can table it for the April meeting and a public meeting. Peyton Brookshire has said it would cost about \$2000 to send a notice to all rate-payers.

Ming Cabrera asked to table the decision until the April meeting. Treasuries mature at the end of March. Chris Kukulski was fine if we pay them after the April meeting. That way the rate-payers would be informed and we need to make sure it is done right. This is a huge chunk of money.

Mark Noennig said his input was that if you have sufficient notice and the issue is on the agenda, you can make the decision.

David Graves agrees with Brandon and Ming. He would like to see what the city does on March 28th. We can have the public hearing and the vote on April 13th and we would be able to pay the bill by the end of April.

Pam Ellis made a friendly amendment. It is much less expensive to send a postcard. Should come out closer to the \$1600 that we spend each month to pay the bills. We can post the Settlement agreement, the lawsuit and the counter-claim on the website. If people are going to speak to the Settlement, they should have an opportunity to be fully informed.

Ming Cabrera said we can use the Yellowstone County News, the Heights Task Force to show that we are looking at a settlement.

Brandon Hurst accepted the friendly amendment. Ming Cabrera suggested that the Public Hearing be done at 6:00 pm at the April 13, 2022 meeting.

MOTION Ming Cabrera summarized the amended motion with the friendly amendment to send a post-card to all rate-payers that a public meeting to vote on the Settlement Agreement would be held on April 13 @ 6:00 pm; the District will send postcard notices to all ratepayers. Ming Cabrera will sign the postcard. We can call Billings Gazette and Ming will send letters to the editor.

Mark Noennig said the notice needs to include the issue and when and where it will be heard.

PUBLIC COMMENT Tom Zurbuchen read the Settlement Agreement. He didn't like it. Does not believe it is fair to the ratepayers of the District or to the ratepayers of the city's water utility. He did not believe that the city could use the money to build an amphitheater at Coulson Park; all of this money needs to go to the water utility.

Laura Drager did some research. Public Works is an enterprise fee. The money will go into the Public Works enterprise fund—this money cannot be used for any other purpose. Maybe able to ask that a portion of the money be used to offset infrastructure development for the Inner Belt Loop. \$2,171,170.62 is the interest that had accrued in March; interests increases by about \$75,000 per month.

Peyton Brookshire believes there are still unanswered questions. The city is not accepting any liability for their error. We didn't get a rate freeze for 3 years and we are giving up 30% of our reserves. He does not like the way it is written. The city wants control. The District is not taxing the city's system.

Mark Noennig doesn't know how this settlement agreement would include a refund for franchise fees. The District court said what is paid was paid. He is not aware of any legal basis for concluding that there is no interest that is accruing on a debt when the amount has been determined unless there is a different specific agreement in writing. If there is a determination that an amount is owed, it accrues interest at a minimum of 10% per annum simple interest. He is not aware of a defense to the statute that the interest is not owed. This has been true since 1895. Mark Noennig summarized that if we save \$1 million in interest expense, that is hard to walk away from. If you end up paying attorney's fees, the interest and \$3 million in unpaid fees—how do you explain that to the ratepayers?

Ming Cabrera said that was one of the reasons he was elected because people were fed up with the District refusing to settle.

David Graves said we are not giving away 1/3 of our reserves. The District made money on our CD's and Treasury bonds. If the city had billed correctly, we would not have any interest; the District has benefited. Laura Drager added that the ratepayers have benefited as well.

David Graves called for the question.

VOTE ON THE QUESTION: Unanimous support

VOTE ON THE MOTION: Unanimous support.

Attachments:

Final Settlement Agreement City and Heights Water District

Resolution 007-22 Resolve Fee Dispute with the City of Billings

Decision and Order Re City of Billings' Motion for Partial Summary Judgment (franchise lawsuit)

YCN ❖ February 25, 2022 ❖ Proposed Water Rate Increases Postponed; Water District Nears Agreement with City

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CLERK OF THE  
DISTRICT COURT  
TERRY HALPIN  
2020 DEC 28 P 1:15  
FILED  
BY \_\_\_\_\_  
DEPUTY

*Attorneys for Plaintiff City of Billings*

MONTANA THIRTEENTH JUDICIAL DISTRICT COURT,  
YELLOWSTONE COUNTY

CITY OF BILLINGS, a Montana municipal  
corporation,  
  
Plaintiff,

-v-

COUNTY WATER DISTRICT OF BILLINGS  
HEIGHTS, a Montana local government unit,  
  
Defendant.

Cause No. DV 20.1653

Judge ROD SOUZA

**COMPLAINT**

Plaintiff City of Billings (the "**City**"), for its Complaint against Defendant County Water District of Billings Heights (the "**District**"), alleges:

1. This is a breach of contract – collection case.
2. The District owes the City \$2,970,599.35 plus interest for water that it purchased, received, accepted and used.
3. The City sold and delivered water to the District between February 27, 2015 and December 15, 2017. The District accepted the water and resold and delivered the water to the District’s customers. However, the District has failed and refused to pay the City for the water.

4. The Board of Directors for the District voted not pay the City for all of the water accepted and used by the District.

5. Under Montana law, the District must pay the City the contract rate for all of the water that the District accepted. Montana Code Annotated 30-2-607.

6. The District has acted in violation of Montana law and has breached the contract between the City and the District.

### **PARTIES, JURISDICTION, AND VENUE**

7. The City is a Montana municipal corporation and self-governing charter city pursuant to Mont. Code Ann. § 7-3-701, *et seq.*

8. The District is a Montana local government unit organized pursuant to Mont. Code Ann. § 7-13-2203 to sell water to certain residents in Yellowstone County. The District has more than 5,800 service connections, a significant number of which are outside of the Billings City limits.

9. The District represents that it was formed by mail ballot election-voted by the residents and landowners within the designated boundaries of the District located in Billings, Montana and duly conducted in accordance with MCA §7-13-2208(2)-on August 26, 1958. A Certificate of Incorporation for the District was thereafter issued by the Montana Secretary of State on August 29, 1958. The governing body of the District is the Board of Directors. Their original intent was to supply the Billings Heights residents and businesses with an adequate and safe supply of potable water. By 1963 construction began on the original water supply infrastructure to serve the District and continues to grow to this day. The District operates and maintains over 140 miles of distribution pipe and more than 5800 service connections. The District operates two 2-million gallon

reservoirs, a 4 million gallon reservoir and seven pump stations to meet the Districts water demands. The District purchases all of the water supplied within the District from the City of Billings.

10. The City owns and operates a municipal water system. The City's operating expenses include an average of approximately \$5.5M per year for its water plant and an average of approximately \$5M per year for the transmission/distribution lines. The City makes significant capital expenditures that generally range from \$ 10 million to \$18 million per year. The City's water treatment and distribution system consists of:

- A. The water treatment plant;
- B. 13 pump stations;
- C. 16 storage reservoirs;
- D. 500 miles of water mains;
- E. 32,000 water meters; and
- F. 4,700 fire hydrants.

11. The City is in the process of building a water reservoir and a redundant raw water source intake and second water treatment facility on the West End of Billings. The Project will cost approximately \$135 million and will be located on about 300 acres of property mostly comprising the Former Knife River gravel pit near Shiloh Road and 48<sup>th</sup> Street West. This Project will provide the City with a secondary source of water in the event of a mechanical breakdown at the existing facility or in the event of an interruption of the water supply from the Yellowstone River because of low water or contamination.

12. The City and the District are long term partners serving Billings citizens and are not competitors.

13. The City entered into a water supply and purchase contract with the District, dated December 14, 1998 (the "Agreement"), where the City agreed to sell water to the District, which then provides the water to its customers. A true and correct copy of the Agreement is attached as Exhibit A.

14. The District receives all of its water from the City.

15. The District does not have any source of water other than the City.

16. The City delivered water to the District between February 27, 2015 and December 15, 2017 in accordance with the Agreement.

17. The District is a non-Owner customer of the City.

18. The District has no right to water from the City, absent the Agreement, Exhibit A.

19. The Agreement is a contract for the sale of water.

20. The water sold pursuant to the Agreement by the City to the District was moveable at the time of sale from the City to the District.

21. The water sold by the City to the District was moveable at the time of identification to the contract for sale.

22. The water sold by the City to the District conformed to the contract for sale – the Agreement.

23. This Court holds jurisdiction over both the parties and the subject matter of this action.

24. Venue is proper pursuant to Mont. Code Ann. § 25-2-121(1) and (2)(a), as Yellowstone County is where the parties reside and the location where the Agreement must be performed, including the City's delivery of water to the District.



## GENERAL ALLEGATIONS

25. All previous allegations are adopted by reference herein.
26. The City owns and operates its municipal water utility pursuant to Mont. Code Ann. §§ 7-13-4301, *et seq.* and 69-7-101, *et seq.* to provide water to City residents.
27. The City supplies water to the District under the Agreement.
28. The District is governed by its Board of Directors. The District is administered by its General Manager, Duke Nieskens.
29. The District purchases water from the City to resell and distribute to the District's customers.
30. The District has repeatedly and continuously purchased water from the City under the Agreement.
31. Pursuant to the Agreement, there have been recurring and successive transactions for the purchase and sale of water from the City to the District.
32. The Agreement provides for successive performance.
33. The City bills the District each month.
34. The Agreement calls for successive performances for the City's delivery and the District's purchase of City water. The City's delivery of water under the Agreement is based on the amount needed by the District each month.
35. The City provides the quantity of water needed by the District.
36. The City moves water from the City's water treatment plant and transmission system to the District's transmission system. The District then moves, delivers, and sells the water to the District's customers.
37. The District bills and collects from its own customers.

38. The District received water from the City between February 27, 2015 and December 15, 2017.

39. The City delivered the water to the District between February 27, 2015 and December 15, 2017.

40. The District accepted all of the water delivered from the City between February 27, 2015 and December 15, 2017.

41. The District did not reject any of the water delivered by the City between February 27, 2015 and December 15, 2017.

42. The District has never rejected any of the water delivered to the District by the City.

43. The District did not provide any notice of rejection to the City with respect to any of the water that the City sold to the District between February 27, 2015 and December 15, 2017.

44. The District sold and delivered the water to its customers during the February 2015 through December 2017 time period .

45. The District billed its customers for the water that the District received from the City during the February 2015 through December 2017 time period.

46. The District sold the water to its customers at a price greater than the purchase price from the City during the February 2015 through December 2017 time period.

47. The District's revenue from the sale of City water exceeded the District's expenses for the purchase of water during the February 2015 through December 2017 period.

48. Despite receiving revenue from the sale of all of the water the District acquired from the City, the District failed and refused to make payment to the City for all of the water.

49. The District accepted all of the water delivered by the City to the District from February 2015 through December 2017.

50. The District is obligated to the City for the cost of all of the water delivered to the District.

51. The District is obligated to the City for the cost of all of the water accepted by the District from February 2015 through December 2017.

52. The District is obligated to pay to the City the contract price for all water accepted by the District from February 2015 through December 2017.

53. The City delivered water to the District between February 2015 and December 2017 for which the District has not paid.

54. The contract price (pursuant to the Agreement) for the water that the District accepted between February 2015 and December 2017, for which the District has not paid, is \$2,970,599.35.

55. Between February 2015 and December 2017, the District received water for which it did not pay the contract rate specified in the Agreement.

56. The District has neither denied nor disputed that it received the water at issue between February 2015 and December 2017.

57. The District has neither denied nor disputed that it has not paid for all of the water that the District received from the City from February 2015 through December 2017.

58. The District accepted all of the water supplied by the City between February 2015 and December 2017.

59. The District did not reject any of the water supplied by the City to the District between February 2015 and December 2017.

60. The District has not given any notice to the City of any breach of any warranty with respect to the water that the City delivered to the District between February 2015 and December 2017.

61. The District owes the City \$2,790,599.35 plus interest.

62. The District received water from the City between February 2015 and December 2017 for which the District has never paid the contract rate pursuant to the Agreement.

63. In order to receive City water, the District must “pay reasonable and just rates for water purchased from the City and that the City, in turn, shall receive a reasonable and just compensation for the water it sells the District.” (Ex. A, Sec. II, ¶ 1.)

64. The Agreement further establishes that the water rate charged to the District must be “based upon cost-of-service principles,” as determined by the base extra-capacity method outlined in the most recent edition of the American Water Works Manual M1, Water Rates. (Ex. A, Sec. II, ¶¶ 2-4.)

65. The District has not paid the City for all of the water accepted by the District for the February 27, 2015 through December 15, 2017 period. Thus, the District has not paid the City a water rate “based upon cost-of-service principles”. Because the District failed and refused to pay for all of the water that it accepted, the District’s payment to the City was less than the cost-of-service from the City. As a result, other Billings taxpayers,

residents and water customers (who were not District customers) paid a higher price for water than what the District paid for water for the February 27, 2015 through December 15, 2017 period.

66. The District's failure and refusal to pay for all of the water that the District received, accepted, delivered, and sold during the February 2015 through December 2017 period resulted in an improper subsidy of the District to the detriment of all Billings residents, taxpayers, and water customers.

67. The District has not disputed the rates charged by the City for water during the time period of February 2015 through December 2017.

68. Pursuant to the Agreement, the District shall be allowed access at all times to the water meter used to measure the water consumed by the District in order that the amounts of water used by the District may be check and verified. (Ex. A, Sec. I, ¶ 2.)

69. The City's Public Works Department converted to a new billing software system in 2015 for invoicing City water.

70. The District was underbilled by \$2,970,599.35 after the software conversion took place.

71. The City noticed a discrepancy in billed water consumption compared to produced water after the conversion to the new billing software, which led to an investigation of the problem.

72. This discrepancy led to a thorough audit. During this audit, the City performed an in-depth review of billed water to each customer against the volume of water produced at the water treatment plant and found there to be a discrepancy with actual production being higher than what was being billed. Typically, this is caused by an

undiscovered leak in the water distribution system. During the continued investigation, the total volume of all meters in the system over a specified period of time was analyzed. The billing system and the operational data collection system that the City uses are different software systems, which makes it more difficult to cross reference. Due to the vast size of the City's water system, the investigation took a significant amount of time and energy to complete. The City also analyzed revenues and billing.

73. After spending several months trying to find leaks in the system, the City determined that the missing water was in fact accounted for. The City eventually discovered the revenue issue was caused by an incorrect conversion factor within the new billing software for the specific type of water meter used only by the District; no other customers were affected by the software conversion billing error. The meter used for the District measures water in hundreds of gallons (HGALS) while the City bills water in CCFs or hundred cubic feet. One CCF is equivalent to 748 gallons. To convert the District's meter readings, the system should have multiplied the number of HGALS by .1336. This caused the error that dramatically undercharged the District. The District was charged for much less water than was actually being sold and delivered. The District is the only customer with this type of meter and therefore the only customer requiring this conversion. No other water customer of the City was affected by this software conversion billing error.

74. The incorrect conversion factor in the new billing software system caused the error that drastically underbilled the District for the water that was actually delivered to the District.

75. The software error underbilled the District from February 27, 2015 to December 15, 2017, resulting in deficient rate payments totaling \$2,970,599.35 due to the City, which has and continues to accrue interest pursuant to Mont. Code Ann. §§ 27-1-312 and 31-1-106 and Rule 16-14 of the City Water Rules.

76. The District's water use (in CCFS) for the meter readings from February 29, 2012 through December 10, 2018 is attached as Exhibit B, which also includes both the underbilled amounts and actual costs of the water supplied by the City.<sup>1</sup>

77. The District's average water usage per year for the three years prior to the underbilled period was 1,109,145 CCFS. In contrast, the District's averaged billed water usage per year during the underbilled period was 733,042 CCFS. However, its water use was actually comparable to the preceding and correctly billed fiscal years.<sup>2</sup>

78. The Districts water use was 1,289,201 Ccfs for the 12 months ending January 2016.

79. The Districts water use was 1,375,974 Ccfs for the 12 months ending January 2017.

80. The Districts water use was 1,190,878 Ccfs for the 12 months ending January 2018.

81. For the period of February 27, 2015 through December 15, 2017, the District received and used 3,795,373 Ccfs of water from the City.

82. For the period of February 27, 2015 through December 15, 2017, the District accepted 3,795,373 Ccfs of water from the City.

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<sup>1</sup> The period of undercharged usage occurred during the highlighted portion on Exhibit B.

<sup>2</sup> See Ex. B (usage amounts were 1,289,201 CCFS (12 months ending January 2016), 1,375,974 CCFS (12 months ending January 2017), and 1,190,878 CCFS (12 months ending January 2018)).

83. For the period of February 27, 2015 through December 15, 2017, the District sold and delivered 3,795,373 Ccfs of City water to the District's customers.

84. Because of the software error, the City contemporaneously billed the District for only 2,138,444 Ccfs.

85. For the period of February 27, 2015 through December 15, 2017, the District did not receive contemporaneous billing invoices for 1,656,929 Ccfs of water that the District received from the City.

86. For the period of February 27, 2015 through December 15, 2017, the City contemporaneously billed the District for only 56.34% of the water that the District received and accepted.

87. The District's payments to the City represent only 8% of the City's water revenues. Conversely, purchased water represents approximately 52% of the District's operating and maintenance expenses. The District was underbilled for consumption by approximately 43.66%; however, it continued to bill its customers for 100% of the water the District received from the City.

88. The District billed its customers for water for which the District has never paid the City.

89. For the period of February 27, 2015 through December 15, 2017, the District received and accepted 1,656,929 Ccfs of water for which it has never paid.

90. For the period of February 27, 2015 through December 15, 2017, the District did not pay for 43.66% of the water that it received from the City.

91. Since the software billing error was discovered, the District has not paid the additional amounts that it owes under the Agreement.



92. For the time period of February 27, 2015 through December 15, 2017, the District only paid for 56.34% of the water it received and accepted and has never paid for 43.66% of the water it received and accepted.

93. Because of the software error, the District received a windfall and the City suffered a financial loss.

94. The District's Audited Financial Statements for June 30, 2018 and 2017 state that the District's net position increased by approximately \$2,223,858 (15.54%) for the year ended June 30, 2017.

95. The District's Audited Financial Statements for June 30, 2018 and 2017 also states:

"Operating expenses for the year increased by \$1,078,490 or 35.56%. A billing error was discovered by the supplier which increased the amount of water purchased during 2018. The discovery resulted in an increase of \$785,278 or 54.89% over 2017. Most other expenses remained relatively stable over the prior year".

96. The District sold and billed its customers for the 1,656,929 Ccfs of water that was not billed contemporaneously to the District because of the software error.

97. The District accepted from the City and then sold 1,656.929 Ccfs of water for which the District has never paid.

98. The City promptly notified the District once it discovered the software error in January 2018. The City's Public Works Finance Manager contacted the District's manager and advised him of the billing error, that the error had been rectified for future billings, and that the District would be receiving a bill for the sale of undercharged amounts from February 2015 to December 2017.

99. After the software conversion factor error was discovered, the City billed the District for the additional water that the City had sold and delivered to the District that was not reflected in the contemporaneous bills. True and correct copies of the bills issued to the District for the corrected amounts are attached as Exhibit C.

100. The City billed the District monthly for the water that the District accepted between February 2015 and December 2017.

101. Despite being billed for the water that the District accepted between February 2015 and December 2017, the District has failed and refused to make payment to the City.

102. On September 2, 2018, the District's Manager advised the City that the District's Board of Directors voted against paying the City's bill for the underbilled amounts.

103. The District's failure to pay for all of the water that the District used constitutes a breach of the Agreement.

104. The amount of money paid by the District to the City for the District's total water consumption for the period of February 27, 2015 through December 15, 2017, is less than the contract rate specified in the Agreement.

105. The District has wrongfully attempted to take advantage of a billing error to the disadvantage and detriment of the remaining water customers of the City. The District received substantial quantities of municipal water from the City between February 27, 2015 and December 15, 2017, for which the District has never paid the agreed upon contract rate, pursuant to the Agreement.

106. The District's failure to pay for all of the water that the District used resulted in the remaining City water customers having to make up the difference. During the relevant time period of February 27, 2015 through December 15, 2017, the effective rate paid by the District for all of the water it used was less than the rate specified in the Agreement and was less than the rate paid by the remaining City water customers.

107. The District did not pay to the City the contract rate for water, pursuant to the Agreement, for all of the water that the District used during the period of February 27, 2015 through December 15, 2017.

108. The District has refused and failed to pay the bills issued for the undercharged amounts. Thus, requiring the remaining City water customers to make up the difference between what the District initially paid and what it should have paid for the actual amount of the District's consumption.

109. The District's Audited Financial Statements disclose the District's financial obligation to the City. The June 30, 2020 and 2019 Report states:

"In the fall of 2018, the County Water District received an invoice from the City of Billings (water supplier) for past, previously unbilled, water charges that were the result of errors made by the City of Billings in converting water to and from gallons from another unit of measurement. Those errors by the City of Billings began in approximately December of 2014 and were not discovered and corrected for over two years. The total error asserted by the City of Billings and billed to the County Water District amounted to approximately \$2.5 million for that period of time.

The District's legal counsel has advised the District that 'Montana law states that if a public utility makes a billing error, it can only collect back on the error over six months.'. However, legal counsel has also advised the District that 'There has been no litigation under Montana's statute and it is difficult to say if a court would apply the statute to limit the City of Billings's [sic] claim'. If that law were applied the County Water District has determined it would owe approximately \$550,000 and has accrued a liability as of June 30, 2018 for that amount with a charge to water purchased in the accompanying

financial statements. The matter is not currently in litigation and efforts are being made in an attempt to settle the dispute. Although, the District intends to present a vigorous defense, if unsuccessful, the amount of the liability to the City of Billings would be the entire approximate amount of \$2.5 million invoiced.”

110. Public Utility Billing Errors are governed by Montana Code Annotated Section 69-3-221, which provides :

“Whenever a public utility discovers a customer billing error, the utility may submit a bill to the customer for a period not to exceed the 6 months preceding the date the billing error is discovered”.

111. Under Montana Code Annotated Section 69-3-221, a municipal utility is not a “public utility” under the statute.

112. Montana Code Annotated Section 69-3-221 does not apply to the City.

113. The City is not a “public utility” pursuant to Montana Code Annotated Section 69-3-221.

114. The District’s legal counsel acknowledged to the City in a letter dated November 7, 2018 that the statutory limitation on a public utility collecting from a customer after discovering a billing error, does not apply to the City.

115. According to the District’s Audited Financial Statements, the District’s investments grew from \$4,282,600 in 2014 to \$9,288,768 by June 30, 2020.

116. The parties then engaged in informal discussions to resolve the underbilling dispute. As part of those discussions on July 17, 2019, the City and the District agreed to toll the running of any applicable statute of limitations.

117. Subsequently, the parties executed an Amended Tolling Agreement, which extended the tolling of the statute of limitations through December 31, 2020.

118. The Tolling Agreement and the Amended Tolling Agreement established that the time period from July 17, 2019 through and including December 31, 2020 will not be included in computing the time limited by any applicable statute of limitations for filing a civil action.

119. The District has acknowledged that there was a billing error and that the District was not billed for all of the water that it received, used, and accepted. Rather than paying for the additional water the District accepted, the District refused to pay.

120. The underbilled amount of \$2,970,599.35 owed by the District remains unpaid, with accrued interest pursuant to Mont. Code Ann. §§ 27-1-312 and 31-1-106 as of the date of filing of this Complaint.

121. At all times relevant to this Complaint, the District received water from the City that conformed to the good contemplated by the Agreement.

122. At all times relevant to this Complaint, the District did not provide any notice to the City that the water delivered by the City was nonconforming.

123. At all times relevant to this Complaint, the District accepted all water delivered to the District by the City.

124. At all times relevant to this Complaint, the District did not reject any of the water delivered by the City to the District.

125. At all times relevant to this Complaint, the District did not assert or allege any breach of the Agreement by the City.

126. At all times relevant to this Complaint, the District has not asserted that the City breached any warranty.

127. At all times relevant to this Complaint, the City delivered water to the District in conformance with the Agreement.

128. The District has not paid the City for all of the water the City delivered to the District.

129. The District has not paid the City for all of the water that the District received from the City.

130. The District has not paid the City for all of the water that the District sold to the District's customers.

131. No person, firm, or corporation shall be permitted to use a municipal water system unless they pay the full and established rate for the water. Montana Code Annotated 7-13-4305.

132. The District has not paid the "full and established rate" for all of the water the District accepted from the City of Billings.

133. The District's continued purchase of water from the City violates Montana law because the District has not paid the "full and established rate" for all of the water that it purchased.

134. Montana law provides that in the event of nonpayment of charges for water, the governing body may direct the supply of water to be discontinued until such charges are paid. Montana Code Annotated 7-13-4306.

135. The City of Billings may discontinue providing water to the District until the District makes payment in full of all charges for its water, in accordance with Montana law.

136. The District breached and violated the Agreement by not paying the City for all of the water that the District accepted from the City.

137. The City has the right to cancel the Agreement based upon the District's refusal to pay for water that the District accepted under the Agreement.

138. Pursuant to Montana Code Annotated Section 30-2-703, the City's remedies for nonpayment include, but are not limited to, the right to cancel the Agreement.

139. The District has retained and, upon information and belief, resold all the water delivered by the City during the underbilling period. However, the District has failed and refused to make full payment for the water it received during that time, pursuant to the contract rate specified in the Agreement.

140. By refusing to pay the City for all of the water it received and used, the District has not paid a reasonable and just rate to the City, and the City has not received reasonable and just compensation for the water it sold to the District.

141. On information and belief, the City further alleges that the District used some of the additional revenue from the sale of water to construct a new four-million-gallon storage tank.

142. The District benefited financially from receiving all of the water it received during the underbilling period through charging its customers for all of the water it distributed from the City, and then by paying the City for only a portion of the water delivered to the District.

143. The Billings, Montana City Code ("BMCC") § 26-117 prohibits the extension of any public or private water systems beyond the City's official water service area that

are directly or indirectly connected with the water supply system of the City unless approved by the City Council pursuant to § 26-207, BMCC.

144. The District constructed a third water reservoir in late 2017 with a four-million-gallon capacity, which also receives City water. Upon information and belief, the third reservoir was built outside City limits, approximately 1,000 feet north of the District's Lanier Reservoir, one of its existing 2-million-gallon tanks and went online on November 13, 2017.

145. Pursuant to the Agreement, the City agreed to provide water to the District for its two water storage tanks with a total capacity of four million gallons. The Agreement did not contemplate the District's new third water storage tank with its four-million-gallon capacity. The District did not give the City any notice of its intent to expand its storage capacity before it constructed the new four-million-gallon storage tank. The Agreement did not contemplate a new storage tank outside of the City limits that would be used to provide water service to District customers who were outside of the official approved City service area.

146. The District's demand forecast submitted to the City, as required under the Agreement, failed to show any significant fluctuation with the new facility. However, the City did experience more challenging operations serving the Heights area when the District fills the third reservoir.

147. The District has also expanded its service area to customers outside of the City limits in violation of § 26-117, BMCC, and without City Council approval.

148. Since the Agreement was executed on December 14, 1998, the District has expanded its service area.



149. The District's service area includes customers who live outside of the City limits of the City of Billings.

150. The District continues to expand its service area.

151. The expansion of the District's service area puts additional pressure on the City's water resources and infrastructure.

152. The City does not have an unlimited supply of water. There is a potential that, during peak demands when the draw-off from the Yellowstone River exceeds the 1886 water right and the 1906 water right, the City could be called on by the three rights senior to the 1906 water right to limit or reduce the City's water use.

153. The District's unapproved expansion allows its extraterritorial customers to obtain the benefit of City services without annexation or paying City taxes, which is contrary to both the provisions and legislative intent of the City's municipal code.

#### **COUNT I- BREACH OF CONTRACT**

154. All previous allegations are adopted by reference herein.

155. The District received water from the City between February 27, 2015 and December 15, 2017.

156. The City sold and delivered water to the District between February 27, 2015 and December 15, 2017, pursuant to the contractual terms set forth in the parties' Agreement. (See Ex. A.)

157. Under the Agreement, the District agreed to pay reasonable and just rates for City water and, in turn, the City would receive reasonable and just compensation for the water it sells and delivers to the District. (Ex. A, Sec. II, ¶ 1.)

158. Montana Code Ann. §7-13-4304 also requires that municipal water rates and charges be commensurate with “services provided and benefits received” and that the rates and charges be “as nearly as possible equitable in proportion to the services and benefits rendered.” Further, Mont. Code Ann. § 7-13-4305 requires municipal water users to “pay the full and established rates.”

159. The rates charged by the City for its water sold to the District, including the subsequent bill for the undercharged amounts, are reasonable and just.

160. However, the District has failed and refused to make full payment for the water it received and accepted from February 27, 2015 to December 15, 2017.

161. The District’s failure to pay reasonable and just rates for the actual amounts of water sold and delivered to the District and accepted by the District, upon receiving the City’s bill for the correct amounts, constitutes a breach of the Agreement.

162. The District’s breach has damaged the City in the underbilled amount of \$2,970,599.35, which remains unpaid, along with accrued interest.

**COUNT II – UNJUST ENRICHMENT/QUANTUM MERUIT**

163. All previous allegations are adopted by reference herein.

164. The District agreed to and voluntarily accepted the water, constituting valuable goods, delivered by the City from February 27, 2015 to December 15, 2017.

165. The water provided by the City to the District are essential and provide an objective benefit to the District and its customers.

166. Montana Code Ann. § 7-13-4305 requires that municipal water users to “pay the full and established rates.”

167. The District has failed to pay the full and reasonable amount of the water delivered by the City during the underbilling period.

168. The District benefited financially from receiving all of the water it received and used during the underbilling period through charging its customers for all of the water it distributed from the City, and then by paying the City for only a portion of the water delivered to the District.

169. The equitable law and doctrines of unjust enrichment and *quantum meruit* provide an alternate legal basis for the City's claim against the District for the full value of the delivered water.

170. The District would be unjustly enriched by the value of the goods supplied by the City if the District does not pay the full amount for those goods.

171. The City is entitled to collect from the District the full value of delivered water, which remains unpaid, in the amount of \$2,970,599.35, along with prejudgment interest pursuant to Mont. Code Ann. § 27-1-211, or such other amount as may be proven at trial.

### **COUNT III – OPEN ACCOUNT**

172. All previous allegations are adopted by reference herein.

173. The City and the District have an ongoing account for the purchase and sale of water from the City's for municipal water under account number 130159, as designated for the District.

174. The City billed the District for all of the water actually supplied to the District under the Agreement, including the underbilled amounts. (See Ex. C.)

175. The District agreed to “pay reasonable and just rates for water purchased from the City and that the City, in turn, shall receive a reasonable and just compensation for the water it sells the District.” (Ex. A, Sec. II, ¶ 1.)

176. The City billed the District on or about August 2, 2018 for the full “reasonable and just rates for water purchased” by the District from February 2015 to December 2017. (See Ex. C.)

177. The District failed to pay the full amount of water delivered by the City as invoiced by Exhibit C.

178. The City is owed a total of \$2,970,599.35 as an outstanding delinquent balance on the account for the underbilled charges, together with accrued interest pursuant to Mont. Code Ann. §§ 27-1-312 and 31-1-106(c) and Rule 16-14 of the Billings Water Rules.

**WHEREFORE**, the City respectfully requests the following relief:

1. For judgment in favor of the City on all the claims against the District contained for \$2,970,599.35, plus interest thereon;
2. For damages caused by the District's breach of contract;
3. For any additional compensatory and other damages pursuant to the claims set forth above in an amount to be proven at trial;
4. For pre- and post-judgment interest, as allowed under Montana law; and
5. For such other and further relief, the Court considers equitable, just, and proper.

DATED this 28<sup>th</sup> day of December, 2020.

MOULTON BELLINGHAM PC

By

  
Doug James

Jordan W. FitzGerald

27 North 27<sup>th</sup> Street, Suite 1900

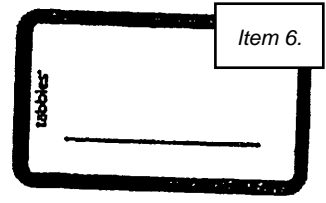
P. O. Box 2559

Billings, Montana 59103-2559

*Attorneys for Plaintiff City of Billings*

# EXHIBIT A

COPY



**AGREEMENT**

THIS AGREEMENT made this 14 day of Dec, 1998,  
by and between the CITY OF BILLINGS, MONTANA, hereafter called "the City," and the  
COUNTY WATER DISTRICT OF BILLINGS HEIGHTS, hereinafter called "the District,"

**RECITALS**

The District has built two water reservoirs, each with a capacity of two million gallons and water distribution lines to serve the inhabitants of the District.

The parties currently believe the best source of water with which to fill the District's reservoirs and feed the aforesaid distribution lines is the City's water system.

NOW, THEREFORE, the City and the District for the considerations hereinafter set forth AGREE AS FOLLOWS:

I. **General Provisions**

The parties understand and anticipate that population and the use of water within the District will increase in the years to come and that there will be increasing demands upon the mains and pumping facilities that currently provide service to the District. In this regard, the City agrees that it will at all times furnish, operate, and maintain at its own expenses, water transmission mains and pumping facilities capable of providing water at a pressure and quantity sufficient to meet the demands of the District, subject only to the following limitations:

- (a) The District shall provide a written demand forecast, updated or revised annually, forecasting average-day demands and maximum day demands for five (5), ten (10), and fifteen (15) years to allow the City to provide reserve capacity to serve the District as it grows.

- (b) At least once a year the District Board and senior staff and the Public Utility Board and senior staff shall meet to discuss issues of mutual concern, and discuss ways to improve their working relationship.
- (c) The City reserves the right to restrict the use of water by the District in the event a shortage of water makes it necessary to impose restrictions in use on all other uses of City water. However, restrictions in use, if any, imposed upon the District, shall be no different than the use restrictions imposed upon the City's other water customers.
- (d) The parties shall work together to arrange temporary shutdowns for planned maintenance.
- (e) If an event beyond the City's control causes an interruption of service, such as a broken water main or a power failure, the City shall be allowed a reasonable time to take prompt and diligent action to restore service.

The District shall be allowed access at all times to the water meter that is used to measure the water consumed by the District and the valves within the booster pumping station in order that the pumping of water may be temporarily suspended in case of an emergency and in order that the amounts of water used by the District may be checked and verified. The District's personnel, however, shall in no way interfere with the City's operation and maintenance of the pumping facilities and water meter.

It is necessary to have telemetering controls between the pumping station, the District's water reservoir or reservoirs, and certain other control stations within the City's water system. The City shall bear one hundred percent (100%) of the cost of, and install at its own expense, all telemetering equipment and all telemetering control stations,



including, without limitation, the control station at the District's reservoir valve pits. The City shall also provide and pay for the telephone signal circuits required to connect the various transmitters and receivers in the telemetering system. The District shall provide access to the interior of the valve pits at the base of the District's reservoirs for the purpose of installing and maintaining the required telemetering equipment by authorized City personnel. The District shall pay for the power required to operate the telemetering equipment in the valve pits in all of the District's reservoirs. Nothing in this paragraph shall be construed to require the District to provide any power other than that required for the telemetering equipment in the valve pits. The City shall pay for the power required to operate the remainder of the telemetering equipment and the motors and pumps in the pumping station and the City shall bear all other costs and expenses as well in operating, repairing, maintaining, replacing, and enlarging all mains and pumping facilities owned by the City that provide service to the District. Repair, maintenance, and replacement of the telemetering facilities, transmitters, receivers, control stations, and associated equipment, shall also be the City's responsibility.

## **II. Water Rates**

1. It is the intent of the parties that the District shall pay reasonable and just rates for water purchased from the City and that the City, in turn, shall receive a reasonable and just compensation for the water it sells the District.

2. The water rate to be charged to the District shall be based upon cost-of-service principles.

3. Subject to the second sentence of paragraph four (4) below, the District's cost of service shall be determined using the utility basis as outlined in the American Water Works Association Manual M1, Water Rates ("M1 Manual").

4. The rates for the District charged by the City shall be determined in accordance with the base extra-capacity method outlined in the most recent edition of the M1 Manual and other related American Water Works Association manuals that support and/or elaborate upon the M1 Manual. The District and the City shall meet within five (5) years after the date of execution of this Agreement, and every five (5) years thereafter, or, at the option of either party, upon issuance of a new M1 Manual, for the purpose of determining whether, according to industry standards, a different rate-making methodology than that described in paragraphs two (2), three (3), and four (4) shall be applied prospectively.

5. If the parties cannot agree on a revised methodology, the methodology shall be resolved pursuant to the arbitration procedure stipulated in paragraph eight (8) herein.

6. With respect to any water rate study that would affect the water rate charged to the District, the City shall give the District advance notice of its intent to undertake such a study before actually commencing the study. The consultant's draft report(s), work papers, and any underlying data used to generate such report(s) shall be available upon request to the District. The expert(s) retained by the City shall be available to meet at reasonable times with the water rate expert(s) retained by the District during this process or with the District Manager or any member of the District's staff, but not to include counsel. The District agrees to provide any information relevant to determining the District's customer service characteristics. Once the City's expert(s) has/have completed their

written report, the City shall promptly provide a copy of that report to the District, and the District shall respond to that report within forty-five (45) days after receiving the report by submitting a written response to the Director of the Public Utilities Department.

7. If the City and the District are unable to agree on a reasonable and just water rate to be charged to the District, then the City and District shall have thirty (30) days from the date of submission of the District's response to the City's water rate study within which to informally attempt to reach an agreement. The City and District agree to work together in good faith in attempting to reach an agreement on a reasonable and just water rate.

8. If, after the consultation described in the previous paragraph, the District and the City are still unable to agree on a reasonable and just water rate to be charged to the District, then the matter in dispute shall be submitted to binding arbitration. The City's water rate expert, who conducted the study described in paragraph six (6) above and participated in the negotiation described in paragraph seven (7) above, and a water rate expert retained by the District shall mutually agree and appoint a third water rate expert who shall be the sole neutral arbitrator of the disputes. The appointment of the arbitrator shall be made within twenty (20) days of the conclusion of the negotiation period described in paragraph seven (7). The arbitrator shall be neutral, shall never have been a resident of Yellowstone County, shall never have worked for either of the parties, and shall be a qualified water rate expert.

(a) Within twenty (20) days of the appointment of the arbitrator, the parties shall exchange expert disclosure statements containing the information set forth in Mont. R. Civ. P. 26(b)(4), together with any draft report(s), work papers, and underlying data generated and/or

used by any expert, and shall provide a list of all lay witnesses and the substance of their testimony.

- (b) The arbitration hearing shall be held no later than sixty (60) days following the appointment of the arbitrator, and the arbitrator shall render a decision no later than thirty (30) days after the hearing.
- (c) Both the City and the District shall present their respective positions to the arbitrator. Following the arbitration hearing, the arbitrator shall be limited to adopting that party's position which best represents the intent of this Agreement, but shall be prohibited from adopting any alternative rates.
- (d) The arbitration hearing shall be conducted according to such procedure as the arbitrator may choose so as to allow each party to fully present its position and may be formal or informal.
- (e) The cost of the arbitrator shall be borne equally by both parties.

### III. Miscellaneous

In the event that the District develops a source of water other than the City, then the District's obligation to purchase water from the City shall cease and terminate.

This Agreement supersedes and revokes all prior agreements between the parties for the construction of the improvements herein contemplated and for the purchase of water by the District from the City.

IN WITNESS WHEREOF, each of the Parties has executed and delivered this Agreement as of the date first above written.

CITY OF BILLINGS, MONTANA

By: Charles F. Tooley  
Mayor

By: [Signature]  
City Attorney

Attest:

[Signature]  
City Clerk  
(SEAL)  
CITY OF BILLINGS, MONTANA

COUNTY WATER DISTRICT OF BILLINGS HEIGHTS

By: [Signature]  
President

Attest:

[Signature]  
Acting Secretary-Auditor  
(SEAL)

# EXHIBIT B

READ		ACTUAL USAGE IN			CCFs		CORRECT \$				TOTAL BILL	TOTAL \$	TOTAL CCFs	ACTUAL
DATE	READING	HGAL	CCFs	BILLED	NOT BILLED	RATE	\$ BILLED	TO BILL	\$	OTHER	SENT TO	AMOUNT OF	BILLED PER	USAGE IN
						BILLED	FOR USAGE	FOR USAGE	UNDERBILLED	CHARGES	CWOBH	BILLS PER YEAR	YEAR	PER YEAR
02/29/2012	9037630	360,330	48,140	48,140	0	\$1.72	82,800.95	82,800.95	0.00	3,504.62	\$ 86,305.57			
03/30/2012	9432810	395,180	52,796	52,796	0	\$1.72	90,809.20	90,809.20	0.00	3,824.95	\$ 94,634.15			
04/30/2012	9968740	535,930	71,600	71,600	0	\$1.72	123,152.43	123,152.43	0.00	5,118.67	\$128,271.10			
05/31/2012	10959790	991,050	132,404	132,404	0	\$1.72	227,735.36	227,735.36	0.00	9,301.99	\$237,037.35			
06/29/2012	12210300	1,250,510	167,068	167,068	0	\$1.72	287,357.19	287,357.19	0.00	11,686.86	\$299,044.05			
07/31/2012	13985220	1,774,920	237,129	237,129	0	\$1.72	407,862.42	407,862.42	0.00	16,511.07	\$424,373.49			
08/31/2012	15567090	1,581,870	211,338	211,338	0	\$1.72	363,501.07	363,501.07	0.00	14,732.62	\$378,233.69			
09/28/2012	16661870	1,094,780	146,263	146,263	0	\$1.72	251,571.69	251,571.69	0.00	10,255.44	\$261,827.13			
10/30/2012	17218650	556,780	74,386	74,386	0	\$1.72	127,943.59	127,943.59	0.00	5,310.33	\$133,253.92			
11/30/2012	17600120	381,470	50,964	50,964	0	\$1.72	87,658.75	87,658.75	0.00	3,698.93	\$ 91,357.68			
12/31/2012	18044720	444,600	59,399	59,399	0	\$1.72	102,165.52	102,165.52	0.00	4,279.20	\$106,444.72			
01/31/2013	18489050	444,330	59,362	59,362	0	\$1.72	102,103.48	102,103.48	0.00	4,276.72	\$106,380.20	\$ 2,347,163.05	1,310,850	1,310,850
02/28/2013	18887720	398,670	53,262	53,262	0	\$1.72	91,611.18	91,611.18	0.00	3,857.02	\$ 95,468.20			
03/29/2013	19300860	413,140	55,196	55,196	0	\$1.72	94,936.27	94,936.27	0.00	3,990.03	\$ 98,926.30			
04/30/2013	19798090	497,230	66,430	66,430	0	\$1.72	114,259.48	114,259.48	0.00	4,762.96	\$119,022.44			
05/31/2013	20750670	952,580	127,265	127,265	0	\$1.72	218,895.26	218,895.26	0.00	8,948.39	\$227,843.65			
06/28/2013	21714150	963,480	128,721	128,721	0	\$1.72	221,400.00	221,400.00	0.00	9,048.58	\$230,448.58			
07/31/2013	23329520	1,615,370	215,813	215,813	0	\$1.72	371,199.10	371,199.10	0.00	15,042.54	\$386,241.64			
08/30/2013	24749250	1,419,730	189,676	189,676	0	\$1.74	330,036.11	330,036.11	0.00	13,394.02	\$343,430.13			
09/30/2013	25696920	947,670	126,609	126,609	0	\$1.74	220,299.16	220,299.16	0.00	9,004.54	\$229,303.70			
10/31/2013	26183270	486,350	64,976	64,976	0	\$1.74	113,058.87	113,058.87	0.00	4,714.93	\$117,773.80			
11/29/2013	26632190	448,920	59,976	59,976	0	\$1.74	104,357.74	104,357.74	0.00	4,366.89	\$108,724.63			
12/31/2013	27072720	440,530	58,855	58,855	0	\$1.74	102,407.37	102,407.37	0.00	4,288.87	\$106,696.24			
01/31/2014	27443230	370,510	49,500	49,500	0	\$1.74	86,130.24	86,130.24	0.00	3,637.79	\$ 89,768.03	\$ 2,153,647.32	1,196,278	1,196,278
02/28/2014	27784690	341,460	45,619	45,619	0	\$1.74	79,377.16	79,377.16	0.00	3,367.66	\$ 82,744.82			
03/31/2014	28153090	368,400	49,218	49,218	0	\$1.74	85,639.74	85,639.74	0.00	3,618.17	\$ 89,257.91			
04/30/2014	28492500	339,410	45,345	45,345	0	\$1.74	78,900.61	78,900.61	0.00	3,348.60	\$ 82,249.21			
05/14/2014	28965750	473,250	63,226	63,226	0	\$1.74	110,013.59	110,013.59	0.00	4,593.12	\$114,606.71			
06/30/2014	29611100	645,350	86,219	86,219	0	\$1.74	150,020.64	150,020.64	0.00	6,193.40	\$156,214.04			
07/31/2014	30609320	998,220	133,362	133,362	0	\$1.74	232,050.21	232,050.21	0.00	9,476.59	\$241,526.80			
08/29/2014	31428490	819,170	109,441	109,441	0	\$1.74	190,427.53	190,427.53	0.00	7,809.68	\$198,237.21			
09/30/2014	32072170	643,680	85,996	85,996	0	\$1.74	149,632.43	149,632.43	0.00	6,177.87	\$155,810.30			
10/31/2014	32479350	407,180	54,399	54,399	0	\$1.74	94,654.69	94,654.69	0.00	3,978.76	\$ 98,633.45			
11/28/2014	32815930	336,580	44,967	44,967	0	\$1.74	78,242.73	78,242.73	0.00	3,322.29	\$ 81,565.02			
12/31/14	33214010	398,080	53,183	53,183	0	\$1.74	92,539.27	92,539.27	0.00	3,894.15	\$ 96,433.42			
1/30/15	33583240	369,230	49,329	49,329	0	\$1.74	85,832.68	85,832.68	0.00	3,625.88	\$ 89,458.56	\$ 1,486,737.45	820,305	820,305

READ		USAGE IN		CCF USAGE	NOT	RATE	\$ BILLED	TO BILL	\$	OTHER	SENT TO	AMOUNT OF	BILLED PER	USAGE IN CCFs
DATE	READING	HGAL	CCFs	BILLED	BILLED	BILLED	FOR USAGE	FOR USAGE	UNDERBILLED	CHARGES	CWDBH	BILLS PER YEAR	YEAR	PER YEAR
2/27/15	34062780	479,540	64,067	47,954	16,113	\$1.74	83,439.95	111,475.79	-28,035.83	3,530.17	\$ 86,970.12			
3/31/15	34610410	547,630	73,163	40,990	32,173	\$1.74	71,323.07	127,304.26	-55,981.19	3,045.50	\$ 74,368.57			
4/30/15	35246190	635,780	84,940	47,588	37,352	\$1.74	82,803.68	147,795.96	-64,992.28	3,504.72	\$ 86,308.40			
5/29/15	36001030	754,840	100,847	56,500	44,347	\$1.74	98,310.00	175,473.13	-77,163.13	4,124.98	\$102,434.98			
6/30/15	37128540	1,127,510	150,635	84,394	66,241	\$1.74	146,846.36	262,105.48	-115,259.12	6,066.43	\$152,912.79			
7/31/15	38631660	1,503,120	200,817	112,509	88,308	\$1.78	200,265.99	357,453.96	-157,187.97	8,205.22	\$208,471.21			
8/31/15	39971660	1,340,000	179,024	100,299	78,725	\$1.78	178,532.93	318,662.72	-140,129.79	7,333.89	\$185,866.82			
9/30/15	41092490	1,120,830	149,743	83,894	65,848	\$1.78	149,332.14	266,542.34	-117,210.20	6,165.86	\$155,498.00			
10/30/15	41728600	636,110	84,984	47,613	37,371	\$1.78	84,751.18	151,272.05	-66,520.86	3,582.62	\$ 88,333.80			
11/30/15	42239760	511,160	68,291	38,260	30,030	\$1.78	68,103.65	121,557.94	-53,454.28	2,916.72	\$ 71,020.37			
12/31/15	42750140	510,380	68,187	38,202	29,985	\$1.78	67,999.73	121,372.45	-53,372.72	2,912.57	\$ 70,912.30			
1/29/16	43232950	482,810	64,503	36,138	28,365	\$1.78	64,326.48	114,816.08	-50,489.60	2,765.64	\$ 67,092.12	\$ 1,350,189.50	734,344	1,289,201
2/29/16	43751860	518,910	69,326	38,841	30,486	\$1.78	69,136.21	123,400.95	-54,264.74	2,958.03	\$ 72,094.24			
3/3/16	44330060	578,200	77,248	43,278	33,969	\$1.78	77,035.63	137,500.59	-60,464.96	3,274.00	\$ 80,309.63			
4/29/16	44916180	586,120	78,306	43,871	34,434	\$1.78	78,090.84	139,384.02	-61,293.19	3,316.21	\$ 81,407.05			
5/19/16	45456000	539,820	72,120	40,406	31,714	\$1.78	71,922.13	128,373.51	-56,451.39	3,069.46	\$ 74,991.59			
6/17/16	46631920	1,175,920	157,103	88,018	69,085	\$1.78	156,671.98	279,643.18	-122,971.21	6,459.46	\$163,131.44			
7/18/16	48328170	1,696,250	226,619	126,965	99,654	1.78/1.86	231,431.72	413,080.97	-181,649.25	9,259.27	\$240,690.99			
8/16/16	49853090	1,524,920	203,729	114,141	89,589	\$1.86	212,301.74	378,936.52	-166,634.78	8,684.65	\$220,986.39			
9/15/16	50971940	1,118,850	149,478	83,746	65,732	\$1.86	155,768.04	278,029.75	-122,261.71	6,423.30	\$162,191.34			
10/14/16	51634530	662,590	88,522	49,595	38,927	\$1.86	92,246.81	164,650.96	-72,404.15	3,882.45	\$ 96,129.26			
11/14/16	52204428	569,898	76,138	42,657	33,481	\$1.86	79,342.09	141,617.37	-62,275.29	3,366.26	\$ 82,708.35			
12/15/16	52752480	548,052	73,220	41,022	32,198	\$1.86	76,300.65	136,188.73	-59,888.08	3,244.60	\$ 79,545.25			
1/26/17	53532160	779,680	104,165	58,359	45,806	\$1.86	108,548.26	193,747.36	-85,199.10	4,534.51	\$113,082.77	\$ 1,467,268.29	770,899	1,375,974
2/17/17	53942590	410,430	54,833	30,721	24,113	\$1.86	57,140.70	101,990.21	-44,849.51	2,478.20	\$ 59,618.90			
3/28/17	54613110	670,520	89,581	50,189	39,393	\$1.86	93,350.84	166,621.54	-73,270.70	3,926.61	\$ 97,277.45			
4/20/17	55006190	393,080	52,515	29,422	23,093	\$1.86	54,725.21	97,678.81	-42,953.60	2,381.59	\$ 57,106.80			
5/22/17	55647770	641,580	85,715	48,022	37,693	\$1.86	89,321.77	159,430.06	-70,108.30	3,765.45	\$ 93,087.22			
6/16/17	56531450	883,680	118,060	66,144	51,916	\$1.86	123,027.31	219,590.95	-96,563.64	5,113.67	\$128,140.98			
7/19/17	57974540	1,443,090	192,797	108,016	84,781	1.72/1.86	192,847.74	344,212.57	-151,364.83	7,899.08	\$200,561.65			
8/15/17	59264170	1,289,630	172,295	96,529	75,765	\$1.72	166,030.21	296,346.66	-130,316.45	6,833.79	\$172,864.00			
9/14/17	60587880	1,323,710	176,848	99,080	77,768	\$1.72	170,417.75	304,177.97	-133,760.21	7,009.29	\$177,427.04			
10/13/17	61126570	538,690	71,969	40,321	31,648	\$1.72	69,352.31	123,786.65	-54,434.35	2,968.67	\$ 72,320.98			
11/28/17	61790230	663,660	88,665	49,675	38,990	\$1.72	85,441.26	152,503.76	-67,062.50	3,610.23	\$ 89,051.49			
12/15/17	61991720	201,490	26,919	15,082	11,837	\$1.72	25,940.33	46,300.79	-20,360.46	1,230.19	\$ 27,170.52			
1/12/18	62445920	454,200	60,681	60,681	0	\$1.72	104,371.53	104,371.53	0.00	4,367.22	\$108,738.75	\$ 1,283,365.77	693,882	1,190,878
2/16/18	62963610	517,690	69,163	69,163	0	\$1.72	118,960.36	118,960.36	0.00	4,950.99	\$123,911.35			



READ DATE	READING	HGBL	USAGE IN CCF	CFE	CFE BILLED	NOT BILLED	RATE BILLED	\$ BILLED FOR USAGE	TO BILL FOR USAGE	UNDERBILLED	OTHER CHARGES	SENT TO CWDDBH	AMOUNT OF BILLS PER YEAR	BILLED PER YEAR	USAGE IN CCF PER YEAR
3/23/18	63746490	782,880	104,593	104,593	104,593	0	\$1.72	179,899.56	179,899.56	0.00	7,388.98	\$187,288.54			
4/23/18	64247280	500,790	66,906	66,906	66,906	0	\$1.72	115,077.54	115,077.54	0.00	4,796.49	\$119,874.08			
5/24/18	65017700	765,430	102,260	102,260	102,260	0	\$1.72	175,887.20	175,887.20	0.00	7,228.06	\$183,115.26			
6/26/18	65863290	850,590	113,639	113,639	113,639	0	\$1.72	195,459.08	195,459.08	0.00	8,010.94	\$203,470.02			
7/23/18	67151990	1,288,700	172,170	172,170	172,170	0	\$1.72	308,937.27	308,937.27	0.00	2,194.77	\$311,132.04			
8/23/18	68547040	1,390,060	185,711	185,711	185,711	0	\$1.81	336,136.91	336,136.91	0.00	205.45	\$336,342.36			
9/21/18	69589750	1,047,710	139,974	139,974	139,974	0	\$1.81	253,352.94	253,352.94	0.00	205.45	\$253,558.39			
10/22/18	70279700	689,950	92,177	92,177	92,177	0	\$1.81	166,840.37	166,840.37	0.00	207.45	\$167,047.82			
11/21/18	70896200	556,500	74,348	74,348	74,348	0	\$1.81	134,569.88	134,569.88	0.00	205.45	\$134,775.33			
12/10/18	71297580	461,380	61,640	61,640	61,640	0	\$1.81	111,569.07	111,569.07	0.00	205.45	\$111,774.52	\$ 2,132,289.65	1,243,263	1,243,263

# EXHIBIT C

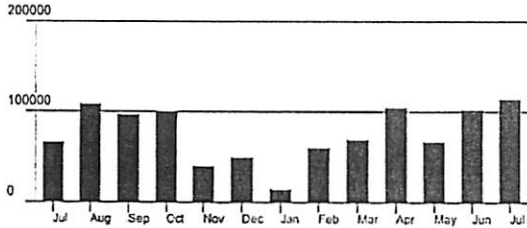


CITY OF BILLINGS  
Public Works Utilities  
2251 Belknap Avenue  
Billings, Montana 59101

Item 6.

Office hours: 8:00-5:00 M-F  
Pay by Phone 406.657.8315  
For all Billing Questions Call 406.657.8315  
After Hours Emergencies Call 406.657.8353  
For online payments:  
<https://ci.billings.mt.us/1905/Online-Payments>  
See reverse for payment locations

**YOUR MONTHLY WATER USAGE in CCF (1 CCF = 748 gallons)**



**SPECIAL MESSAGES**

\*\*\*The City of Billings Water Quality Division Consumer Confidence Report (CCR) is available on the City of Billings Website. The link below will take you directly to the report. <https://mt-billings3.civicplus.com/DocumentCenter/View/2480>. For a paper copy of the CCR please call the Water Quality Laboratory at 406-657-8346. Owners/managers of associations and income properties, please post.

**ACCOUNT INFORMATION**

ACCOUNT NO: [REDACTED]  
NAME: BLGS HGTS WATER DIST  
SERVICE ADDRESS: 216 E AIRPORT RD  
SERVICE PERIOD: 05/24/2018 to 06/26/2018  
BILLING DATE: 07/05/2018  
DUE DATE: 07/20/2018

**CURRENT WATER USAGE (1 CCF = 748 gallons)**

Meter number	Previous Reading	Current Reading	Usage CCF
CV0006	65012700	65863290	113639

**CURRENT CHARGES**

Water Service \$195,644.25  
Franchise Fees \$7,825.77  
**TOTAL CURRENT CHARGES: \$203,470.02**

**BILL SUMMARY**

BALANCE FROM PREV STATEMENT: \$183,115.26  
PAYMENTS: 06/18/2018 -\$183,115.26  
ADJUSTMENTS: \$0.00  
LATE CHARGES: \$0.00  
**TOTAL AMOUNT DUE: \$203,470.02**

**\*\* NOTICE \*\***

All Bills are due and payable when rendered.



Public Works - Utilities  
P.O. Box 30958  
2251 Belknap Avenue  
Billings, Montana 59101  
(406) 657-8315

SERVICE ADDRESS			
216 E AIRPORT RD			
ACCOUNT NO.	CYCLE	BILL DATE	DUE DATE
[REDACTED]	04-0406	07/05/2018	07/20/2018

CURRENT CHARGES: \$203,470.02  
TOTAL AMOUNT DUE: \$203,470.02



BLGS HGTS WATER DIST  
1540 POPELKA DR  
Billings MT 591054468



PUBLIC WORKS-UTILITIES  
2251 BELKNAP AVENUE  
P.O. BOX 30958  
BILLINGS MT 59101-5706

PLEASE RETURN THIS PORTION WITH PAYMENT

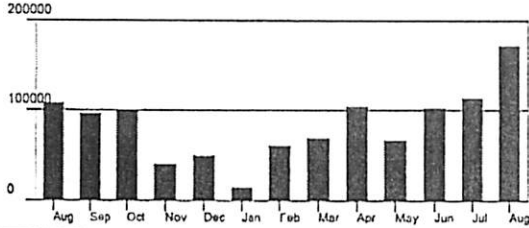
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CITY OF BILLINGS  
Public Works Utilities  
2251 Belknap Avenue  
Billings, Montana 59101

Office hours: 8:00-5:00 M-F  
Pay by Phone 406.657.8315  
For all Billing Questions Call 406.657.8315  
After Hours Emergencies Call 406.657.8353  
For online payments:  
<https://ci.billings.mt.us/1905/Online-Payments>  
See reverse for payment locations

**YOUR MONTHLY WATER USAGE in CCF (1 CCF = 748 gallons)**



**SPECIAL MESSAGES**

Purchase your City of Billings Animal License at Yellowstone Valley Animal Shelter or most area Veterinary Clinics. All you need is a current Rabies Vaccination Certificate! For more information contact Animal Control or visit:  
<http://ci.billings.mt.us/1786/Animal-Control>

**ACCOUNT INFORMATION**

ACCOUNT NO: [REDACTED]  
NAME: BLGS HGTS WATER DIST  
SERVICE ADDRESS: 216 E AIRPORT RD  
SERVICE PERIOD: 06/26/2018 to 07/23/2018  
BILLING DATE: 08/02/2018  
DUE DATE: 08/17/2018

**CURRENT WATER USAGE (1 CCF = 748 gallons)**

Meter number	Previous Reading	Current Reading	Usage CCF
CV0006	65863290	67151990	172170

**CURRENT CHARGES**

Water Service \$308,937.27  
Franchise Fees \$2,194.77  
**TOTAL CURRENT CHARGES: \$311,132.04**

**BILL SUMMARY**

BALANCE FROM PREV STATEMENT: \$203,470.02  
PAYMENTS: 07/18/2018 -\$203,470.02  
ADJUSTMENTS: \$2,601,752.19  
LATE CHARGES: \$0.00  
**TOTAL AMOUNT DUE: \$2,912,884.23**

**\*\* NOTICE \*\***

All Bills are due and payable when rendered.



Public Works - Utilities  
P.O. Box 30958  
2251 Belknap Avenue  
Billings, Montana 59101  
(406) 657-8315

**SERVICE ADDRESS**

216 E AIRPORT RD

ACCOUNT NO.	CYCLE	BILL DATE	DUE DATE
[REDACTED]	04-0406	08/02/2018	08/17/2018

CURRENT CHARGES: \$311,132.04  
BALANCE FORWARD: \$2,601,752.19  
**TOTAL AMOUNT DUE: \$2,912,884.23**

BLGS HGTS WATER DIST  
1540 POPELKA DR  
Billings MT 591054468

PUBLIC WORKS-UTILITIES  
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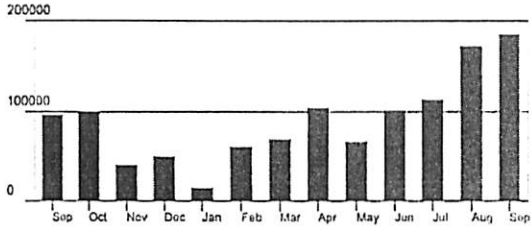


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**YOUR MONTHLY WATER USAGE in CCF (1 CCF = 748 gallons)**



**SPECIAL MESSAGES**

**ACCOUNT INFORMATION**

ACCOUNT NO: [REDACTED]  
NAME: BLGS HGTS WATER DIST  
SERVICE ADDRESS: 216 E AIRPORT RD  
SERVICE PERIOD: 07/23/2018 to 08/23/2018  
BILLING DATE: 09/06/2018  
DUE DATE: 09/21/2018

**CURRENT WATER USAGE (1 CCF = 748 gallons)**

Meter number	Previous Reading	Current Reading	Usage CCF
CV0006	67151990	68542040	185711

**CURRENT CHARGES**

Water Service \$336,342.36  
**TOTAL CURRENT CHARGES: \$336,342.36**

**BILL SUMMARY**

BALANCE FROM PREV STATEMENT: \$2,912,884.23  
PAYMENTS: 08/20/2018 -\$311,132.04  
ADJUSTMENTS: \$0.00  
LATE CHARGES: \$39,026.28  
**TOTAL AMOUNT DUE: \$2,977,120.83**

**\*\*\* FINAL NOTICE \*\*\***

Payment in full must be received by 09/25/2018 to avoid the added delinquency fee and possible disruption of service.



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SERVICE ADDRESS			
216 E AIRPORT RD			
ACCOUNT NO.	CYCLE	BILL DATE	DUE DATE
[REDACTED]	04-0406	09/06/2018	09/21/2018

CURRENT CHARGES: \$336,342.36  
BALANCE FORWARD: \$2,640,778.47  
**TOTAL AMOUNT DUE: \$2,977,120.83**

BLGS HGTS WATER DIST  
1540 POPELKA DR  
Billings MT 591054468

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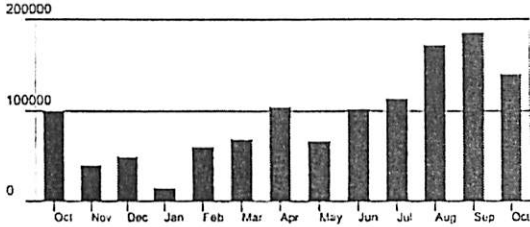


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**YOUR MONTHLY WATER USAGE in CCF (1 CCF = 748 gallons)**



**SPECIAL MESSAGES**

**ACCOUNT INFORMATION**

ACCOUNT NO: [REDACTED]  
NAME: BLGS HGTS WATER DIST  
SERVICE ADDRESS: 216 E AIRPORT RD  
SERVICE PERIOD: 08/23/2018 to 09/21/2018  
BILLING DATE: 10/04/2018  
DUE DATE: 10/19/2018

**CURRENT WATER USAGE (1 CCF = 748 gallons)**

Meter number	Previous Reading	Current Reading	Usage CCF
CV0006	68542040	69589750	139974

**CURRENT CHARGES**

Water Service \$253,558.39  
**TOTAL CURRENT CHARGES: \$253,558.39**

**BILL SUMMARY**

BALANCE FROM PREV STATEMENT: \$2,977,120.83  
PAYMENTS: 09/17/2018 -\$336,342.36  
ADJUSTMENTS: \$0.00  
LATE CHARGES: \$39,611.68  
**TOTAL AMOUNT DUE: \$2,933,948.54**

**\*\*\* FINAL NOTICE \*\*\***

Payment in full must be received by 10/23/2018 to avoid the added delinquency fee and possible disruption of service.



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**SERVICE ADDRESS**

216 E AIRPORT RD

ACCOUNT NO.	CYCLE	BILL DATE	DUE DATE
[REDACTED]	04-0406	10/04/2018	10/19/2018

CURRENT CHARGES: \$253,558.39  
BALANCE FORWARD: \$2,680,390.15  
TOTAL AMOUNT DUE: \$2,933,948.54



BLGS HGTS WATER DIST  
1540 POPELKA DR  
Billings MT 591054468



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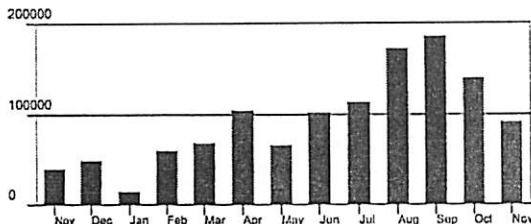
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**YOUR MONTHLY WATER USAGE in CCF (1 CCF = 748 gallons)**



**SPECIAL MESSAGES**

\*\*\*\* Your utility bill shows a charge to pay the State of Montana Public Water Supply Program Fee. The charge shown is for the current fiscal year and is an annual fee. The 1993 legislature authorized the Dept of Environmental Quality to levy this fee in order to fund the State's Public Water Supply Act and the Federal Safe Drinking Water Act. Direct questions regarding this fee to the DEQ Permitting/Compliance Division 406-444-4454. DIRECT ALL BILLING QUESTIONS TO 406-657-8315

**ACCOUNT INFORMATION**

ACCOUNT NO: [REDACTED]  
NAME: BLGS HGTS WATER DIST  
SERVICE ADDRESS: 216 E AIRPORT RD  
SERVICE PERIOD: 09/21/2018 to 10/22/2018  
BILLING DATE: 11/01/2018  
DUE DATE: 11/16/2018

**CURRENT WATER USAGE (1 CCF = 748 gallons)**

Meter number	Previous Reading	Current Reading	Usage CCF
CV0006	69589750	70279700	92177

**CURRENT CHARGES**

Water Service \$167,045.82  
Mt Water Supply Fee \$2.00  
**TOTAL CURRENT CHARGES: \$167,047.82**

**BILL SUMMARY**

BALANCE FROM PREV STATEMENT: \$2,933,948.54  
PAYMENTS: 10/16/2018 -\$253,558.39  
ADJUSTMENTS: \$0.00  
LATE CHARGES: \$40,205.85  
**TOTAL AMOUNT DUE: \$2,887,643.82**

**\*\*\* FINAL NOTICE \*\*\***

Payment in full must be received by 11/20/2018 to avoid the added delinquency fee and possible disruption of service.



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**SERVICE ADDRESS**

216 E AIRPORT RD

ACCOUNT NO.	CYCLE	BILL DATE	DUE DATE
[REDACTED]	04-0406	11/01/2018	11/16/2018

CURRENT CHARGES: \$167,047.82  
BALANCE FORWARD: \$2,720,596.00  
TOTAL AMOUNT DUE: \$2,887,643.82



BLGS HGTS WATER DIST  
1540 POPELKA DR  
BILLINGS MT 591054468



PUBLIC WORKS-UTILITIES  
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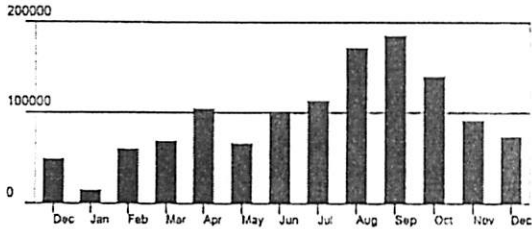


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**YOUR MONTHLY WATER USAGE in CCF (1 CCF = 748 gallons)**



**SPECIAL MESSAGES**

\*\*\*\*Residential wastewater charges are based on the average water consumed during the winter months. Conserving water during this time could result in a savings on monthly wastewater charges from April 2019 through March 2020.

**ACCOUNT INFORMATION**

ACCOUNT NO: [REDACTED]  
NAME: BLGS HGTS WATER DIST  
SERVICE ADDRESS: 216 E AIRPORT RD  
SERVICE PERIOD: 10/22/2018 to 11/21/2018  
BILLING DATE: 12/06/2018  
DUE DATE: 12/21/2018

**CURRENT WATER USAGE (1 CCF = 748 gallons)**

Meter number	Previous Reading	Current Reading	Usage CCF
CV0006	70279700	70836200	74348

**CURRENT CHARGES**

Water Service \$134,775.33  
**TOTAL CURRENT CHARGES: \$134,775.33**

**BILL SUMMARY**

BALANCE FROM PREV STATEMENT: \$2,887,643.82  
PAYMENTS: 11/19/2018 -\$167,047.82  
ADJUSTMENTS: \$0.00  
LATE CHARGES: \$40,808.94  
**TOTAL AMOUNT DUE: \$2,896,180.27**

**\*\*\* FINAL NOTICE \*\*\***

Payment in full must be received by 12/25/2018 to avoid the added delinquency fee and possible disruption of service.



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**SERVICE ADDRESS**

216 E AIRPORT RD

ACCOUNT NO.	CYCLE	BILL DATE	DUE DATE
[REDACTED]	04-0406	12/06/2018	12/21/2018

CURRENT CHARGES: \$134,775.33  
BALANCE FORWARD: \$2,761,404.94  
**TOTAL AMOUNT DUE: \$2,896,180.27**

BLGS HGTS WATER DIST  
1540 POPELKA DR  
BILLINGS MT 591054468

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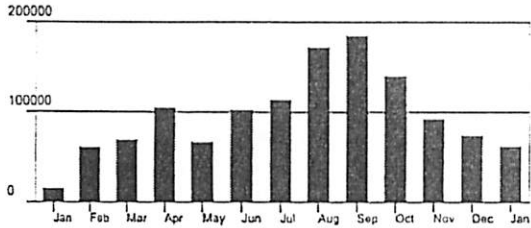


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**YOUR MONTHLY WATER USAGE in CCF (1 CCF = 748 gallons)**



**SPECIAL MESSAGES**

**ACCOUNT INFORMATION**

ACCOUNT NO: [REDACTED]  
NAME: BLGS HGTS WATER DIST  
SERVICE ADDRESS: 216 E AIRPORT RD  
SERVICE PERIOD: 11/21/2018 to 12/21/2018  
BILLING DATE: 01/03/2019  
DUE DATE: 01/18/2019

**CURRENT WATER USAGE (1 CCF = 748 gallons)**

Meter number	Previous Reading	Current Reading	Usage CCF
CV0006	70836200	71297580	61640

**CURRENT CHARGES**

Water Service \$111,773.85  
**TOTAL CURRENT CHARGES: \$111,773.85**

**BILL SUMMARY**

BALANCE FROM PREV STATEMENT: \$2,896,180.27  
PAYMENTS: 12/18/2018 -\$134,775.33  
ADJUSTMENTS: \$368,847.16  
LATE CHARGES: \$41,421.07  
**TOTAL AMOUNT DUE: \$3,283,447.02**

**\*\*\* FINAL NOTICE \*\*\***

Payment in full must be received by 01/22/2019 to avoid the added delinquency fee and possible disruption of service.



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(406) 657-8315

**SERVICE ADDRESS** 216 E AIRPORT RD

ACCOUNT NO.	CYCLE	BILL DATE	DUE DATE
[REDACTED]	04-0406	01/03/2019	01/18/2019

CURRENT CHARGES: \$111,773.85  
BALANCE FORWARD: \$3,171,673.17  
TOTAL AMOUNT DUE: \$3,283,447.02

BLGS HGTS WATER DIST  
1540 POPELKA DR  
BILLINGS MT 591054468

PUBLIC WORKS-UTILITIES  
2251 BELKNAP AVENUE  
P.O. BOX 30958  
BILLINGS MT 59101-5706

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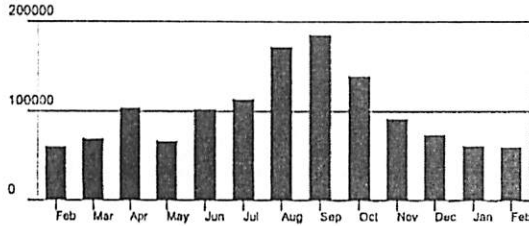


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See reverse for payment locations

**YOUR MONTHLY WATER USAGE in CCF (1 CCF = 748 gallons)**



**SPECIAL MESSAGES**

**ACCOUNT INFORMATION**

ACCOUNT NO: [REDACTED]  
NAME: BLGS HGTS WATER DIST  
SERVICE ADDRESS: 216 E AIRPORT RD  
SERVICE PERIOD: 12/21/2018 to 01/22/2019  
BILLING DATE: 02/07/2019  
DUE DATE: 02/22/2019

**CURRENT WATER USAGE (1 CCF = 748 gallons)**

Meter number	Previous Reading	Current Reading	Usage CCF
CV0006	71297580	71750430	60501

**CURRENT CHARGES**

Water Service \$109,712.26  
**TOTAL CURRENT CHARGES: \$109,712.26**

**BILL SUMMARY**

BALANCE FROM PREV STATEMENT: \$3,283,447.02  
PAYMENTS: 01/14/2019 -\$111,773.85  
ADJUSTMENTS: \$0.00  
LATE CHARGES: \$47,575.10  
**TOTAL AMOUNT DUE: \$3,328,960.53**

**\*\*\* FINAL NOTICE \*\*\***

Payment in full must be received by 02/26/2019 to avoid the added delinquency fee and possible disruption of service.



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SERVICE ADDRESS			
ACCOUNT NO.	CYCLE	BILL DATE	DUE DATE
[REDACTED]	04-0406	02/07/2019	02/22/2019

CURRENT CHARGES: \$109,712.26  
BALANCE FORWARD: \$3,219,248.27  
**TOTAL AMOUNT DUE: \$3,328,960.53**

BLGS HGTS WATER DIST  
1540 POPELKA DR  
BILLINGS MT 591054468

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ACCOUNT INFORMATION

ACCOUNT NO: [REDACTED]  
NAME: BLGS HGTS WATER DIST  
SERVICE ADDRESS: 216 E AIRPORT RD  
SERVICE PERIOD: 01/22/2019 to 02/22/2019  
BILLING DATE: 03/07/2019  
DUE DATE: 03/22/2019

CURRENT WATER USAGE (1 CCF = 748 gallons)

Meter number	Previous Reading	Current Reading	Usage CCF
CV0006	71750430	72213400	61853

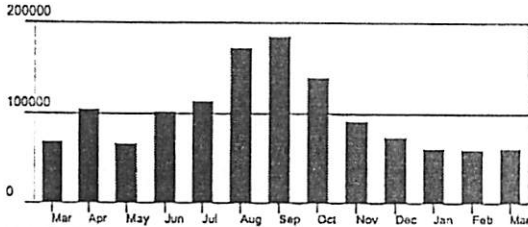
CURRENT CHARGES

Water Service \$112,159.38  
TOTAL CURRENT CHARGES: \$112,159.38

BILL SUMMARY

BALANCE FROM PREV STATEMENT: \$3,328,960.53  
PAYMENTS: 02/19/2019 -\$109,712.26  
ADJUSTMENTS: \$0.00  
LATE CHARGES: \$48,288.72  
TOTAL AMOUNT DUE: \$3,379,696.37

YOUR MONTHLY WATER USAGE in CCF (1 CCF = 748 gallons)



SPECIAL MESSAGES

\*\*\* FINAL NOTICE \*\*\*

Payment in full must be received by 03/26/2019 to avoid the added delinquency fee and possible disruption of service.



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SERVICE ADDRESS 216 E AIRPORT RD			
ACCOUNT NO.	CYCLE	BILL DATE	DUE DATE
[REDACTED]	04-0406	03/07/2019	03/22/2019

CURRENT CHARGES: \$112,159.38  
BALANCE FORWARD: \$3,267,536.99  
TOTAL AMOUNT DUE: \$3,379,696.37

BLGS HGTS WATER DIST  
1540 POPELKA DR  
BILLINGS MT 591054468

PUBLIC WORKS-UTILITIES  
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BILLINGS MT 59101-5706

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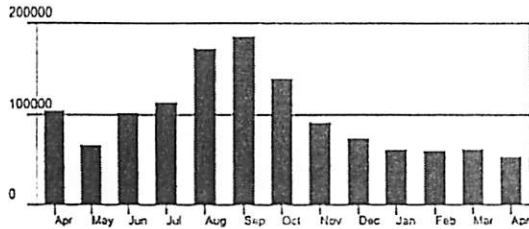


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**YOUR MONTHLY WATER USAGE in CCF (1 CCF = 748 gallons)**



**SPECIAL MESSAGES**

\*\*\*The City of Billings Water Quality Division Consumer Confidence Report (CCR) is available on the City of Billings Website. The link below will take you directly to the report.  
<https://www.ci.billings.mt.us/DocumentCenter/View/2480/2018-Consumer-Confidence-Report?bidId=>  
For a paper copy of the CCR please call the Water Quality Laboratory at 406-657-8346. Owners/managers of associations and income properties, please post.

**ACCOUNT INFORMATION**

ACCOUNT NO: [REDACTED]  
NAME: BLGS HGTS WATER DIST  
SERVICE ADDRESS: 216 E AIRPORT RD  
SERVICE PERIOD: 02/22/2019 to 03/22/2019  
BILLING DATE: 04/04/2019  
DUE DATE: 04/19/2019

**CURRENT WATER USAGE (1 CCF = 748 gallons)**

Meter number	Previous Reading	Current Reading	Usage CCF
CV0006	72213400	72616590	53866

**CURRENT CHARGES**

Water Service \$97,702.91  
**TOTAL CURRENT CHARGES: \$97,702.91**

**BILL SUMMARY**

BALANCE FROM PREV STATEMENT: \$3,379,696.37  
PAYMENTS: 03/20/2019 -\$112,159.38  
ADJUSTMENTS: \$0.00  
LATE CHARGES: \$49,013.05  
**TOTAL AMOUNT DUE: \$3,414,252.95**

**\*\*\* FINAL NOTICE \*\*\***

Payment in full must be received by 04/23/2019 to avoid the added delinquency fee and possible disruption of service.



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SERVICE ADDRESS			
ACCOUNT NO.	CYCLE	BILL DATE	DUE DATE
[REDACTED]	04-0406	04/04/2019	04/19/2019

CURRENT CHARGES: \$97,702.91  
BALANCE FORWARD: \$3,316,550.04  
TOTAL AMOUNT DUE: \$3,414,252.95

BLGS HGTS WATER DIST  
1540 POPELKA DR  
BILLINGS MT 591054468

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P.O. BOX 30958  
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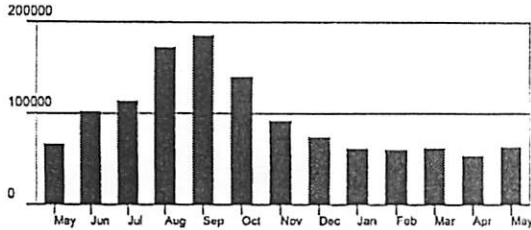
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**YOUR MONTHLY WATER USAGE in CCF (1 CCF = 748 gallons)**



**SPECIAL MESSAGES**

\*\*\*\*\*The April bill reflects the wastewater average that is used to calculate the monthly sewer bill for the next year. It is based on the average water consumption at this address from the November 2018 thru March 2019 meter readings. The wastewater average for new residential customers will be 6 Ccfs based on a city-wide average. Please call 657-8315 with questions.

**ACCOUNT INFORMATION**

ACCOUNT NO: [REDACTED]  
NAME: BLGS HGTS WATER DIST  
SERVICE ADDRESS: 216 E AIRPORT RD  
SERVICE PERIOD: 03/22/2019 to 04/22/2019  
BILLING DATE: 05/02/2019  
DUE DATE: 05/17/2019

**CURRENT WATER USAGE (1 CCF = 748 gallons)**

Meter number	Previous Reading	Current Reading	Usage CCF
CV0006	72616590	73091140	63400

**CURRENT CHARGES**

Water Service \$114,959.45  
**TOTAL CURRENT CHARGES: \$114,959.45**

**BILL SUMMARY**

BALANCE FROM PREV STATEMENT: \$3,414,252.95  
PAYMENTS: 04/15/2019 -\$97,702.91  
ADJUSTMENTS: \$0.00  
LATE CHARGES: \$49,748.25  
**TOTAL AMOUNT DUE: \$3,481,257.74**

**\*\*\* FINAL NOTICE \*\*\***

Payment in full must be received by 05/21/2019 to avoid the added delinquency fee and possible disruption of service.



Public Works - Utilities  
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**SERVICE ADDRESS**

216 E AIRPORT RD

ACCOUNT NO.	CYCLE	BILL DATE	DUE DATE
[REDACTED]	04-0406	05/02/2019	05/17/2019

CURRENT CHARGES: \$114,959.45  
BALANCE FORWARD: \$3,366,298.29  
TOTAL AMOUNT DUE: \$3,481,257.74



BLGS HGTS WATER DIST  
1540 POPELKA DR  
BILLINGS MT 591054468



PUBLIC WORKS-UTILITIES  
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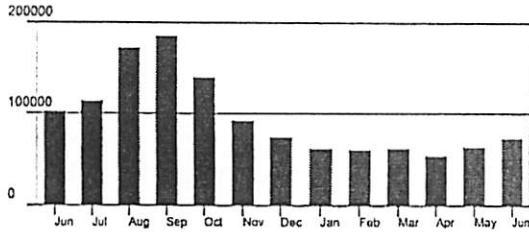


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Public Works Utilities  
2251 Belknap Avenue  
Billings, Montana 59101

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**YOUR MONTHLY WATER USAGE in CCF (1 CCF = 748 gallons)**



**SPECIAL MESSAGES**

\*\*\*\*\*Your utility bill includes an adjustment to pay the Annual State of Montana Sewer Quality Fee. This fee was authorized by the 1993 State Legislature to fund the State's programs mandated by the MT Water Quality Act and the Federal Clean Water Act. Direct any questions regarding this fee to the Department of Environmental Quality at 406)444-4400.

**ACCOUNT INFORMATION**

ACCOUNT NO: [REDACTED]  
NAME: BLGS HGTS WATER DIST  
SERVICE ADDRESS: 216 E AIRPORT RD  
SERVICE PERIOD: 04/22/2019 to 05/23/2019  
BILLING DATE: 06/06/2019  
DUE DATE: 06/21/2019

**CURRENT WATER USAGE (1 CCF = 748 gallons)**

Meter number	Previous Reading	Current Reading	Usage CCF
CV0006	73091140	73637000	72927

**CURRENT CHARGES**

Water Service \$132,203.32  
**TOTAL CURRENT CHARGES: \$132,203.32**

**BILL SUMMARY**

BALANCE FROM PREV STATEMENT: \$3,481,257.74  
PAYMENTS: 05/16/2019 -\$114,959.45  
ADJUSTMENTS: \$0.00  
LATE CHARGES: \$50,494.47  
**TOTAL AMOUNT DUE: \$3,548,996.08**

**\*\*\* FINAL NOTICE \*\*\***

Payment in full must be received by 06/25/2019 to avoid the added delinquency fee and possible disruption of service.



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**SERVICE ADDRESS** 216 E AIRPORT RD

ACCOUNT NO.	CYCLE	BILL DATE	DUE DATE
[REDACTED]	04-0406	06/06/2019	06/21/2019

CURRENT CHARGES: \$132,203.32  
BALANCE FORWARD: \$3,416,792.76  
**TOTAL AMOUNT DUE: \$3,548,996.08**



BLGS HGTS WATER DIST  
1540 POPELKA DR  
BILLINGS MT 591054468



PUBLIC WORKS-UTILITIES  
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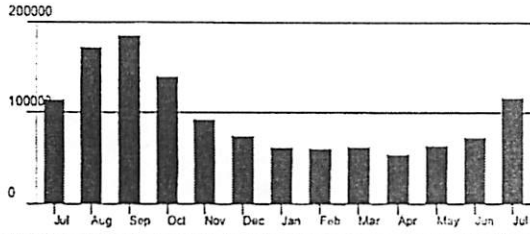


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**YOUR MONTHLY WATER USAGE in CCF (1 CCF = 7.48 gallons)**



**SPECIAL MESSAGES**

\*\*\*\*The City of Billings Water Quality Division Consumer Confidence Report (CCR) is available on the City of Billings Website. The link below will take you directly to the report. <https://www.billingsmt.gov/DocumentCenter/View/2480/2018-Consumer-Confidence-Report?bidId=>  
For a paper copy of the CCR please call the Water Quality Laboratory at 406-657-8346. Owners/managers of associations and income properties, please post.

**ACCOUNT INFORMATION**

ACCOUNT NO: [REDACTED]  
NAME: BLGS HGTS WATER DIST  
SERVICE ADDRESS: 216 E AIRPORT RD  
SERVICE PERIOD: 05/23/2019 to 06/21/2019  
BILLING DATE: 07/04/2019  
DUE DATE: 07/19/2019

**CURRENT WATER USAGE (1 CCF = 7.48 gallons)**

Meter number	Previous Reading	Current Reading	Usage CCF
CV0006	73637000	74507460	116293

**CURRENT CHARGES**

Water Service \$210,695.78  
**TOTAL CURRENT CHARGES: \$210,695.78**

**BILL SUMMARY**

BALANCE FROM PREV STATEMENT: \$3,548,996.08  
PAYMENTS: 06/18/2019 -\$132,203.32  
ADJUSTMENTS: \$0.00  
LATE CHARGES: \$51,251.89  
**TOTAL AMOUNT DUE: \$3,678,740.43**

**\*\*\* FINAL NOTICE \*\*\***

Payment in full must be received by 07/23/2019 to avoid the added delinquency fee and possible disruption of service.



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**SERVICE ADDRESS**

216 E AIRPORT RD

ACCOUNT NO.	CYCLE	BILL DATE	DUE DATE
[REDACTED]	04-0406	07/04/2019	07/19/2019

CURRENT CHARGES: \$210,695.78  
BALANCE FORWARD: \$3,468,044.65  
**TOTAL AMOUNT DUE: \$3,678,740.43**

BLGS HGTS WATER DIST  
1540 POPELKA DR  
BILLINGS MT 591054468

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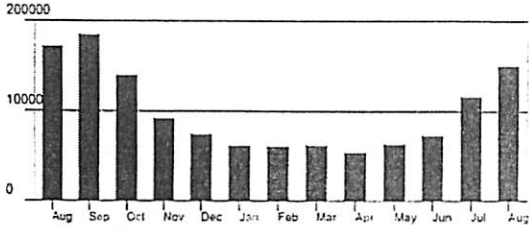


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**YOUR MONTHLY WATER USAGE in CCF (1 CCF = 748 gallons)**



**SPECIAL MESSAGES**  
APPROXIMATELY 3.5% OF YOUR WATER SERVICE CHARGES WILL BE UTILIZED FOR THE CONSTRUCTION OF THE WEST END RESERVOIR AND WATER PLANT PROJECTS.

**ACCOUNT INFORMATION**

ACCOUNT NO: [REDACTED]  
NAME: BLGS HGTS WATER DIST  
SERVICE ADDRESS: 216 E AIRPORT RD  
SERVICE PERIOD: 06/21/2019 to 07/22/2019  
BILLING DATE: 08/01/2019  
DUE DATE: 08/16/2019

**CURRENT WATER USAGE (1 CCF = 748 gallons)**

Meter number	Previous Reading	Current Reading	Usage CCF
CV0006	74507460	75635080	150650

**CURRENT CHARGES**

Water Service \$272,891.56  
**TOTAL CURRENT CHARGES: \$272,891.56**

**BILL SUMMARY**

BALANCE FROM PREV STATEMENT: \$3,678,740.43  
PAYMENTS: 07/17/2019 -\$210,695.78  
ADJUSTMENTS: \$0.00  
LATE CHARGES: \$52,020.67  
**TOTAL AMOUNT DUE: \$3,792,956.88**

**\*\*\* FINAL NOTICE \*\*\***

Payment in full must be received by 08/20/2019 to avoid the added delinquency fee and possible disruption of service.



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SERVICE ADDRESS 216 E AIRPORT RD			
ACCOUNT NO.	CYCLE	BILL DATE	DUE DATE
[REDACTED]	04-0406	08/01/2019	08/16/2019

CURRENT CHARGES: \$272,891.56  
BALANCE FORWARD: \$3,520,065.32  
**TOTAL AMOUNT DUE: \$3,792,956.88**

BLGS HGTS WATER DIST  
1540 POPELKA DR  
BILLINGS MT 591054468

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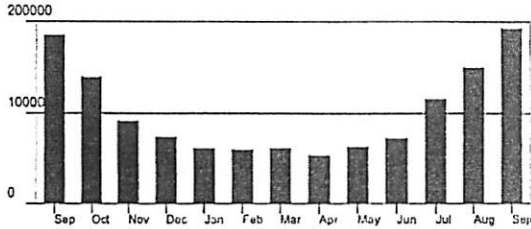


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**YOUR MONTHLY WATER USAGE in CCF (1 CCF = 748 gallons)**



**SPECIAL MESSAGES**

APPROXIMATELY 3.5% OF YOUR WATER SERVICE CHARGES WILL BE UTILIZED FOR THE CONSTRUCTION OF THE WEST END RESERVOIR AND WATER PLANT PROJECTS.

**ACCOUNT INFORMATION**

ACCOUNT NO: [REDACTED]  
NAME: BLGS HGTS WATER DIST  
SERVICE ADDRESS: 216 E AIRPORT RD  
SERVICE PERIOD: 07/22/2019 to 08/22/2019  
BILLING DATE: 09/05/2019  
DUE DATE: 09/20/2019

**CURRENT WATER USAGE (1 CCF = 748 gallons)**

Meter number	Previous Reading	Current Reading	Usage CCF
CV0006	75635080	77081300	193215

**CURRENT CHARGES**

Water Service \$349,932.80  
**TOTAL CURRENT CHARGES: \$349,932.80**

**BILL SUMMARY**

BALANCE FROM PREV STATEMENT: \$3,792,956.88  
PAYMENTS: 08/21/2019 -\$272,891.56  
ADJUSTMENTS: \$0.00  
LATE CHARGES: \$52,800.98  
**TOTAL AMOUNT DUE: \$3,922,799.10**

**\*\*\* FINAL NOTICE \*\*\***

Payment in full must be received by 09/24/2019 to avoid the added delinquency fee and possible disruption of service.



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SERVICE ADDRESS 216 E AIRPORT RD			
ACCOUNT NO.	CYCLE	BILL DATE	DUE DATE
[REDACTED]	04-0406	09/05/2019	09/20/2019

CURRENT CHARGES: \$349,932.80  
BALANCE FORWARD: \$3,572,866.30  
**TOTAL AMOUNT DUE: \$3,922,799.10**

BLGS HGTS WATER DIST  
1540 POPELKA DR  
BILLINGS MT 591054468

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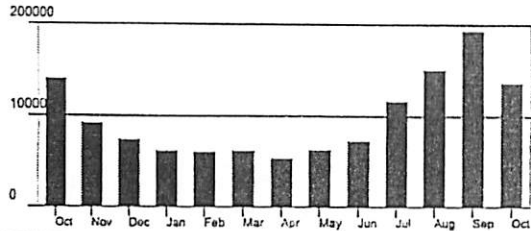


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**YOUR MONTHLY WATER USAGE in CCF (1 CCF = 748 gallons)**



**SPECIAL MESSAGES**  
APPROXIMATELY 3.5% OF YOUR WATER SERVICE CHARGES WILL BE UTILIZED FOR THE CONSTRUCTION OF THE WEST END RESERVOIR AND WATER PLANT PROJECTS.

**ACCOUNT INFORMATION**

ACCOUNT NO: [REDACTED]  
NAME: BLGS HGTS WATER DIST  
SERVICE ADDRESS: 216 E AIRPORT RD  
SERVICE PERIOD: 08/22/2019 to 09/20/2019  
BILLING DATE: 10/03/2019  
DUE DATE: 10/18/2019

**CURRENT WATER USAGE (1 CCF = 748 gallons)**

Meter number	Previous Reading	Current Reading	Usage CCF
CV0006	77081300	78103880	136617

**CURRENT CHARGES**

Water Service \$247,490.42  
**TOTAL CURRENT CHARGES: \$247,490.42**

**BILL SUMMARY**

BALANCE FROM PREV STATEMENT: \$3,922,799.10  
PAYMENTS: 09/16/2019 -\$349,932.80  
ADJUSTMENTS: \$0.00  
LATE CHARGES: \$53,592.99  
**TOTAL AMOUNT DUE: \$3,873,949.71**

**\*\*\* FINAL NOTICE \*\*\***

Payment in full must be received by 10/22/2019 to avoid the added delinquency fee and possible disruption of service.



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SERVICE ADDRESS			
216 E AIRPORT RD			
ACCOUNT NO.	CYCLE	BILL DATE	DUE DATE
[REDACTED]	04-0406	10/03/2019	10/18/2019

CURRENT CHARGES: \$247,490.42  
BALANCE FORWARD: \$3,626,459.29  
**TOTAL AMOUNT DUE: \$3,873,949.71**

BLGS HGTS WATER DIST  
1540 POPELKA DR  
BILLINGS MT 591054468

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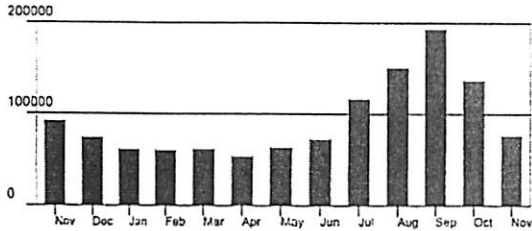


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**YOUR MONTHLY WATER USAGE in CCF (1 CCF = 748 gallons)**



**SPECIAL MESSAGES**

APPROXIMATELY 3.5% OF YOUR WATER SERVICE CHARGES WILL BE UTILIZED FOR THE CONSTRUCTION OF THE WEST END RESERVOIR AND WATER PLANT PROJECTS.  
\*\*\*\* Your utility bill shows a charge to pay the State of Montana Public Water Supply Program Fee. The charge shown is for the current fiscal year and is an annual fee. The 1993 legislature authorized the Dept of Environmental Quality to levy this fee in order to fund the State's Public Water Supply Act and the Federal Safe Drinking Water Act. Direct questions regarding this fee to the DEQ Permitting/Compliance Division 406-444-4454. DIRECT ALL BILLING QUESTIONS TO 406-657-8315

**ACCOUNT INFORMATION**

ACCOUNT NO: [REDACTED]  
NAME: BLGS HGTS WATER DIST  
SERVICE ADDRESS: 216 E AIRPORT RD  
SERVICE PERIOD: 09/20/2019 to 10/21/2019  
BILLING DATE: 11/07/2019  
DUE DATE: 11/22/2019

**CURRENT WATER USAGE (1 CCF = 748 gallons)**

Meter number	Previous Reading	Current Reading	Usage CCF
CV0006	78103880	78673660	76123

**CURRENT CHARGES**

Water Service \$137,998.28  
Mt Water Supply Fee \$2.00  
**TOTAL CURRENT CHARGES: \$137,998.28**

**BILL SUMMARY**

BALANCE FROM PREV STATEMENT: \$3,873,949.71  
PAYMENTS: 10/17/2019 -\$247,490.42  
ADJUSTMENTS: \$0.00  
LATE CHARGES: \$54,396.89  
**TOTAL AMOUNT DUE: \$3,818,854.46**

**\*\*\* FINAL NOTICE \*\*\***

Payment in full must be received by 11/26/2019 to avoid the added delinquency fee and possible disruption of service.



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**SERVICE ADDRESS**

216 E AIRPORT RD

ACCOUNT NO.	CYCLE	BILL DATE	DUE DATE
[REDACTED]	04-0406	11/07/2019	11/22/2019

CURRENT CHARGES: \$137,998.28  
BALANCE FORWARD: \$3,680,856.18  
TOTAL AMOUNT DUE: \$3,818,854.46



BLGS HGTS WATER DIST  
1540 POPELKA DR  
BILLINGS MT 591054468



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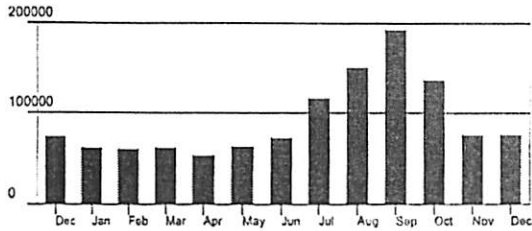


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**YOUR MONTHLY WATER USAGE in CCF (1 CCF = 748 gallons)**



**SPECIAL MESSAGES**

Water Services are now being displayed to show the percentage of your monthly charges that are being allocated to construction of the West End Water Plant & Reservoir. This is not an additional charge. Please direct any questions to (406) 657-8315. Thank you.

**ACCOUNT INFORMATION**

ACCOUNT NO: [REDACTED]  
NAME: BLGS HGTS WATER DIST  
SERVICE ADDRESS: 216 E AIRPORT RD  
SERVICE PERIOD: 10/21/2019 to 11/21/2019  
BILLING DATE: 12/05/2019  
DUE DATE: 12/20/2019

**CURRENT WATER USAGE (1 CCF = 748 gallons)**

Meter number	Previous Reading	Current Reading	Usage CCF
CV0006	78673660	79247200	76625

**CURRENT CHARGES**

Water Service \$134,043.23  
West End Water Plant & Reservoir \$4,861.67  
**TOTAL CURRENT CHARGES: \$138,904.90**

**BILL SUMMARY**

BALANCE FROM PREV STATEMENT: \$3,818,854.46  
PAYMENTS: 11/20/2019 -\$137,998.28  
ADJUSTMENTS: \$0.00  
LATE CHARGES: \$55,212.84  
**TOTAL AMOUNT DUE: \$3,874,973.92**

**\*\*\* FINAL NOTICE \*\*\***

Payment in full must be received by 12/24/2019 to avoid the added delinquency fee and possible disruption of service.



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SERVICE ADDRESS			
216 E AIRPORT RD			
ACCOUNT NO.	CYCLE	BILL DATE	DUE DATE
[REDACTED]	04-0406	12/05/2019	12/20/2019

CURRENT CHARGES: \$138,904.90  
BALANCE FORWARD: \$3,736,069.02  
**TOTAL AMOUNT DUE: \$3,874,973.92**

BLGS HGTS WATER DIST  
1540 POPELKA DR  
BILLINGS MT 591054468

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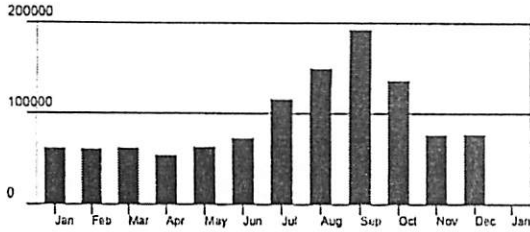


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**YOUR MONTHLY WATER USAGE in CCF (1 CCF = 748 gallons)**



**SPECIAL MESSAGES**

\*\*\*\*Residential wastewater charges are based on the average water consumed during the winter months. Conserving water during this time could result in a savings on monthly wastewater charges from April 2020 through March 2021.

**ACCOUNT INFORMATION**

ACCOUNT NO: [REDACTED]  
NAME: BLGS HGTS WATER DIST  
SERVICE ADDRESS: 216 E AIRPORT RD  
SERVICE PERIOD: 11/21/2019 to 12/20/2019  
BILLING DATE: 01/02/2020  
DUE DATE: 01/17/2020

**CURRENT WATER USAGE (1 CCF = 748 gallons)**

Meter number	Previous Reading	Current Reading	Usage CCF
CV0006	79247200	79247200	0
CV0006	79247200	79868110	82954

**CURRENT CHARGES**

TOTAL CURRENT CHARGES: \$150,350.44

**BILL SUMMARY**

BALANCE FROM PREV STATEMENT: \$3,874,973.92  
PAYMENTS: 12/18/2019 -\$138,904.90  
ADJUSTMENTS: \$0.00  
LATE CHARGES: \$56,041.04  
TOTAL AMOUNT DUE: \$3,942,460.50

**\*\*\* FINAL NOTICE \*\*\***

Payment in full must be received by 01/21/2020 to avoid the added delinquency fee and possible disruption of service.



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SERVICE ADDRESS: 216 E AIRPORT RD

ACCOUNT NO.	CYCLE	BILL DATE	DUE DATE
[REDACTED]	04-0406	01/02/2020	01/17/2020

CURRENT CHARGES: \$150,350.44  
BALANCE FORWARD: \$3,792,110.06  
TOTAL AMOUNT DUE: \$3,942,460.50

BLGS HGTS WATER DIST  
1540 POPELKA DR  
BILLINGS MT 591054468

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**YOUR MONTHLY WATER USAGE in CCF (1 CCF = 748 gallons)**



**SPECIAL MESSAGES**

\*\*\*\*Residential wastewater charges are based on the average water consumed during the winter months. Conserving water during this time could result in a savings on monthly wastewater charges from April 2020 through March 2021.

**ACCOUNT INFORMATION**

ACCOUNT NO: [REDACTED]  
NAME: BLGS HGTS WATER DIST  
SERVICE ADDRESS: 216 E AIRPORT RD  
SERVICE PERIOD: 12/20/2019 to 01/21/2020  
BILLING DATE: 02/06/2020  
DUE DATE: 02/21/2020

**CURRENT WATER USAGE (1 CCF = 748 gallons)**

Meter number	Previous Reading	Current Reading	Usage CCF
CV0006	79868110	80527310	88069

**CURRENT CHARGES**

**TOTAL CURRENT CHARGES: \$159,618.54**

**BILL SUMMARY**

BALANCE FROM PREV STATEMENT: \$3,942,460.50  
PAYMENTS: 01/15/2020 -\$150,350.44  
ADJUSTMENTS: \$0.00  
LATE CHARGES: \$56,881.65  
**TOTAL AMOUNT DUE: \$4,008,610.25**

**\*\*\* FINAL NOTICE \*\*\***

Payment in full must be received by 02/25/2020 to avoid the added delinquency fee and possible disruption of service.



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SERVICE ADDRESS			
216 E AIRPORT RD			
ACCOUNT NO.	CYCLE	BILL DATE	DUE DATE
[REDACTED]	04-0406	02/06/2020	02/21/2020

CURRENT CHARGES: \$159,618.54  
BALANCE FORWARD: \$3,848,991.71  
TOTAL AMOUNT DUE: \$4,008,610.25

BLGS HGTS WATER DIST  
1540 POPELKA DR  
BILLINGS MT 591054468

PUBLIC WORKS-UTILITIES  
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**YOUR MONTHLY WATER USAGE (1 CCF = 748 gallons)**



**SPECIAL MESSAGES**

**IMPORTANT MESSAGE FOR OUR CUSTOMERS** We have implemented a new bill pay system. If you were previously set up for recurring CREDIT CARD payments and have a WATER utility account, visit [billingsmtpublicworks.gov](http://billingsmtpublicworks.gov), select Payments & Utilities and register for WaterSmart. If you have any questions, please contact our office at (406) 657-8315.

**ACCOUNT INFORMATION**

ACCOUNT NO: [REDACTED]  
NAME: BLGS HGTS WATER DIST  
SERVICE ADDRESS: 216 E AIRPORT RD  
SERVICE PERIOD: 01/21/2020 to 02/20/2020  
BILLING DATE: 03/05/2020  
DUE DATE: 03/20/2020

**CURRENT WATER USAGE (1 CCF = 748 gallons)**

Meter number	Previous Reading	Current Reading	Usage CCF
CV0006	80527310	81091900	75429

**CURRENT CHARGES**

**TOTAL CURRENT CHARGES: \$136,740.14**

**BILL SUMMARY**

BALANCE FROM PREV STATEMENT: \$4,008,610.25  
PAYMENTS: 02/18/2020 -\$159,618.54  
ADJUSTMENTS: \$0.00  
LATE CHARGES: \$57,734.88  
**TOTAL AMOUNT DUE: \$4,043,466.73**

**\*\*\* FINAL NOTICE \*\*\***

Payment in full must be received by 03/24/2020 to avoid the added delinquency fee and possible disruption of service.



Public Works - Utilities  
P.O. Box 30958  
2251 Belknap Avenue  
Billings, Montana 59101  
(406) 657-8315

SERVICE ADDRESS			
ACCOUNT NO.	CYCLE	BILL DATE	DUE DATE
[REDACTED]	04-0406	03/05/2020	03/20/2020

CURRENT CHARGES: \$136,740.14  
BALANCE FORWARD: \$3,906,726.59  
TOTAL AMOUNT DUE: \$4,043,466.73

BLGS HGTS WATER DIST  
1540 POPELKA DR  
BILLINGS MT 591054468

PUBLIC WORKS-UTILITIES  
2251 BELKNAP AVENUE  
P.O. BOX 30958  
BILLINGS MT 59101-5706

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000000 [REDACTED] 0004043466733



CITY OF BILLINGS  
Public Works Utilities  
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For online payments:  
<https://ci.billings.mt.us/1905/Online-Payments>  
See reverse for payment locations

**YOUR MONTHLY WATER USAGE in CCF (1 CCF = 748 gallons)**



**SPECIAL MESSAGES**

\*\*\*\*\*The April bill reflects the wastewater average that is used to calculate the monthly sewer bill for the next year. It is based on the average water usage from November 2019 thru February 2020. The wastewater average for any new residential customers will be 6 ccf based on a city-wide average. Please call 657-8315 with questions.  
\*\*\*\*\*The City of Billings Water Quality Division Consumer Confidence Report (CCR) is available on the City of Billings Website. The link below will take you directly to the report. [www.billingsmtpublicworks.gov/DocumentCenter/View/262/CCR-2019](http://www.billingsmtpublicworks.gov/DocumentCenter/View/262/CCR-2019)  
For a paper copy of the CCR please call the Water Quality Laboratory at 406-657-8346. Owners/managers of associations and income properties, please post.

**\*\*\* FINAL NOTICE \*\*\***

Payment in full must be received by 04/21/2020 to avoid the added delinquency fee and possible disruption of service.

**ACCOUNT INFORMATION**

ACCOUNT NO: [REDACTED]  
NAME: BLGS HGTS WATER DIST  
SERVICE ADDRESS: 216 E AIRPORT RD  
SERVICE PERIOD: 02/20/2020 to 03/20/2020  
BILLING DATE: 04/02/2020  
DUE DATE: 04/17/2020

**CURRENT WATER USAGE (1 CCF = 748 gallons)**

Meter number	Previous Reading	Current Reading	Usage CCF
CV0006	81091900	81641210	73388

**CURRENT CHARGES**

**TOTAL CURRENT CHARGES: \$74,445.03**

**BILL SUMMARY**

BALANCE FROM PREV STATEMENT: \$4,043,466.73  
PAYMENTS: 03/17/2020 -\$136,740.14  
ADJUSTMENTS: -\$58,600.90  
LATE CHARGES: \$58,600.90  
**TOTAL AMOUNT DUE: \$4,039,772.52**



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SERVICE ADDRESS			
ACCOUNT NO.	CYCLE	BILL DATE	DUE DATE
[REDACTED]	04-0406	04/02/2020	04/17/2020

CURRENT CHARGES: \$74,445.03  
BALANCE FORWARD: \$3,965,327.49  
**TOTAL AMOUNT DUE: \$4,039,772.52**

BLGS HGTS WATER DIST  
1540 POPELKA DR  
BILLINGS MT 591054468

PUBLIC WORKS-UTILITIES  
2251 BELKNAP AVENUE  
P.O. BOX 30958  
BILLINGS MT 59101-5706

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CITY OF BILLINGS  
Public Works Utilities  
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**YOUR MONTHLY WATER USAGE in CCF (1 CCF = 748 gallons)**

0
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**SPECIAL MESSAGES**

**ACCOUNT INFORMATION**

ACCOUNT NO: [REDACTED]  
NAME: BLGS HGTS WATER DIST  
SERVICE ADDRESS: 216 E AIRPORT RD  
SERVICE PERIOD: 03/20/2020 to 04/20/2020  
BILLING DATE: 05/07/2020  
DUE DATE: 05/22/2020

**CURRENT WATER USAGE (1 CCF = 748 gallons)**

Meter number	Previous Reading	Current Reading	Usage CCF
CV0006	81641210	82246950	80927

**CURRENT CHARGES**

**TOTAL CURRENT CHARGES: \$146,691.52**

**BILL SUMMARY**

BALANCE FROM PREV STATEMENT: \$4,039,772.52  
PAYMENTS: 04/15/2020 -\$133,045.93  
ADJUSTMENTS: \$0.00  
LATE CHARGES: \$0.00  
**TOTAL AMOUNT DUE: \$4,053,418.11**

**\*\*\* FINAL NOTICE \*\*\***

Payment in full must be received by 05/26/2020 to avoid the added delinquency fee and possible disruption of service.



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(406) 657-8315

SERVICE ADDRESS			
ACCOUNT NO.	CYCLE	BILL DATE	DUE DATE
[REDACTED]	04-0406	05/07/2020	05/22/2020

CURRENT CHARGES: \$146,691.52  
BALANCE FORWARD: \$3,906,726.59  
TOTAL AMOUNT DUE: \$4,053,418.11

BLGS HGTS WATER DIST  
1540 POPELKA DR  
BILLINGS MT 591054468

PUBLIC WORKS-UTILITIES  
2251 BELKNAP AVENUE  
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BILLINGS MT 59101-5706

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**YOUR MONTHLY WATER USAGE @ CCF (1 CCF = 748 gallons)**



**SPECIAL MESSAGES**

\*\*\*\*\*Your utility bill includes an adjustment to pay the Annual State of Montana Sewer Quality Fee. This fee was authorized by the 1993 State Legislature to fund the State's programs mandated by the MT Water Quality Act and the Federal Clean Water Act. Direct any questions regarding this fee to the Department of Environmental Quality at 406)444-4400.

**ACCOUNT INFORMATION**

ACCOUNT NO: [REDACTED]  
NAME: BLGS HGTS WATER DIST  
SERVICE ADDRESS: 216 E AIRPORT RD  
SERVICE PERIOD: 04/20/2020 to 05/20/2020  
BILLING DATE: 06/04/2020  
DUE DATE: 06/19/2020

**CURRENT WATER USAGE (1 CCF = 748 gallons)**

Meter number	Previous Reading	Current Reading	Usage CCF
CV0006	82246950	83033290	105055

**CURRENT CHARGES**

**TOTAL CURRENT CHARGES: \$190,363.20**

**BILL SUMMARY**

BALANCE FROM PREV STATEMENT: \$4,053,418.11  
PAYMENTS: 05/18/2020 -\$146,691.52  
ADJUSTMENTS: \$0.00  
LATE CHARGES: \$0.00  
**TOTAL AMOUNT DUE: \$4,097,089.79**

**\*\*\* FINAL NOTICE \*\*\***

Payment in full must be received by 06/23/2020 to avoid the added delinquency fee and possible disruption of service.



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(406) 657-8315

SERVICE ADDRESS			
ACCOUNT NO.	CYCLE	BILL DATE	DUE DATE
[REDACTED]	04-0406	06/04/2020	06/19/2020

CURRENT CHARGES: \$190,363.20  
BALANCE FORWARD: \$3,906,726.59  
TOTAL AMOUNT DUE: \$4,097,089.79

BLGS HGTS WATER DIST  
1540 POPELKA DR  
BILLINGS MT 591054468

PUBLIC WORKS-UTILITIES  
2251 BELKNAP AVENUE  
P.O. BOX 30958  
BILLINGS MT 59101-5706

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000000 [REDACTED] 0004097089790



CITY OF BILLINGS  
Public Works Utilities  
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Billings, Montana 59101

Item 6.

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**YOUR MONTHLY WATER USAGE in CCF (1 CCF = 748 gallons)**



**SPECIAL MESSAGES**

**ACCOUNT INFORMATION**

ACCOUNT NO: [REDACTED]  
NAME: BLGS HGTS WATER DIST  
SERVICE ADDRESS: 216 E AIRPORT RD  
SERVICE PERIOD: 05/20/2020 to 06/18/2020  
BILLING DATE: 07/02/2020  
DUE DATE: 07/17/2020

**CURRENT WATER USAGE (1 CCF = 748 gallons)**

Meter number	Previous Reading	Current Reading	Usage CCF
CV0006	83033290	84110240	143881

**CURRENT CHARGES**

**TOTAL CURRENT CHARGES: \$260,638.26**

**BILL SUMMARY**

BALANCE FROM PREV STATEMENT: \$4,097,089.79  
PAYMENTS: 06/15/2020 -\$190,363.20  
ADJUSTMENTS: \$0.00  
LATE CHARGES: \$0.00  
**TOTAL AMOUNT DUE: \$4,167,364.85**

**\*\*\* FINAL NOTICE \*\*\***

Payment in full must be received by 07/21/2020 to avoid the added delinquency fee and possible disruption of service.



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(406) 657-8315

SERVICE ADDRESS			
ACCOUNT NO.	CYCLE	BILL DATE	DUE DATE
[REDACTED]	04-0406	07/02/2020	07/17/2020

CURRENT CHARGES: \$260,638.26  
BALANCE FORWARD: \$3,906,726.59  
TOTAL AMOUNT DUE: \$4,167,364.85

BLGS HGTS WATER DIST  
1540 POPELKA DR  
BILLINGS MT 591054468

PUBLIC WORKS-UTILITIES  
2251 BELKNAP AVENUE  
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Public Works Utilities  
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Item 6.

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For online payments:  
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**YOUR MONTHLY WATER USAGE (1 CCF = 748 gallons)**



**SPECIAL MESSAGES**

**ACCOUNT INFORMATION**

ACCOUNT NO: [REDACTED]  
NAME: BLGS HGTS WATER DIST  
SERVICE ADDRESS: 216 E AIRPORT RD  
SERVICE PERIOD: 06/18/2020 to 07/17/2020  
BILLING DATE: 08/06/2020  
DUE DATE: 08/21/2020

**CURRENT WATER USAGE (1 CCF = 748 gallons)**

Meter number	Previous Reading	Current Reading	Usage CCF
CV0006	84110240	85292120	157899

**CURRENT CHARGES**

**TOTAL CURRENT CHARGES: \$310,397.57**

**BILL SUMMARY**

BALANCE FROM PREV STATEMENT: \$4,167,364.85  
PAYMENTS: 07/17/2020 -\$260,638.26  
ADJUSTMENTS: \$0.00  
LATE CHARGES: \$0.00  
**TOTAL AMOUNT DUE: \$4,217,124.16**

**\*\*\* FINAL NOTICE \*\*\***

Payment in full must be received by 08/25/2020 to avoid the added delinquency fee and possible disruption of service.



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(406) 657-8315

SERVICE ADDRESS: 216 E AIRPORT RD			
ACCOUNT NO.	CYCLE	BILL DATE	DUE DATE
[REDACTED]	04-0406	08/06/2020	08/21/2020

CURRENT CHARGES: \$310,397.57  
BALANCE FORWARD: \$3,906,726.59  
TOTAL AMOUNT DUE: \$4,217,124.16

BLGS HGTS WATER DIST  
1540 POPELKA DR  
BILLINGS MT 591054468

PUBLIC WORKS-UTILITIES  
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BILLINGS MT 59101-5706

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000000 [REDACTED] 0004217124162



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Billings, Montana 59101

Item 6.

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After Hours Emergencies Call 406.657.8353  
For online payments:  
<https://ci.billings.mt.us/1905/Online-Payments>  
See reverse for payment locations

**YOUR MONTHLY WATER USAGE in CCF (1 CCF = 748 gallons)**



**SPECIAL MESSAGES**

**ACCOUNT INFORMATION**

ACCOUNT NO: [REDACTED]  
NAME: BLGS HGTS WATER DIST  
SERVICE ADDRESS: 216 E AIRPORT RD  
SERVICE PERIOD: 07/17/2020 to 08/17/2020  
BILLING DATE: 09/03/2020  
DUE DATE: 09/18/2020

**CURRENT WATER USAGE (1 CCF = 748 gallons)**

Meter number	Previous Reading	Current Reading	Usage CCF
CV0006	85292120	86882170	212431

**CURRENT CHARGES**

**TOTAL CURRENT CHARGES: \$444,202.99**

**BILL SUMMARY**

BALANCE FROM PREV STATEMENT: \$4,217,124.16  
PAYMENTS: 08/17/2020 -\$310,397.57  
ADJUSTMENTS: \$0.00  
LATE CHARGES: \$0.00  
**TOTAL AMOUNT DUE: \$4,350,929.58**

**\*\*\* FINAL NOTICE \*\*\***

Payment in full must be received by 09/22/2020 to avoid the added delinquency fee and possible disruption of service.



Public Works - Utilities  
P.O. Box 30958  
2251 Belknap Avenue  
Billings, Montana 59101  
(406) 657-8315

SERVICE ADDRESS			
ACCOUNT NO.	CYCLE	BILL DATE	DUE DATE
[REDACTED]	04-0406	09/03/2020	09/18/2020

CURRENT CHARGES: \$444,202.99  
BALANCE FORWARD: \$3,906,726.59  
TOTAL AMOUNT DUE: \$4,350,929.58

BLGS HGTS WATER DIST  
1540 POPELKA DR  
BILLINGS MT 591054468

PUBLIC WORKS-UTILITIES  
2251 BELKNAP AVENUE  
P.O. BOX 30958  
BILLINGS MT 59101-5706

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After Hours Emergencies Call 406.657.8353  
For online payments:  
<https://ci.billings.mt.us/1905/Online-Payments>  
See reverse for payment locations

**YOUR MONTHLY WATER USAGE in CCF (1 CCF = 748 gallons)**



**SPECIAL MESSAGES**

**ACCOUNT INFORMATION**

ACCOUNT NO: [REDACTED]  
NAME: BLGS HGTS WATER DIST  
SERVICE ADDRESS: 216 E AIRPORT RD  
SERVICE PERIOD: 08/17/2020 to 09/15/2020  
BILLING DATE: 10/01/2020  
DUE DATE: 10/16/2020

**CURRENT WATER USAGE (1 CCF = 748 gallons)**

Meter number	Previous Reading	Current Reading	Usage CCF
CV0006	86882170	88250170	182765

**CURRENT CHARGES**

**TOTAL CURRENT CHARGES: \$382,201.05**

**BILL SUMMARY**

BALANCE FROM PREV STATEMENT: \$4,350,929.58  
PAYMENTS: 09/15/2020 -\$444,202.99  
ADJUSTMENTS: \$0.00  
LATE CHARGES: \$58,600.90  
**TOTAL AMOUNT DUE: \$4,347,528.54**

**\*\*\* FINAL NOTICE \*\*\***

Payment in full must be received by 10/20/2020 to avoid the added delinquency fee and possible disruption of service.



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2251 Belknap Avenue  
Billings, Montana 59101  
(406) 657-8315

SERVICE ADDRESS			
ACCOUNT NO.	CYCLE	BILL DATE	DUE DATE
[REDACTED]	04-0406	10/01/2020	10/16/2020

CURRENT CHARGES: \$382,201.05  
BALANCE FORWARD: \$3,965,327.49  
TOTAL AMOUNT DUE: \$4,347,528.54

BLGS HGTS WATER DIST  
1540 POPELKA DR  
BILLINGS MT 591054468

PUBLIC WORKS-UTILITIES  
2251 BELKNAP AVENUE  
P.O. BOX 30958  
BILLINGS MT 59101-5706

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000000 [REDACTED] 0004347528541

Randall G. Nelson  
Thomas C. Bancroft  
NELSON LAW FIRM, P.C.  
2619 St. Johns Avenue, Suite E  
Billings, MT 59102  
(406) 867-7000  
(406) 867-0252 Fax  
[rgnelson@nelsonlawmontana.com](mailto:rgnelson@nelsonlawmontana.com)  
[tbancroft@nelsonlawmontana.com](mailto:tbancroft@nelsonlawmontana.com)  
Attorneys for Defendant/Counterclaimant

MONTANA THIRTEENTH JUDICIAL DISTRICT COURT, YELLOWSTONE COUNTY

CITY OF BILLINGS, a Montana municipal corporation,	)	Cause No. DV 20-1653
	)	
Plaintiff/Counterdefendant,	)	Judge Rod Souza
	)	
vs.	)	<b>DEFENDANT'S ANSWER, COUNTER-CLAIM, AND JURY TRIAL DEMAND</b>
	)	
COUNTY WATER DISTRICT OF BILLINGS HEIGHTS, a Montana local government unit,	)	
	)	
Defendant/Counterclaimant.	)	
	)	

Defendant, County Water District of Billings Heights, by and through its attorneys, Nelson Law Firm, P.C., for its Answer to the Complaint states and alleges as follows:

1. Admits the allegations contained in paragraphs 7, 23, 28, 33, 116, 117, 118, and 150, except avers that settlement discussions are inadmissible.
2. Denies each and every allegation contained in paragraphs 1, 2, 3, 4, 6, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 25, 26, 27, 29, 30, 31, 32, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 70, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96,

97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 132, 133, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, and 178

EXCEPT: admits the City, through a government entity to government entity transfer, obtains water which is delivered to its customers for a rate; admits the Board voted to refuse the City's collection demand; admits it is a Montana local government unit; admits the basic details as to its formation and functions; admits the City acts as a governmental unit for its true owners, the people of Billings; admits the government entities should be serving Montana residents and that both entities should never be engaged in conflict detrimental to the constituents they serve; admits the City and Defendant have an agreement; admits it receives all its water from the Yellowstone River, which water passes through systems the City operates; admits the City passed water on to Defendant; admits Defendant does not "own" any part of the City; admits water moves; admits the water conformed to that which Defendant expects under the contract; admits venue is proper; admits the water received has been sufficient for Defendant users; admits Defendant has taken and not rejected water; admits Defendant has never issued statements that it refuses the water; admits the contract speaks for itself; admits that its audited financial statements speak for themselves; admits the City has made demands.

3. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 11, 69, 71, and 72.

4. Responding to paragraphs 5, 131, and 134, Defendant is under no obligation to respond to statements of law, and therefore denies the same, except admits that Montana law is



as stated in its Constitution, its statutes, rules, and common law.

**FIRST AFFIRMATIVE DEFENSE**

The City and Defendant are not merchants under the UCC, and do not transact business or purchase and sell goods. Rather, the City and Defendant are simply entities consented to by the people, and for the people, for the purpose of the common good.

**SECOND AFFIRMATIVE DEFENSE**

The contract between the City and Defendant is not a sales agreement under the UCC.

**THIRD AFFIRMATIVE DEFENSE**

The City's Complaint fails to state a claim upon which relief may be granted.

**FOURTH AFFIRMATIVE DEFENSE**

The City is barred by the doctrine of unclean hands.

**FIFTH AFFIRMATIVE DEFENSE**

The City's Complaint is cryptically pled in that it bleeds on for 178 paragraphs and seeks relief well beyond the theories of relief actually pled. The City's allegations to terminate the contract and to declare limits on Defendant's area of operation are buried within the lengthy document (while not stated as theories of relief). They are buried in the document without corresponding theories of relief in order to obscure from public scrutiny the City's true intentions until a later date. Sunlight is the best disinfectant.

**SIXTH AFFIRMATIVE DEFENSE**

Each bill presented by the City, and paid by Defendant, constituted an accord and satisfaction of any debt.

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**SEVENTH AFFIRMATIVE DEFENSE**

The City's actions are subject to the doctrine of estoppel, waiver, performance, and laches.

**EIGHTH AFFIRMATIVE DEFENSE**

Defendant did not breach the contract.

**NINTH AFFIRMATIVE DEFENSE**

The amounts the City charged for water were reasonable under the contract in the amount actually billed at the time of the original bill.

**TENTH AFFIRMATIVE DEFENSE**

The City's claim is barred by Art. IX, Section 3 of the Montana Constitution.

**ELEVENTH AFFIRMATIVE DEFENSE**

The City's claim is barred by Art. XI, Section 7 of the Montana Constitution.

**TWELFTH AFFIRMATIVE DEFENSE**

The City's claim is barred by Art. XIII, Section 1 of the Montana Constitution.

**COUNTERCLAIM**

**Count I - Negligence**

1. The City and Defendant are governmental entities existing through the consent of the people of Montana and pursuant to the Montana Constitution and its statutes.
2. The City owed and continues to owe a duty of care to Defendant.
3. The City's actions breached its duty of care. Defendant relied upon as accurate the City's monthly billing statements. Defendant cannot go back and charge a different rate to its users. Defendant has and will suffer harm from the City's errors. The City accepts no

responsibility for causing harm through its claimed billing error.

4. The City's breach is a cause of injury to Defendant in amounts to be proven at trial.

5. Defendant will be financially damaged if required to pay the City for its own admitted errors. Defendant is entitled to an offset for the harm inflicted in the event further payment is ordered.

#### Count II - Collection and Declaratory Judgment

6. The City has wrongfully collected franchise fees from Defendant in the amount of \$1,255,424.20.

7. Since the date of its adverse ruling before the Montana Supreme Court, the City has failed to return the funds collected.

8. Defendant is entitled to a declaratory ruling and payment and judgment for improperly collected franchise fee amounts.

9. Defendant is entitled to interest thereon.

10. The City's actions have forced Defendant to secure the services of an attorney.

The City is obligated to pay reasonable and necessary fees.

WHEREFORE, Defendant/Counterclaimant prays for judgment as follows:

1. For judgment in favor of Defendant and Counterclaimant and against the City;
2. For application of the Montana Constitution;
3. For the amounts prayed for herein, including damages and franchise fees;
4. For costs of suit;
5. For interest;

6. For reasonable attorney's fees; and
7. For such other and further relief as the Court deems just and proper under the circumstances.

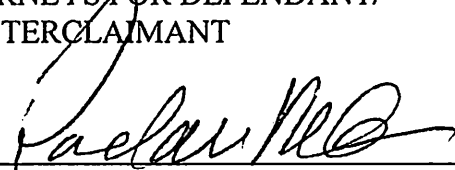
### JURY TRIAL DEMAND

Defendant/Counterclaimant demands trial by jury.

DATED this 7<sup>th</sup> day of January, 2021.

NELSON LAW FIRM, P.C.  
ATTORNEYS FOR DEFENDANT/  
COUNTERCLAIMANT

By

  
\_\_\_\_\_  
Randall G. Nelson  
2619 St. Johns Avenue, Suite E  
Billings, MT 59102

### CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 7<sup>th</sup> day of January, 2021, a copy of the foregoing was duly served by first class mail, postage prepaid, upon the following:

Doug James  
Jordan W. FitzGerald  
MOULTON BELLINGHAM PC  
P.O. Box 2559  
Billings, MT 59103-2559  
Attorneys for Plaintiff

  
\_\_\_\_\_  
Theresa Vincent

Randall G. Nelson  
Thomas C. Bancroft  
NELSON LAW FIRM, P.C.  
2619 St. Johns Avenue, Suite E  
Billings, MT 59102  
(406) 867-7000  
(406) 867-0252 Fax  
rgnelson@nelsonlawmontana.com  
tbancroft@nelsonlawmontana.com  
Attorneys for Defendant/Counterclaimant

MONTANA THIRTEENTH JUDICIAL DISTRICT COURT, YELLOWSTONE COUNTY

CITY OF BILLINGS, a Montana municipal corporation,	)	Cause No. DV 20-1653
	)	
Plaintiff/Counterdefendant,	)	Judge Rod Souza
	)	
vs.	)	<b>DEFENDANT'S ANSWER, COUNTER-CLAIM, AND JURY TRIAL DEMAND</b>
	)	
COUNTY WATER DISTRICT OF BILLINGS HEIGHTS, a Montana local government unit,	)	
	)	
Defendant/Counterclaimant.	)	
	)	

Defendant, County Water District of Billings Heights, by and through its attorneys, Nelson Law Firm, P.C., for its Answer to the Complaint states and alleges as follows:

1. Admits the allegations contained in paragraphs 7, 23, 28, 33, 116, 117, 118, and 150, except avers that settlement discussions are inadmissible.
2. Denies each and every allegation contained in paragraphs 1, 2, 3, 4, 6, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 25, 26, 27, 29, 30, 31, 32, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 70, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96,

97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 132, 133, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, and 178

EXCEPT: admits the City, through a government entity to government entity transfer, obtains water which is delivered to its customers for a rate; admits the Board voted to refuse the City's collection demand; admits it is a Montana local government unit; admits the basic details as to its formation and functions; admits the City acts as a governmental unit for its true owners, the people of Billings; admits the government entities should be serving Montana residents and that both entities should never be engaged in conflict detrimental to the constituents they serve; admits the City and Defendant have an agreement; admits it receives all its water from the Yellowstone River, which water passes through systems the City operates; admits the City passed water on to Defendant; admits Defendant does not "own" any part of the City; admits water moves; admits the water conformed to that which Defendant expects under the contract; admits venue is proper; admits the water received has been sufficient for Defendant users; admits Defendant has taken and not rejected water; admits Defendant has never issued statements that it refuses the water; admits the contract speaks for itself; admits that its audited financial statements speak for themselves; admits the City has made demands.

3. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 11, 69, 71, and 72.

4. Responding to paragraphs 5, 131, and 134, Defendant is under no obligation to respond to statements of law, and therefore denies the same, except admits that Montana law is

as stated in its Constitution, its statutes, rules, and common law.

#### **FIRST AFFIRMATIVE DEFENSE**

The City and Defendant are not merchants under the UCC, and do not transact business or purchase and sell goods. Rather, the City and Defendant are simply entities consented to by the people, and for the people, for the purpose of the common good.

#### **SECOND AFFIRMATIVE DEFENSE**

The contract between the City and Defendant is not a sales agreement under the UCC.

#### **THIRD AFFIRMATIVE DEFENSE**

The City's Complaint fails to state a claim upon which relief may be granted.

#### **FOURTH AFFIRMATIVE DEFENSE**

The City is barred by the doctrine of unclean hands.

#### **FIFTH AFFIRMATIVE DEFENSE**

The City's Complaint is cryptically pled in that it bleeds on for 178 paragraphs and seeks relief well beyond the theories of relief actually pled. The City's allegations to terminate the contract and to declare limits on Defendant's area of operation are buried within the lengthy document (while not stated as theories of relief). They are buried in the document without corresponding theories of relief in order to obscure from public scrutiny the City's true intentions until a later date. Sunlight is the best disinfectant.

#### **SIXTH AFFIRMATIVE DEFENSE**

Each bill presented by the City, and paid by Defendant, constituted an accord and satisfaction of any debt.

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### **SEVENTH AFFIRMATIVE DEFENSE**

The City's actions are subject to the doctrine of estoppel, waiver, performance, and laches.

### **EIGHTH AFFIRMATIVE DEFENSE**

Defendant did not breach the contract.

### **NINTH AFFIRMATIVE DEFENSE**

The amounts the City charged for water were reasonable under the contract in the amount actually billed at the time of the original bill.

### **TENTH AFFIRMATIVE DEFENSE**

The City's claim is barred by Art. IX, Section 3 of the Montana Constitution.

### **ELEVENTH AFFIRMATIVE DEFENSE**

The City's claim is barred by Art. XI, Section 7 of the Montana Constitution.

### **TWELFTH AFFIRMATIVE DEFENSE**

The City's claim is barred by Art. XIII, Section 1 of the Montana Constitution.

### **COUNTERCLAIM**

#### Count I - Negligence

1. The City and Defendant are governmental entities existing through the consent of the people of Montana and pursuant to the Montana Constitution and its statutes.
2. The City owed and continues to owe a duty of care to Defendant.
3. The City's actions breached its duty of care. Defendant relied upon as accurate the City's monthly billing statements. Defendant cannot go back and charge a different rate to its users. Defendant has and will suffer harm from the City's errors. The City accepts no



responsibility for causing harm through its claimed billing error.

4. The City's breach is a cause of injury to Defendant in amounts to be proven at trial.

5. Defendant will be financially damaged if required to pay the City for its own admitted errors. Defendant is entitled to an offset for the harm inflicted in the event further payment is ordered.

Count II - Collection and Declaratory Judgment

6. The City has wrongfully collected franchise fees from Defendant in the amount of \$1,255,424.20.

7. Since the date of its adverse ruling before the Montana Supreme Court, the City has failed to return the funds collected.

8. Defendant is entitled to a declaratory ruling and payment and judgment for improperly collected franchise fee amounts.

9. Defendant is entitled to interest thereon.

10. The City's actions have forced Defendant to secure the services of an attorney.

The City is obligated to pay reasonable and necessary fees.

WHEREFORE, Defendant/Counterclaimant prays for judgment as follows:

1. For judgment in favor of Defendant and Counterclaimant and against the City;
2. For application of the Montana Constitution;
3. For the amounts prayed for herein, including damages and franchise fees;
4. For costs of suit;
5. For interest;

6. For reasonable attorney's fees; and
7. For such other and further relief as the Court deems just and proper under the circumstances.

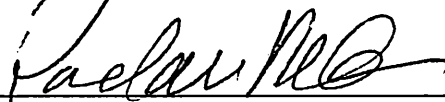
### JURY TRIAL DEMAND

Defendant/Counterclaimant demands trial by jury.

DATED this 7<sup>th</sup> day of January, 2021.

NELSON LAW FIRM, P.C.  
ATTORNEYS FOR DEFENDANT/  
COUNTERCLAIMANT

By



Randall G. Nelson  
2619 St. Johns Avenue, Suite E  
Billings, MT 59102

### CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 7<sup>th</sup> day of January, 2021, a copy of the foregoing was duly served by first class mail, postage prepaid, upon the following:

Doug James  
Jordan W. FitzGerald  
MOULTON BELLINGHAM PC  
P.O. Box 2559  
Billings, MT 59103-2559  
Attorneys for Plaintiff

  
\_\_\_\_\_  
Theresa Vincent

**Water rate case**


1 message

**zurbuchen@bresnan.net** <zurbuchen@bresnan.net>  
To: "CWDBHBoard@gmail.com" <CWDBHBoard@gmail.com>

Thu, Mar 24, 2022 at 4:18 PM

During the CWDBH Board meeting on March 16, you know Mark Noenig and Laura Drager claimed the money could not go towards the water departments rates but instead go to Public Works Enterprise Funds. This still pisses me off so I wrote letters to editor of news papers and the Council about where the funds would be spent. Attached is an email stream and notice where Debi Meling says the money went. Of course I'm pushing for more detail but if this isn't 2 opposite stories I've never heard opposite stories. So just exactly what is the true story? Does this Board even care where the money goes or is their only concern to pay the City everything the City thinks it has coming? If the City put dollars into capital of water dept then use that toward CWDBH rates, CWDBH would be paying rate increased due to capital paid for by CWDBH exclusively. Talk about a rip-off!

Tom Zurbuchen

 **Scan\_0001.pdf**  
789K



From: zurbuchen@bresnan.net  
 To: "Meling, Debi" <melind@billingsmt.gov>  
 Cc: "Kukulski, Chris" <kukulskic@billingsmt.gov>, "Duray, Jennifer" <DurayJ@billingsmt.gov>, "Cole, Bill" <coleb@billingsmt.gov>, "Zoeller, Andy" <zoellera@billingsmt.gov>, "Iffland, Kevin" <ifflandk@billingsmt.gov>, "Council" <council@billingsmt.gov>  
 Bcc:  
 Priority: Normal  
 Date: Wednesday March 23 2022 11:23:59PM  
 Re: [EXTERNAL] City Council RIP-OFF

So exactly where did this money go and what did it buy? How much went towards water rates? How much went to capital improvements? Which improvements got how much? Details please!  
 Tom Zurbuchen

----- From: "Meling, Debi"  
 To: "zurbuchen@bresnan.net", Chris", Jennifer"  
 Cc: Bill", Andy", Kevin", "Council"  
 Sent: Wednesday March 23 2022 4:08:40PM  
 Subject: Re: [EXTERNAL] City Council RIP-OFF

Good Afternoon,

Any funds received from the Heights Water District are water revenues – while the receipt was delayed, they are still funds being paid for water. The funds will have the same rules applied to the use that all water revenues have and will need to be used towards the treatment and conveyance of water according to the water fund budget approved by Council. The rates have been developed with the assumption that the city would receive the \$2.9M.

Debi

-----  
 FROM: zurbuchen@bresnan.net  
 SENT: Wednesday, March 23, 2022 2:29 PM  
 TO: Kukulski, Chris  
 CC: Cole, Bill ; Meling, Debi ; Zoeller, Andy ; Iffland, Kevin ; Council  
 SUBJECT: Re: [EXTERNAL] City Council RIP-OFF

So you agree the City will spend this revenue as it pleases so as in the future the City can incorrectly bill all customers then spend money recklessly as it sees fit rather than go to the taxpayers and ask for more! Once you have done a wrong it is easier to do it the second and third time around since there will be no consequences! Prime examples of doing wrong are the illegal franchise fees collected and the incorrect billing of a water customer for 40% and call it a minor error!

Tom Zurbuchen

----- From: "Kukulski, Chris"

To: Bill"  
Cc: Debi", Andy", Kevin", "Tom Zurbuchen", "Council"  
Sent: Wednesday March 23 2022 12:21:07PM  
Subject: Re: [EXTERNAL] City Council RIP-OFF

I'm fairly certain that we have built the capital improvement plans and budgets around assumption that we would be paid the ~2.9M owed to the city by HWD.

Chris A. Kukulski Billings City Administrator (406) 581-7026 Sent from my iPhone  
On Mar 23, 2022, at 12:03 PM, Cole, Bill wrote:

Chris and Debi:

Just wanted to make sure you saw Tom's email below. I don't recall any discussion by the council about how CWDBH settlement dollars would be applied or spent, so if my recollection is correct he's off-base in suggesting otherwise. However, the issue is still an important one that will require, I assume, recommendations from staff and input from the council going forward.

Thanks.

BILL COLE, MAYOR CITY OF BILLINGS, MONTANA COLEB@BILLINGSMT.GOV  
406-294-5700

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FROM: zurbuchen@bresnan.net  
SENT: Wednesday, March 23, 2022 9:36 AM  
TO: Council  
SUBJECT: [EXTERNAL] City Council RIP-OFF

The City used a water meter which measured gallons of water, then billed County Water District of Billings Heights in units of 100 cubic feet (CCF). The City used the wrong conversion factor for converting from gallons to CCF and under billed CWDBH for 2 years 10 months in the amount of \$2,970,599.35 and then sued CWDBH for the money. During this time the City of Billings Water Department raised everyone's rate up so as to cover the mistake and collect adequate revenue to operate the utility. No one disputes these facts, not even in the council agenda! Now the CWDBH wants to settle the case and pay the proper bill, good for them! The City wants all this money to go to Public Works budget for discretionary spending. They are going to use this money for expenses above and beyond the approved budget! This could include an amphitheater at Coulson Park, a trail from top of rims to bottom of rims, ground preparation and sprinkler system at Coulson Park or Cottonwood Park. Why not apply the money toward water rates which would lower next year's rates for all? That makes perfect sense since rates were raised while the City discovered how to bill properly, but OH NO WE CAN'T DO THAT! Well then why not apply this money to the City's debt that has been voter approved and all residents pay? This would decrease everybody's' tax bill. All spending would remain as budgeted! But no our Great City Council wants to take more money so as to do whatever they want without asking the Voters! What a way to thank the voters for the last two tax levy increases!

**Settlement Agreement**

1 message

Sat, Mar 26, 2022 at 11:46 AM

**Al Towleron** <atowl@outlook.com>  
To: "cwdbhboard@gmail.com" <cwdbhboard@gmail.com>  
Cc: "melingd@ci.billings.mt.us" <melingd@ci.billings.mt.us>

Dear Board Members:

As a district member, I urge the Board to approve the proposed settlement agreement with the City.

I believe this situation should never have gotten to this point. While it's unfortunate the error occurred, it appears to me that the District took advantage of the situation. To not pay would result in the District being unduly enriched. The District was able to leverage these funds to realize additional interest on investment or avoid interest costs if used for construction of the storage reservoir as alleged. Then you add, in addition, the legal costs, which could have been avoided had cooler heads prevailed.

I note that the Agreement provides for the parties to discuss a new service contract. As part of that discussion, I suggest the subject of dissolution of the District be included as an item of consideration. I believe the situation within the District today is drastically different than when the District was originally formed. For example, a good portion of the District is now within the city limits, which means that city residents within the District are paying different water rates than other city residents. In addition, there is duplication of items such as administration, billing, and facilities and equipment.

I truly hope that with new personnel on both sides the parties can foster a more congenial relationship.

Again, I urge approval of the agreement and thank you for the opportunity to comment.

Alan Towleron  
District Member

Cc: Debi Meling, City of Billings Public Works Director

**Public hearing comment**

1 message

**James Collins** <jamescollins1x0@gmail.com>  
To: cwdbhboard@gmail.com

Mon, Mar 28, 2022 at 4:18 PM

Dear heights water board,

I find it extremely disheartening that upon taking the seats of the board, of which I voted for, you've made such a grave mistake. How could a public interest board allow the City of Billings to bully the residents of the heights into paying 2.9m for a mistake they made, over obviously city favored rates.

Instead of battling for forfeiture of the mis-billed portion, you're instead settling for an outrageous sum at the expense of residents who will inevitably be blindsided by even higher rates.

My single family's advance opinion may not matter that much, however residents under the heights water district will be heard as soon as they see and feel the rate increases.

-James  
{Sent from a mobile device}

**Settling with Billings**

1 message

**Nancy McManus** <nojrk@hotmail.com>  
To: "cwdbhboard@gmail.com" <cwdbhboard@gmail.com>

Mon, Mar 28, 2022 at 1:02 PM

Dear County Water District of Billings Heights,

MY name is Nancy McManus and my address is 2123 Wentworth Dr, Billings, MT 59105. I am writing to inform the board that I am in favor of settling with the city of Billings over the billing error. If you have any questions please contact me at 406-256-9792.

Thank you,

Nancy



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**Written comments**

2 messages

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**zurbuchen@bresnan.net** <zurbuchen@bresnan.net>  
To: "CWDBHBoard@gmail.com" <CWDBHBoard@gmail.com>

Fri, Apr 1, 2022 at 8:29 AM

I have written comments for the proposed billing error settlement on the agenda for the CWDBH Board meeting of April 13.

First the COB used a water meter that measures gallons to bill CWDBH. Each month's bill had the correct gallons recorded upon it, this was/is undisputed! The COB billed in units of 100 cubic feet (CCF), here was the error. There are 748.051948 gallons in 1 CCF. The COB claimed to bill 40% under by using the wrong conversion factor, so instead of using 748.051948 the COB apparently used 1048.051948 gallons/CCF instead as those 300 extra gallons is 40% of 748.051948! If your bill were to have been miss-figured this way would you have seen the error? State code allows a utility 6 months back collection on collecting such a mistake but that same code exempts municipal utilities from it. How much would you agree to pay on your miss-figured bill? How much would a judge order you to pay? I think it is easy to say, everyone would laugh at the COB! The COB raised their rates for everyone during these 34 months of incorrect billing of CWDBH. This is evident in their budgets as each year the COB collected enough revenue to cover all costs of producing and distributing water and these budgets are audited each year. The COB is extremely proud of the awards it receives each year for their excellent budgets and their accuracy! Really? With a mistake this big and annual audits the City is proud of their budgeting prowess? The COB incorrectly billed CWDBH for 34 months thinking they had a leak! They were not concerned with dollars just the efficiency of their distribution system! This nearly 3 million dollars goes into the water department budget and will be used for capital projects. The COB will then raise CWDBH rates so that CWDBH pays its share of the new capital projects. But wait, CWDBH money by contract goes toward water and existing capital not future capital! This is a breach of the contract with the COB! The COB should pay CWDBH its share of the nearly 3 million in capital that was built! This is a double payment towards capital for CWDBH!

Tom Zurbuchen

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**County Water District** <cwdbhboard@gmail.com>  
To: zurbuchen@bresnan.net

Fri, Apr 1, 2022 at 3:14 PM

Received, thank you.  
[Quoted text hidden]

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**Billings Heights Water District**

1 message

**Michael Myers** <buckshot1250@gmail.com>

Mon, Apr 4, 2022 at 4:43 PM

To: "cwdbhboard@gmail.com" &lt;cwdbhboard@gmail.com&gt;

Cc: info@yellowstonecountynews.com

The need, earlier on, for your organization, was likely necessary. What I do not understand is the current need of this "District" for city residents.

Why do residents living within the Billings city area generally known as the "Heights", pay more for their water usage than residents in other areas of Billings?

We are not in the county, or another town. Help me understand?

Thank you,

Sincerely,

Michael Myers  
Billings city resident

Tuesday, April 05, 2022

Board of directors

County Water District of Billings Heights

1540 Popelka Drive

Billings Mt. 59105



SUBJECT: Proposed water settlement agreement of \$2,936,251.80 with the city of billings.

As a ratepayer of this district for 16 years, I am certain that I have standing to voice my concern and disagreement with the current proposed settlement.

REASONS FOR MY CONCERNS:

The current board does not have my confidence at this point , the board is currently involved in legal action against itself, ie Three board members have , brought an action against the other members, the action also includes a current ratepayer, at this point this action has not been settled to my understanding , furthermore how can we negotiate an agreement with this action pending and the est. 10,000 range off ratepayers not knowing what the unresolved issues may be and how it may be effecting the settlement issue with the city.

On 11-17-21 Jeff Weldon of Felt Martin law firm advised then CWDBH board that they were terminating their relationship with the district for various reasons. Apparently one of the serious issues was the negotiations with the city of billings regarding the case DV-1653 regarding breach of trust. Of concern to me as a rate payer, we did compensate Felt Martin (Jeff Weldon) with aprox. \$29,000 . It is clear to me that that substantial

legal work was done for district.

It appears to me that the district has some serious issues resulting in my lack of trust in its current operation, and it is my evaluation that it is not proper to settle this case with the city, with unresolved issues within the districts board.

I am sure there are other issues that may arise.

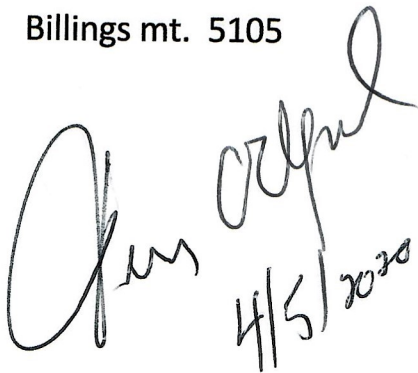
In conclusion, I will repeat myself that I am against this settlement with the city at this time, the city made the error, water district did not, and there should be some accountability due to city's error.

Thank you

Terry Odegard

2101 Lake Hills Drive

Billings mt. 5105



A handwritten signature in black ink, appearing to read "Terry Odegard", is written over the typed name. Below the signature, the date "4/5/2020" is written in a similar cursive style.

## Thanks to all who helped in Heights water settlement

Billings Gazette April 3, 2022 [https://billingsgazette.com/opinion/letters/letter-to-the-editor-thanks-to-all-who-helped-in-heights-water-settlement/article\\_eee806a0-00cd-56e9-aad2-46bf983c6674.html](https://billingsgazette.com/opinion/letters/letter-to-the-editor-thanks-to-all-who-helped-in-heights-water-settlement/article_eee806a0-00cd-56e9-aad2-46bf983c6674.html)

City council unanimously approved a settlement agreement with the Billings Heights Water District to correct underpayment of a bill for its water. On April 13 the Heights District will allow another public comment before the vote is considered.

I want to publicly thank the board members Laura Drager, David Graves, Pam Ellis and our attorney Mark Noennig for their judicious work and perseverance to accomplish a task that allows this settlement to move forward. It hasn't been easy.

Along the way, this district has amended the 1958 District charter, we have advised state legislatures to change statutes for special districts, hired a new general manager, revised employee compensation, audits and financial statement reconsiderations, and implemented changes to the website allowing public information to be more transparent to the rate holders and public. I am very thankful for those who have helped make these changes possible.

The Billings Heights Water District is a very vital part of the city of Billings and should never be considered as separate entities. The ability to provide safe and affordable water to both commercial and residential aspects of the Heights will always be our priority. In return, I ask the Billings community to support our efforts.

Ming Cabrera

President, Billings Heights Water Board

4/1/2022

Ascensus Trust Co

\*\*1,714.28

One Thousand Seven Hundred Fourteen and 28/100\*\*\*\*\*

Ascensus Trust Co  
P. O. Box 36472  
Newark, NJ 07188-6472

Ascensus Trust Co  
401 (K) Profit Sharing  
401(K) Employer

4/1/2022

982.11  
732.17

OPERATIONS & MAI

1,714.28

Ascensus Trust Co  
401 (K) Profit Sharing  
401(K) Employer

4/1/2022

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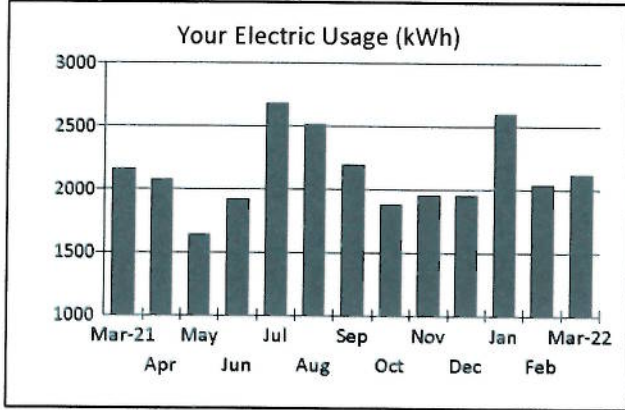
1,714.28



**CUSTOMER:** BILLINGS HEIGHTS WATER DIST  
**ACCOUNT NUMBER:** 1563885-1  
**ACCOUNT DESCRIPTION:**  
**BILLING DATE:** March 24, 2022

**Customer Service: 888-467-2669**

**Service Address: 1540 POPELKA DR, BILLINGS MT 59105**



DUE DATE	TOTAL AMOUNT DUE
April 11, 2022	\$ 253.16

**ACCOUNT SUMMARY**

Previous Balance		\$	242.66
Payments Received	March 11, 2022	Thank you	\$ (242.66)
Current Charges		\$	253.16

	Mar 2021	Feb 2022	Mar 2022
Days of Service	32	28	29
kWh Used	2160	2040	2120
Avg. kWh per day	67.5	72.9	73.1
Avg. cost per day	\$8.36	\$8.67	\$8.73
Avg. daily temp (°F)	37	33	28

**Total Amount Due** \$ 253.16

**SUMMARY OF CURRENT CHARGES**

	Delivery Service	Supply Service	TOTAL
Electric Service	\$ 86.54	\$ 130.24	\$ 216.78
State and Local Taxes	\$ 27.29	\$ 9.09	\$ 36.38

**Total Current Charges** \$ 113.83 \$ 139.33 \$ 253.16

**BUDGET BILLING INFORMATION**

**BUDGET BILLING -- PAY THE SAME AMOUNT EACH MONTH**

If you were to go on budget billing next month, your approximate monthly budget billing amount would be \$264.00. Your account must be current and in good standing to qualify for budget billing.

**IMPORTANT ACCOUNT INFORMATION**

**MESSAGE BOARD**

For questions about your bill or service, call NorthWestern Energy at 888-467-2669 (Monday through Friday, 7 a.m.-6 p.m). For information or to make a payment, visit us at: [www.northwesternenergy.com](http://www.northwesternenergy.com).

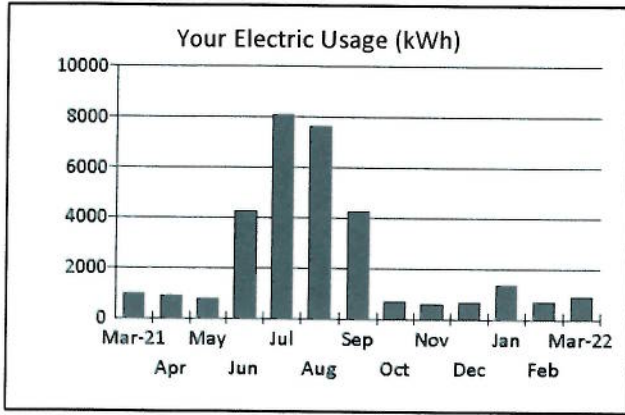
APR 4 PAID  
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 No.: 1757 Date pd. 4-12



**CUSTOMER:** CO WTR DIST OF BLGS HGHTS  
**ACCOUNT NUMBER:** 0246071-5  
**ACCOUNT DESCRIPTION:**  
**BILLING DATE:** March 25, 2022

**Customer Service: 888-467-2669**

**Service Address: 1705 SAINT ANDREWS DR, BILLINGS MT 59105**



	Mar 2021	Feb 2022	Mar 2022
Days of Service	29	28	31
kWh Used	960	720	880
Avg. kWh per day	33.1	25.7	28.4
Avg. cost per day	\$4.44	\$5.47	\$4.64
Avg. daily temp (°F)	39	33	29

DUE DATE	TOTAL AMOUNT DUE
April 11, 2022	\$ 143.80

**ACCOUNT SUMMARY**

Previous Balance		\$	153.19
Payments Received	March 11, 2022	Thank you	\$ (153.19)
Current Charges		\$	143.80

**Total Amount Due** \$ 143.80

**SUMMARY OF CURRENT CHARGES**

	Delivery Service	Supply Service	TOTAL
Electric Service	\$ 65.03	\$ 54.09	\$ 119.12
State and Local Taxes	\$ 20.91	\$ 3.77	\$ 24.68

**Total Current Charges** \$ 85.94 \$ 57.86 \$ 143.80

**BUDGET BILLING INFORMATION**

**BUDGET BILLING - PAY THE SAME AMOUNT EACH MONTH**

If you choose budget billing, you will pay the same amount each month, your approximate monthly budget billing amount is \$0.00. Your account must be current and in good standing to qualify for budget billing.

0.00

0.00 \*

**FORMATION**

143.80 +

0.93 +

91.98 +

253.16 +

0.04

489.87 \*

**MESSAGE BOARD**

For questions about your bill or service, call NorthWestern Energy at 888-467-2669 (Monday through Friday, 7 a.m.-6 p.m). For information or to make a payment, visit us at: [www.northwesternenergy.com](http://www.northwesternenergy.com)

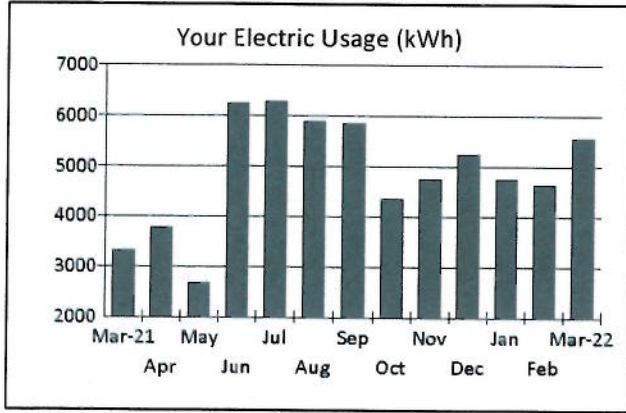


APR 1 PAID  
 MBR: \_\_\_\_\_ BU. MBR: \_\_\_\_\_  
 No.: 17757 Date Pd.: 4

**CUSTOMER:** CO WTR DIST OF BLGS HGHTS  
**ACCOUNT NUMBER:** 0286453-6  
**ACCOUNT DESCRIPTION:**  
**BILLING DATE:** March 25, 2022

**Customer Service: 888-467-2669**

**Service Address: 98 SKYLINE DR PMP, BILLINGS MT 59105**



	Mar 2021	Feb 2022	Mar 2022
Days of Service	29	28	31
kWh Used	3320	4640	5560
Avg. kWh per day	114.5	165.7	179.4
Avg. cost per day	\$12.76	\$17.89	\$18.68
Avg. daily temp (°F)	39	33	29

DUE DATE	TOTAL AMOUNT DUE
April 11, 2022	\$ 0.93

**ACCOUNT SUMMARY**

Previous Balance		\$	1,079.01
Payments Received	March 15, 2022	Thank you	\$ (1,657.08)
Current Charges		\$	579.00

**Total Amount Due** \$ 0.93

**SUMMARY OF CURRENT CHARGES**

	Delivery Service	Supply Service	TOTAL
Electric Service	\$ 162.35	\$ 341.75	\$ 504.10
State and Local Taxes	\$ 51.07	\$ 23.83	\$ 74.90

**Total Current Charges** \$ 213.42 \$ 365.58 \$ 579.00

**BUDGET BILLING INFORMATION**

**BUDGET BILLING -- PAY THE SAME AMOUNT EACH MONTH**

If you were to go on budget billing next month, your approximate monthly budget billing amount would be \$500.00. Your account must be current and in good standing to qualify for budget billing.

**IMPORTANT ACCOUNT INFORMATION**



**MESSAGE BOARD**

For questions about your bill or service, call NorthWestern Energy at 888-467-2669 (Monday through Friday, 7 a.m.-6 p.m). For information or to make a payment, visit us at: [www.northwesternenergy.com](http://www.northwesternenergy.com).

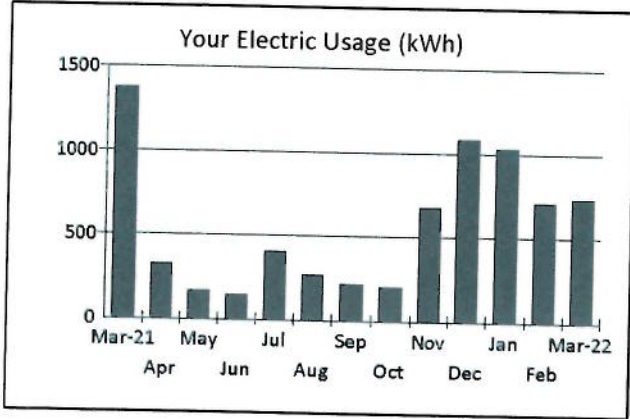
APR ( PAID

MBR:            BU. MBR:             
No: 17157 Date Pd.: 4/1

Customer Service: 888-467-2669

**CUSTOMER:** CO WTR DIST OF BLGS HGHTS  
**ACCOUNT NUMBER:** 1249548-7  
**ACCOUNT DESCRIPTION:**  
**BILLING DATE:** March 25, 2022

Service Address: 655 W WICKS LN LFTPMP, BILLINGS MT 59105



DUE DATE	TOTAL AMOUNT DUE
April 11, 2022	\$ 91.98

**ACCOUNT SUMMARY**

Previous Balance		\$	86.00
Payments Received	March 11, 2022	Thank you	\$(86.00)
Current Charges		\$	91.98

	Mar 2021	Feb 2022	Mar 2022
Days of Service	28	28	31
kWh Used	1378	715	742
Avg. kWh per day	49.2	25.5	23.9
Avg. cost per day	\$6.13	\$3.07	\$2.97
Avg. daily temp (°F)	39	33	29

**Total Amount Due** \$ 91.98

**SUMMARY OF CURRENT CHARGES**

	Delivery Service	Supply Service	TOTAL
Electric Service	\$ 34.32	\$ 45.61	\$ 79.93
State and Local Taxes	\$ 8.87	\$ 3.18	\$ 12.05

**Total Current Charges** \$ 43.19 \$ 48.79 \$ 91.98

**BUDGET BILLING INFORMATION**

**BUDGET BILLING -- PAY THE SAME AMOUNT EACH MONTH**

If you were to go on budget billing next month, your approximate monthly budget billing amount would be \$81.00. Your account must be current and in good standing to qualify for budget billing.

**IMPORTANT ACCOUNT INFORMATION**



**MESSAGE BOARD**

For questions about your bill or service, call NorthWestern Energy at 888-467-2669 (Monday through Friday, 7 a.m.-6 p.m). For information or to make a payment, visit us at: [www.northwesternenergy.com](http://www.northwesternenergy.com).

APR 1 PAID  
MBR: \_\_\_\_\_ BU. MBR \_\_\_\_\_  
No.: 17757 Date pd. 4/20

# Office DEPOT. OfficeMax

**Customer Service:**  
officedepot.accountonline.com  
**Account Inquiries:**  
1-800-729-7744 (TTY: 711) Fax 1-801-779-7425

## Account State Item 12.

Commercial Account  
COUNTY WATER DIST BIL HG

**Account Number:** 6011 5646 1025 1133

### Summary of Account Activity

Previous Balance	\$0.00
Payments	-\$0.00
Credits	-\$0.00
Purchases	+\$133.86
Debits	+\$0.00
<b>FINANCE CHARGES</b>	<b>+\$0.00</b>
Late Fees	+\$0.00
<b>New Balance</b>	<b>\$133.86</b>

### Payment Information

Current Due	\$25.00
Past Due Amount	
Minimum Payment Due	+ \$0.00
<b>Payment Due Date</b>	<b>= \$25.00</b> <b>04/18/22</b>

Credit Line	\$1,600
Credit Available	\$1,466
Closing Date	03/24/22
Next Closing Date	04/22/22
Days in Billing Period	31

Send Notice of Billing Errors and Customer Service Inquiries to:  
OFFICE DEPOT BUSINESS CREDIT  
PO Box 790449, St. Louis, MO 63179-0449

**Important Changes:** Our Privacy Notice has changed and can be found at [www.citi.com/privacy](http://www.citi.com/privacy).

Please note that if we received your pay by phone or online payment between 5 p.m. ET and midnight ET on the last day of your billing period, your payment will not be reflected until your next statement.

### TRANSACTIONS

Trans Date	Location/Description	Reference #	Amount
03/22	PO 9999999999 00021352 022032200105 MT		\$ 133.86

### FINANCE CHARGE SUMMARY

Type of Balance	Annual Percentage Rate (APR)	Your Annual Percentage Rate (APR) is the annual interest rate on your account.		
		Daily Periodic Rate	Balance Subject to Finance Charge	Finance Charge
PURCHASES	23.99%	0.06572%	\$0.00	\$0.00
REGULAR REVOLVING CREDIT PLAN	23.99%	0.06572%	\$0.00	\$0.00



APR 1 PAID  
MBR: \_\_\_\_\_ BU. MBH \_\_\_\_\_  
No.: 1758 Date pd. 4/20/22

NOTICE: SEE REVERSE SIDE FOR IMPORTANT INFORMATION

This Account is Issued by Citibank, N.A.

# Be The Office Of with Office Depot

- Save up to 10% on thousands
- Never run out: schedule and r of your favorite products
- Everything for the office: ink cleaning and breakroom prod

Visit [officedepot.com/subscr](http://officedepot.com/subscr)

## Office DEPOT. Off

Office Depot is a trademark of The Office Club, Inc.  
281

5210  
Office DEPOT  
OfficeMax  
BILLING

03/22/06 896-8610



### Office DEPOT® Business Credit Account

credit card required. Recurring payments based your selected subscription frequency (weekly, monthly, quarterly, etc.) will be automatically billed to credit card until you terminate the subscription. Subscription discounts and/or incentives, if any, in effect until you cancel the subscription. Subscription discounts and incentives are not valid for Office Solutions Division customers or government contract accounts. Exclusions may apply online. See [officedepot.com/subscriptions](http://officedepot.com/subscriptions) for details.

SALE 2135-1-58 120077-22.2.2  
487787 STAPLER, PRO, WH 17.74 S

Discount - Originally \$22.30

170940 SURGE, 7OUTLETS 24.73 S

Discount - Originally \$31.19

123371 CALCULATOR, PRI 16.03 S

Discount - Originally \$83.29

104663 PAD, DSK, 20X36, 39.99

Promotion -8.00

Discount - Originally \$31.99

**You Pay 25.36S**

Amount Discount @ \$35.00

Subtotal: 133.86

Total: 133.86

OD Credit Card 1133: 133.86

AUTH CODE 022056  
TDS Swiped  
PO# 99999999999999999999

REMIT PAYMENT TO:  
Office Depot Credit Plan  
PO Box 9001006  
Louisville, KY 40290-1006

COUNTY WATER DISTRICT BILLING 57\*\*\*\*\*081

Please create your online rewards account at [officedepot.com/rewards](http://officedepot.com/rewards). You must complete your account to claim your rewards and view your status.

Total Savings:  
**\$43.00**

\*\*\*\*\*  
**WE WANT TO HEAR FROM YOU!**  
Visit [survey.officedepot.com](http://survey.officedepot.com)  
and enter the survey code below:  
**J68T FADX 9ER3**  
\*\*\*\*\*

200202

**BILL TO:**  
Acct: 6011 5646 1025 1133

**SHIP TO:**  
COUNTY WATER DIST BIL HG  
1540 POPELKA DR  
BILLINGS, MT 59105-4468

<b>Amount Due:</b>	<b>Trans Date:</b>	<b>Invoice #:</b>
\$133.86	03/22/22	<b>15748574</b>
<b>PO:</b> 999999999999999999999999		<b>Store:</b> 156112135, 323 LAKE ELMO DRIVE, BILLINGS, MT

PRODUCT	SKU #	QUANTITY	UNIT PRICE	TOTAL PRICE
STAPLER,PRO,WHT,HC	487787	1.0000 EA	\$22.39	\$22.39
SURGE,7OUTLETS,2USB,BLK	170940	1.0000 EA	\$31.19	\$31.19
CALCULATOR,PRINTING,MP11D	123371	1.0000 EA	\$83.29	\$83.29
PAD,DSK,20X36,RHINOLIN,MC	104663	1.0000 EA	\$39.99	\$39.99
DISCOUNT	000000	1.0000 EA	-\$43.00	-\$43.00
<b>SUBTOTAL</b>				\$133.86
<b>TAX</b>				\$0.00
<b>TOTAL</b>				\$133.86

113300





PO Box 130  
 Huntley, MT 59037  
 Phone # 406 348 2650

Date	Invoice #
3/25/2022	116564

<p><b>Bill To</b></p> <p>County Water Dist. of Billings Heights                  1540 Popelka Dr.                  Billings, MT 59105</p>
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Department	P.O. No.	Terms

Quantity	Description	Rate	Amount
2	Notice of Public Hearing, Settlement Agreement, April 13th, LEGAL ADVERTISING, First Insertion, 3/25	13.95	27.90
2	Notice of Public Hearing, Settlement Agreement, April 13th, LEGAL ADVERTISING, Second Insertion, 4/1	11.95	23.90

APR 1 PAID  
 MBR: \_\_\_\_\_ BU. MBR \_\_\_\_\_  
 No.: 17159 Date Pd. 4/22

	<b>Total</b>	\$51.80
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# Invoice Statement

INVOICE NUMBER: 79990399  
 ACCOUNT NAME: City Water District of Billings Heights

PAGE 1

ACCOUNT NUMBER	CREDIT LIMIT	DAYS THIS PERIOD	BILL CLOSING DATE	PAYMENT DUE DATE	AMOUNT DUE
0496-00-727423-6	3000.00	31	MAR-31-2022	APR-15-2022	1194.57

DATE	ACTIVITY DESCRIPTION	CHARGES / DEBITS	PAYMENTS / CREDITS
MAR-02-2022 MAR-31-2022	Payment - Thank You Fuel Purchases	1194.57	874.25



The Finance Charge is determined by applying a periodic rate of 0%

PURCHASES, RETURNS AND PAYMENTS MADE JUST PRIOR TO BILLING DATE MAY NOT APPEAR UNTIL THE NEXT INVOICE/STATEMENT.

PREVIOUS BALANCE	(-)PAYMENTS	(+)ACTIVITY THIS PERIOD	(-)SAVINGS THIS PERIOD	(=)NEW BALANCE
874.25	874.25	1194.57	0.00	1194.57

CALL CUSTOMER SERVICE TO PAY BY PHONE  
 FEDERAL TAX ID: 841425616

SEE REVERSE SIDE FOR IMPORTANT INFORMATION AND TERMS.  
 TO ENSURE PROPER CREDIT, TEAR AT PERFORATION AND INCLUDE BOTTOM PORTION WITH YOUR PAYMENT

## WEX Fleet Universal

**P.O. Box 639  
 Portland, ME 04104-0639**

**Suzie McKethen  
 City Water District of Billings Heights  
 1540 Popelka Drive  
 Billings, MT 59105**

ACCOUNT NAME	CTY WATER DIST BLGS
ACCOUNT NUMBER	0496-00-727423-6
INVOICE NUMBER	79990399
BILL CLOSING DATE	MAR-31-2022
AMOUNT DUE	1194.57
AMOUNT ENCLOSED	
PAYMENT DUE DATE	APR-15-2022

PAYMENTS RECEIVED AFTER THIS DATE SUBJECT TO A FINANCE CHARGE.

Make check payable to: WEX BANK  
 To avoid processing delays, remit all payments to:



**WEX BANK  
 P.O. BOX 6293  
 CAROL STREAM IL 60197-6293**

04960072742360000000119457 220415



### Balance Subject to Late Fees

If Company's fails to make payment in full by the applicable Due Date, or a payment is returned (each a "Payment Default"), then a fee (the "Late Fee") will apply to the Total Outstanding Balance (as defined below). The late fee will be calculated by multiplying the applicable late fee rate by the Total Outstanding Balance on the Calculation Date, not to exceed the amount allowable by applicable law. For Billing Cycles other than monthly, the percentage rate used in the Late Fee calculation will be prorated based on the length of the billing cycle in relation to a monthly billing cycle. Company will be considered to have made a payment to Issuer on an Account only when the payment is posted to the Account as provided in this Agreement. 7.2 The "Calculation Date" is the earlier of (a) the posting date for Company's payment in full of the invoiced amount to its Account, or (b) the last day of the Billing Cycle during which the Payment Default occurred. The "Total Outstanding Balance" is the invoiced amount, plus the amount of any unbilled Transactions delivered by a merchant to Issuer, and minus any credits that have posted to the Account, through the Calculation Date.

### How to Dispute Your Invoice

Charges must be disputed in writing no later than sixty (60) days from the bill closing date or they will be considered final and binding.

### Card Issuer

The card is issued and payable to WEX Bank under a Business Charge Account Agreement with the cardholder named on the reverse.

### Customer Service

For account inquiries and correspondence regarding account service or billing:

- **Call 1-866-544-5796, or**
- **Email [correspondence@wexinc.com](mailto:correspondence@wexinc.com), or**
- **Fax to 1-800-395-0809, or**
- **Mail to P.O. Box 639, Portland, ME 04104**

Do not mail payments to this address. Payments must be sent to the remit address on your invoice.

Be sure to include your account number on all correspondence.

Your full Business Card Agreement is available here:  
<https://www.wexdrive.com/tncs/wex.pdf>

### Payment Options

#### Mail

Be sure to include bottom portion of invoice with your payment. Write your account number or invoice number on the check to help avoid delays in payment processing if the check and remit stub become separated. Check payments can take up to two Business Days to process from the time the envelope containing a check arrives at Issuer's facility to posting of the check amount to the Account.

Allow 10 business days prior to the due date for mailing to help avoid late fees. Paper checks must be received at least two business days before Payment Due Date to enable on-time processing.

#### Online

Authorized users can elect to receive an email notification when an invoice is ready for online viewing and payment. Log in or register to set up an online account at [go.wexonline.com](http://go.wexonline.com).

Online payments scheduled by 3:00 PM ET (on business days) are credited to your account on the same day. There is no fee for online payments.

#### Phone

Call Customer Service and select the menu option for Billing Inquiries. In addition to scheduling a payment, you can also check your balance.

Payments scheduled by 3:00 PM ET (on business days) are credited to your Account on the same day.

Be prepared with your fleet card account number and a sample check to enter your bank account number and routing number. There is no fee for phone payments.

Payment Date	Payment Method	Confirmation Number	Payment Amount	Bank Account	Payment Status
04/04/2022	One Time	100804042	1194.57	First Interst	Scheduled
03/02/2022	One Time	100803022	874.25	First Interst	Complete
02/02/2022	One Time	100802022	731.16	First Interst	Complete
01/03/2022	One Time	100801032	776.42	First Interst	Complete
12/07/2021	One Time	100812072	1263.77	First Interst	Complete
11/01/2021	One Time	100811012	946.08	First Interst	Complete
10/05/2021	One Time	100810052	817.71	First Interst	Complete
09/14/2021	One Time	100809142	1232.24	First Interst	Complete
08/02/2021	One Time	100808022	1199.28	First Interst	Complete
07/15/2021	One Time	100807152	732.71	First Interst	Complete
06/22/2021	Check		909.94		Complete
05/10/2021	Check		373.74		Complete

**Hendrickson Law Firm, P.C.**  
 P.O. Box 2502, Billings, MT 59103-2502  
 Office: (406) 245-6238  
 Fax: (406) 245-6253  
 www.hendricksonlawmt.com



Bill to:  
**County Water District of Billings Heights**

cowaterdistrict@yahoo.com

**JS Director suit 5117**

**INVOICE**

March 01, 2022 - March 31, 2022

Invoice Date April 04, 2022  
 Invoice Number 24758  
 Due Date April 19, 2022  
 Payment Terms Next 15 days

**Account Summary**

Previous Balance \$1,246.24  
 Payments Received (\$1,246.24)  
 Outstanding Balance \$0.00  
 Current Invoice \$665.01

**Total Due \$665.01**

Pay Online  
 Click the link or scan the code  
 with your device to pay online.



<https://firmcentral.westlaw.com/pay/7B2ATND>

**Fee Detail**

Date	Description	Hours	Rate	Total
3/1/2022 JS	Teleconference with opposing counsel re status (Plaintiffs' discovery responses will be delivered this week). Research law re public meeting notice requirements.	0:15	\$185.00/hr	\$46.25
3/2/2022 JS	Teleconference with Mr. Cabrera re status and regarding plaintiffs' ideas re mediation.	0:05	\$185.00/hr	\$15.42

APR 5 2022  
 NBR: \_\_\_\_\_ of NBR \_\_\_\_\_  
 No: 17760 Date Pd: 457077

Date		Description	Hours	Rate	Total
3/8/2022	JS	Prepare Initial Disclosure. Conference with Mr. Noennig re Initial Disclosure. Email communication to opposing counsel re discovery response deadline. Revise, and email communication to Mr. Cabrera re, proposed Initial Disclosures.	1:30	\$185.00/hr	\$277.50
3/8/2022	MEN	Review of Initial Disclosure	0:24	\$275.00/hr	\$110.00
3/9/2022	JS	Conference with Mr. Cabrera re Initial Disclosures and status. Finalize, serve, and email to Mr. Dugger re Initial Disclosures.	0:25	\$185.00/hr	\$77.08
3/11/2022	JS	Review, and conference with Mr. Noennig re, Plaintiffs' discovery responses.	0:20	\$185.00/hr	\$61.67
3/14/2022	JS	Email communication from Mr. Noennig re Plaintiffs' discovery responses.	0:05	\$185.00/hr	\$15.42
3/16/2022	JS	Review Plaintiffs' discovery responses. Consider strategy.	0:20	\$185.00/hr	\$61.67
<b>Hours Total</b>			<b>3:24</b>	<b>Fee Total</b>	<b>\$665.01</b>

**Expense Detail**

Date	Description	Quantity	Rate	Total
<i>No expenses have been charged for this invoice.</i>				
<b>Expenses Total</b>				<b>\$0.00</b>

Fees	\$665.01
Expense	\$0.00
<b>Current Due</b>	<b>\$665.01</b>
Outstanding Balance	\$0.00
<b>Total Due</b>	<b>\$665.01</b>

**JS Director suit 5117**  
**County Water District of Billings Heights**

<b>Due Date</b>	April 19, 2022
<b>Invoice #</b>	24758
<b>Total Due</b>	<b>\$665.01</b>
<b>Amount Paid</b>	\$ <input type="text"/>
<b>Pay Online</b> Click the link or scan the code with your device to pay online.	
<a href="https://firmcentral.westlaw.com/pay/7B2ATND">https://firmcentral.westlaw.com/pay/7B2ATND</a>	

Make payment to:

**Hendrickson Law Firm, P.C.**  
P.O. Box 2502, Billings, MT 59103-2502

**Hendrickson Law Firm, P.C.**  
P.O. Box 2502, Billings, MT 59103-2502  
Office: (406) 245-6238  
Fax: (406) 245-6253  
www.hendricksonlawmt.com



Bill to:  
**County Water District of Billings Heights**

cowaterdistrict@yahoo.com

**MN General 5081**

**INVOICE**

March 01, 2022 - March 31, 2022

Invoice Date April 04, 2022  
Invoice Number **24632**  
Due Date April 19, 2022  
Payment Terms Next 15 days

**Account Summary**

Previous Balance	\$3,093.46
Payments Received	(\$3,093.46)
Outstanding Balance	\$0.00
Current Invoice	\$2,074.63
<b>Total Due</b>	<b>\$2,074.63</b>

Pay Online  
Click the link or scan the code  
with your device to pay online.



<https://firmcentral.westlaw.com/pay/1C2ATF3>

**Fee Detail**

Date		Description	Hours	Rate	Total
3/1/2022	JS	Email communication from Mr. Noennig re documentation of settlement with City. Review and comment on current draft of proposed settlement documentation.	0:33	\$185.00/hr	\$101.75
3/1/2022	MEN	Email from and to Laura regarding settlement agreement	0:24	\$275.00/hr	\$110.00

0 5 PAID  
17760 Date Pd. 4/5/2022

April 04, 2022

Date		Description	Hours	Rate	Total
3/2/2022	JS	Review email communication from Mr. Noennig re slightly revised settlement documentation in City case. Review email communication from opposing counsel re trial court's order in McDaniel v. City of Billings.	0:10	\$185.00/hr	\$30.83
3/3/2022	MEN	Revision of settlement agreement, email to committee members	0:30	\$275.00/hr	\$137.50
3/4/2022	MEN	Email to committee regarding approval request	0:18	\$275.00/hr	\$82.50
3/7/2022	JS	Email communication from Mr. Noennig re final form of settlement documentation to be presented to City and District.	0:05	\$185.00/hr	\$15.42
3/11/2022	MEN	Review of email and agenda and email response	0:24	\$275.00/hr	\$110.00
3/14/2022	MEN	Email from and to Pam regarding software claim	0:24	\$275.00/hr	\$110.00
3/16/2022	JS	Review email communication from Ms. Ellis re email communication from Mr. Zurbulen re board secretary functions. Conference with Mr. Noennig re issues (including interest rate laws). Conference with Mr. Noennig re issues and his preparations for District Board Meeting.	0:30	\$185.00/hr	\$92.50
3/16/2022	MEN	Prepare for and attend Board meeting regarding litigation settlement	2:00	\$275.00/hr	\$550.00
3/17/2022	JS	Email communication from Mr. Noennig re issues of interest on debt and statute of limitation.	0:05	\$185.00/hr	\$15.42
3/17/2022	MEN	Legal research regarding the statute of limitations, email to attorney James	0:36	\$275.00/hr	\$165.00
3/25/2022	MEN	Phone conference with attorney James	0:18	\$275.00/hr	\$82.50
3/28/2022	MEN	Email from and phone conference with attorney James, calculate statute of limitations deductions, email to client	0:54	\$275.00/hr	\$247.50
3/29/2022	MEN	Email from and to attorney James regarding statute of limitations, research cited case	0:45	\$275.00/hr	\$206.25
<b>Hours Total</b>			<b>7:56</b>	<b>Fee Total</b>	<b>\$2,057.17</b>


**Expense Detail**

Date		Description	Quantity	Rate	Total
3/31/2022	ACCT	Westlaw	0	\$0.00	\$17.46
				<b>Expenses Total</b>	<b>\$17.46</b>

Fees	\$2,057.17
Expense	\$17.46
<b>Current Due</b>	<b>\$2,074.63</b>
Outstanding Balance	\$0.00
<b>Total Due</b>	<b>\$2,074.63</b>



**MN General 5081**  
**County Water District of Billings Heights**

<b>Due Date</b>	April 19, 2022
<b>Invoice #</b>	24632
<b>Total Due</b>	<b>\$2,074.63</b>
<b>Amount Paid</b>	\$ <input type="text" value="."/>
<b>Pay Online</b> Click the link or scan the code with your device to pay online.	
<a href="https://firmcentral.westlaw.com/pay/1C2ATF3">https://firmcentral.westlaw.com/pay/1C2ATF3</a>	

Make payment to:

**Hendrickson Law Firm, P.C.**  
P.O. Box 2502, Billings, MT 59103-2502

**ACCOUNT SUMMARY**

Previous Balance	\$608.02
Payment Received 3/18/2022 Thank you	-608.02
Current Gas Charges	344.42
<b>Amount Due on 4/22/22</b>	<b>\$344.42</b>

Any balance remaining after the due date is subject to a late payment charge of 1% per month.

**CUSTOMER SERVICE & EMERGENCY SERVICE**

**1-800-638-3278**

Emergencies: 24 hours a day  
 Non-emergencies: Mon-Fri, 7:30 a.m - 6:30 p.m.  
 Email: [customerservice@mdu.com](mailto:customerservice@mdu.com)  
 Mail: Montana-Dakota Utilities Co.,  
 Attn: Customer Service, PO Box 7608, Boise, ID 83707-1608. Please include your account number.

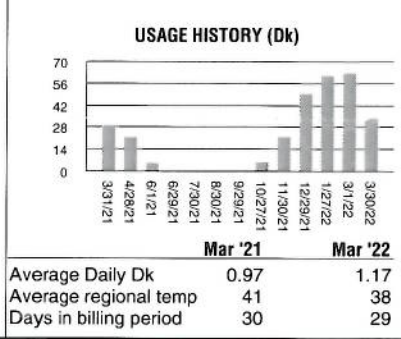
**CALL BEFORE YOU DIG 811**

April						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

Payment Due ▲  
 See "Ways to Pay Your Bill" on the back of this page.

**Gas Charges**

**BILLING PERIOD** 3/2/22 - 3/30/22  
**DAYS** 29  
**METER NUMBER** 012921662  
**METER READ DATE** 3/30/22  
 Next scheduled read 4/29/22



**RATE**  
 70 - Firm General Gas

	Mar '21	Mar '22
Average Daily Dk	0.97	1.17
Average regional temp	41	38
Days in billing period	30	29

CURRENT READING	PREVIOUS READING	DIFFERENCE	THERM FACTOR	Dk USED
982.8	- 948.1	= 34.7	x 0.976100	= 33.9
Basic Service Charge 29 Days x \$1.75				50.75
Distribution Delivery 33.9 Dk x \$1.491				50.54
Cost of Gas 33.9 Dk x \$6.292				213.30
USBC 33.9 Dk x \$0.0655				2.22
CTA 33.9 Dk x \$0.01				0.34
Tax Tracking Adjustment 26.9206% x \$101.29				27.27
<b>Total Charges</b>				<b>\$344.42</b>

**Important Notice**

Southern Cross Corporation has been hired by Montana-Dakota Utilities to conduct its annual quality control survey on all gas facilities within its service territory.

The project involves a technician walking alleys, roads and customer properties to inspect the natural gas mains, service lines and meters maintained by Montana-Dakota. They will not need to enter your home or business.

A current list of locations being worked and additional information is on our website at [www.montana-dakota.com](http://www.montana-dakota.com), or scan the QR code with your mobile device to go directly to the project page.



PLEASE KEEP THIS PORTION FOR YOUR RECORDS.

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT, MAKING SURE THE RETURN ADDRESS SHOWS IN THE ENVELOPE WINDOW.

ACCOUNT NUMBER  
**753 353 1000 1**

DATE DUE  
**Apr 22, 2022**

AMOUNT DUE  
**\$344.42**

UTG 344.42

**Has your mailing address or phone number changed?**  
 Check here and provide details on back.

To donate to Energy Share of MT enter amount on line. (Tax Deductible)

+ \$ 0  
 Energy Share of MT donation



COUNTY WATER DIST BL  
 1540 POPELKA DR  
 BILLINGS MT 59105-3399

PO BOX 5600  
 BISMARCK ND 58506-5600

Please enter amount enclosed if different than amount due.

\$ 344.42

Write account number on check and make payable to MDU.

01753353100010000034442000000000



**INVOICE**

Morrison-Maierle Systems—PO Box 6147—Helena, MT 59604  
Billing Inquiries: 406-495-3516  
Help Desk 1-866-401-4846 — www.getsystems.net  
TIN: 81-0401762

**Attention:** Peyton Brookshire  
**Billings Heights Water District**  
**1540 Popelka Dr**  
**Billings, MT 59105**  
**UNITED STATES**



**Invoice :** 000042226  
**Invoice Date :** 4/1/2022  
**Project :** BHWD601  
**Project Name :** Billings Heights - Proactive Mgmt  
**Bill Term :** \*\*

**For Professional Services Rendered Through 3/25/2022**

Managed Services  
06 - Workstations  
01 - Servers  
01 - Firewall  
Backup Services  
Up to 500GB  
Monthly Managed Service Fee: \$455.00

Quote# 001948v3

	Fee	% Complete	Billings		
			To Date	Previous	Current
2 - Managed Services	2,730.00	100.00	2,730.00	2,275.00	455.00
				<b>Current Billings</b>	<u>455.00</u>
				<b>Amount Due This Bill</b>	<u><u>455.00</u></u>

Amounts Are Due and Payable Upon Receipt of Invoice  
Amounts 30 days overdue are subject to a service charge at the maximum legal rate allowed by 31-1-107 MCA

Please send your EFT remittance advice to remittance@m-m.net  
Routing: 092905278  
Account: 4020016702

APR 5 PAID  
MBR: \_\_\_\_\_ SD. MBR \_\_\_\_\_  
No.: 17767 Date Pd.: 4/5/2022

# NORTHWEST PIPE FITTINGS, INC.

Service Montana and Wyoming Since 1957

Wholesale Plumbing, Heating, Water Works, Industrial Supplies, SERVICE with our own trucks



1725 MAJESTIC LN.  
P.O. BOX 1258  
BILLINGS, MT 59103  
PHONE (406) 252-0142  
FAX (406) 248-8072

1901 MEADOWLARK  
P.O. BOX 4163  
BUTTE, MT 59701  
PHONE (406) 494-2120  
FAX (406) 494-3757

404 17TH AVENUE N.E.  
GREAT FALLS, MT 59404  
PHONE (406) 727-9843  
FAX (406) 454-1743

1780 MT HWY 35 EAST  
KALISPELL, MT 59904  
PHONE (406) 752-6562  
FAX (406) 752-6553

360 FLOSS FLATS RD.  
BELGRADE, MT 59714  
PHONE (406) 388-2045  
FAX (406) 388-2093

34930 HWY 23  
SIDNEY, MT 59270  
PHONE (406) 630-5120  
FAX (406) 630-5125

**ALWAYS REFER TO NUMBER BELOW**

PAGE NO. <b>Page 1</b>	INVOICE NO. <b>7703493</b>
11294 CUST. ACCOUNT NO.	04/01/22 INVOICE DATE

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CNTY WATER DIST OF BILLINGS HEIGHTS  
1540 POPELKA DR  
BILLINGS, MT 59105

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CNTY WATER DIST OF BILLINGS HEIGHTS  
1540 POPELKA DR  
BILLINGS, MT. 59105

DATE SHIPPED	WRITTEN BY	ORDERED BY/REF	P.O. #/JOB NAME	SHIP VIA	TERMS
04/01/22	doha	.	STOCK	PU	NET 30

ITEM #	QTY. ORDERED	QTY. B.O.	QTY. SHIPPED	DESCRIPTION	UNIT PRICE	DISC.	EXT. PRICE
1	12	0	12	0862528 839251 2" X 1-1/2" PVC SCH80 MXF BUSHING	\$11.78		\$141.36
2	12	0	12	0201196 2" X 1-1/2" BLACK HEX BUSHING	\$6.67		\$80.04



ITEMS ORDERED BUT NOT SHIPPED  
HAVE BEEN CANCELED AND WILL  
NOT BE SHIPPED UNLESS ENTERED  
IN COLUMN HEADED 'B.O.' ITEMS  
ENTERED IN 'B.O.' COLUMN WILL  
BE SHIPPED UPON RECEIPT.

PAST DUE ACCOUNTS SUBJECT TO  
TIME PAY DIFFERENTIAL OF 1.5% PER MONTH  
  
(REMIT TO P.O. BOX 1258, BILLINGS, MT 59103)

SALE AMOUNT	\$221.40
MISC CHARGES	\$0.00
SALES TAX	\$0.00
FREIGHT	
<b>TOTAL</b>	<b>\$221.40</b>

MBR:            BU. MBR             
No.: 17763 Date Pd. 4

# NORTHWEST PIPE FITTINGS, INC.

Service Montana and Wyoming Since 1957

Wholesale Plumbing, Heating, Water Works, Industrial Supplies, SERVICE with our own trucks



1725 MAJESTIC LN.  
P.O. BOX 1258  
BILLINGS, MT 59103  
PHONE (406) 252-0142  
FAX (406) 248-8072

1901 MEADOWLARK  
P.O. BOX 4163  
BUTTE, MT 59701  
PHONE (406) 494-2120  
FAX (406) 494-3767

404 17TH AVENUE N.E.  
GREAT FALLS, MT 59404  
PHONE (406) 727-9843  
FAX (406) 454-1743

1780 MT HWY 35 EAST  
KALISPELL, MT 59904  
PHONE (406) 752-6562  
FAX (406) 752-6553

360 FLOSS FLATS RD.  
BELGRADE, MT 59714  
PHONE (406) 388-2045  
FAX (406) 388-2093

34930 HWY 23  
SIDNEY, MT 59270  
PHONE (406) 630-5120  
FAX (406) 630-5125

**ALWAYS REFER TO NUMBER BELOW**

PAGE NO. Page 1	INVOICE NO. 7703744
11294 CUST. ACCOUNT NO.	04/01/22 INVOICE DATE

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CNTY WATER DIST OF BILLINGS HEIGHTS  
1540 POPELKA DR  
BILLINGS, MT 59105

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CNTY WATER DIST OF BILLINGS HEIGHTS  
1540 POPELKA DR  
BILLINGS MT 59105

DATE SHIPPED	WRITTEN BY	ORDERED BY/REF	P.O. #/JOB NAME	SHIP VIA	TERMS
04/01/22	PAMA	peyton	peyton	otl	NET 30

ITEM #	QTY. ORDERED	QTY. B.O.	QTY. SHIPPED	DESCRIPTION	UNIT PRICE	DISC.	EXT. PRICE
1	35	0	35	2175728 58039 1-1/4" PLUG FOR H10300	\$3.25		\$113.75



ITEMS ORDERED BUT NOT SHIPPED  
HAVE BEEN CANCELED AND WILL  
NOT BE SHIPPED UNLESS ENTERED  
IN COLUMN HEADED 'B.O.' ITEMS  
ENTERED IN 'B.O.' COLUMN WILL  
BE SHIPPED UPON RECEIPT.

PAST DUE ACCOUNTS SUBJECT TO  
TIME PAY DIFFERENTIAL OF 1.5% PER MONTH

(REMIT TO P.O. BOX 1258, BILLINGS, MT 59103)

SALE AMOUNT	\$113.75
MISC CHARGES	\$0.00
SALES TAX	\$0.00
FREIGHT	\$0.00
<b>TOTAL</b>	<b>\$113.75</b>

APR 5 PAID

MBR: \_\_\_\_\_ BU. MBR \_\_\_\_\_  
No.: 17763 Date Pd.: 4-5-2022



DEDICATED TO THE PROFESSIONAL  
P.O. BOX 9464  
SPRINGFIELD, MO 65801-9464  
Accts. Receivable Fax (417) 874-7242  
Accts. Receivable Email: arremmit@service.oreillyauto.com



FOR STATEMENT QUESTIONS, PLEASE CALL ACCOUNTING AT 417-829-5818

CUSTOMER NO: 563933  
STATEMENT DATE: 03/28/22  
STORE #: 1549

SEQ5056515  
HEIGHTS WATER DISTRICT  
1540 POPELKA DR  
BILLINGS, MT 59105-4468

BEG. BALANCE \$ 279.89  
PAYMENTS \$ -279.89  
PURCH./CR./ADJ. \$ 237.15  
END. BALANCE \$ 237.15

NEW! Online Payment Option!  
Go to [www.FirstCallOnline.com](http://www.FirstCallOnline.com)  
View Statements and Pay Online

Current	1-30 Days	31-60 Days	61-90 Days	91 Days or more	Total Amount Due
\$237.15	\$0.00	\$0.00	\$0.00	\$0.00	\$ 237.15

DATE	TRANS #	PO #	DESCRIPTION	INV AMOUNT	OPEN AMOUNT
03/06/22	1549263880		Stock	203.60	203.60
03/09/22	1549264295		Clay McCaffree	29.56	29.56
03/10/22	1549264436		ANDY REICHENBACH	3.99	3.99
03/21/22	017727		Clay McCaffree	-279.89	.00
			Payment Received and Applied		
			TOTAL:		\$ 237.15

APR 5 PAID  
MBR: 803 BU. MBR 803  
No. 17764 Date Pd. 4-5-2022

Keep this portion for your records.

Return this portion with your payment.

To view your statement online visit  
[www.FirstCallOnline.com](http://www.FirstCallOnline.com)

Terms: 2% 10th Prox. Net 20th. Accounts not paid by the 20th will be placed on COD. Past due accounts are subject to a service charge of up to 1.5% per month.

Due Date 04/20/2022  
**Please enclose remittance detail.**

Remit To:  
O'REILLY AUTOMOTIVE, INC.  
PO BOX 9464  
SPRINGFIELD, MO 65801-9464  
|||...|||

563933  
HEIGHTS WATER DISTRICT  
Amount Due \$ 237.15

Amount Paid \$ 237.15

New Address? Please email  
[addresschange@oreillyauto.com](mailto:addresschange@oreillyauto.com)

By presenting a check for payment you provide acceptance and authorization for the re-presentation of your check electronically if returned for insufficient or uncollected funds. A service fee of the maximum allowed by law, plus sales tax where applicable, will be collected by electronic debit or paper draft to your account.



DEDICATED TO THE PROFESSIONAL

Store 1549, 885 MAIN STREET,  
BILLINGS, MT 59105 (406) 256-6546

8233  
OPD

Invoice	1	Item 12.	0
Sale Type	CHARGE SALE		
Date	03/06/2022 10:20 AM		
Ship Via			
PO Number	Stock		

Bill To:

HEIGHTS WATER DISTRICT

1540 POPELKA DR  
BILLINGS, MT 59105  
(406) 252-0539

Counter #	Customer Account	Ordered By	Special Instructions
445099	563933	Clay McCaffree	

Qty	Line	Item Number	Description	Warr	Unit	Tax	List	Net	Extended
6	WIX	42487	AIR FILTER <i>DC or Hub Pickup</i> <i>2013 Chevrolet Silverado 3500 HD</i>	1Y	EA	N	45.75	23.49	140.94
1	WIX	WA10414	AIR FILTER <i>DC or Hub Pickup</i>	1Y	EA	N	61.00	31.33	31.33
1	WIX	WA10414	AIR FILTER <i>2017 Chevrolet Malibu</i>	1Y	EA	N	61.00	31.33	31.33

8 Items

Noise-Free Guarantee on Import Direct & BrakeBest Select pads and rotors!



Sub-Total 203.60  
Sales Tax 0.00  
**Total 203.60**

X \_\_\_\_\_  
Customer Signature



WWW.FIRSTCALLONLINE.COM

WE APPRECIATE YOUR BUSINESS!

167

Please visit [www.firstcallonline.com/warranty](http://www.firstcallonline.com/warranty) for warranty details

1/1

Remit To: PO BOX 9464, SPRINGFIELD, MO 65801-9464



DEDICATED TO THE PROFESSIONAL

Store 1549, 885 MAIN STREET,  
BILLINGS, MT 59105 (406) 256-6546

Bill To:

HEIGHTS WATER DISTRICT

1540 POPELKA DR  
BILLINGS, MT 59105  
(406) 252-0539

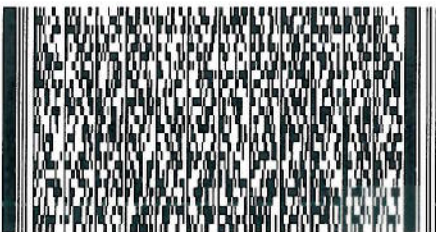
Invoice	1	Item 12.	5
Sale Type	CHARGE SALE		
Date	03/09/2022 9:35 AM		
Ship Via			
PO Number			

Counter #	Customer Account	Ordered By	Special Instructions
9728	563933	ANDY REICHENBACH	

Qty	Line	Item Number	Description	Warr	Unit	Tax	List	Net	Extended
1	MTM	61104	DRAIN COCK <i>Oct backhoe</i>	1Y	CD	N	9.31	3.57	3.57
1	CA	79999	FLOOR MAT <i>2016 truck</i>	LT	EA	N	44.05	25.99	25.99

2 Items

Noise-Free Guarantee on Import Direct & BrakeBest Select pads and rotors!



X \_\_\_\_\_  
Customer Signature



Sub-Total 29.56  
Sales Tax 0.00  
**Total 29.56**

WWW.FIRSTCALLONLINE.COM

WE APPRECIATE YOUR BUSINESS! 168

Please visit [www.firstcallonline.com/warranty](http://www.firstcallonline.com/warranty) for warranty details

1/1

Remit To: PO BOX 9464, SPRINGFIELD, MO 65801-9464





DEDICATED TO THE PROFESSIONAL  
 Store 1549, 885 MAIN STREET,  
 BILLINGS, MT 59105 (406) 256-6546

*8233  
 APB*

Invoice	1	Item 12.	6
Sale Type	CHARGE SALE		
Date	03/10/2022 10:35 AM		
Ship Via			
PO Number	Clay		

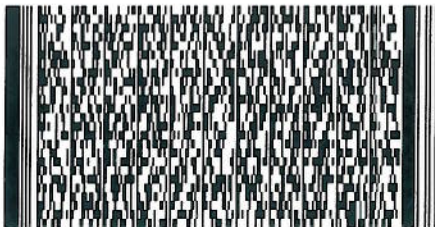
Bill To:  
 HEIGHTS WATER DISTRICT  
 1540 POPELKA DR  
 BILLINGS, MT 59105  
 (406) 252-0539

Counter #	Customer Account	Ordered By	Special Instructions
7820	563933	Clay McCaffree	

Qty	Line	Item Number	Description	Warr	Unit	Tax	List	Net	Extended
1	PTT	GM7997	SOCKET BIT	LT	EA	N	6.76	3.99	3.99
			<i>DC or Hub Pickup</i>						
			<i>This item has been ordered:</i>						
			<i>1 from DC 14 SALT LAKE CITY</i>						

1 Item

Noise-Free Guarantee on Import Direct & BrakeBest Select pads and rotors!



X \_\_\_\_\_  
 Customer Signature



Sub-Total 3.99  
 Sales Tax 0.00  
**Total 3.99**

WWW.FIRSTCALLONLINE.COM

WE APPRECIATE YOUR BUSINESS! 169 !

Please visit [www.firstcallonline.com/warranty](http://www.firstcallonline.com/warranty) for warranty details

1/1

Remit To: PO BOX 9464, SPRINGFIELD, MO 65801-9464



Remittance Address:  
 3289 Gabel Road  
 P.O. Box 30638  
 Billings, Montana 59107-0638  
 (406) 238-1900

<b>Invoice # 329087</b>	Page <b>Item 12.</b>
Account Number	Date
COUNWAT-01	4/1/2022
AMOUNT PAID	Amount Due
	\$100.00

**County Water District of  
 Billings Heights  
 1540 Popelka Drive  
 Billings, MT 59105-4468**

Make an electronic payment by visiting  
[www.paynewest.com](http://www.paynewest.com)  
 click I WANT TO: and then click \$ Make A Payment

OR

Make checks payable to PayneWest Insurance and  
 return this portion with your payment

License and Permit Bond	PolicyNumber: 103776751	Effective: 4/10/2022	to 4/10/2023
-------------------------	-------------------------	----------------------	--------------

Item #	Trans Eff Date	Due Date	Trans	Description	Amount
9612398	4/10/2022	4/10/2022	RENB	Renewal Bond 4/10/2022	\$100.00
Yellowstone County Excavation Bond Renewal 22-23 term					

**Total Invoice Balance: \$100.00**

Thank you for your business!



APR 5 PAID  
 MBR: \_\_\_\_\_ BU. MBR \_\_\_\_\_  
 No.: 17165 Date Ad. 4-5-2022



Travelers Casualty and Surety Company of America  
Hartford, CT 06183

**CONTINUATION CERTIFICATE  
FIDELITY OR SURETY BONDS/POLICIES**

License No. \_\_\_\_\_

In consideration of \$100.00 dollars renewal premium, the term of Bond/Policy No. 103776751 in the amount of \$10,000.00, issued on behalf of COUNTY WATER DISTRICT OF BILLINGS HEIGHTS, whose address is 1540 POPELKA DRIVE, BILLINGS, MT 59105, in favor of Yellowstone County Public Works, whose address is PO Box 35024, 316 North 26th/Rm 3201, BILLINGS, MT 59101 in connection with County of Yellowstone - Right of Way Bond is hereby extended to Until Cancelled, subject to all covenants and conditions of said bond/policy.

This certificate is designed to extend only the term of the bond/policy. It does not increase the amount which may be payable thereunder. The aggregate liability of the Company under the said bond/policy together with this certificate shall be exactly the same as, and no greater than it would have been, if the said bond/policy had originally been written to expire on the date to which it is now being extended.

Signed, sealed and dated March 23, 2022

Travelers Casualty and Surety Company of America

By: 

Robert L. Raney, Senior Vice President

UTILITIES UNDERGROUND LOCATION CENTER.  
 Remittance Address  
 P.O. Box 3701  
 Seattle, WA 98124-3701  
 (410) 712-0082



Invoice No.	2035121
Invoice Date	03/31/2022
Month of Service	March
Billing Code	HGTWTR1
Account Number	103870
PO #	

COUNTY WATER DISTRICT OF BILLINGS HEIGHTS  
 DUKE NIESKENS  
 1540 POPELKA DR  
 BILLINGS, MT 59105

Current Costs associated with your participation in UTILITIES UNDERGROUND LOCATION CENTER.

Description	Amount
Excavation Notifications for the month: 163	\$210.27
Cost of doing business:	\$45.64
<b>TOTAL:</b>	<b>\$255.91</b>

District Code	Tickets	District Code	Tickets	District Code	Tickets	District Code	Tickets	District Code	Tickets
HGTWTR01	155	HGTWTR10	8						

*Less out of area 20.4 tickets*  
235.50

APR 5 PAID  
 MBR:            BU. MBR             
 No: 1776 Date Pd: 4-5-2022

REMITTANCE COPY

Company Name:	COUNTY WATER DISTRICT OF BILLINGS HEIGHTS
Account Number:	103870
Invoice Number:	2035121
Invoice Date:	03/31/2022
Amount Due:	<u>235.50</u>

Make Check Payable to: **Utilities Underground Location Center**  
 PO Box 3701  
 Seattle, WA 98124-3701

Utilities Underground Location Center

Out of Area Itemized Credits Adjustment Form

*email -  
Melissa Jackson  
OCC/INC. Unit*

I Suzie McKethen, on behalf of HGTWTR1 County Water District of Billings Heights  
(name of requesting individual) (name of subscriber)

following Adjustments be made to Account # 103870 For Month: March 2022

I certify that the below requested adjustments are appropriate and permissible under Section 3 of the Policies and Procedures for the Billing Invoice Adjustments for the UULC, and that, except for the adjustments noted, the below referenced invoice is accurate. Signed:

Suzie McKethen Date: 3-31-2022

Out of Notification Area Locate Request Ticket#:

2201159 22021674

22011543 22021622

22011582 2201580

22011952

22012715

22015331

22015969

22020294

22021312

22021296

Total tickets out of area 13 x \$1.29 = 16.77 Total credit amount. (\$1.57 of MT Members) 2041

(Signature required, see above)



PO BOX 489  
NEWARK, NJ 07101-0489

Item 12.

Manage Your Account	Account Number	Date Due
b2b.verizonwireless.com	571915174-00001	04/18/22
Change your address at <a href="http://sso.verizonenterprise.com">http://sso.verizonenterprise.com</a>	Invoice Number	9902796649

### Quick Bill Summary

Feb 27 – Mar 26



COUNTY WATER DISTRICT OF BILLI  
1540 POPELKA DR  
BILLINGS, MT 59105-4468

00020579  
P203

Previous Balance (see back for details)	\$204.64
Payment – Thank You	-\$204.64
<b>Balance Forward</b>	<b>\$0.00</b>
Monthly Charges	\$234.54
Usage and Purchase Charges	
Voice	\$0.00
Messaging	\$0.00
Data	\$0.00
Equipment Charges	\$45.83
Surcharges and Other Charges & Credits	\$1.15
Taxes, Governmental Surcharges & Fees	\$2.71
<b>Total Current Charges</b>	<b>\$284.23</b>



**Total Charges Due by April 18, 2022**

**\$284.23**

APR 5 11:00 AM  
No. 17767 Date pd. 45-22

Pay from phone	Pay on the Web	Questions:
#PMT (#768)	At b2b.verizonwireless.com	1.800.922.0204 or *611 from your phone



COUNTY WATER DISTRICT OF BILLI  
1540 POPELKA DR  
BILLINGS, MT 59105-4468

Bill Date March 26, 2022  
Account Number 571915174-00001  
Invoice Number 9902796649

### Total Amount Due by April 18, 2022

Make check payable to Verizon Wireless.  
Please return this remit slip with payment.

**\$284.23**

\$ 284.23

PO BOX 660108  
DALLAS, TX 75266-0108



99027966490105719151740000100000028423000000284234



Overview of Lines

Invoice Number 9902796649 Account Number 571915174-00001 Date Due 04/18/22 Page 3 of 9

Account Charges (pg 2)	Account Charges and Credits	Monthly Charges	Usage and Purchase Charges	Equipment Charges	Surcharges and Other Credits	Taxes, Governmental and Fees	Third-Party Charges (includes Tax)	Total Charges
	\$0.00	\$49.00	--	--	--	\$0.00	\$0.00	\$49.00

Lines Charges	Page Number	Monthly Charges	Usage and Purchase Charges	Equipment Charges	Surcharges and Other Credits	Taxes, Governmental and Fees	Third-Party Charges (includes Tax)	Total Charges
406-281-0626 Duke Nieskens	4	\$45.00	--	--	\$2.50	\$1.31	--	\$48.81
406-281-0627 Duke Nieskens	5	\$75.54	--	--	\$2.65	\$1.40	--	\$79.59
406-409-1445 Duke Nieskens	6	\$20.00	--	\$45.83	-\$4.08	\$0.00	--	\$61.75
406-591-4560 Auto Submit	7	\$45.00	--	--	\$0.08	\$0.00	--	\$45.08
<b>Total Current Charges</b>		<b>\$234.54</b>	<b>\$0.00</b>	<b>\$45.83</b>	<b>\$1.15</b>	<b>\$2.71</b>	<b>\$0.00</b>	<b>\$284.23</b>

Voice Plan Usage	Messaging Usage	Data Usage	Voice Roaming	Messaging Roaming	Data Roaming
10	1	.172GB	--	--	--
--	--	--	--	--	--
--	--	.126GB	--	--	--
--	--	.627GB	--	--	--

## Summary for Duke Nieskens: 406-281-0626

### Your Plan

**Business Unlimited Smartphone**

\$45.00 monthly charge  
Unlimited monthly minutes

**UNL Text Messaging**

Unlimited M2M Text  
Unlimited Text Message

**Email & Web Unlimited**

Unlimited monthly gigabyte

**UNL Picture/Video MSG**

Unlimited monthly Picture & Video

(see pg 3)

### Monthly Charges

Business Unlimited Smartphone	03/27 – 04/26	45.00
		<b>\$45.00</b>

Have more questions about your charges?  
Get details for usage charges at  
[b2b.verizonwireless.com](http://b2b.verizonwireless.com).



Your Plan, continued

(see pg 3)

Have more questions about your charges?  
Get details for usage charges at  
[b2b.verizonwireless.com](http://b2b.verizonwireless.com).

**Surcharges**

Fed Universal Service Charge	.54
Regulatory Charge	.16
Administrative Charge	1.95
	<b>\$2.65</b>

**Taxes, Governmental Surcharges and Fees**

MT State 911 Fee	1.00
MT Tdd Telecom Srvc Fee	.10
MT Telecom Excise Tax	.30
	<b>\$1.40</b>

**Total Current Charges for 406-281-0627 \$79.59**

Summary for Duke Nieskins: 406-409-1445

Your Plan

**Business UNL Tablet Start**

\$30.00 monthly charge  
\$.25 per minute

**Unlimited Data**

Unlimited monthly gigabyte

**Beginning on 07/30/21:**

**\$10 Off BUS UNL Tablet Start**

(see pg 3)

Have more questions about your charges?  
Get details for usage charges at  
[b2b.verizonwireless.com](http://b2b.verizonwireless.com).

Monthly Charges

Business UNL Tablet Start	03/27 - 04/26	30.00
\$10 Off BUS UNL Tablet Start	03/27 - 04/26	-10.00
		<b>\$20.00</b>

**Equipment Charges**

Device Payment Agreement 1989197546 - Payment 8 of 24	45.83
Paid 320.88	
Past Due .00	
Balance (after this month's current payment) 733.28	
	<b>\$45.83</b>

### Usage and Purchase Charges

Data	Allowance	Used	Billable	Cost
Gigabyte Usage <i>gigabytes</i>	unlimited	.627	--	--
<b>Total Data</b>				<b>\$0.00</b>
<b>Total Usage and Purchase Charges</b>				<b>\$0.00</b>
<b>Surcharges</b>				
Regulatory Charge				.02
Administrative Charge				.06
				<b>\$0.08</b>
<b>Total Current Charges for 406-591-4560</b>				<b>\$45.08</b>

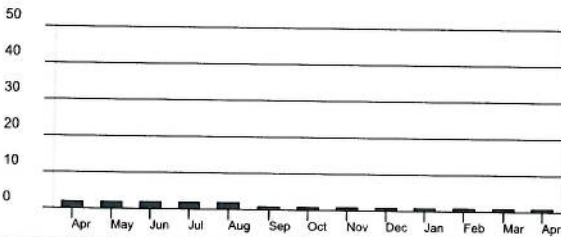


CITY OF BILLINGS  
Public Works Utilities  
2251 Belknap Avenue  
Billings, Montana 59101

Item 12.

Office hours: 8:00-5:00 M-F  
Pay by Phone 406.657.8315  
For all Billing Questions Call 406.657.8315  
After Hours Emergencies Call 406.657.8353  
For online payments:  
<https://ci.billings.mt.us/1905/Online-Payments>  
See reverse for payment locations

**YOUR MONTHLY WATER USAGE in KGal (1 KGal = 1000 Gallons)**



**SPECIAL MESSAGES**

\*\*\*The 2021 Consumer Confidence Report (CCR) is available on the City of Billings website. The below link will take you directly to the report.  
<https://www.billingsmtpublicworks.gov/ArchiveCenter/ViewFile/Item/249>  
Owners/managers of associations and income property, please post. For a paper copy of the CCR, please call 406-657-8346.\*\*\*

**ACCOUNT INFORMATION**

ACCOUNT NO: 171166  
NAME: BLGS HGTS WATER OFFICE  
SERVICE ADDRESS: 1540 POPELKA DR  
SERVICE PERIOD: 02/10/2022 to 03/11/2022  
BILLING DATE: 04/07/2022  
DUE DATE: 04/22/2022

**CURRENT WATER USAGE (1 KGAL = 1000 Gallons)**

Meter number	Previous Reading	Current Reading	Usage KGals
H029100	55.400	56.400	1

**CURRENT CHARGES**

Sewer Service \$11.90  
Garbage Collection \$49.48  
**TOTAL CURRENT CHARGES: \$61.38**

**BILL SUMMARY**

BALANCE FROM PREV STATEMENT: \$50.49  
PAYMENTS: 03/14/2022 -\$50.49  
ADJUSTMENTS: \$0.00  
LATE CHARGES: \$0.00  
**TOTAL AMOUNT DUE: \$61.38**



**\*\* NOTICE \*\***

All Bills are due and payable when rendered.



Public Works - Utilities  
P.O. Box 30958  
2251 Belknap Avenue  
Billings, Montana 59101  
(406) 657-8315

**SERVICE ADDRESS**

1540 POPELKA DR

ACCOUNT NO.	CYCLE	BILL DATE	DUE DATE
171166	05-0513	04/07/2022	04/22/2022

CURRENT CHARGES: \$61.38  
TOTAL AMOUNT DUE: \$61.38

BLGS HGTS WATER OFFICE  
1540 POPELKA DR  
BILLINGS MT 591054468

PUBLIC WORKS-UTILITIES  
2251 BELKNAP AVENUE  
P.O. BOX 30958  
BILLINGS MT 59101-5706

APR 8 PAID  
MTR: BU. MTR  
No. 17768 Date pd. 4/8/22

PLEASE RETURN THIS PORTION WITH PAYMENT

0000001711660000000061384

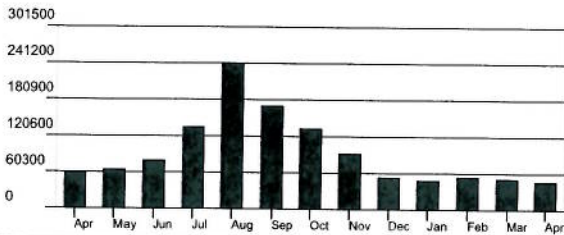


CITY OF BILLINGS  
Public Works Utilities  
2251 Belknap Avenue  
Billings, Montana 59101

Item 12.

Office hours: 8:00-5:00 M-F  
Pay by Phone 406.657.8315  
For all Billing Questions Call 406.657.8315  
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See reverse for payment locations

**YOUR MONTHLY WATER USAGE in KGal (1 KGal = 1000 Gallons)**



**SPECIAL MESSAGES**

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<https://www.billingsmtpublicworks.gov/ArchiveCenter/ViewFile/Item/249>  
Owners/managers of associations and income property, please post. For a paper copy of the CCR, please call 406-657-8346.\*\*\*

**ACCOUNT INFORMATION**

ACCOUNT NO: 130159  
NAME: BLGS HGTS WATER DIST  
SERVICE ADDRESS: 216 E AIRPORT RD  
SERVICE PERIOD: 02/10/2022 to 03/11/2022  
BILLING DATE: 04/07/2022  
DUE DATE: 04/22/2022

**CURRENT WATER USAGE (1 KGal = 1000 Gallons)**

Meter number	Previous Reading	Current Reading	Usage KGals
CV0006	10,170,556.000	10,217,966.000	47410

**CURRENT CHARGES**

**TOTAL CURRENT CHARGES: \$133,444.30**

**BILL SUMMARY**

BALANCE FROM PREV STATEMENT: \$5,252,539.46  
PAYMENTS: 03/14/2022 -\$145,117.04  
ADJUSTMENTS: \$0.00  
LATE CHARGES: \$76,611.34  
**TOTAL AMOUNT DUE: \$5,317,478.06**



**\*\*\* FINAL NOTICE \*\*\***

Payment in full must be received by 04/26/2022 to avoid the added delinquency fee and possible disruption of service.



Public Works - Utilities  
P.O. Box 30958  
2251 Belknap Avenue  
Billings, Montana 59101  
(406) 657-8315

**SERVICE ADDRESS**

216 E AIRPORT RD

ACCOUNT NO.	CYCLE	BILL DATE	DUE DATE
130159	04-0406	04/07/2022	04/22/2022

CURRENT CHARGES: \$133,444.30  
**BALANCE FORWARD: \$5,184,033.76**  
**TOTAL AMOUNT DUE: \$5,317,478.06**

BLGS HGTS WATER DIST  
1540 POPELKA DR  
BILLINGS MT 591054468

PUBLIC WORKS-UTILITIES  
2251 BELKNAP AVENUE  
P.O. BOX 30958  
BILLINGS MT 59101-5706  
No. 1768 Date pd. 4-8-2022

PLEASE RETURN THIS PORTION WITH PAYMENT

000001301590005317478061


**Hendrickson Law Firm, P.C.**  
P.O. Box 2502, Billings, MT 59103-2502  
Office: (406) 245-6238  
Fax: (406) 245-6253  
www.hendricksonlawmt.com

Bill to:  
**County Water District of Billings Heights**

JS Director suit 5117

**INVOICE**  
To February 28, 2022

Invoice Date March 08, 2022  
Invoice Number 24378  
Due Date March 23, 2022  
Payment Terms Next 15 days

Account Summary	
Previous Balance	\$214.58
Payments Received	\$0.00
Outstanding Balance	\$214.58
Current Invoice	\$1,031.66
<b>Total Due</b>	<b>\$1,246.24</b>
Pay Online Click the link or scan the code with your device to pay online. 	
<a href="https://firmcentral.westlaw.com/pay/BD28SET">https://firmcentral.westlaw.com/pay/BD28SET</a>	



*Never received*

*3/15 LM*

**Fee Detail**

Date	Description	Hours	Rate	Total
2/9/2022	JS Teleconference with Judicial Assistant re scheduling conference. Attend scheduling conference with Judge Linneweber. Conference with Mr. Noennig re scheduling conference, issues and strategy. Email communication to Mr. Dugger re time extension for discovery responses.	1:45	\$185.00/hr	\$323.75

MAR 15 PAID  
MBR: \_\_\_\_\_ BD. MBR \_\_\_\_\_  
No.: 17730 Date Pd.: 3/15/22

Date		Description	Hours	Rate	Total
2/10/2022	JS	Email communications with Clerk of Court re scheduling order. Email communication to Board members and Mr. Brewster re pretrial schedule and trial date.	0:30	\$185.00/hr	\$92.50
2/14/2022	JS	Conference with Mr. Noennig re and email communications with Ms. Ellis re including court schedule in Board Meeting agenda. Calendar court case schedule dates and deadlines. Email communication to opposing counsel setting deadline for Plaintiffs' responses to Defendant's discovery requests. Review documents.	0:20	\$185.00/hr	\$61.67
2/14/2022	JS	Conference with Mr. Noennig re and email communications with Ms. Ellis re including court schedule in Board Meeting agenda. Calendar court case schedule dates and deadlines. Email communication to opposing counsel setting deadline for Plaintiffs' responses to Defendant's discovery requests. Review documents.	0:20	\$185.00/hr	\$61.67
2/17/2022	JS	Check e-filing for recent filings, including Court's Scheduling Order (as yet unfilled).	0:10	\$185.00/hr	\$30.83
2/17/2022	JS	Teleconference with Mr. Cabrera re status and strategy. Conference with Mr. Noennig re status and strategy.	0:25	\$185.00/hr	\$77.08
2/17/2022	JS	Conference with Mr. Noennig re status and strategy.	0:10	\$185.00/hr	\$30.83
2/18/2022	JS	Conference with Mr. Noennig re strategy and procedural issues.	0:15	\$185.00/hr	\$46.25
2/18/2022	MEN	Draft of Offer of Settlement	0:30	\$275.00/hr	\$137.50
2/21/2022	JS	Email communications with and conference Mr. Noennig re draft offer of settlement and issues. Review offer of settlement statute.	0:40	\$185.00/hr	\$123.33
2/22/2022	JS	Check E-filing and obtain copy of Court's Order Setting Jury Trial and several pretrial deadlines. Calendar deadlines.	0:15	\$185.00/hr	\$46.25
<b>Hours Total</b>			<b>5:20</b>	<b>Fee Total</b>	<b>\$1,031.66</b>

**Expense Detail**

Date	Description	Quantity	Rate	Total
------	-------------	----------	------	-------

*No expenses have been charged for this invoice.*

Expenses Total **\$0.00**

Fees	\$1,031.66
Expense	\$0.00
<b>Current Due</b>	<b>\$1,031.66</b>
Outstanding Balance	\$214.58
<b>Total Due</b>	<b>\$1,246.24</b>

**JS Director suit 5117**  
**County Water District of Billings Heights**


Due Date	March 23, 2022
Invoice #	24378
<b>Total Due</b>	<b>\$1,246.24</b>

<b>Amount Paid</b>	\$ <input type="text" value="."/>
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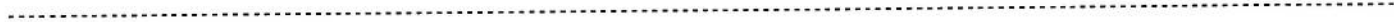
Make payment to:

**Hendrickson Law Firm, P.C.**  
P.O. Box 2502, Billings, MT 59103-2502

Pay Online  
Click the link or scan the code with your device to pay online.



<https://firmcentral.westlaw.com/pay/BD28SET>





**Hendrickson Law Firm, P.C.**  
P.O. Box 2502, Billings, MT 59103-2502  
Office: (406) 245-6238  
Fax: (406) 245-6253  
www.hendricksonlawmt.com

Bill to:  
**County Water District of Billings Heights**


**MN General 5081**

**INVOICE**  
To February 28, 2022

Invoice Date March 08, 2022  
Invoice Number 24403  
Due Date March 23, 2022  
Payment Terms Next 15 days



*Never received*

Account Summary	
Previous Balance	\$941.79
Payments Received	\$0.00
Outstanding Balance	\$941.79
Current Invoice	\$2,151.67
<b>Total Due</b>	<b>\$3,093.46</b>
Pay Online Click the link or scan the code with your device to pay online. 	
<a href="https://firmcentral.westlaw.com/pay/3C28SER">https://firmcentral.westlaw.com/pay/3C28SER</a>	

*315 LM*

**Fee Detail**

Date		Description	Hours	Rate	Total
2/7/2022	JS	Conference with Mr. Noennig re settlement meeting with City and outline of resolution. Review email communication from Mr. Noennig to Directors re his communications with counsel for the City.	0:20	\$185.00/hr	\$61.67
2/7/2022	MEN	Conference with City of Billings regarding resolution of suit, phone conference with Doug James, email to clients	1:30	\$275.00/hr	\$412.50

*MAR 15 PAID*

*MBR: BU. MBR No.: 17730 Date Pd.: 3/15/2022*


Date		Description	Hours	Rate	Total
2/8/2022	MEN	review of proposed general manager contract, email from and to Brewster	0:30	\$275.00/hr	\$137.50
2/9/2022	MEN	Draft of Manager Agreement, review of draft settlement agreement, email to clients	1:45	\$275.00/hr	\$481.25
2/10/2022	MEN	Revision of proposed settlement agreement	0:45	\$275.00/hr	\$206.25
2/11/2022	MEN	Email exchanges and revision of employment contract, review of proposed changes by Brookshire to settlement agreement and response, revise settlement agreement, motion and proposed order for City of Billings case	1:30	\$275.00/hr	\$412.50
2/14/2022	MEN	Email to attorney James regarding settlement documents	0:24	\$275.00/hr	\$110.00
2/16/2022	MEN	Phone conference with attorney James regarding settlement agreement	0:24	\$275.00/hr	\$110.00
2/28/2022	MEN	Email from attorney James, review of revised documents, email exchanges with Pam Ellis	0:48	\$275.00/hr	\$220.00
<b>Hours Total</b>			<b>7:56</b>	<b>Fee Total</b>	<b>\$2,151.67</b>

**Expense Detail**

Date	Description	Quantity	Rate	Total
<i>No expenses have been charged for this invoice.</i>				
<b>Expenses Total</b>				<b>\$0.00</b>

Fees	\$2,151.67
Expense	\$0.00
<b>Current Due</b>	<b>\$2,151.67</b>
Outstanding Balance	\$941.79
<b>Total Due</b>	<b>\$3,093.46</b>

MN General 5081  
County Water District of Billings Heights

Due Date	March 23, 2022
Invoice #	24403
<b>Total Due</b>	<b>\$3,093.46</b>
<b>Amount Paid</b>	\$ <input type="text"/>
Pay Online Click the link or scan the code with your device to pay online.	
	
<a href="https://firmcentral.westlaw.com/pay/3C28SER">https://firmcentral.westlaw.com/pay/3C28SER</a>	

Make payment to:

**Hendrickson Law Firm, P.C.**  
P.O. Box 2502, Billings, MT 59103-2502





PLEASE MAIL PAYMENTS TO:  
INTERSTATE ENGINEERING, INC.  
PO BOX 2035 • JAMESTOWN, ND 58402  
PH. 701.252.0234

County Water District of Billings Heights  
1540 Popelka Drive  
Billings, MT 59105

March 11, 2022  
Project No: WR2204051  
Invoice No: 46461

Preliminary Hydraulic Model for Sartorie Development Improvement  
Billings, Montana  
**Professional Services from February 23, 2022 to February 12, 2022**

**Professional Personnel**

	Hours	Rate	Amount
ENG I	11.00	110.00	1,210.00
ENG V	3.00	210.00	630.00
TECH V	2.50	147.00	367.50
Totals	16.50		2,207.50
<b>Total Labor</b>			<b>2,207.50</b>

**Total this Invoice** 2,207.50

Interest of 1.5% per month will be applied to all invoices over 60 days old.

Please call me if you have any questions regarding this invoice.

Bradley Boehm  
406.256.1920

*nuc / sartorie*



MAR 15 PAID  
MBR: \_\_\_\_\_ BD. MBR  
No.: 17731 Date Pd. 3/15/2022



PLEASE MAIL PAYMENTS TO:  
INTERSTATE ENGINEERING, INC.  
PO BOX 2035 • JAMESTOWN, ND 58402  
PH. 701.252.0234



County Water District of Billings Heights  
1540 Popelka Drive  
Billings, MT 59105

March 9, 2022  
Project No: Y2104204  
Invoice No: 46442

Preliminary Hydraulic Model for Reda Lane Multi Family Project Requested by Jim Wilson  
Billings, Montana

**Professional Services from December 21, 2021 to March 12, 2022**

**Professional Personnel**

	Hours	Rate	Amount
ADMIN I	2.00	67.00	134.00
ENG I	7.00	98.00	686.00
ENG V	1.00	206.00	206.00
TECH V	3.00	142.00	426.00
Totals	13.00		1,452.00
<b>Total Labor</b>			<b>1,452.00</b>
<b>Total this Invoice</b>			<b>\$1,452.00</b>

Interest of 1.5% per month will be applied to all invoices over 60 days old.

Please call me if you have any questions regarding this invoice.

+100

Bradley Boehm  
406.256.1920

MAR 15 PAID  
MBR: \_\_\_\_\_ BU. MBR \_\_\_\_\_  
No.: 17731 Date Pd.: 3/15/22



Local Government Services
125 N. Roberts - Mitchell Bldg Room 270
P.O. Box 200547
Helena, MT 59620-0547
Phone: (406) 444-9101
Email: LGSPortalRegistration@mt.gov

STATEMENT
COUNTY WATER DIST OF BILLINGS HEIGHTS
ATTN: MANAGER - PEYTON BROOKSHIRE
1540 POPELKA DR
BILLINGS, MT 59105-4468

Statement Number: 4566
Statement Date: 3/8/2022
Account Number: 105605
Send payment to: Local Government Services
Due: Upon Receipt

Table with 7 columns: Date, Item ID, Entry Type, Entry Description, Item Activity, Amount Due. Row 1: 3/7/2022, FY2021-03/22-13553, AFR, 10% Late R, 130.00, 130.00. Summary row: Amount Owed 130.00

Summary table with 6 columns: Amount, 0 - 30, 31 - 60, 61 - 90, Over 90, Total. Row 1: Amount 130.00, 0.00, 0.00, 0.00, 130.00

Please disregard this notice if you have already sent payment.

If you have questions, please call (406) 444-9101.

Make checks or warrants payable to "Local Government Services".

Handwritten numbers 8352 and 8570. Circular stamp: MAR 2022 RECEIVED APP. Red stamp: MAR 15 PAID. Form fields: MBR: [blank] BU. MBR: [blank] No.: 17732 Date Pd.: 3/10



**INVOICE**

Morrison-Maierle Systems—PO Box 6147—Helena, MT 59604  
 Billing Inquiries: 406-495-3516  
 Help Desk 1-866-401-4846 — www.getsystems.net  
 TIN: 81-0401762

**Attention:** Peyton Brookshire  
**Billings Heights Water District**  
 1540 Popelka Dr  
 Billings, MT 59105  
 UNITED STATES

**Invoice :** 000042128  
**Invoice Date :** 3/11/2022  
**Project :** BHWD700  
**Project Name :** Billings Height Water Project Svcs  
**Bill Term :** \*\*

---

**For Professional Services Rendered Through 3/4/2022**

		<u>Current</u> <u>Billings</u>
BHWD700 - Billings Height Water Project Svcs		8,746.25
Rate Labor	156.25	
Expenses	8,590.00	
<b>Current Billings</b>		<u>8,746.25</u>
<b>Amount Due This Bill</b>		<u><u>8,746.25</u></u>

Amounts Are Due and Payable Upon Receipt of Invoice  
 Amounts 30 days overdue are subject to a service charge at the maximum legal rate allowed by 31-1-107 MCA

Please send your EFT remittance advice to remittance@m-m.net

Routing: 092905278  
 Account: 4020016702

MAR 15 PAID  
 MBR: \_\_\_\_\_ BU. MBR \_\_\_\_\_  
 No.: 17733 Date Pd.: 3/15/2022

MAR 2022 RECEIVED  
 OPB

Project: BHWD700 - Billings Height Water Project Svcs

Invoice: 000042128

100 - Hourly Services - Unquoted

Rate Labor

<i>Class / Employee</i>	<i>Date</i>	<i>Hours</i>	<i>Rate</i>	<i>Amount</i>
<b>Computer Technician</b>				
Zachary M. Middleton	2/17/2022	0.25	125.00	31.25
#66459 - Computer setup for Josh	2/18/2022	0.75	125.00	93.75
#66459 - Computer setup for Josh	2/28/2022	0.25	125.00	31.25
#67834 - Password reset for Joe		1.25		156.25
<b>Total Zachary M. Middleton</b>		1.25		156.25
<b>Total Computer Technician</b>		1.25		156.25
<b>Total Rate Labor</b>				<b>156.25</b>
<b>Total Bill Task: 100 - Hourly Services - Unquoted</b>				<b>156.25</b>

800 - Server Replacement - 003996v3

Expenses

<i>Account / Vendor</i>	<i>Doc Number</i>	<i>Date</i>	<i>Cost</i>	<i>Multiplier</i>	<i>Amount</i>
<b>Project Expenses</b>					
	0000023327	2/18/2022	8,208.00	1.00	8,208.00
1 - PowerEdge T150 Server					
	ER46509	2/21/2022	382.00	1.00	382.00
1 - APC UPS Battery Backup					
<b>Total Project Expenses</b>			8,590.00		8,590.00
<b>Total Expenses</b>					<b>8,590.00</b>
<b>Total Bill Task: 800 - Server Replacement - 003996v3</b>					<b>8,590.00</b>

Total Project: BHWD700 - Billings Height Water Project Svcs

8,746.25



**RAFTELIS**  
 227 W. Trade St  
 Suite 1400  
 Charlotte, NC 28202



Peyton Brookshire  
 Assistant Manager  
 Billing Heights, County Water District of  
 1540 Popelka Dr.  
 Billings, MT 59105

March 10, 2022  
 Invoice No: 22676

Project R-5507MT21.01 Billings Heights-Water Contract & Billings Water Rate Study Review  
Professional Services from February 1, 2022 to February 28, 2022

**Professional Personnel**

	Hours	Rate	Amount	
Vice-President				
Smith, Harold	2.00	310.00	620.00	
Sr. Manager				
Rheem, Andrew	10.50	275.00	2,887.50	
Totals	12.50		3,507.50	
<b>Total Professional Fees</b>				<b>3,507.50</b>

Technology & Communication Charge  
 125.00  
 125.00      125.00

Contract	Current	Prior Billings		
Total Billings	3,632.50	24,220.70	27,853.20	
Contract Ceiling			50,000.00	
Remaining			22,146.80	
			<b>Total this Invoice</b>	<b>\$3,632.50</b>

Billings to Date	Current	Prior	Total	Received	A/R Balance
	3,632.50	24,220.70	27,853.20	24,220.70	3,632.50

MAR 15 PAID  
 MBR: \_\_\_\_\_ BU. MBR \_\_\_\_\_  
 No. 17734 Date Pd. 3-15-2022

Tire-Rama Service Center  
1001 East Main  
BILLINGS MT 59105



Store Phone: 406-245-2868  
www.tirerama.com

**ORIGINAL INVOICE 103 0025673**

Customer No: 709947  
COUNTY WATER DISTRICT OF  
BILLINGS HEIGHTS  
1540 POPELKA DRIVE  
BILLINGS MT 59105

Deliver To: CTY WATER DIST- HGTS  
LES AARNES  
1540 POPELKA  
BILLINGS MT 59105  
Cell: 4062520539  
Email:

Date:	1:26p @ 03/11/22	Other Reference:	License / Unit:	LOOSE MT /
Salesperson:	GAGE C PASSON	Planner ID: 26292	VIN:	
Purchase Order:		Mileage:		

Tech	Product	Description	Unit	Qty	Ex FET	FET	Price	Amount
W/ORDER: 026075								
TIRE REPAIR								
7833	*DW201	TIRE REPAIR loose: nail		1				
		Sub Total:						20.00

We thank you for your business!

SEE NEXT PAGE FOR SALES AGREEMENT AND WARRANTY

Sales Tax 0.00

<b>TOTAL \$</b>	<b>20.00</b>
-----------------	--------------

Signature: \_\_\_\_\_

Payments due for this invoice: 04/10/2022 20.00

MAR 15 PAID

MBR: \_\_\_\_\_ BU. MBR \_\_\_\_\_  
No. 1735 Date Pd. 3/15/2022



**BlueCross BlueShield of Montana**  
P.O. Box 7982  
Helena, MT 59604-7982

PROFILE # 0000609914

ATTN: DUKE NIESKENS

COUNTY WATER DISTRICT OF BILLINGS HEIGHT  
1540 POPELKA DR  
BILLINGS MT 59105-4468



2351

About the Bill...

Each section of the bill will provide you with information to reflect the status of your Account's enrollment as of the date the billing was prepared. Additions, cancellations, terminations, adjustments, and other needed information will be clearly identified so that you can prepare your Account's payment for the forthcoming period with a minimum of time and effort.

How to Read the Bill...

The bill is divided into three sections:

- The Bill Summary,
- Subscriber Fees List,
- Rate and Exposure Tables

Also, included with your bill is a Payment Coupon.

Bill Summary:

The first line in the summary is the amount due from the previous bill. All activities such as payments and adjustments are individually listed. Charges included in the billing period are summarized by Current Subscriber Fees, which represent the fees calculated for the current bill period, and Subscriber Fee Adjustments, which represent adjustments to prior periods occurring since the last bill. The last line of the summary indicates the total amount due.

Subscriber Fees:

Each of your subscribers will be identified on this report. Columns will identify the appropriate Category, Product, Rate Tier, and Rate for each subscriber. In addition, an explanation is provided for any adjustments to the subscriber fee.

Rate Table:

The Rate Table will confirm the charged rates for the latest billing period by rate structure and product.

Exposure Table:

The Exposure table will summarize the number of members by product and rate structure relative to your account in effect at the end of this billing period. In addition, if the family unit is split between Non-Medicare and Medicare Primary, their counts will appear in the Split row. This will provide you with verification that all of your subscribers have been accounted for on the bill.

Payment Coupon:

When returned to us with your payment, the Payment Coupon will enable us to more quickly credit your account. Simply fill in the dollar amount of your payment and return the coupon with your check in the envelope provided, making sure our address shows through the window.



A Division of Health Care Service Corporation, a Mutual Legal Reserve Company,  
an Independent Licensee of the Blue Cross and Blue Shield Association

Remittance Address:  
Blue Cross and Blue Shield  
of Montana  
P. O. Box 650615  
Dallas, TX 75265-0615

For All Billing Inquiries Call:  
800-414-7147

Account:	X3A953 - COUNTY WATER DISTRICT OF BILLINGS HEIGHTS	
Profile:	0000609914 - ALL SUBSCRIBERS	2351
Bill Date:	03-11-2022	Payment Due Date: 04-01-2022
Bill Period:	04-01-2022 to 05-01-2022	
		Page 2

**BILL SUMMARY**

**Previous Amount Billed**

Payments	Date	Activity	Total Due
Online Bill Payment	02-28-2022	(15,454.93 )	\$15,454.93
Adjustments			
NONE		.00	
<b>Total Payments and Adjustments</b>			<b>(\$15,454.93)</b>
<b>Remaining Balance</b>			<b>\$ .00</b>
<b>Charges</b>			
Current Charges		15,454.93	
Subscriber Fee Adjustments		.00	
<b>Total Fees</b>			<b>\$15,454.93</b>
<b>Total Amount Due</b>			<b>\$15,454.93</b>



**Blue Cross Blue Shield of Montana**  
 A Division of Health Care Service Corporation, a Mutual Legal Reserve Company,  
 an Independent Licensee of the Blue Cross and Blue Shield Association

Remittance Address  
 Blue Cross and Blue Shield  
 of Montana  
 P. O. Box 650615  
 Dallas, TX 75265-0615

Account: X3A953 - COUNTY WATER DISTRICT OF BILLINGS HEIGHTS  
 Profile: 0000609914 - ALL SUBSCRIBERS  
 Bill Date: 03-11-2022 Payment Due Date:  
 Bill Period: 04-01-2022 to 05-01-2022

2351  
 Page  
 3

For All Billing Inquiries Call:  
 800-414-7147

**SUBSCRIBER FEES**

SUBSCRIBER	NAME	CAT	HEALTH		DENTAL		CHANGE REASON	RETRO FEE ADJUST	CURRENT CHARGES	TOTAL CHARGES
			PRODUCT	TIER	PRODUCT	TIER				
000880040941	BROOKSHIRE, DAVID P.	0000	0007-PPO	SUB				948.21	948.21	
000880040941	BROOKSHIRE, KELLY M.	0000	0007-PPO	SPS				556.84	556.84	
000840207120	CREESE, JOY D.	0000	0007-PPO	SUB				1,394.43	1,394.43	
000840207120	CREESE, SILAS R.	0000	0007-PPO	SPS				1,394.43	1,394.43	
000840207124	FUHRMAN, QUIN T.	0000	0007-PPO	SUB				630.75	630.75	
000840207124	FUHRMAN, HEATHER L.	0000	0007-PPO	SPS				586.59	586.59	
000840207124	FUHRMAN, CASH W.	0000	0007-PPO	DEP				355.58	355.58	
000840207124	FUHRMAN, HARLOW E.	0000	0007-PPO	DEP				355.58	355.58	
000821632321	MCCAFFREE, CLAY J.	0000	0007-PPO	SUB				571.72	571.72	
000821632321	MCCAFFREE, ANDREA	0000	0007-PPO	SPS				575.43	575.43	
000821632321	MCCAFFREE, RAFF	0000	0007-PPO	DEP				355.58	355.58	
000821632321	MCCAFFREE, HAYDEN	0000	0007-PPO	DEP				355.58	355.58	
000839919995	MCKETHEN, SUZANNE M.	0000	0007-PPO	SUB				1,335.40	1,335.40	
000840207117	REICHENBACH, ANDY W.	0000	0007-PPO	SUB				830.15	830.15	
000840207117	REICHENBACH, TINA L.	0000	0007-PPO	SPS				759.96	759.96	
000840207117	REICHENBACH, SHELBY E.	0000	0007-PPO	DEP				464.81	464.81	
000840207126	SIMPSON, JOSHUA C.	0000	0007-PPO	SUB				564.28	564.28	
000840207126	SIMPSON, MARANDA J.	0000	0007-PPO	SPS				594.03	594.03	
000840207126	SIMPSON, ETHAN C.	0000	0007-PPO	DEP				355.58	355.58	
000840207126	SIMPSON, JACOB L.	0000	0007-PPO	DEP				355.58	355.58	
000840207126	SIMPSON, EVELYN G.	0000	0007-PPO	DEP				355.58	355.58	
000824885800	WESKAMP, COLTON	0000	0007-PPO	SUB				520.12	520.12	
000824885800	WESKAMP, WESTON	0000	0007-PPO	DEP				355.58	355.58	
000824885800	WESKAMP, MELANIE	0000	0007-PPO	SPS				527.56	527.56	
000824885800	WESKAMP, WYATT R.	0000	0007-PPO	DEP				355.58	355.58	

<b>SUB TOTAL FOR BEN AGMT: 7 - P910PFR</b>		<b>15,454.93</b>	<b>15,454.93</b>
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<b>TOTAL FEES</b>		<b>15,454.93</b>	<b>15,454.93</b>
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*Please tear off and return the coupon below with your payment.*



**BlueCross BlueShield  
of Montana**

A Division of Health Care Service Corporation, a Mutual Legal Reserve Company,  
an Independent Licensee of the Blue Cross and Blue Shield Association

Corp Code: MT1  
Account Number: X3A953  
Profile Number: 0000609914  
Account Name: COUNTY WATER DISTRICT OF BILLINGS HEIGHTS  
03/12/22

Blue Cross and Blue Shield  
of Montana  
P.O. Box 650615  
Dallas, TX 75265-0615

RECONCILIATION (to be completed by customer)	
Total Amount Due:	_____ \$15,454.93
Please indicate amount paid:	_____
To avoid delays in processing your Membership Changes, please do not include them with your payment.	

DO NOT WRITE BELOW THIS LINE

MT1 000X3A953 5 0000609914 7 20220401 0000001545493 00110 0000000000 04

# municode

## INVOICE

P.O. Box 2235 Tallahassee, FL 32316  
 info@municode.com • 800.262.2633

**Bill To:**

County Water District of Billings Heights, Montana  
 pamellis50@gmail.com  
 1540 Popelka Drive  
 Billings, MT 59105

Invoice Number	00371062
Invoice Date	3/16/2022
PO Number	
Customer ID	70-798
Payment Terms	Net 30

Quantity	Description	Unit Price	Extended Price
1	Municode Meetings Subscription 3/01/2022 to 2/28/2023	\$2,400.000	\$2,400.00
			<b>Total Credit</b>
LESS CREDIT ON ACCOUNT			\$0.00



*Please note, CivicPlus, LLC as the acquirer and sole parent company of Municode, LLC shall become the billing entity and payee for all Municode services starting April 2022. If you have any questions, or need any further information, please contact [accounting@civicplus.com](mailto:accounting@civicplus.com)*

MAR 16 PAID  
 MBR: \_\_\_\_\_ DU. MBR \_\_\_\_\_  
 No.: 17736 Date Pd.: 3-16-2022

**EFT Payment Instructions**  
 Bank Name: Hancock Whitney Bank  
 ABA Routing Number: 0210-5205-3  
 Account Number: 22937310  
 Account Name: Municipal Code Corporation

**Check Payment Instructions**  
 Payee: Municode  
 Mailing Address: PO Box 2235  
 Tallahassee, FL 32316-2235  
 FEIN: 59-0649026

Subtotal	\$2,400.00
Discount	\$0.00
Freight	\$0.00
Tax	\$0.00
<b>Total</b>	<b>\$2,400.00</b>



514 North 32nd St.  
Billings, MT 59101  
406-245-3029

DATE	INVOICE #
3/10/2022	56656

BILL TO
Billings Heights Water Dist. 1540 Popelka Drive Billings, MT 59105

SHIP TO
Billings Heights Water Dist. 1540 Popelka Drive Billings, MT 59105

P.O. NO.	TERMS	REP	Call #	Order #
	Net 30	RH		
QUANTITY	DESCRIPTION		RATE	AMOUNT
1	HP 824A - Cyan - original - LaserJet - toner cartridge (CB381A) - for Color LaserJet CM6030, CM6040, CP6015		416.00	416.00
1	HEWCB384A HP 824A, (CB384A) LaserJet 824A Imaging Drum Black		178.00	178.00
1	HP 824A - Yellow - original - LaserJet - toner cartridge (CB382A) - for Color LaserJet CM6030, CM6040, CP6015		416.00	416.00
1	HP 824A - Yellow - original - drum kit - for Color LaserJet CM6030, CM6040, CP6015		440.00	440.00
1	HP 824A - Magenta - original - drum kit - for Color LaserJet CM6030, CM6040, CP6015		440.00	440.00
1	Model:HP CLJ CM6040 Serial # JPCCD3Y0SC Page Count: 287,870 Problem: Install transfer belt Contact / Location:		85.00	85.00
Replace transfer belt, clean transfer roller, optics, feed rollers, ADF feed and interiors. Test. Checks OK				
Thank You for your Business			<b>Total</b>	\$1,975.00

MAR 2022 RECEIVED  
MAR 16 PAID  
MBR: \_\_\_\_\_ BU. MBR \_\_\_\_\_  
No.: 17737 Date pd. 3-16-2022

A Finance Charge of 1.5%, 18% annually, may be applied to past due balances.

Please Remit To: Western Office Equipment PO Box 1822 Billings, MT 59103



3/18/2022

Ascensus Trust Co

\*\*1,741.73

One Thousand Seven Hundred Forty-One and 73/100\*\*\*\*\*

Ascensus Trust Co  
P. O. Box 36472  
Newark, NJ 07188-6472

Ascensus Trust Co  
401 (K) Profit Sharing  
401(K) Employer

3/18/2022

993.76  
747.97

OPERATIONS & MAI

1,741.73

Ascensus Trust Co  
401 (K) Profit Sharing  
401(K) Employer

3/18/2022

993.76  
747.97

OPERATIONS & MAI

1,741.73

### AFR Notification

From: MCB\_ACH\_DBD@Ascensus.com (mcb\_ach\_dbd@ascensus.com)  
To: cwaterdistrict@yahoo.com  
Date: Thursday, March 17, 2022, 09:20 AM MDT

Your plan: COUNTY WATER DISTRICT OF BILLINGS HEIGHTS PSP; 259835

Your payroll information has been received.

This e-mail address was designed for the delivery of information only. Please do not send responses to this address since we cannot guarantee that your e-mail will be received. Please call 888-652-8087 with questions or to take further action. Thank you.

## Ascensus

Package # 46858987  
March 17, 2022  
11:20 AM

# Automated Funding Request Fisher Investments Fee Based RK Only

Client Service Team 1-888-652-8087

To: cwater district  
Email: cwaterdistrict@yahoo.com  
Plan Name: COUNTY WATER DISTRICT OF BILLINGS HEIGHTS PSP  
Plan Number: 259835  
Payroll: 03/18/2022  
Site: P - Employer Contributions

### Funding Confirmation

EMPLOYER MATCH: \$747.97  
EMPLOYER PROFIT SHARING: \$993.76

**Total Amount of Funding Due: \$1,741.73**

Funding Method: ACH Ascensus Initiated Payment

### Please Note:

- As per prior authorization, your account will be automatically debited in order to fund this payroll submission.
- The Payroll Period of March 18, 2022 for Employer Contributions has been assigned to this submission based on your payroll calendar and/or your transmittal information.

**Guardian**

# Billing Statement

For Period 04/01/22 to 04/30/22  
 Statement Date: 03/16/22

## Payment Summary

Payment Received 02/16/22	-2,084.50
No Outstanding Balance As Of 3/16/22	0.00
Current Premium	1,709.60
<b>Total Payment Due 4/01/22</b>	<b>\$1,709.60</b>

Approval:

*Planholder use only\**

## Summary of Activity this Period

Coverage	Previous No. Ins.	Adds.	Terms.	Current No. Ins.	Current Premiums	Premium Adjustments
Basic Term Life	8	0	0	8	\$52.40	\$0.00
Dental	8	0	0	8	\$1,078.14	\$0.00
Ltd	8	0	0	8	\$205.94	\$0.00
Sid	8	0	0	8	\$168.96	\$0.00
Vision	8	0	0	8	\$204.16	\$0.00
<b>TOTAL</b>					<b>\$1,709.60</b>	<b>\$0.00</b>

## Summary of Current Premiums by Rate Class

Coverage	Emp	Fam	Emp/Sp	Total
Basic Term Life	\$52.40	\$0.00	\$0.00	\$52.40
Dental	\$42.63	\$746.40	\$289.11	\$1,078.14
Ltd	\$205.94	\$0.00	\$0.00	\$205.94
Sid	\$168.96	\$0.00	\$0.00	\$168.96
Vision	\$25.26	\$133.00	\$45.90	\$204.16
<b>TOTAL</b>	<b>\$495.19</b>	<b>\$879.40</b>	<b>\$335.01</b>	<b>\$1,709.60</b>



### Planholder Reference

DUKE NIESKENS  
 COUNTY WATER DISTRICT OF  
 BILLINGS HEIGHTS  
 Group ID: 00 769889  
 Division ID: 0000  
 RHO: SP  
 RGO: 204  
 A/R: WWA

Log on to  
[www.GuardianAnytime.com](http://www.GuardianAnytime.com)

Check or make changes to members' eligibility, view and pay bills and more.

Log on or register in two minutes at [www.GuardianAnytime.com](http://www.GuardianAnytime.com)

Please detach and return with payment

## Payment Coupon

**Due Date: 04/01/22**  
**Payment Due: \$1,709.60**



DUKE NIESKENS  
 COUNTY WATER DISTRICT OF  
 BILLINGS HEIGHTS  
 1540 POPELKA DR  
 BILLINGS, MT 59105

- Please do not write on payment coupon. If you have changes, please submit them via Guardian Anytime or submit on Change Report.
- For fast and easy payment, submit via [www.guardiananytime.com](http://www.guardiananytime.com), or detach and send Payment Coupon and your check made payable to Guardian in the enclosed envelope to: GUARDIAN, P O BOX 824404, PHILADELPHIA, PA 19182-4404.

**Group ID: 00 769889**  
**Division: 0000**  
 A/R: WWA



### Notices For COUNTY WATER DISTRICT OF

- To ensure continued coverage and claims service, payments must be received in our office by the end of your grace period.
- For the quickest and easiest way to pay your bill or manage member changes, go to [www.GuardianAnytime.com](http://www.GuardianAnytime.com). Simplified, secure benefits administration is available 24/7. If you aren't already registered, go to [www.GuardianAnytime.com](http://www.GuardianAnytime.com).
- The Guardian Life Insurance Company of America ("Guardian") Annual Election of Directors

Guardian® is a mutual company. As such, all participating policyholders are entitled and encouraged to vote in Guardian's Annual Election of Directors which is held on the second Wednesday of December of each year from 10:00 a.m. to 4:00 p.m. (ET). Every policyholder of the Company as defined in the Insurance Law of the State of New York ("NY Insurance Law") whose policy or contract is in force and has been in force for at least one year prior thereto is entitled to one vote only irrespective of the number of policies or contracts held at each such Annual Election either in person, by mail or by proxy, as provided by the NY Insurance Law.

NY Insurance Law provides that at least seven months prior to the date of any election of directors of a mutual company, its board of directors shall nominate candidates for every vacancy to be filled at such election. Independent nominations may be made by groups of policyholders, pursuant to Section 4210 of the NY Insurance Law, at least five months before any Annual Election.

Proxies may be obtained from the Office of the Corporate Secretary at the Company's principal office located at 10 Hudson Yards, New York, New York 10001 or through the Corporate Governance section of Guardian's website at [www.Guardianlife.com/corporate-governance](http://www.Guardianlife.com/corporate-governance). If additional information is desired regarding Guardian's Annual Election, please contact the Corporate Secretary at the address listed above.

Guardian® is a registered trademark of The Guardian Life Insurance Company of America.



Visit our secure website at [www.guardiananytime.com](http://www.guardiananytime.com)

- View bill online without the wait for mail
- Submit changes and make payments

GUARDIAN  
P O BOX 824404  
PHILADELPHIA, PA 19182-4404

**Please make sure the Guardian address is visible through the return envelope window.**



### Current Premiums

Employee	Basic Term Life Premium	Dental Premium	Ltd Premium	Sid Premium	Vision Premium	Total Premium
Brookshire, David P	6.00	96.37 Emp/Sp	42.49	26.65	22.95 Emp/Sp	\$194.46
Greer, Joy D	14.60	96.37 Emp/Sp	40.52	27.48	22.95 Emp/Sp	\$201.92
Fuhrman, Quin T	2.30	186.60 Fam	16.82	18.57	33.25 Fam	\$257.54
Mccaffree, Clay J	1.80	186.60 Fam	13.84	16.94	33.25 Fam	\$252.43
Mickethen, Suzanne M	18.80	42.63 Emp	38.00	25.76	12.63 Emp	\$137.82
Reichenbach, Andy W	6.00	186.60 Fam	34.81	21.84	33.25 Fam	\$282.50
Simpson, Joshua C	1.80	186.60 Fam	13.84	16.94	33.25 Fam	\$252.43
Westkamp, Colton	1.10	96.37 Emp/Sp	5.62	14.78	12.63 Emp	\$130.50
<b>TOTAL</b>	<b>\$52.40</b>	<b>\$1,078.14</b>	<b>\$205.94</b>	<b>\$168.96</b>	<b>\$204.16</b>	<b>\$1,709.60</b>
<b>Total Current Premium</b>	<b>\$52.40</b>	<b>\$1,078.14</b>	<b>\$205.94</b>	<b>\$168.96</b>	<b>\$204.16</b>	<b>\$1,709.60</b>







855 Front Street | P.O. Box 4759 | Helena, MT 59604-4759  
 Phone 800-332-6102 or 406-495-5000 | Fax 406-495-5020  
 Fraud 888-MT-CRIME or 888-682-7463 | TDD/TTY 406-495-5030  
 montanastatefund.com | safemt.com

Item 13.



**Policy Invoice**

COUNTY WATER DISTRICT OF BILLINGS HEIGHT  
 1540 POPELKA DR  
 BILLINGS MT 59105

**Policy #:** 03-109951-8  
**Invoice Date:** 03/14/2022  
**Team:** Premier  
**Invoice #:** 13159890  
**Policy Status:** Active



	<b>Due Date</b>	<b>Amount</b>
<b>Past Balance:</b>		\$0.00
<b>Current Balance:</b>	04/08/2022	\$938.35
<b>Total:</b>		\$938.35

**\*\*Save a stamp! Making an online payment is easy at Montanastatefund.com\*\*** Your insurance protection is important to us. In order to maintain uninterrupted coverage, your payment must be received by Montana State Fund by the due date.

The amounts listed below include DLI Assessments

Date	Transaction	Installment # / Period	Amount
02/14/2022	Balance Forward from last Invoice		\$938.35
02/24/2022	Electronic Payment Received - THANK YOU		\$-938.35
03/01/2022	Installment	3 of 10 / (01/01/2022 - 01/01/2023)	\$938.35
<b>TOTAL:</b>			<b>\$938.35</b>

CF290A Rev 06/2020

Return the portion below with your payment.

**This is not a payment request. The amount due will be deducted from your account per your authorized agreement.**



031099518 0000093835 0013159890



**Hendrickson Law Firm, P.C.**  
 P.O. Box 2502, Billings, MT 59103-2502  
 Office: (406) 245-6238  
 Fax: (406) 245-6253  
 www.hendricksonlawmt.com



Bill to:  
**County Water District of Billings Heights**

cowaterdistrict@yahoo.com

**JS Director suit 5117**

**INVOICE**

March 01, 2022 - March 31, 2022

Invoice Date April 04, 2022  
 Invoice Number 24758  
 Due Date April 19, 2022  
 Payment Terms Next 15 days

**Account Summary**

Previous Balance \$1,246.24  
 Payments Received (\$1,246.24)  
 Outstanding Balance \$0.00  
 Current Invoice \$665.01

**Total Due \$665.01**

Pay Online  
 Click the link or scan the code  
 with your device to pay online.



<https://firmcentral.westlaw.com/pay/7B2ATND>

**Fee Detail**

Date	Description	Hours	Rate	Total
3/1/2022 JS	Teleconference with opposing counsel re status (Plaintiffs' discovery responses will be delivered this week). Research law re public meeting notice requirements.	0:15	\$185.00/hr	\$46.25
3/2/2022 JS	Teleconference with Mr. Cabrera re status and regarding plaintiffs' ideas re mediation.	0:05	\$185.00/hr	\$15.42

APR 5 2022  
 NBR: \_\_\_\_\_ of NBR \_\_\_\_\_  
 No: 17760 Date Pd: 4/5/2022


Date		Description	Hours	Rate	Total
3/8/2022	JS	Prepare Initial Disclosure. Conference with Mr. Noennig re Initial Disclosure. Email communication to opposing counsel re discovery response deadline. Revise, and email communication to Mr. Cabrera re, proposed Initial Disclosures.	1:30	\$185.00/hr	\$277.50
3/8/2022	MEN	Review of Initial Disclosure	0:24	\$275.00/hr	\$110.00
3/9/2022	JS	Conference with Mr. Cabrera re Initial Disclosures and status. Finalize, serve, and email to Mr. Dugger re Initial Disclosures.	0:25	\$185.00/hr	\$77.08
3/11/2022	JS	Review, and conference with Mr. Noennig re, Plaintiffs' discovery responses.	0:20	\$185.00/hr	\$61.67
3/14/2022	JS	Email communication from Mr. Noennig re Plaintiffs' discovery responses.	0:05	\$185.00/hr	\$15.42
3/16/2022	JS	Review Plaintiffs' discovery responses. Consider strategy.	0:20	\$185.00/hr	\$61.67
<b>Hours Total</b>			<b>3:24</b>	<b>Fee Total</b>	<b>\$665.01</b>

**Expense Detail**

Date	Description	Quantity	Rate	Total
<i>No expenses have been charged for this invoice.</i>				
<b>Expenses Total</b>				<b>\$0.00</b>

Fees	\$665.01
Expense	\$0.00
<b>Current Due</b>	<b>\$665.01</b>
Outstanding Balance	\$0.00
<b>Total Due</b>	<b>\$665.01</b>

**JS Director suit 5117**  
**County Water District of Billings Heights**

<b>Due Date</b>	April 19, 2022
<b>Invoice #</b>	24758
<b>Total Due</b>	<b>\$665.01</b>
<b>Amount Paid</b>	\$ <input type="text"/>
<b>Pay Online</b> Click the link or scan the code with your device to pay online.	
<a href="https://firmcentral.westlaw.com/pay/7B2ATND">https://firmcentral.westlaw.com/pay/7B2ATND</a>	

Make payment to:

**Hendrickson Law Firm, P.C.**  
P.O. Box 2502, Billings, MT 59103-2502

**Hendrickson Law Firm, P.C.**  
P.O. Box 2502, Billings, MT 59103-2502  
Office: (406) 245-6238  
Fax: (406) 245-6253  
www.hendricksonlawmt.com



Bill to:  
**County Water District of Billings Heights**

cowaterdistrict@yahoo.com

**MN General 5081**

**INVOICE**

March 01, 2022 - March 31, 2022

Invoice Date April 04, 2022  
Invoice Number **24632**  
Due Date April 19, 2022  
Payment Terms Next 15 days

**Account Summary**

Previous Balance	\$3,093.46
Payments Received	(\$3,093.46)
Outstanding Balance	\$0.00
Current Invoice	\$2,074.63
<b>Total Due</b>	<b>\$2,074.63</b>

Pay Online  
Click the link or scan the code  
with your device to pay online.



<https://firmcentral.westlaw.com/pay/1C2ATF3>

**Fee Detail**

Date		Description	Hours	Rate	Total
3/1/2022	JS	Email communication from Mr. Noennig re documentation of settlement with City. Review and comment on current draft of proposed settlement documentation.	0:33	\$185.00/hr	\$101.75
3/1/2022	MEN	Email from and to Laura regarding settlement agreement	0:24	\$275.00/hr	\$110.00

0 5 PAID  
17760 Date Pd. 4/5/2022

April 04, 2022

Date		Description	Hours	Rate	Total
3/2/2022	JS	Review email communication from Mr. Noennig re slightly revised settlement documentation in City case. Review email communication from opposing counsel re trial court's order in McDaniel v. City of Billings.	0:10	\$185.00/hr	\$30.83
3/3/2022	MEN	Revision of settlement agreement, email to committee members	0:30	\$275.00/hr	\$137.50
3/4/2022	MEN	Email to committee regarding approval request	0:18	\$275.00/hr	\$82.50
3/7/2022	JS	Email communication from Mr. Noennig re final form of settlement documentation to be presented to City and District.	0:05	\$185.00/hr	\$15.42
3/11/2022	MEN	Review of email and agenda and email response	0:24	\$275.00/hr	\$110.00
3/14/2022	MEN	Email from and to Pam regarding software claim	0:24	\$275.00/hr	\$110.00
3/16/2022	JS	Review email communication from Ms. Ellis re email communication from Mr. Zurbulen re board secretary functions. Conference with Mr. Noennig re issues (including interest rate laws). Conference with Mr. Noennig re issues and his preparations for District Board Meeting.	0:30	\$185.00/hr	\$92.50
3/16/2022	MEN	Prepare for and attend Board meeting regarding litigation settlement	2:00	\$275.00/hr	\$550.00
3/17/2022	JS	Email communication from Mr. Noennig re issues of interest on debt and statute of limitation.	0:05	\$185.00/hr	\$15.42
3/17/2022	MEN	Legal research regarding the statute of limitations, email to attorney James	0:36	\$275.00/hr	\$165.00
3/25/2022	MEN	Phone conference with attorney James	0:18	\$275.00/hr	\$82.50
3/28/2022	MEN	Email from and phone conference with attorney James, calculate statute of limitations deductions, email to client	0:54	\$275.00/hr	\$247.50
3/29/2022	MEN	Email from and to attorney James regarding statute of limitations, research cited case	0:45	\$275.00/hr	\$206.25
<b>Hours Total</b>			<b>7:56</b>	<b>Fee Total</b>	<b>\$2,057.17</b>

**Expense Detail**

Date		Description	Quantity	Rate	Total
3/31/2022	ACCT	Westlaw	0	\$0.00	\$17.46
				<b>Expenses Total</b>	<b>\$17.46</b>

Fees	\$2,057.17
Expense	\$17.46
<b>Current Due</b>	<b>\$2,074.63</b>
Outstanding Balance	\$0.00
<b>Total Due</b>	<b>\$2,074.63</b>

**MN General 5081**  
**County Water District of Billings Heights**

<b>Due Date</b>	April 19, 2022
<b>Invoice #</b>	24632
<b>Total Due</b>	<b>\$2,074.63</b>

**Amount Paid**

Make payment to:

**Hendrickson Law Firm, P.C.**  
P.O. Box 2502, Billings, MT 59103-2502

Pay Online  
Click the link or scan the  
code with your device to pay  
online.



<https://firmcentral.westlaw.com/pay/1C2ATF3>



RONALD REAGAN  
710 WICKS LN  
BILLINGS, MT 59105-9998  
(800)275-8777

03/21/2022 01:04 PM

Product	Qty	Unit Price	Price
U.S. Flags Coil	6	\$58.00	\$348.00
US Flags Bklt/20	4	\$11.60	\$46.40
PurpleHeartMedal	6	\$0.58	\$3.48
Forever Love 2022	4	\$0.58	\$2.32
Grand Total:			\$400.20
Cash			\$0.04
Cash			\$0.16
PersonalBusinessCheck			\$400.00

\*\*\*\*\*  
 Every household in the U.S. is now  
 eligible to receive a second set  
 of 4 free test kits.  
 Go to [www.covidtests.gov](http://www.covidtests.gov)  
 \*\*\*\*\*

Preview your Mail  
 Track your Packages  
 Sign up for FREE @  
<https://informedelivery.usps.com>

All sales final on stamps and postage.  
 Refunds for guaranteed services only.  
 Thank you for your business.

Tell us about your experience.  
 Go to: <https://postalexperience.com/Pos>  
 or scan this code with your mobile device,



or call 1-800-410-7420.

UFN: 290781-0117  
 Receipt #: 840-55900497-4-4109952-1  
 Clerk: 11







RONALD REAGAN  
710 WICKS LN  
BILLINGS, MT 59105-9998  
(800)275-8777

09/02/2021 02:18 PM

Product	Qty	Unit Price	Price
Priority Mail® 2-Day 1 Helena, MT 59620 Weight: 0 lb 14.70 oz Expected Delivery Date Tue 09/07/2021 Tracking #: 9505 5122 4134 1245 4932 23 Insurance Up to \$50.00 included			\$8.10 \$0.00
<b>Total</b>			<b>\$8.10</b>
<b>Grand Total:</b>			<b>\$8.10</b>
Cash			\$8.25
Change			-\$0.15

\*\*\*\*\*  
USPS is experiencing unprecedented volume increases and limited employee availability due to the impacts of COVID-19. We appreciate your patience.  
\*\*\*\*\*

Text your tracking number to 28777 (2USPS) to get the latest status. Standard Message and Data rates may apply. You may also visit [www.usps.com](http://www.usps.com) USPS Tracking or call 1-800-222-1811.

Save this receipt as evidence of

PETTY CASH VOUCHER

DATE: 9-2-21

RECEIVED FROM: \_\_\_\_\_

AMOUNT: 8.10

FOR: Postage

SIGNED: [Signature]

\$ 8.10 CHARGED TO: \_\_\_\_\_

APPROVED: D.N.

8.10+  
10.00+  
2.00+  
20.10+  
8320 5.40+  
4520 5.00+  
30.50\*

PETTY CASH VOUCHER

DATE: 4-6-2021

RECEIVED FROM: Petty Cash

AMOUNT: \_\_\_\_\_

FOR: pkg to DEQ - CCR

SIGNED: \_\_\_\_\_

\$ 2.00 CHARGED TO: 8310

APPROVED: \_\_\_\_\_



RONALD REAGAN  
710 WICKS LN  
BILLINGS, MT 59105-9998  
(800)275-8777

04/06/2021 12:58 PM

Product	Qty	Unit Price	Price
First-Class Mail® Large Envelope	1		\$2.00
Helena, MT 59620 Weight: 0 lb 5.50 oz Estimated Delivery Date Fri 04/09/2021			

Grand Total: \$2.00

Cash \$5.00  
Change -\$3.00

\*\*\*\*\*  
USPS is experiencing unprecedented volume increases and limited employee availability due to the impacts of COVID-19. We appreciate your patience.  
\*\*\*\*\*

Preview your Mail  
Track your Packages  
Sign up for FREE @

PETTY CASH VOUCHER

DATE: 7-29-21

RECEIVED FROM: \_\_\_\_\_

AMOUNT: 10.00

FOR: Postage Stamps

SIGNED: [Signature]

\$ 10.00 CHARGED TO: \_\_\_\_\_

APPROVED D.N.



RONALD REAGAN  
710 WICKS LN  
BILLINGS, MT 59105-9998  
(800)275-8777

07/29/2021 11:19 AM

Product	Qty	Unit Price	Price
Barns Coil	10	\$36.00	\$360.00

Grand Total: \$360.00

Personal/Bus Check \$360.00

check 17967 350.00  
10.00

\*\*\*\*\*  
USPS is experiencing unprecedented volume increases and limited employee availability due to the impacts of COVID-19. We appreciate your patience.  
\*\*\*\*\*

Preview your Mail  
Track your Packages  
Sign up for FREE @

COUNTY WATER DISTRICT OF BILLINGS HEIGHTS / OPERATIONAL AND MAINTENANCE FUND

17740

COUNTY WATER DISTRICT OF BILLINGS HEIGHTS  
8300 · PURCHASED SERVICES:8310 ·  
8300 · PURCHASED SERVICES:8320 ·  
8500 · FIXED CHARGES:8520 · MISCEL

3/21/2022

20.10  
5.40  
5.00

OPERATIONS & MAI    PETTY CASH

30.50

COUNTY WATER DISTRICT OF BILLINGS HEIGHTS / OPERATIONAL AND MAINTENANCE FUND

17740

COUNTY WATER DISTRICT OF BILLINGS HEIGHTS  
8300 · PURCHASED SERVICES:8310 ·  
8300 · PURCHASED SERVICES:8320 ·  
8500 · FIXED CHARGES:8520 · MISCEL

3/21/2022

20.10  
5.40  
5.00

PAYMENT  
RECORD

OPERATIONS & MAI    PETTY CASH

30.50



**PLEASE MAIL PAYMENTS TO:**  
 INTERSTATE ENGINEERING, INC.  
 PO BOX 2035 • JAMESTOWN, ND 58402  
 PH. 701.252.0234

County Water District of Billings Heights  
 1540 Popelka Drive  
 Billings, MT 59105

March 16, 2022  
 Project No: Y2101091.01  
 Invoice No: 46545

Preparation of a Rate Study and Capital Improvements Plan (CIP)  
 Billings, Montana  
Professional Services from February 13, 2022 to March 12, 2022  
**Professional Personnel**

	Hours	Rate	Amount	
ENG I	12.50	98.00	1,225.00	
ENG III	28.50	165.00	4,702.50	
ENG V	.50	206.00	103.00	
PLANNER IV	.50	165.00	82.50	
TECH IV	2.00	132.00	264.00	
TECH V	10.00	142.00	1,420.00	
<b>Totals</b>	<b>54.00</b>		<b>7,797.00</b>	
<b>Total Labor</b>				<b>7,797.00</b>

Billing Limits	Current	Prior	To-Date	
Total Billings	7,797.00	47,597.12	55,394.12	
Limit			180,000.00	
Remaining			124,605.88	
<b>Total this Invoice</b>				<b>\$7,797.00</b>

Interest of 1.5% per month will be applied to all invoices over 60 days old.

Please call me if you have any questions regarding this invoice.

*Lowell Cutshaw / HES*  
 Lowell Cutshaw, PE  
 406.256.1920



MBR: \_\_\_\_\_ BU. MBR \_\_\_\_\_  
 No.: 1742 Date Pd. 3-22-22





SUZIE MCKETHEN OFFICE  
COUNTY WATER DIST BLS HT



Item 13.

Account Number: ##### 3789  
Open/Close Date: 02/07/2022 - 03/09/2022  
Credit Limit: \$25,000.00  
Available Credit: \$22,576.92  
Cash Advance Limit: \$25,000.00  
Cash Advance Available: \$22,576.92

World MasterCard®

Account Inquiries

Customer Service: 1-888-833-3453  
Lost/Stolen Card: 1-866-839-3485  
International, Call Collect: 727-570-4881  
Direct: 1-406-255-5434

Please Direct Written Inquiries to:  
Customer Service  
PO BOX 30495  
TAMPA, FL 33630-3495

To view or pay your account on-line:

Account Summary

Previous Balance	\$	1,999.97
Purchases	+	2,423.08
Cash	+	0.00
Special	+	0.00
Credits	-	0.00
Payments	-	1,999.97
Other Debits	+	0.00
Finance Charges	+	0.00
<b>NEW BALANCE</b>	<b>\$</b>	<b>2,423.08</b>



0 + 00 \*

2 + 423 + 08 +  
33 + 56 +  
1 + 074 + 36 +  
37 + 50 +

ment Due \$73.00  
04/03/22

Minimum Payment \$ 73.00

MASTERCARD PO BOX 35138 SEATTLE WA 98124-5138

004

3 + 568 + 50 \*

**THE BANK BUSINESS CREDIT CARDS MUST BE ACTIVATED BY CALLING  
WILL BE ASKED TO ENTER THE LAST FOUR DIGITS OF YOUR COMPANY'S TAX ID  
NUMBERS!  
FOR MORE INFORMATION, VISIT WWW.EZCARDINFO.COM, OR CALL 888-216-2893 FOR ADDITIONAL BALANCE INFORMATION AND TO  
SEE YOUR OPTIONS.**

Account Activity Since Your Last Statement

Trans Date	Post Date	Plan Name	Reference Number	Description	Amount
02/10	02/11	PPLN01	72703632041140426289793	DROPBOX*7NYDGDDBM8F*SR DB TT/CHELP DE	19.99
02/11	02/13	PPLN01	82305092042000017855880	ZOOM US 888-799-9666 SAN JOSE CA	46.66
03/01	03/02	PPLN01	55263522060747009514383	YELLOWSTONE VALLEY ELE 4063483411 MT	1,841.48
03/01	03/02	PPLN01	55432862060200285766844	LOWES #00319* BILLINGS MT	514.95
<b>Payments, Adjustments and Others</b>					
02/22	02/22		L02222022080990	PAYMENT - THANK YOU	1,999.97 -

Monthly  
8338  
8341  
8241

**MANAGE YOUR CARD ACCOUNT ONLINE. IT'S FREE! IT'S EASY! SIMPLY GO TO WWW.EZCARDINFO.COM AND ENROLL IN OUR ONLINE SERVICE. YOU CAN REVIEW ACCOUNT INFORMATION, TRACK SPENDING, SET ALERT NOTIFICATIONS, DOWNLOAD FILES, AND MUCH MORE. MANAGING YOUR ACCOUNT IS FAST, SECURE AND EASY WITH EZCARDINFO.COM. ENROLL TODAY!**

**THE TOTAL FINANCE CHARGE PAID ON YOUR ACCOUNT DURING THE PAST YEAR WAS \$0.00.**

PLEASE DETACH COUPON AND RETURN PAYMENT USING THE ENCLOSED ENVELOPE - ALLOW 5 DAYS FOR MAIL DELIVERY



SUZIE MCKETHEN OFFICE  
COUNTY WATER DIST BLS HT

Item 13.

Account Number: ##### 3789  
Open/Close Date: 02/07/2022 - 03/09/2022  
Credit Limit: \$25,000.00  
Available Credit: \$22,576.92

**IMPORTANT INFORMATION**

Finance Charge Calculation Methods and Computation of Average Daily Balance Subject to Finance Charge. The Finance Charge Calculation Method applicable to your account for Cash Advances and Credit Purchases of goods and services that you obtain through the use of your card is specified on the front side of this statement and explained below:

Method A - Average Daily Balance (including current transactions) The Finance Charge on purchases begins from the date the transaction is posted to your account, and the Finance Charge on cash advances begins from the date you obtained the cash advance, or the first day of the billing cycle in which it is posted to your account, whichever is later. There is no grace period.

The Finance Charges for a billing cycle are computed by applying the Periodic Rate to the "average daily balance" of your account. To get the average daily balance, we take the beginning balance of your account each day, add any new purchases or cash advances, and subtract any payments, credits, non-accruing fees, and unpaid finance charges. This gives us the daily balance. Then we add up all the daily balances for the billing cycle and divide the total by the number of days in the billing cycle.

Method G - Average Daily Balance (including current transactions). To avoid incurring an additional Finance Charge on the balance of purchases (and cash advances, if Method G is specified as applicable to cash advances) reflected on your monthly statement and, on any new purchases (and if applicable, cash advances) appearing on your next monthly statement, you must pay the New Balance, shown on your monthly statement, on or before the Payment Due Date. The grace period for the New Balance of purchases extends to the Payment Due Date.

The Finance Charges for a billing cycle are computed by applying the Periodic Rate to the "average daily balance" of purchases (and if applicable, cash advances). To get the average daily balance, we take the beginning balance of your account each day, add any new purchases or cash advances, and subtract any payments, credits, non-accruing fees, and unpaid finance charges. This gives us the daily balance. Then we add up all the daily balances for the billing cycle and divide the total by the number of days in the billing cycle.

Payment Crediting and Credit Balance. Payments received at the location specified on the front of the statement after the phrase "MAKE CHECK PAYABLE TO" will be credited as of the date of receipt to the account specified on the payment coupon. Payments received at locations other than the address specified or payments that do not conform to the requirements set forth on or with the periodic statement (e.g. missing payment stub, payment envelope other than as provided with your statement, multiple checks or multiple coupons in the same envelope) may be subject to delay in crediting, but shall be credited within five days of receipt. If there is a credit balance due on your account, you may request in writing, a full refund. Submit your request to the address indicated on the front of this statement after the phrase "Please Direct Written Inquiries to:".

By sending your check, you are authorizing the use of the information on your check to make a one-time electronic debit from the account on which the check is drawn. This electronic debit, which may be posted to your account as early as the date your check is received, will be only for the amount of your check. The original check will be destroyed and we will retain the image in our records. If you have questions please call the customer service number on the front of this billing statement.

Closing Date. The closing date is the last day of the billing cycle, all transactions received after the closing date will appear on your next statement.

Annual Fee. If your account has been assessed an annual fee, you may avoid paying this annual fee by sending written notification of termination within 30 days following the mailing date of this bill, to the address found at the top of the first page of this bill under your financial institutions name. You may use your card(s) during this 30 day period but immediately thereafter must send your card(s), which you have cut in half to this same address.

Negative Credit Reports. You are hereby notified that a negative credit report reflecting on your credit record may be submitted to a credit reporting agency if you fail to fulfill the terms of your credit obligations.

**BILLING RIGHTS SUMMARY**

In Case of Errors or Inquiries About Your Bill. If you think your bill is wrong, or if you need more information about a transaction on your bill, write us on a separate sheet of paper at the address indicated on the front of this statement after the phrase, "Please Direct Written Inquiries to:" as soon as possible. We must hear from you no later than 60 days after we sent you the first bill on which the error or problem appeared. You can telephone us, but doing so will not preserve your rights.

In your letter, give us the following information:

- ◆ Your name and account number.
- ◆ The dollar amount of the suspected error.
- ◆ Describe the error and explain, if you can, why you believe there is an error. If you need more information, describe the item you are unsure about.

You do not have to pay any amount in question while we are investigating, but you are still obligated to pay the parts of your bill that are not in question. While we investigate your question, we cannot report you as delinquent or take any action to collect the amount you question.

Special Rule For Credit Card Purchases

If you have a problem with the quality of goods or services that you purchased with a credit card, and you have tried in good faith to correct the problem with the merchant, you may not have to pay the remaining amount due on the goods or services. You have this protection only when the purchase price was more than \$50.00 and the purchase was made in your home state or within 100 miles of your mailing address. (If we own or operate the merchant, or if we mailed you the advertisement for the property or services, all purchases are covered regardless of amount or location of purchase.)

MAR 22 PAID  
MBR: \_\_\_\_\_ BU. MBR \_\_\_\_\_  
No. 17744 Date Pd. 3-22-2022



## Payment Processed for 5018344252

From: Zoom Video Communications, Inc. (billing@zoom.us)

To: cwaterdistrict@yahoo.com

Date: Friday, February 11, 2022, 01:03 PM MST

SIGN IN

# Payment Processed



Thank you for your order,

Please review your payment amount below, we have attached a PDF detailing your order and terms of your subscription.

Zoom Account Number: 5018344252

Payment Method: Credit Card

Payment Date: 02/11/2022

Amount: \$46.66

## GETTING STARTED WITH YOUR NEW ZOOM PRODUCTS

### Meetings

SCHEDULE A MEETING >

Yellowstone Valley Electric Cooperative INC

Member Name COUNTY WATER DISTRICT OF Account # 6826000

Important Messages

The allocation amount listed below is added to your Capital Credit fund for FUTURE PAYMENTS.

It is comprised of both Cooperative margins and margins received from the Generation and Transmission Cooperative.

THIS ACCOUNT RECEIVED \$2,131.52 IN CAPITAL CREDIT PATRONAGE ALLOCATION FOR 2021

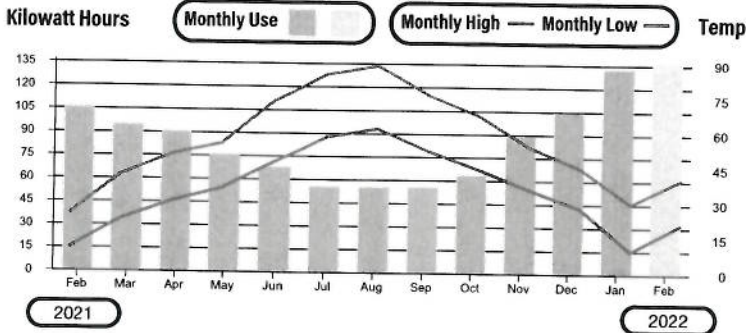
Total Amount Due \$1,841.48 Due Date 03/15/2022

Statement Date: 02/28/2022 Current Bill Due Date: 03/15/2022 Previous Balance \$1,913.32 Payment 02/01/22 \$1,913.32 CR Balance Into Billing \$0.00 Current Charges \$1,841.48 Total Amount Due 03/15/2022 \$1,841.48



Service Address: INDEPENDENT LN

Table with columns: Service Description, Meter No., Reading Dates (From, To), Days, Readings (Previous, Present), Mult, kWh Usage, kW Reading. Row: WATER TANK, 130533578, 01/15/22, 02/15/22, 31, 4701, 4838, 1, 137, 0.194



Current Service Detail

kWh Charge 137 kWh @ .1123 \$15.39 Demand Charge .194 kW @ .0000 \$0.00 Base Charge \$19.00 Total Current Charges for this Location \$34.39

KEEP

SEND

Yellowstone Valley Electric Cooperative INC

150 Cooperative Way PO Box 249 Huntley, MT 59037-0249

A Touchstone Energy Partner

Phone: 406-348-3411 or 800-736-5323 www.yvec.com

Account Number 6826000 Statement Date 02/28/2022 Total Amount Due 03/15/2022 \$1,841.48

PAYMENT AMOUNT ENCLOSED

Address and/or phone # changes on back

Please make payment payable to YVEC:

YELLOWSTONE VALLEY ELECTRIC COOPERATIVE, INC. PO BOX 249 HUNTLEY MT 59037-0249



COUNTY WATER DISTRICT OF BILLINGS HEIGHTS 1540 POPELKA DR BILLINGS MT 59105-4468

4 428



**POWER OUTAGES**

Check your fuses & breakers including your main breaker outside to ensure the problem is not within your electrical system. If you have determined your breakers are not the problem, please report it by contacting us 24/7 at 406-348-3411 or 800-736-5323.

**ALWAYS STAY AWAY FROM DOWNED POWER LINES.**



**MEMBER PROGRAMS**

Community Solar; Furnace Filter Program; Onsite Safety Assessments; Safety Demonstrations; Operation Round Up; Pest Control Devices; Rebate Programs; Scholarship Programs; Washington D.C. Youth Tour and more. Please visit [www.yvec.com](http://www.yvec.com) for more information.

**CALL BEFORE YOU DIG**

Stay safe. For your protection, MT state law requires you to call 811 at least two working days before you start digging or excavating. You have a legal & financial responsibility for damage to utility lines. For more information contact 811 or go to [Montana811.org](http://Montana811.org).



**BILLING PROCEDURES & POLICIES**

To keep electric rates low for all customers the following is a list of potential charges assessed to offset the cost of labor, transportation and overhead:

Late Payment Fee of 10% APR (.833% per month) is charged on unpaid balances.

NSF Check Charge or Declined Credit Card Payment	\$25.00
Disconnect Fee	\$40.00
Reconnect Fee	\$40.00

(All services disconnected or reconnected because of non-payment or ordered off by the previous occupant or owner will be subject to a fee, per meter.)

Regular Business Hours 3 Phase Disconnect/Reconnect Fee	\$250.00
After Hour Re-connect Fee	\$250.00

**PAYMENT OPTIONS**

- ✓ Automated Phone Payment System available 24/7 offers a secure & convenient way to make payments by dialing 833-368-2469. Check your balance or setup Auto Pay & more with checking/savings or debit/credit card.
- ✓ Pay your bill & manage your account online. Create an account at [www.yvec.com](http://www.yvec.com) or mobile device through the free SmartHub app or members can make a onetime payment with no login required.
- ✓ Visit our office during regular business hours M-F 8:00 to 5:00.
- ✓ After hours secure payment "Drop Box" located at the office.
- ✓ Mail your payment to the address on the front.
- ✓ Payment kiosks located in the surrounding area.
- ✓ POWER2GO Prepaid Service Option.
- ✓ Budget Billing - 12 mo. history used to determine payment.
- ✓ MoneyGram at CVS or Walmart nationwide.



Mastercard, VISA, Amex, & Discover Card accepted

**Address and/or Phone number changes:**

Address / Box number		
City	State	Zip
Phone Number	Other Phone	

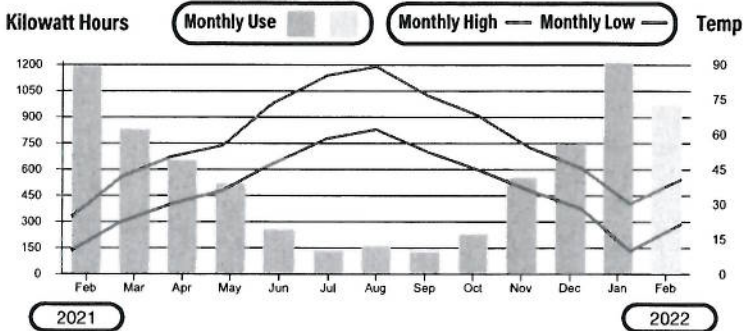
Account Barcode for Payment at Kiosk



**Service Address: 200 ROLLING HILLS RD**

Service Description	Meter No.	Reading Dates		Days
		From	To	
200 ROLLING HILLS RD	131570616	01/15/22	02/15/22	31

Readings	Mult	kWh Usage	kW Reading
61665	1	973	3.168



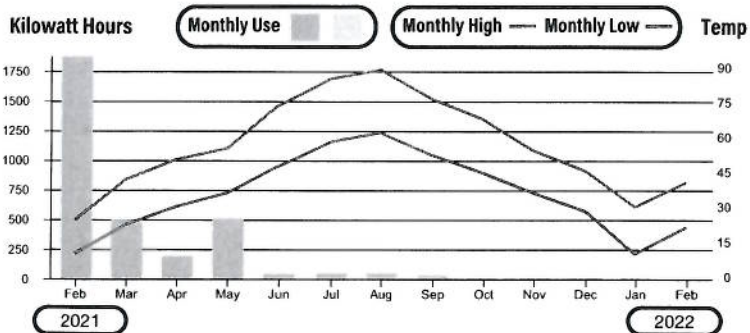
**Current Service Detail**

kWh Charge	\$78.33
973 kWh @ .0805	78.33
Demand Charge	\$35.61
3.168 kW @ 11.2400	35.61
Base Charge	\$40.00
<b>Total Current Charges for this Location</b>	<b>\$153.94</b>

**Service Address: BITTERROOT DR**

Service Description	Meter No.	Reading Dates		Days
		From	To	
PUMP HOUSE	131570498	01/15/22	02/15/22	31

Readings	Mult	kWh Usage	kW Reading
71692	1	24	0.036



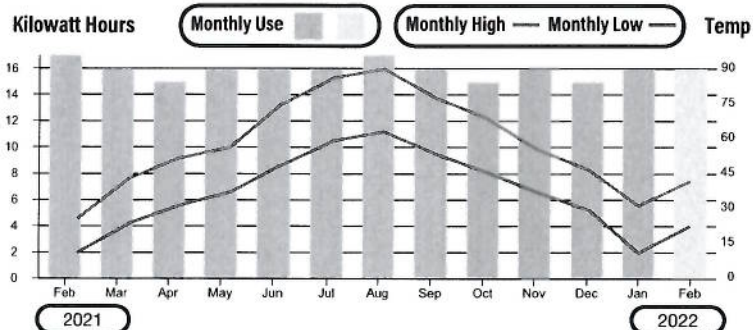
**Current Service Detail**

kWh Charge	\$1.93
24 kWh @ .0805	1.93
Demand Charge	\$0.40
.036 kW @ 11.2400	0.40
Base Charge	\$40.00
<b>Total Current Charges for this Location</b>	<b>\$42.33</b>

**Service Address: 3500 HAWTHORNE LN**

Service Description	Meter No.	Reading Dates		Days
		From	To	
CNTY WATER DISTRICT	139205574	01/15/22	02/15/22	31

Readings	Mult	kWh Usage	kW Reading
727	1	16	0.024



**Current Service Detail**

kWh Charge	\$1.80
16 kWh @ .1123	1.80
Demand Charge	\$0.00
.024 kW @ .0000	0.00
Base Charge	\$19.00
<b>Total Current Charges for this Location</b>	<b>\$20.80</b>



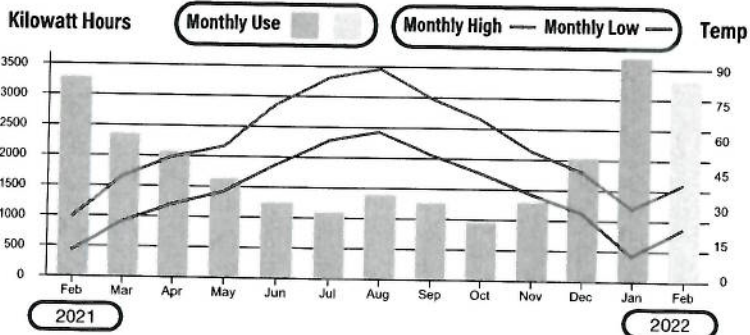
**Service Address: HAWTHORNE LN**

Service Description	Meter No.	Reading Dates		Days
		From	To	
BOOSTER STATION	146119945	01/15/22	02/15/22	31

Readings	Mult	kWh Usage	kW Reading	
				Previous
48120	51438	1	3,318	9.857

**Current Service Detail**

kWh Charge	\$266.10
3,318 kWh @ .0802	266.10
Demand Charge	\$110.79
9.857 kW @ 11.2400	110.79
Base Charge	\$59.00
<b>Total Current Charges for this Location</b>	<b>\$435.89</b>



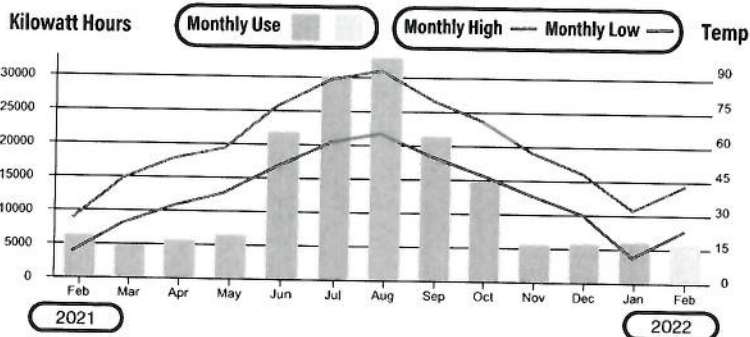
**Service Address: INDEPENDENT LN**

Service Description	Meter No.	Reading Dates		Days
		From	To	
WATER TOWER	131570630	01/15/22	02/15/22	31

Readings	Mult	kWh Usage	kW Reading	
				Previous
60408	66277	1	5,869	55.555

**Current Service Detail**

kWh Charge	\$470.69
5,869 kWh @ .0802	470.69
Demand Charge	\$624.44
55.555 kW @ 11.2400	624.44
Base Charge	\$59.00
<b>Total Current Charges for this Location</b>	<b>\$1,154.13</b>



**Your payment was APPROVED**

---

**Authorization Code:** 61129E  
**Transaction ID:** 1046738  
**Processor Transaction ID:** 0301MABPJEF8I  
**Transaction Date & Time:** Mar 01, 2022 2:11 PM  
**Total Payment Amount:** \$1,841.48

---

Account	Service	Amount
6826000	YVEC	\$1,841.48
	<b>Total:</b>	<b>\$1,841.48</b>

824/  
9/13



LOWE'S HOME CENTERS, LLC  
2717 KING AVENUE WEST  
DALLAS, TX 75202 (406) 655-9317

- SALE -

SHEET: 503 932 2200545 NUMBER: 241/5030 03-01-22

30920 WARDENOR STEEL TOOL CABINETS	375.95
241415 HOLLOWBARD UTILITY HOOK	25.95
2 4	12.98
857610 EASTBROOK BATH 12-PC CABINETS	109.00
SUBTOTAL:	514.95
TAX:	9.00
INVOICE 18292 TOTAL:	514.95
B/C:	514.95

B/C: XXXXXXXXXXXX/03 00001:514.95 00100: 6/15/16

CHIP REF ID:031916105562 03/01/22 15:16:48

CUSTOMER CODE: 00

REF: MasterCard EXP: 0000000000

REF: 0000000001010 FSI: 0000

STORE: 319 TERMINAL: 10 03/01/22 15:17:18

EXCLUDES FEES, SERVICES AND SPECIAL ORDER ITEMS



THANK YOU FOR SHOPPING LOWE'S.  
FOR DETAILS ON OUR RETURN POLICY, VISIT  
LOWES.COM/RETURNS.  
A PRINTED COPY OF THE RETURN POLICY IS AVAILABLE  
AT OUR CUSTOMER SERVICE DESK.

STORE MANAGER: JEROME DEVERES

LOWE'S PRICE PROMISE  
FOR MORE DETAILS, VISIT LOWES.COM/PRICEPROMISE

\*\*\*\*\*

SHARE YOUR FEEDBACK!

ENTER FOR A CHANCE TO BE  
ONE OF FIVE \$500 WINNERS DRAWN MONTHLY!

ENTRADA EN EL SORTEO MENSUAL  
PARA SER UNO DE LOS CINCO GANADORES DE \$500!

ENTER BY COMPLETING A SHORT SURVEY  
WITHIN ONE WEEK @: [www.lowes.com/survey](http://www.lowes.com/survey)

YOUR ID #102528 031570 609660

NO PURCHASE NECESSARY TO ENTER OR WIN.

PRIZE PROHIBITED. MUST BE 18 OR OLDER TO ENTER.

OFFICIAL RULES & WINNERS @: [www.lowes.com/survey](http://www.lowes.com/survey)

\*\*\*\*\*

STORE: 319 TERMINAL: 10 03/01/22 15:17:18

Account Number: #### ## 1624  
 Closing Date: 03/09/22  
 Credit Limit: \$2,000.00  
 Available Credit: \$1,966.44  
 Cash Advance Limit: \$2,000.00  
 Cash Advance Available: \$1,966.44



**Account Inquiries**

Customer Service: 1-866-317-0355  
 Lost/Stolen Card: 1-866-839-3485  
 International, Call Collect: 727-570-4881

Please Direct Written Inquiries to:  
 Customer Service  
 PO BOX 30495  
 TAMPA, FL 33630-3495

To view or pay your account on-line:  
[www.mycardstatement.com](http://www.mycardstatement.com)



**Account Summary**

Previous Balance	\$	19.99
Purchases	+	33.56
Cash	+	0.00
Special	+	0.00
Credits	-	0.00
Payments	-	19.99 -
Other Debits	+	0.00
Finance Charges	+	0.00
<b>NEW BALANCE</b>	<b>\$</b>	<b>33.56</b>

**Payment Information**



**Total Minimum Payment Due \$20.00**  
**Payment Due Date 04/03/22**

Minimum Payment	\$	20.00
-----------------	----	-------

Mail Payments to: MASTERCARD PO BOX 35138 SEATTLE WA 98124-5138

**Important News**

**NEW OR RE-ISSUED FIRST INTERSTATE BANK BUSINESS CREDIT CARDS MUST BE ACTIVATED BY CALLING 1-866-333-4761. WHEN CALLING, YOU WILL BE ASKED TO ENTER THE LAST FOUR DIGITS OF YOUR COMPANY'S TAX ID NUMBER.**

**Account Activity Since Your Last Statement**

Trans Date	Post Date	Plan Name	Reference Number	Description	Amount
02/17	02/18	PPLN01	05416012048142000773313	WAL-MART #2923 BILLINGS MT	
02/22	02/23	PPLN01	02305372054500259234966	TRACTOR-SUPPLY-CO #030 BILLINGS MT	\$ 5.57 <sup>5.70</sup>
					27.99 <sup>27.99</sup>
				<b>Payments, Adjustments and Others</b>	
			L02222022081020	PAYMENT - THANK YOU	19.99 -

**MANAGE YOUR CARD ACCOUNT ONLINE. IT'S FREE! IT'S EASY! SIMPLY GO TO [WWW.EZCARDINFO.COM](http://WWW.EZCARDINFO.COM) AND ENROLL IN OUR ONLINE SERVICE. YOU CAN REVIEW ACCOUNT INFORMATION, TRACK SPENDING, SET ALERT NOTIFICATIONS, DOWNLOAD FILES, AND MUCH MORE. MANAGING YOUR ACCOUNT IS FAST, SECURE AND EASY WITH EZCARDINFO.COM. ENROLL TODAY!**

**THE TOTAL FINANCE CHARGE PAID ON YOUR ACCOUNT DURING THE PAST YEAR WAS \$.00.**

PLEASE DETACH COUPON AND RETURN PAYMENT USING THE ENCLOSED ENVELOPE - ALLOW 5 DAYS FOR MAIL DELIVERY



Account Number: ##### 1624  
 Closing Date: 03/09/22  
 Credit Limit: \$2,000.00  
 Available Credit: \$1,966.44

**IMPORTANT INFORMATION**

Finance Charge Calculation Methods and Computation of Average Daily Balance Subject to Fine

Give us feedback @ survey.walmart.com  
 Thank you! ID #: 7RDMZY10N7Y7



406-254-2842 Mgr: NICHOLAS  
 1649 MAIN ST  
 BILLINGS MT 59105

ST# 02923 OP# 009050 TE# 50 TR# 02604  
 CARD SYMPHY 000920064242 5.57 N  
 SUBTOTAL 5.57  
 TOTAL 5.57  
 MCARD TEND 5.57

Mastercard \*\*\*\* \* 1624 I 22  
 APPROVAL # 67195E  
 REF # 204800669717  
 AID A000000041010  
 AAC 5B64055F91ADEF C5  
 TERMINAL # SC010395

02/17/22 14:17:22  
 CHANGE DUE 0.00  
 # ITEMS SOLD 1

TC# 4398 8940 9826 8182 9825



Give them the gift  
 of membership  
 Scan to gift today.

Starting Feb. 1st, gift cards won't  
 discount Walmart or Murphy USA fuel.

02/17/22 14:17:22

\*\*\*CUSTOMER COPY\*\*\*



TractorSupply.com

496 MAIN ST  
 BILLINGS, MT 59105  
 406-252-8626

Ticket: 818216  
 Date: 2/22/22 Time: 9:26 AM  
 Store: 303 Register: 3  
 Cashier: Nancy

Item	Qty	Price	Amount
GW PRO DRAIN SPADE FG HANDLE 1023424	1	27.99	27.99
Subtotal			27.99
Tax			0.00
Total			27.99

MasterCard - SALE 27.99

\*\*\*\*\*1624 - EMV Chip  
 Authorization #: 67239E  
 Terminal ID : 001790303000300  
 Cryptogram : 37F011E7E57DB495  
 AID : A000000041010  
 APP : Mastercard  
 CVM : NONE / 1E0300  
 TVR : 8000008000 / ISI : 6800

Change 0.00  
 I agree to pay the above amount according  
 to my card issuer agreement.

Neighbor's Club  
 Neighbor  
 Loyalty #: \*\*\*\*\*1561

For more details on your credit balance

MAR 22 PAID

MBR: \_\_\_\_\_ BU. MBR \_\_\_\_\_  
 No.: 17744 Date pd. 3-22-2022



**CLAY MCCAFFREE  
COUNTY WATER DIST BLS HT**

Item 13.

Account Number: ##### 7728  
Closing Date: 03/09/22  
Credit Limit: \$2,000.00  
Available Credit: \$925.64  
Cash Advance Limit: \$2,000.00  
Cash Advance Available: \$925.64

**Account Inquiries**

Customer Service: 1-866-317-0355  
Lost/Stolen Card: 1-866-839-3485  
International, Call Collect: 727-570-4881

Please Direct Written Inquiries to:  
Customer Service  
PO BOX 30495  
TAMPA, FL 33630-3495

To view or pay your account on-line:  
www.mycardstatement.com



**Account Summary**

Previous Balance	\$	1,554.31
Purchases	+	1,074.36
Cash	+	0.00
Special	+	0.00
Credits	-	0.00
Payments	-	1,554.31 -
Other Debits	+	0.00
Finance Charges	+	0.00
<b>NEW BALANCE</b>	<b>\$</b>	<b>1,074.36</b>

**Payment Information**

**Total Minimum Payment Due \$33.00**  
**Payment Due Date 04/03/22**

Minimum Payment	\$	33.00
-----------------	----	-------

Mail Payments to: MASTERCARD PO BOX 35138 SEATTLE WA 98124-5138

**Important News**

**NEW OR RE-ISSUED FIRST INTERSTATE BANK BUSINESS CREDIT CARDS MUST BE ACTIVATED BY CALLING 1-866-333-4761. WHEN CALLING, YOU WILL BE ASKED TO ENTER THE LAST FOUR DIGITS OF YOUR COMPANY'S TAX ID NUMBER.**

**Account Activity Since Your Last Statement**

Trans Date	Post Date	Plan Name	Reference Number	Description	Amount
02/15	02/16	PPLN01	55309592047838005280074	NAPA STORE 3547007 BILLINGS MT	\$ 69.99 <i>8233</i>
02/15	02/17	PPLN01	55488722047400684000863	SHIPTONS BIG R HEIGHTS BILLINGS MT	149.98 <i>8233</i>
02/15	02/17	PPLN01	55488722047400684000913	SHIPTONS BIG R HEIGHTS BILLINGS MT	24.98 <i>8233</i>
02/17	02/18	PPLN01	02305372049500271185822	OFFICE DEPOT #2135 BILLINGS MT	34.18 <i>8220</i>
02/17	02/20	PPLN01	55488722049400688000479	SHIPTONS BIG R HEIGHTS BILLINGS MT	4.99 <i>8233</i>
02/18	02/20	PPLN01	05436842050400077192770	WM SUPERCENTER #2923 BILLINGS MT	46.44 <i>8220</i>
02/23	02/24	PPLN01	55483822055091005249552	SAMSClub #4805 BILLINGS MT	199.18 <i>8220</i>
02/25	02/27	PPLN01	05410192056295064032011	BEST BUY 00005926 BILLINGS MT	159.99 <i>8220</i>
03/07	03/08	PPLN01	05259582067500134406696	MFCP BILLINGS BILLINGS MT	286.77 <i>8233</i>
03/07	03/08	PPLN01	55432862066200196839239	LOWES #00319* BILLINGS MT	97.86 <i>8241</i>
<b>Payments, Adjustments and Others</b>					
02/22	02/22		L02222022081000	PAYMENT - THANK YOU	1,554.31 -

PLEASE DETACH COUPON AND RETURN PAYMENT USING THE ENCLOSED ENVELOPE - ALLOW 5 DAYS FOR MAIL DELIVERY



CLAY MCCAFFREE  
COUNTY WATER DIST BLS HT

Account Number: #### #### #### 7728  
Closing Date: 03/09/22  
Credit Limit: \$2,000.00  
Available Credit: \$925.64

**IMPORTANT INFORMATION**

Finance Charge Calculation Methods and Computation of Average Daily Balance Subject to Finance Charge The Finance Charge Calculation Method applicable to your account for Cash Advances and Credit Purchases of goods and services that you obtain through the use of your card is specified on the front side of this statement and explained below.

Method A - Average Daily Balance (including current transactions). The Finance Charge on purchases begins from the date the transaction is posted to your account, and the Finance Charge on cash advances begins from the date you obtained the cash advance, or the first day of the billing cycle in which it is posted to your account, whichever is later. There is no grace period.

The Finance Charges for a billing cycle are computed by applying the Periodic Rate to the "average daily balance" of your account. To get the average daily balance, we take the beginning balance of your account each day, add any new purchases or cash advances, and subtract any payments, credits, non-accruing fees, and unpaid finance charges. This gives us the daily balance. Then we add up all the daily balances for the billing cycle and divide the total by the number of days in the billing cycle.

Method G - Average Daily Balance (including current transactions) To avoid incurring an additional Finance Charge on the balance of purchases (and cash advances, if Method G is specified as applicable to cash advances) reflected on your monthly statement and, on any new purchases (and if applicable, cash advances) appearing on your next monthly statement, you must pay the New Balance, shown on your monthly statement, on or before the Payment Due Date. The grace period for the New Balance of purchases extends to the Payment Due Date.

The Finance Charges for a billing cycle are computed by applying the Periodic Rate to the "average daily balance" of purchases (and if applicable, cash advances). To get the average daily balance, we take the beginning balance of your account each day, add any new purchases or cash advances, and subtract any payments, credits, non-accruing fees, and unpaid finance charges. This gives us the daily balance. Then we add up all the daily balances for the billing cycle and divide the total by the number of days in the billing cycle.

Payment Crediting and Credit Balance. Payments received at the location specified on the front of the statement after the phrase "MAKE CHECK PAYABLE TO" will be credited as of the date of receipt to the account specified on the payment coupon. Payments received at locations other than the address specified or payments that do not conform to the requirements set forth on or with the periodic statement (e.g. missing payment stub, payment envelope other than as provided with your statement, multiple checks or multiple coupons in the same envelope) may be subject to delay in crediting, but shall be credited within five days of receipt. If there is a credit balance due on your account, you may request in writing, a full refund. Submit your request to the address indicated on the front of this statement after the phrase "Please Direct Written Inquiries to:".

By sending your check, you are authorizing the use of the information on your check to make a one-time electronic debit from the account on which the check is drawn. This electronic debit, which may be posted to your account as early as the date your check is received, will be only for the amount of your check. The original check will be destroyed and we will retain the image in our records. If you have questions please call the customer service number on the front of this billing statement.

Closing Date. The closing date is the last day of the billing cycle, all transactions received after the closing date will appear on your next statement.

Annual Fee. If your account has been assessed an annual fee, you may avoid paying this annual fee by sending written notification of termination within 30 days following the mailing date of this bill, to the address found at the top of the first page of this bill under your financial institutions name. You may use your card(s) during this 30 day period but immediately thereafter must send your card(s), which you have cut in half to this same address.

Negative Credit Reports. You are hereby notified that a negative credit report reflecting on your credit record may be submitted to a credit reporting agency if you fail to fulfill the terms of your credit obligations.

**BILLING RIGHTS SUMMARY**

In Case of Errors or Inquiries About Your Bill. If you think your bill is wrong, or if you need more information about a transaction on your bill, write us on a separate sheet of paper at the address indicated on the front of this statement after the phrase, "Please Direct Written Inquiries to:" as soon as possible. We must hear from you no later than 60 days after we sent you the first bill on which the error or problem appeared. You can telephone us, but doing so will not preserve your rights.

In your letter, give us the following information:

- ◆ Your name and account number
- ◆ The dollar amount of the suspected error.
- ◆ Describe the error and explain, if you can, why you believe there is an error. If you need more information, describe the item you are unsure about.

You do not have to pay any amount in question while we are investigating, but you are still obligated to pay the parts of your bill that are not in question. While we investigate your question, we cannot report you as delinquent or take any action to collect the amount you question.

Special Rule For Credit Card Purchases

If you have a problem with the quality of goods or services that you purchased with a credit card, and you have tried in good faith to correct the problem with the merchant, you may not have to pay the remaining amount due on the goods or services. You have this protection only when the purchase price was more than \$50.00 and the purchase was made in your home state or within 100 miles of your mailing address. (If we own or operate the merchant, or if we mailed you the advertisement for the property or services, all purchases are covered regardless of amount or location of purchase.)

MAR 22 PAID

MBR: \_\_\_\_\_ ED. MBR \_\_\_\_\_

No. 1744 Date Pd. 3-22-2022



# INVOICE



**Sales Location:**

MFCP Inc. • 2651 Gabel Rd. • Billings, MT 59102  
 Phone: 406-652-1708 • Fax: 406-652-1851 • www.mfcpinc.com

**Remit To:**  
 MFCP Inc.  
 8433 Solution Center  
 Chicago, IL 60677-8004  
 AR@mfcpinc.com

INVOICE	
8231853	
Invoice Date	Page
03/07/2022	1 of 2
ORDER NUMBER	
4888891	

**Bill To:**

Cash-Billings Parker Store ((CS))  
 CASH SALE  
 2651 Gabel Road  
 Billings, MT 59102

**Ship To:**

Cash-Billings Parker Store ((CS))  
 CASH SALE  
 2651 Gabel Road  
 Billings, MT 59102

8233  
 010

**Customer ID:** 114633

PO Number	Term Description	Net Due Date	Disc Due Date	Discount Amount
County Water	CASH	3/7/2022	3/7/2022	0.00

Order Date	Pick Ticket No	Job Name	Primary Salesrep Name	Taker
3/7/2022	6504730		Billings House - Billings	EZITNIK

Quantities					Item ID	Item Description	Pricing UOM	Unit Price	Extended Price
Ordered	Shipped	Remaining	UOM	Disp					

**Carrier:** Will Call

**Tracking #:**

1	1	0 EA	12 HTX-S -12 JIC Male Steel Union		EA	6.2500	6.25
2	2	0 EA	FF-751-12FP Parker Flush-Face+++		EA	140.2600	280.52

**Card:** Visa/MC

**Tran Type:** Final Sale

**Name:**

**Account Number:** 7728

**Authorization Number:** 67101E

**Reference Number:** 1824061

**Batch Number:** 1520

**Merchant ID:** \*\*\*\*7929

**Authorization Amount:** 286.77

**Retrieval Number:** 1982084023

X \_\_\_\_\_

*I agree to pay above total amount  
 according to card issuer agreement*



**Sales Location:**

MFCP Inc. • 2651 Gabel Rd. • Billings, MT 59102  
 Phone: 406-652-1708 • Fax: 406-652-1851 • www.mfcpinc.com

**Remit To:**  
 MFCP Inc.  
 8433 Solution Center  
 Chicago, IL 60677-8004  
 AR@mfcpinc.com

INVOICE	
8231853	
Invoice Date	Page
03/07/2022	2 of 2
ORDER NUMBER	
4888891	

Quantities					Item ID Item Description	Pricing UOM	Unit Price	Extended Price
Ordered	Shipped	Remaining	UOM	Disp.				

Total Lines: 2

<b>SUB-TOTAL:</b>	286.77
<b>TAX :</b>	0.00
<b>Visa/MC :</b>	286.77
<b>AMOUNT DUE:</b>	0.00

As an "Essential Services" company, MFCP remains open during any Shelter in Place period related to COVID-19.

For the protection of everyone during the COVID-19 crisis MFCP will not ask for signatures on our shipping documents. This action is taken to help prevent the transfer of the virus through means of cross contamination. MFCP will note the person's name receiving the product and date as proof of delivery.

If, from the time of quote or order acceptance through delivery, manufacturing, material or item costs increase, through no fault of Motion & Flow Control Products, sale prices shall be increased in line with the cost increase. Changes in pricing will be communicated with as much notice as possible.

All returns subject to a restocking charge, only as authorized.

**WARRANTY PROVISIONS AND SELLER'S DISCLAIMER OF WARRANTIES**

SELLER DISCLAIMS ALL WARRANTIES, EXPRESS AND IMPLIED, INCLUDING ALL IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. IN NO EVENT WILL SELLER BE LIABLE FOR INCIDENTAL, PUNITIVE, SPECIAL OR CONSEQUENTIAL DAMAGES RESULTING DIRECTLY OR INDIRECTLY FROM THE USE OR OPERATION OF GOODS SELLER SELLS TO BUYER. SELLER'S LIABILITY TO BUYER, IF ANY, SHALL BE LIMITED TO THE NET SALES PRICE BUYER HAS PAID TO SELLER. BUYER'S SOLE AND EXCLUSIVE WARRANTY IS THAT PROVIDED BY THE MANUFACTURER, IF ANY.

Complete terms and conditions of sale are available on request or are available to read at any time at [www.mfcpinc.com/terms-of-sale](http://www.mfcpinc.com/terms-of-sale)

**LEAD LAW WARNING:** It is illegal to install products that are not "lead free" in accordance with applicable federal and state laws applicable to potable water systems expected for human consumption. Products with \*NP in the description are NOT lead free and can only be installed in non-potable water applications. Buyer is solely responsible for product selection.

Item 13.

8233  
DPM

8233  
DPM

THANK YOU FOR SHOPPING AT  
Shipton's Big R Heights  
1908 MAIN  
BILLINGS, MT 59105  
(406) 384-0099

THANK YOU FOR SHOPPING AT  
Shipton's Big R Heights  
1908 MAIN  
BILLINGS, MT 59105  
(406) 384-0099

THANK YOU FOR SHOPPING AT  
Shipton's Big R Heights  
1908 MAIN  
BILLINGS, MT 59105  
(406) 384-0099

02/15/22 3:00PM 630 645 SALE  
1505205 1 EA \$139.99 EA N  
ZILLA AIR HOSE REEL 3/8X50 HD \$139.99  
1007934 1 EA \$9.99 EA N  
COUPLER 1/4X1/4 FEMLE NPT \$9.99  
SUB-TOTAL:\$ 149.98 TAX:\$ .00  
TOTAL:\$ 149.98  
BC AMT:\$ 149.98  
BK CARD#: XXXXXXXXXXXX7728  
MID:\*\*\*\*\*3990 TID:\*\*\*3168  
AUTH: 66499E AMT:\$ 149.98  
Host reference #:165538 Bat#  
Authorizing Network: MASTERCARD

02/15/22 3:23PM 638 641 SALE  
17934 -1 EA \$9.99 EA NR  
PLER 1/4X1/4 FEMLE NPT \$-9.99  
g: B65538/6 02/15/22 TX:  
ING ONE  
8036 1 EA \$14.99 EA N  
PT FEMLE X 1/4 COUPLR \$14.99  
949 1 EA \$4.99 EA N  
X 1/4 FEMALE NPT \$4.99  
117 1 EA \$14.99 EA N  
X 3/8 MALE NPT \$14.99  
TOTAL:\$ 24.98 TAX:\$ .00  
TOTAL:\$ 24.98  
BC AMT:\$ 24.98  
CARD#: XXXXXXXXXXXX7728  
\*\*\*\*\*3990 TID:\*\*\*3168  
I: 60084E AMT:\$ 24.98  
reference #:165553 Bat#  
Authorizing Network: MASTERCARD

2/17/22 12:45PM 609 645 SALE  
008036 -1 EA \$14.99 EA NR  
/8NPT FEMLE X 1/4 COUPLR \$-14.99  
rig: B65553/6 02/15/22 TX:  
008150 1 EA \$14.99 EA N  
RU-FLATE SET 75300/75315 \$14.99  
007898 1 EA \$4.99 EA N  
/4 X 1/4 MALE NPT 2PK \$4.99  
RONG SIZE  
UB-TOTAL:\$ 4.99 TAX:\$ .00  
TOTAL:\$ 4.99  
BC AMT:\$ 4.99  
< CARD#: XXXXXXXXXXXX7728  
ID:\*\*\*\*\*3990 TID:\*\*\*3168  
JTH: 62287E AMT:\$ 4.99  
ost reference #:166067 Bat#  
Authorizing Network: MASTERCARD

Chip Read  
CARD TYPE:MASTERCARD EXPR: XXXX  
AID : A0000000041010  
TVR : 8000008000  
IAD : 01106010012200000000000000000000  
TSI : 6800  
ARC : 00  
MODE : Issuer  
CVM :  
Name : Mastercard  
ATC :0022  
AC : 4CDD85ACC358D2E4  
TxnID/ValCode: 269827  
Bank card USD 149.98

Chip Read  
CARD TYPE:MASTERCARD EXPR: XXXX  
ID : A0000000041010  
TVR : 8000008000  
AD : 01106010012200000000000000000000  
SI : 6800  
RC : 00  
JDE : Issuer  
VM : No CVM  
ame : Mastercard  
TC :0024  
ID : 04437F10519BA634  
ID/ValCode: 271596  
Bank card USD 24.98

Chip Read  
CARD TYPE:MASTERCARD EXPR: XXXX  
ID : A0000000041010  
TVR : 8000008000  
AD : 01106010012200000000000000000000  
SI : 6800  
RC : 00  
JDE : Issuer  
VM : No CVM  
ame : Mastercard  
TC :0024  
ID : 04437F10519BA634  
ID/ValCode: 271596  
Bank card USD 4.99

8220  
DPM

Give us feedback @ survey.walmart.com  
Thank you! ID #:7RDN2T10NC2N



406-254-2842 Mgr: NICHOLAS  
1649 MAIN ST  
BILLINGS MT 59105  
ST# 02923 OP# 009039 TE# 39 TR# 05624  
STERLT-10G 007314948497 14.48 N  
STERLT-19G 007314948697 15.98 N  
STERLT-19G 007314948697 15.98 N  
SUBTOTAL 46.44  
TOTAL 46.44  
MCARD TEND 46.44

Mastercard \*\*\*\*\*7728 I 22  
APPROVAL # 67118E  
REF # 1042000314  
AID A0000000041010  
AAC 996F9743D63820C2  
TERMINAL # SC010052  
02/18/22 10:37:13  
CHANGE DUE 0.00  
# ITEMS SOLD 3  
TC# 1811 2215 6300 2121 8258



8235  
DPM

LOWE'S HOME CENTERS, LLC  
2717 KING WILHEM WEST  
BILLINGS, MT 59102 (406) 655-9317

SALE  
276844 TERS #14 X 2 1/2 IN D/P H 17.96  
2 0 0.96  
271774 POND 04-IN SIL FISH BARK 53.34  
3 0 17.96  
241426 ROBBERHID 2 HERRING HOOK 25.96  
2 0 12.96  
SUBTOTAL 97.86  
TAX 0.00  
INVOICE 25070 97.86  
H/C 97.86  
M/C XXXXXXXXXXXX7728 02/18/22 10:37:13  
CHIP REF ID: 031925635061 03/07/22 11:31:02  
CUSTOMER CODE: 0149  
APL: Mastercard 198: 8000008000  
AID: A0000000041010 TSI: 6800



**AUTO PARTS**

500008007  
 007BIL Downtown Store  
 912 4th Ave. N.  
 NO RETURNS ON ELECTRICAL PARTS  
 BILLINGS, MT 59101  
 (406) 245-4676

Time: 10:16  
 Date: 02/15/2022  
 Page: 1/1

Invoice Number **Item 13.** 908

**SOLD TO**  
 1001  
 CASH CUSTOMER  
 5320 SOUTHGATE DR  
 BILLINGS, MT 59101-0000

Employee: 16, Justin  
 Sales Rep: 50, salesman  
 Accounting Day: 15

Y **8233**  
**013** OCR Y  
 5000080072309087

Part Number	Line	Description	Quantity	Price	Net	Total	T
7832		FIL Hydraulic Filter ()	1.00	98.02	69.9900	69.99	T

Don't miss out! Sign up online for NAPA Rewards & get \$5 back for every \$100 you spend. Go to NAPA Rewards.com & use claim code 5317878810735 to get started!

Delivery:  
 Attention:  
 Tax Exemption:  
 PO#:  
 Terms: Per NAPA Credit Agreement  
 Now hiring all positions. Competitive pay and benefits.

Subtotal	69.99
Store Default 0.0000%	0.00
<b>Total</b>	<b>69.99</b>
MC 7728 66137E	69.99
Name Not Available	

Customer Signature  
 ALL GOODS RETURNED MUST BE ACCOMPANIED BY THIS INVOICE

**Office DEPOT**  
**OfficeMax**

BILLINGS - (406) 896-8610  
 02/17/2022 1:02 PM



SALE 2135-1-1725-1012111-22.1.3  
 951781 BRD,D/E,24X36, 45.99S  
 Instant Savings -26.00  
**You Pay 19.99S**  
 869832 MRKR,EXP02,4PK 14.19 S  
 Subtotal: 34.18  
 Total: 34.18  
 MasterCard 7728: 34.18

**SAM'S CLUB**  
**Self Checkout**

CLUB MANAGER TBD TBD  
 (406) 256-7277  
 2/23/22 10:47 1589 04805 097 9097

337375 FORKS 300 C 12.38 N  
 226520 10 1/6 PLAT 17.98 N  
 916191 ZPLC STRG 6 17.78 N  
 980247815 DUNKIN DONUT 18.88 N  
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 SUBTOTAL 199.18

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 stercard \*\*\*\* \* 7728 I 22  
 PROVAL # 68292E  
 D A0000000041010  
 C E66FD158B573B38B  
 ANIMAL # SC011012  
 CHANGE DUE 0.00

visit samsclub.com to see your savings

**# ITEMS SOLD 11**



TC# 3075 0528 8130 8521 3470 2

Welcome to Best Buy #592  
 2450 KING AVE W  
 BILLINGS, MT 59102



Val: 100000-299602-663118-593882-720640-73650

0592 064 3201 02/25/22 11:03  
 5761912 960-001390 159.99  
 LOGITECH 4K PRO WEBCAM  
 199.99 Was Price  
 40.00- Sale Discount  
 Sales Tax 0.00

Subtotal 159.99  
 Sales Tax 0.00  
**Total 159.99**

\*\*\*\*\*7728 ChipRead USD\$ 159.99  
 Mastercard - MASTERCARD  
 MCCAFFREE/CLAY  
 Approval 63034E

CARD ENTRY Chip  
 MODE: Issuer  
 ATN: A0000000041010



DAVID BROOKSHIRE  
COUNTY WATER DIST BLS HT



Account Number: #### ## 3586  
Closing Date: 03/09/22  
Credit Limit: \$2,000.00  
Available Credit: \$1,962.50  
Cash Advance Limit: \$2,000.00  
Cash Advance Available: \$1,962.50

Account Inquiries

Customer Service: 1-866-317-0355  
Lost/Stolen Card: 1-866-839-3485  
International, Call Collect: 727-570-4881

Please Direct Written Inquiries to:  
Customer Service  
PO BOX 30495  
TAMPA, FL 33630-3495

To view or pay your account on-line:  
www.mycardstatement.com



Account Summary

Previous Balance	\$	200.00
Purchases	+	37.50
Cash	+	0.00
Special	+	0.00
Credits	-	0.00
Payments	-	200.00 -
Other Debits	+	0.00
Finance Charges	+	0.00
<b>NEW BALANCE</b>	<b>\$</b>	<b>37.50</b>

Payment Information



Total Minimum Payment Due **\$20.00**  
Payment Due Date **04/03/22**

Minimum Payment	\$	20.00
-----------------	----	-------

Mail Payments to: MASTERCARD PO BOX 35138 SEATTLE WA 98124-5138

Important News

**NEW OR RE-ISSUED FIRST INTERSTATE BANK BUSINESS CREDIT CARDS MUST BE ACTIVATED BY CALLING 1-866-333-4761. WHEN CALLING, YOU WILL BE ASKED TO ENTER THE LAST FOUR DIGITS OF YOUR COMPANY'S TAX ID NUMBER.**

Account Activity Since Your Last Statement

Trans Date	Post Date	Plan Name	Reference Number	Description	Amount
02/22	02/23	PPLN01	55488722054091545006700	MT MVD CREDIT CARD POR 4064493468 MT	37.50
02/22	02/22		L02222022081010	Payments, Adjustments and Others PAYMENT - THANK YOU	\$ 200.00 -

**MANAGE YOUR CARD ACCOUNT ONLINE. IT'S FREE! IT'S EASY! SIMPLY GO TO WWW.EZCARDINFO.COM AND ENROLL IN OUR ONLINE SERVICE. YOU CAN REVIEW ACCOUNT INFORMATION, TRACK SPENDING, SET ALERT NOTIFICATIONS, DOWNLOAD FILES, AND MUCH MORE. MANAGING YOUR ACCOUNT IS FAST, SECURE AND EASY WITH EZCARDINFO.COM. ENROLL TODAY!**

**THE TOTAL FINANCE CHARGE PAID ON YOUR ACCOUNT DURING THE PAST YEAR WAS \$0.00.**

PLEASE DETACH COUPON AND RETURN PAYMENT USING THE ENCLOSED ENVELOPE - ALLOW 5 DAYS FOR MAIL DELIVERY





DAVID BROOKSHIRE  
COUNTY WATER DIST BLGs HT

Account Number: ##### 3586  
Closing Date: 03/09/22  
Credit Limit: \$2,000.00  
Available Credit: \$1,962.50



Item 13.

**IMPORTANT INFORMATION**

Finance Charge Calculation Methods and Computation of Average Daily Balance Subject to Finance Charge The Finance Charge Calculation Method applicable to your account for Cash Advances and Credit Purchases of goods and services that you obtain through the use of your card is specified on the front side of this statement and explained below:

Method A - Average Daily Balance (including current transactions) The Finance Charge on purchases begins from the date the transaction is posted to your account, and the Finance Charge on cash advances begins from the date you obtained the cash advance, or the first day of the billing cycle in which it is posted to your account, whichever is later. There is no grace period.

The Finance Charges for a billing cycle are computed by applying the Periodic Rate to the "average daily balance" of your account. To get the average daily balance, we take the beginning balance of your account each day, add any new purchases or cash advances, and subtract any payments, credits, non-accruing fees, and unpaid finance charges. This gives us the daily balance. Then we add up all the daily balances for the billing cycle and divide the total by the number of days in the billing cycle.

Method G - Average Daily Balance (including current transactions) To avoid incurring an additional Finance Charge on the balance of purchases (and cash advances, if Method G is specified as applicable to cash advances) reflected on your monthly statement and, on any new purchases (and if applicable, cash advances) appearing on your next monthly statement, you must pay the New Balance, shown on your monthly statement, on or before the Payment Due Date. The grace period for the New Balance of purchases extends to the Payment Due Date.

The Finance Charges for a billing cycle are computed by applying the Periodic Rate to the "average daily balance" of purchases (and if applicable, cash advances). To get the average daily balance, we take the beginning balance of your account each day, add any new purchases or cash advances, and subtract any payments, credits, non-accruing fees, and unpaid finance charges. This gives us the daily balance. Then we add up all the daily balances for the billing cycle and divide the total by the number of days in the billing cycle.

Payment Crediting and Credit Balance Payments received at the location specified on the front of the statement after the phrase "MAKE CHECK PAYABLE TO" will be credited as of the date of receipt to the account specified on the payment coupon. Payments received at locations other than the address specified or payments that do not conform to the requirements set forth on or with the periodic statement (e.g. missing payment stub, payment envelope other than as provided with your statement, multiple checks or multiple coupons in the same envelope) may be subject to delay in crediting, but shall be credited within five days of receipt. If there is a credit balance due on your account, you may request in writing, a full refund. Submit your request to the address indicated on the front of this statement after the phrase "Please Direct Written Inquiries to".

By sending your check, you are authorizing the use of the information on your check to make a one-time electronic debit from the account on which the check is drawn. This electronic debit, which may be posted to your account as early as the date your check is received, will be only for the amount of your check. The original check will be destroyed and we will retain the image in our records. If you have questions please call the customer service number on the front of this billing statement.

Closing Date The closing date is the last day of the billing cycle; all transactions received after the closing date will appear on your next statement.

Annual Fee If your account has been assessed an annual fee, you may avoid paying this annual fee by sending written notification of termination within 30 days following the mailing date of this bill, to the address found at the top of the first page of this bill under your financial institutions name. You may use your card(s) during this 30 day period but immediately thereafter must send your card(s), which you have cut in half to this same address.

Negative Credit Reports You are hereby notified that a negative credit report reflecting on your credit record may be submitted to a credit reporting agency if you fail to fulfill the terms of your credit obligations.

**BILLING RIGHTS SUMMARY**

In Case of Errors or Inquiries About Your Bill If you think your bill is wrong, or if you need more information about a transaction on your bill, write us on a separate sheet of paper at the address indicated on the front of this statement after the phrase, "Please Direct Written Inquiries to:" as soon as possible. We must hear from you no later than 60 days after we sent you the first bill on which the error or problem appeared. You can telephone us, but doing so will not preserve your rights.

In your letter, give us the following information:

- ◆ Your name and account number
- ◆ The dollar amount of the suspected error.
- ◆ Describe the error and explain, if you can, why you believe there is an error. If you need more information, describe the item you are unsure about.

You do not have to pay any amount in question while we are investigating, but you are still obligated to pay the parts of your bill that are not in question. While we investigate your question, we cannot report you as delinquent or take any action to collect the amount you question.

Special Rule For Credit Card Purchases

If you have a problem with the quality of goods or services that you purchased with a credit card, and you have tried in good faith to correct the problem with the merchant, you may not have to pay the remaining amount due on the goods or services. You have this protection only when the purchase price was more than \$50.00 and the purchase was made in your home state or within 100 miles of your mailing address. (If we own or operate the merchant, or if we mailed you the advertisement for the property or services, all purchases are covered regardless of amount or location of purchase.)

MAR 22 PMD  
MR: \_\_\_\_\_ DU. MBH  
No.: 1774 Date Pd. 3-22-2022

241

8339  
AKB

**Motor Vehicle Division**  
**615B S 27th St**  
**Billings, MT 591014509**

**Financial Statement: 25453622**

**Original**

**Customer Information**

Name: Brookshire, David Peyton  
Address: Brookshire, David Peyton  
667 Aries Ave  
Billings MT 591052104

**Statement Information**

Date: 2/22/2022 2:11:43 PM  
Location: DSB Billings  
Created By: CJB046  
Customer #: 2426875  
Comment:



**Additional Customers**

**Transaction Information**

Description		Amount
Trans:Driver License Lic:AAA0000437131 Class:B Action:Renew Iss:02-22-2022 Exp:06-02-2026		\$35.54
Product	Quantity	Amount
CDL Type 2	4	\$34.00
Driver License Renewal Notice	1	\$0.50
MVD Admin Fee	1	\$1.04
<b>Total Due:</b>		<b>\$35.54</b>

**Payment Information**

Payment Type	Customer	Customer #	Payment #	Ref #	Amount
MERLIN Credit Card	Brookshire, David Peyton	2426875		510225	\$35.54
<b>Total Tendered:</b>					<b>\$35.54</b>
<b>Cash Back (N/A ):</b>					<b>\$0.00</b>

Please retain this financial statement for your records. It may contain important tax information.



Department of Justice  
Motor Vehicle Division

# MERLIN Payment Portal

Local Reference Id #510225 - David Peyton Brookshire at DSB Billings

## Payment Complete Print the receipt below and close to return to MERLIN

**Cardholder Name:** David Peyton Brookshire  
**MERLIN Customer Name:** David Peyton Brookshire  
**Zip Code:** 591052104

**Order Date:** February 22, 2022

**Item  
Description**

**Quantity**

**Price  
Total**

MT DOJ MVD  
Trans:Driver License

1

\$35.54  
\$35.54

---

Invoice Total \$35.54

Checkout Total \$37.50

Master Card Payment [ \*\*\*\*-\*\*\*\*-\*\*\*\*-3586 ] - \$37.50

---

**Total Due \$0.00**





AISC ADVANCED CERTIFIED STEEL ERECTOR

302 South 24<sup>th</sup> Street  
Billings, MT 59101

Phone: (406) 248-4361  
Fax: (406) 248-8330

Bid Date: December 9, 2021

Project Name: County Water Building Repair

Project Location: 1540 Popelka Dr., Billings, MT 59105

Proposal To: County Water District of Billings Heights

Attention: Peyton Brookshire

Phone: (406) 252-0539 Email: peyton@heightswaterdistrict.com

SOWLES Estimator: Mike Williams


This proposal is for **LABOR** plus Material/equipment/tools necessary for the repair of the damaged sheeting at the site noted above.

**SCOPE OF WORK:**

1. Removal of damaged sheeting.
2. Repair of damaged girts.
3. Supply and install of Ash Gray PBR siding.
  - a. (Color of sheet to matched as close as possible, no guarantee of an exact match)

TOTAL LUMP SUM BID PRICE .....\$7,000.00

Submitted: Date 12/09/2021

By:   
Mike Williams

  
12/9/21



514 North 32nd St.  
 Billings, MT 59101  
 406-245-3029

DATE	INVOICE #
3/14/2022	56695

BILL TO
Billings Heights Water Dist. 1540 Popelka Drive Billings, MT 59105

SHIP TO
Billings Heights Water Dist. 1540 Popelka Drive Billings, MT 59105

P.O. NO.	TERMS	REP	Call #	Order #
	Net 30	SL		
QUANTITY	DESCRIPTION	RATE	AMOUNT	
0.5	Model: HPLJ MC6040F Serial # Page Count Problem: Whistles when the top feeder is in use. Contact / Location: Susie, 242-0539  ADF squeek found to be plactic on the ADF rollers Cleaned and tested ADF ADF working at time of service	85.00	42.50	
Thank You for your Business			<b>Total</b>	\$42.50



MAR 22 PAID  
 ABR: \_\_\_\_\_ BU. MBR \_\_\_\_\_  
 No.: 1746 Date Pd: 3/22/22

A Finance Charge of 1.5%, 18% annually, may be applied to past due balances.

Please Remit To: Western Office Equipment PO Box 1822 Billings, MT 59103



March 14, 2022  
Invoice Number: 1155224031422  
Account Number: 8313 20 001 1155224  
Security Code: 6982  
Service At: 1540 POPELKA DR  
BILLINGS MT 59105-4468

NEWS AND INFORMATION

Contact Us  
Questions about your bill or services?  
Visit [SpectrumBusiness.net](http://SpectrumBusiness.net) or call 1-888-812-2591

Summary *Service from 03/14/22 through 04/13/22 details on following pages*

Previous Balance	139.98
Payments Received	0.00
<b>Past Due Balance - Due Now</b>	<b>\$139.98</b>
Spectrum Enterprise Internet™	139.98
Current Charges Due By 03/31/22	\$139.98
<b>Total Due</b>	<del>\$279.96</del>

*paid - ck cleared 3-16 #17114*

*139.98*



Thank you for choosing Spectrum Enterprise. We appreciate your prompt payment and value you as a client.

MAR 22 PAID  
MBR: \_\_\_\_\_ BU: MBR  
No. 17114 Date Pd. 3-28-2022

# STATEMENT

PAGE: 1 BILLINGS HEIGHTS ACE HARDWARE

P.O. BOX 50189  
 1547 MAIN ST  
 BILLINGS, MT 59105  
 (406) 245-0756

CLOSING DATE: 3/25/22  
 DUE DATE : 4/25/22  
 ACCT: 1022



BILLINGS HEIGHTS WATER DI  
 1540 POPELKA  
 BILLINGS MT 59105



DATE	REFERENCE	ST	C	DESCRIPTION	DEBIT	CREDIT
				PREV BALANCE	0.00	
3/ 4/22	222992	1	I	INVOICE	7.50	<i>8233</i>
3/10/22	223175	1	I	INVOICE	9.18	<i>8233</i>
3/17/22	223412	1	I	INVOICE	6.59	<i>8230</i>
3/19/22	H01337	1	I	PRE-PAID INVOICE	8.37	8.37
				NEW BALANCE	23.27	
CURRENT		1-30 DAYS		31-60 DAYS	61-90 DAYS	OVER 90 DAYS
23.27		0.00		0.00	0.00	0.00

TERMS: NET 30 DAYS

*MAR 30 PAID*

MBR: \_\_\_\_\_ BU. MBR \_\_\_\_\_  
 No.: 1748 Date Pd. 3-30-2022

1022

Transaction Codes

A - Adjustment	C - Credit	I - Invoice
B - Balance Forward	F - Finance Charge	P - Payment



**BILLINGS HEIGHTS ACE HARDWARE**  
**P.O. BOX 50189**  
**1547 MAIN ST**  
**BILLINGS, MT 59105**  
**PHONE: (406) 245-0756**

BILLINGS HEIGHTS WATER DI  
 1540 POPELKA

BILLINGS MT 59105

CUST # 1022  
 TERMS: NET 30 DAYS

INV # 223412/1  
 DATE : 3/17/22  
 CLERK: SCR  
 TERM # 553

TIME :10:20  
 \*\*\*\*\*  
 \* INVOICE \*  
 \*\*\*\*\*

*6220*  
*55*

QUANTITY	UM	ITEM	DESCRIPTION	SUG. PRICE	PRICE/PER	EXTENSION
1	EA	1868298	SPRY PNT/PRMR HGLS WHT		6.59 /EA	6.59 N
** AMOUNT CHARGED TO ACCOUNT **						
				6.59	TAXABLE	0.00
					NON-TAXABLE	6.59
					SUB-TOTAL	6.59
					TAX AMOUNT	0.00
					TOTAL INVOICE	6.59

Item 13.

ACE REWARDS ID # 1972352852



249

Received By

**BILLINGS HEIGHTS ACE HARDWARE**  
**P.O. BOX 50189**  
**1547 MAIN ST**  
**BILLINGS, MT 59105**  
**PHONE: (406) 245-0756**

PAGE NO 1

1

8223  
 OPS

BILLINGS HEIGHTS WATER DI  
 1540 POPELKA  
 BILLINGS MT 59105

CUST # 1022  
 TERMS: NET 30 DAYS

INV # 223175/1  
 DATE : 3/10/22  
 CLERK: NO  
 TERM # 552

TIME : 10:50  
 \*\*\*\*\*  
 \* INVOICE \*  
 \*\*\*\*\*

QUANTITY	UM	ITEM	DESCRIPTION	SUG. PRICE	PRICE/PER	EXTENSION
2	EA	2000005	MAXFIT BIT TORX T30X2"2P		4.59 /EA	9.18 N
** AMOUNT CHARGED TO ACCOUNT **						
				9.18	TAXABLE	0.00
					NON-TAXABLE	9.18
					SUB-TOTAL	9.18
					TAX AMOUNT	0.00
					TOTAL INVOICE	9.18

ACE REWARDS ID # 1972352852



Received By

250

Item 13.

**BILLINGS HEIGHTS ACE HARDWARE**  
**P.O. BOX 50189**  
**1547 MAIN ST**  
**BILLINGS, MT 59105**  
**PHONE: (406) 245-0756**

PAGE NO 1

1

BILLINGS HEIGHTS WATER DI  
 1540 POPELKA

BILLINGS MT 59105

CUST # 1022  
 TERMS: NET 30 DAYS

INV # 222992/1  
 DATE : 3/04/22  
 CLERK: DE  
 TERM # 571

TIME : 9:05  
 \*\*\*\*\*  
 \* INVOICE \*  
 \*\*\*\*\*

*2293*  
*DPD*

QUANTITY	UM	ITEM	DESCRIPTION	SUG. PRICE	PRICE/PER	EXTENSION
10	EA	56	FASTENERS		.75 /EA	7.50 N
** AMOUNT CHARGED TO ACCOUNT **						
				7.50	TAXABLE	0.00
					NON-TAXABLE	7.50
					SUB-TOTAL	7.50
					TAX AMOUNT	0.00
					TOTAL INVOICE	7.50

ACE REWARDS ID # 1972352852

*[Handwritten Signature]*

Received By \_\_\_\_\_

251

Item 13.

Bill To: **Billings Heights County Water District**  
**Attn: Accounts Payable**  
**1540 Popelka Dr**  
**Billings, MT 59105-4468**

# INVOICE

Invoice No.: **461148**



Invoice Date: *Mar 23, 2022*

Purchase Order:

Account Number: **B1118**

Net 30

Quote Id: **N/A**  
 Project Name: **MT0000155**

Lab Number	Client Samp ID	Test Price	Rush	Discount	Price	Total
<b>Work Order: B22030693</b>						
<b>B22030693-001</b>	<b>1540 Popelka Dr</b>					
<b>Analysis Parameter</b>						
Bacteria, Public Water Supply						
		\$30.00			\$30.00	\$30.00
<b>B22030693-002</b>	<b>1219 Main Street</b>					
<b>Analysis Parameter</b>						
Bacteria, Public Water Supply						
		\$30.00			\$30.00	\$30.00
<b>B22030693-003</b>	<b>1415 Yellowstone RR</b>					
<b>Analysis Parameter</b>						
Bacteria, Public Water Supply						
		\$30.00			\$30.00	\$30.00
<b>B22030693-004</b>	<b>1221 Wicks Lane</b>					
<b>Analysis Parameter</b>						
Bacteria, Public Water Supply						
		\$30.00			\$30.00	\$30.00
<b>B22030693-005</b>	<b>2347 Main Street</b>					
<b>Analysis Parameter</b>						
Bacteria, Public Water Supply						
		\$30.00			\$30.00	\$30.00
<b>B22030693-006</b>	<b>2605 Roundup Road</b>					
<b>Analysis Parameter</b>						
Bacteria, Public Water Supply						
		\$30.00			\$30.00	\$30.00
<b>B22030693-007</b>	<b>913 Independent Lane</b>					
<b>Analysis Parameter</b>						
Bacteria, Public Water Supply						
		\$30.00			\$30.00	\$30.00
<b>B22030693-008</b>	<b>200 Rollings Hills Road</b>					
<b>Analysis Parameter</b>						
Bacteria, Public Water Supply						
		\$30.00			\$30.00	\$30.00
<b>B22030693-009</b>	<b>2300 Lake Elmo Road</b>					
<b>Analysis Parameter</b>						
Bacteria, Public Water Supply						
		\$30.00			\$30.00	\$30.00
<b>B22030693-010</b>	<b>1705 Saint Andrews Drive</b>					
<b>Analysis Parameter</b>						
Bacteria, Public Water Supply						
		\$30.00			\$30.00	\$30.00



Trust our People. Trust our Data.

Analysis Parameter			
Bacteria, Public Water Supply		\$30.00	\$30.00
<b>B22030693-011</b>	<b>655 West Wicks Lane</b>		\$30.00
Analysis Parameter			
Bacteria, Public Water Supply		\$30.00	\$30.00
<b>B22030693-012</b>	<b>262 Wicks Lane</b>		\$30.00
Analysis Parameter			
Bacteria, Public Water Supply		\$30.00	\$30.00
<b>B22030693-013</b>	<b>710 Main Street</b>		\$30.00
Analysis Parameter			
Bacteria, Public Water Supply		\$30.00	\$30.00
<b>B22030693-014</b>	<b>98 Skyline Drive</b>		\$30.00
Analysis Parameter			
Bacteria, Public Water Supply		\$30.00	\$30.00
<b>B22030693-015</b>	<b>236 Main Street</b>		\$30.00
Analysis Parameter			
Bacteria, Public Water Supply		\$30.00	\$30.00

MISCELLANEOUS CHARGE SUMMARY:			
Work Order: B22030693			
Item	Price	QTY	Total
Management and Disposal Fee - per sample	\$2.00	15	\$30.00
			<b>\$30.00</b>

**Comments:**  
Proj. Contact: David Peyton Brookshire

<b>Subtotal:</b>	<b>\$450.00</b>
<b>Misc Charges:</b>	<b>\$30.00</b>
<b>INVOICE TOTAL:</b>	<b>\$480.00</b>
<b>Amount Received:</b>	<b>\$0.00</b>
<b>AMOUNT DUE:</b>	<b>\$480.00</b>

MAR 30 PAID  
 MBR: \_\_\_\_\_ BU. MBR: \_\_\_\_\_  
 No.: 17749 Date Pd.: 3-30-2022



PLEASE MAIL PAYMENTS TO:  
INTERSTATE ENGINEERING, INC.  
PO BOX 2035 • JAMESTOWN, ND 58402  
PH. 701.252.0234



County Water District of Billings Heights  
1540 Popelka Drive  
Billings, MT 59105

March 25, 2022  
Project No: WR2201091  
Invoice No: 46614

On-Call GIS / Planning Services  
Check/Review GPS/GIS Point Data, Provide Recommendation for GPS Update/Upgrades,  
GIS Technical Support and Meeting  
Billings, Montana

**Professional Services from February 14, 2022 to March 12, 2022**

**Professional Personnel**

	Hours	Rate	Amount	
TECH IV	4.00	132.00	528.00	
TECH V	1.50	142.00	213.00	
Totals	5.50		741.00	
<b>Total Labor</b>				<b>741.00</b>
		<b>Total this Invoice</b>		<b>\$741.00</b>

Interest of 1.5% per month will be applied to all invoices over 60 days old.

Please call me if you have any questions regarding this invoice.

*Lowell Cutshaw*  
Lowell Cutshaw, PE  
406.445.3133

MAR 30 PAID  
MAR: \_\_\_\_\_ DU. MDR  
No. 17750 Date Pd. 3/30/2022



PLEASE MAIL PAYMENTS TO:  
INTERSTATE ENGINEERING, INC.  
PO BOX 2035 • JAMESTOWN, ND 58402  
PH. 701.252.0234

County Water District of Billings Heights  
1540 Popelka Drive  
Billings, MT 59105

March 25, 2022  
Project No: WR2203091  
Invoice No: 46615

Miscellaneous Engineering Services  
Correspondence/Telecons Related to Future Hydraulic Modeling Needs,  
ARPA Rule Changes, and Northwest Service Area Exhibit Drawing

**Professional Services from February 14, 2022 to March 05, 2022**  
**Professional Personnel**

	Hours	Rate	Amount	
ENG V	.50	206.00	103.00	
TECH IV	.50	132.00	66.00	
TECH V	2.00	142.00	284.00	
Totals	3.00		453.00	
<b>Total Labor</b>			<b>453.00</b>	
		<b>Total this Invoice</b>	<b>\$453.00</b>	

Interest of 1.5% per month will be applied to all invoices over 60 days old.

Please call me if you have any questions regarding this invoice.

*Lowell Cutshaw*  
Lowell Cutshaw, PE  
406.445.3133

MAR 30 PAID  
No. 17750 Date Pd. 3-30-20



PLEASE MAIL PAYMENTS TO:  
INTERSTATE ENGINEERING, INC.  
PO BOX 2035 • JAMESTOWN, ND 58402  
PH. 701.252.0234

County Water District of Billings Heights  
1540 Popelka Drive  
Billings, MT 59105

March 25, 2022  
Project No: Y2100018.01  
Invoice No: 46617

Bidding Services for Installation of Tank Mixers at Lanier, Hilltop and Ox Bow Tanks and  
Construction of New Building and Installation of Chlorine Sampler/Analyzer/Injection  
System at Ox Bow Tank in Section 2, T01N, R26E  
Billings, Montana

**Professional Services from February 06, 2022 to March 12, 2022**

**Professional Personnel**

	Hours	Rate	Amount
ADMIN I	3.00	67.00	201.00
ENG III	3.00	165.00	495.00
ENG V	5.00	206.00	1,030.00
TECH IV	.50	132.00	66.00
TECH V	3.50	142.00	497.00
Totals	15.00		2,289.00
<b>Total Labor</b>			<b>2,289.00</b>
<b>Total this Invoice</b>			<b>\$2,289.00</b>

Interest of 1.5% per month will be applied to all invoices over 60 days old.

Please call me if you have any questions regarding this invoice.

*Lowell Cutshaw /HS*  
Lowell Cutshaw, PE  
406.445.3133

MAR 30 PAID  
CARR: \_\_\_\_\_ DU. MBR \_\_\_\_\_  
No. ~~7749~~ Date Pd. 3-30-2022  
17750



Mailing Technical Services, Inc  
PO Box 1753, Billings, MT, 59103  
accounting@mailingtechnical.com  
406-245-1234  
EIN #: 81-0484845

http://www.mailingtechnical.com



ORDERED BY  
HEIWAT  
Heights Water District  
1540 Popelka Dr  
Billings, MT, 59105  
-Attn: Pam Ellis



*ATTN: Peyton Brookshire*

CONTACT INFO  
~~Pam Ellis~~  
pamellis50@gmail.com

*Peyton Brookshire  
General Manager*

# Invoice 5797

## Water District Postcard

SALES REP INFO  
Jordan Yarbrough  
jyarbrough@mailingtechnical.com  
(406) 245-1234 x 113

INVOICE DATE  
03/25/2022  
TERMS  
Net 10

INV. DUE DATE  
04/04/2022

QT#  
1359

#	ITEM	QTY	UOM	U.PRICE	TOTAL (EXCL. TAX)
1	<b>B&amp;W 5 x 7" Postcard (100# Cover)</b> B&W Print	5347	Each	\$0.10	\$534.70
2	<b>Standard Mail Letter Postage</b> Standard Mail Letter Postage	5347	Each	\$0.27	\$1,443.69

PAYMENT TERMS/CREDIT CARD USE Please pay within the terms as stated at the top of this invoice. Credit card use must be approved in advance and will add at least a 4% convenience fee, plus a \$0.25 per transaction fee to this invoice amount.

<b>Subtotal:</b>	<b>\$1,978.39</b>
<b>Sales Tax (0%):</b>	<b>\$0</b>
<b>Total:</b>	<b>\$1,978.39</b>

SIGNATURE:

DATE:

*MAR 30 PAID*

PRINTED ON FRI, 25 MAR 2022 07:20:43 -0600 BY MP CREATED BY MP



MBR: \_\_\_\_\_ SD. MBR \_\_\_\_\_ 1/1  
 No.: *1761* Date: *03/30/2022*  
 Page 257



Account Summary

Account Number 00039804-3  
 Invoice Number 101527502  
 Date Apr 01, 2022  
 Past Due After Apr 15, 2022  
 Previous Bill \$ 144.39  
 Previous Payments \$ 144.39cr  
 Previous Balance \$ 0.00  
 Current Charges \$ 146.68  
**Total Due \$ 146.68**

Important Messages

BLUEPRINT INFORMATION

For questions regarding your bill, please call our office by dialing 800-800-7806 or email us at: support@blueprintbytct.com. Customization of your Blueprint solution is easy..please do not hesitate to contact us with questions or how we may be able to help you implement your ideas.

Balance Forward

Previous Bill \$ 144.39  
 Payment made on Mar 9 \$ 144.39cr  
 Total payments through Mar 23 \$ 144.39cr

Balance Before Current Charges \$ 0.00

Invoice Totals

Subtotal 25.00  
**Blueprint Circuit** 15.99  
**Blueprint Fax Number** 406-606-1049 2.77  
**Blueprint Phone Number** 406-252-0539 102.92  
**Blueprint Service**  
 Subtotal Current Charges **\$ 146.68**

Total Amount Due **\$ 146.68**

Charge Detail

Blueprint Phone Number (406-252-0539)

Recurring Charges (Apr 01 - Apr 30)  
 DID Numbers: 406-245-8799 thru 8799 0.00  
 DID Numbers: 406-252-0530 thru 0530 0.00  
 DID Numbers: 406-254-9345 thru 9345 0.00  
 DID Numbers: 406-256-0921 thru 0921 0.00  
 E911 BANDWIDTH 1.00

Taxes, Fees, and Surcharges  
 USAGE - FCC UNIVERSAL SERVICE FUND 0.11  
**Total for 406-252-0539 \$ 1.11**

Blueprint Circuit

Recurring Charges (Apr 01 - Apr 30)  
 BLUEPRINT CIRCUIT COST 25.00  
**Total for Blueprint Circuit \$ 25.00**

MAR 30 PAID

MBR: BU. MBR

No. 1752 Date Pd. 3-30-22 Page 1 of 2

WE APPRECIATE YOUR BUSINESS



**Noddings Waterworks, Inc. dba  
Yellowstone Waterworks**  
547 S 20th Street West, Ste 1  
Billings, MT 59102  
(406) 633-2316 Phone (406) 633-2650 Fax  
[www.ywaterworks.com](http://www.ywaterworks.com)


# Invoice

Date	Invoice #
3/11/2022	81-931

<b>Bill To</b>
County Water District of Billings Heights 1540 Popelka Drive Billings, MT 59105

<b>Ship To</b>
Will Call Picked Up by: Peyton

P.O. Number	Terms	Due Date	Shipped Date	Via	FOB	BMI Number
Verbal - Peyton	Net 30	4/10/2022	3/9/2022	WILL CALL	YWW Stk	1004130 // 1040474

MPN	Description	Qty	U/M	Price Each	Amount
M35S	M35S: 3/4x7-1/2" Lead-free Bronze Bare Meter w/ CI Bottom	12		85.38	1,024.56
UM1-0011-0774	M35L: 3/4x9" Lead-free Bronze Bare Meter w/ CI Bottom Shipping & Handling	12	EA	90.60 86.52	1,087.20 86.52
Thank you for your Business <i>8363</i> 					

<b>Total</b>	<b>\$2,198.28</b>
--------------	-------------------

NOTE: Standard Manufacturers' Terms and Conditions apply to all items quoted above.  
Contact us for clarifications.

*MAR 30 PAID*  
 MBR:            BU. MBR             
 No.: 17753 Date Pd. 3-30-2022




**Noddings Waterworks, Inc. dba  
Yellowstone Waterworks**  
547 S 20th Street West, Ste 1  
Billings, MT 59102  
(406) 633-2316 Phone (406) 633-2650 Fax  
[www.ywaterworks.com](http://www.ywaterworks.com)

# Invoice

Date	Invoice #
3/29/2022	81-939

<b>Bill To</b>
County Water District of Billings Heights 1540 Popelka Drive Billings, MT 59105

<b>Ship To</b>
Will Call Picked Up by: Peyton

P.O. Number	Terms	Due Date	Shipped Date	Via	FOB	BMI Number
Verbal - Peyton	Net 30	4/29/2022	3/24/2022	WILL CALL	YWW Stk	677109
MPN	Description	Qty	U/M	Price Each	Amount	
ESSS3/4X7-1/2GTT10	Badger Meter E-Series Ultrasonic Meter: 3/4"x7-1/2"Stainless Steel Meter, Potable, HR-E LCD Encoder Register, Gallon, Twist Tight Connector, 10'	1		222.16	222.16	
.8899	ENDPT ONLY: ORION ME, TT, 8"	1	EA	107.06	107.06	
	Shipping & Handling			6.25	6.25	
	Thank you for your Business					
						
<b>Total</b>					<b>\$335.47</b>	

NOTE: Standard Manufacturers' Terms and Conditions apply to all items quoted above.  
Contact us for clarifications.

MAR 30 PAID  
MBR: \_\_\_\_\_ RD: MBR  
No: 17753 Date Ad: 3/30/22



**USPS Receipt for Money or Services**

Post Office <i>Billings</i>		Station <i>3MEU</i>		Receipt Number <b>67</b>	
<input type="checkbox"/> <b>P.O. Receipt for Money</b>		Finance Number	Unit ID	AIC Number <i>070</i>	
Receipt for: (indicate purpose) <i>Fifteen hundred forty-eight and 17/100</i>		Received from: (show address only when receipt is mailed) <i>County Water</i>		Amount \$ <i>1648.17</i>	
<input type="checkbox"/> <b>P.O. Box/Caller Service Fees</b>		Permit Number or SSN (Employees only) <i>108</i>			
Customer name:		Amount \$		AIC Number	
Box/Caller Number(s)	<input type="checkbox"/> For one semiannual payment period (AIC 158) <input type="checkbox"/> For annual payment period (AIC 115) <input type="checkbox"/> Reserved Number Fee (AIC 115) (Ending date / / ) (mm/dd/yyyy)			Postmark 	
Certifying Signature <i>OK Schmidt</i>					

PS Form 3544, July 2004 (PSN: 7530-03-000-3768)

Distribution: Original - Customer; Duplicate - File with PS Form 1412

ORIGINAL INVOICE

INVOICE



Mail all remittances to:  
 Box 88223  
 Milwaukee, WI 53288-0223

4545 W Brown Deer Rd. P.O. Box 245036  
 Milwaukee, WI 53224-9536 (414) 355-0400  
 Credit Inquiries - credit@badgermeter.com

INVOICE NUMBER	DATE
80095728	03/30/22
D-U-N-S 00-606-9710	
NET 30 DAYS	

FED I.D. #39-0143280  
 GST# 123746141

SOLD TO CUSTOMER: 250168  
 COUNTY WATER DISTRICT OF BILLINGS HEIGHTS  
 1540 POPELKA  
 BILLINGS, MT 59105-4468

SHIP TO CUSTOMER: 1  
 BILLINGS HEIGHTS CNTY WTR DIST  
 1540 POPELKA  
 BILLINGS, MT 59105



CUSTOMER PO#	SHIPPING TERMS	FREIGHT CARRIER
BADGER SERVICES	FREIGHT PREPAID	
ORDER DATE	INCO TERMS	TRACKING NUMBER
03/30/22	FCA FACTORY	
PROPOSAL #	FINAL DESTINATION	WAREHOUSE / ORDER#
	UNITED STATES	MM 1069861

LINE	PRODUCT DEFINITION	UNIT PRICE	EXTENDED PRICE USD
1	Badger Meter Item: 68886-301 Description: BEACON MBL HOSTING SERV UNIT Ordered: 5987.000 Shipped: 5987.000 7172 NODDINGS WATERWORKS INC SERVICES FOR MARCH 2022	0.0600	359.22
	Sub Total		359.22
	Total		359.22
	BEACON SERVICES INVOICE, SALES REPRESENTATIVE # 7172		

MAR 31 PAID  
 MBR:            DU. MBR  
 No.: 17756 Date pd. 3-31-2022

This invoice is made subject to the terms & conditions found on our web-site: <https://www.badgermeter.com/terms-and-conditions>. Terms and conditions related to service units, training, and professional services can be found here: <https://badgermeter.com/service-units-terms-and-conditions>. Goods covered by this were produced in compliance with the provisions of the Fair Labor Standards Act of 1938 as amended.

8920  
OPB



3001 37th St W  
Billings, MT, 59102  
archerentinc@yahoo.com  
www.fixingyourshorts.com  
406 697-5343

### Invoice

**Bill To:** Heights water district  
peyton@heightswaterdistrict.com

**Invoice No:** 1495  
**Date:** 02/18/2022  
**Terms:** NET 7  
**Due Date:** 02/25/2022

**Ship To:**

**Tracking No**  
**Ship Via**  
**FOB**



Code	Description	Quantity	Rate	Amount
Estimate 2-18-22 Saint Andrew's pump station	Replacement of 2 40 HP ABB VFD's with New Schneider VFD's. Demo of old units, and installation of new units in place with equipment certified startup technician.	1	\$10,000.00	\$10,000.00

**Payment Details**

Credit cards are accepted with an additional 5% interest charge.

Payments that are not received within 30 days are subject to interest charges.

Subtotal	\$10,000.00
TAX 0%	\$0.00
Shipping	\$0.00
Total	\$10,000.00
PAID	\$0.00

**Balance Due \$10,000.00**

This is total  
cost equipment  
+ labor  
OPB  
3/30/22

MAR 31 PAID  
MBR: \_\_\_\_\_ BU. MBR: \_\_\_\_\_  
No.: 17755 Date Pd.: 3/30/22

10:27 AM

04/08/22

Accrual Basis

## COUNTY WATER DISTRICT OF BILLINGS HEIGHTS

## Profit &amp; Loss Prev Year Comparison

March 2021 through March 2022

Laura + Pam

	Mar '21 - Mar 22	Mar '20 - Mar 21	\$ Change	% Change
<b>Ordinary Income/Expense</b>				
<b>Income</b>				
Income-Other	0.00	598.00	-598.00	-100.0%
6000 · Uncategorized Income	300.00	200.00	100.00	50.0%
6010 · WATER SALES	5,280,080.97	4,838,513.06	441,567.91	9.1%
6020 · SERVICE LINE FEE	183,128.02	165,322.48	17,805.54	10.8%
6030 · INTEREST INCOME	145,936.26	203,774.25	-57,837.99	-28.4%
6031 · UNREALIZED GAINS	0.00	-25,310.37	25,310.37	100.0%
6040 · OTHER INCOME	118,516.87	90,844.28	27,672.59	30.5%
6050 · HYDRANT RENT	-160.00	0.00	-160.00	-100.0%
6060 · WORK ORDER INCOME	290.00	291.72	-1.72	-0.6%
6070 · BUY-IN FEES	527,701.02	31,561.02	496,140.00	1,572.0%
<b>Total Income</b>	<b>6,255,793.14</b>	<b>5,305,794.44</b>	<b>949,998.70</b>	<b>17.9%</b>
<b>Cost of Goods Sold</b>				
7500 · WATER PURCHASED	3,063,085.58	2,834,604.54	228,481.04	8.1%
<b>Total COGS</b>	<b>3,063,085.58</b>	<b>2,834,604.54</b>	<b>228,481.04</b>	<b>8.1%</b>
<b>Gross Profit</b>	<b>3,192,707.56</b>	<b>2,471,189.90</b>	<b>721,517.66</b>	<b>29.2%</b>
<b>Expense</b>				
66900 · Reconciliation Discrepancies	0.00	0.00	0.00	0.0%
6999 · Uncategorized Expenses	0.00	0.00	0.00	0.0%
<b>8009 · LABOR</b>				
8010 · LABOR-ADMINISTRATIVE	293,722.38	273,680.73	20,041.65	7.3%
8011 · LABOR-FIELD	325,348.40	337,391.31	-12,042.91	-3.6%
8014 · LABOR-BONUS	10,361.94	4,001.00	6,360.94	159.0%
<b>Total 8009 · LABOR</b>	<b>629,432.72</b>	<b>615,073.04</b>	<b>14,359.68</b>	<b>2.3%</b>
8012 · DIRECTORS FEE	13,850.00	14,300.00	-450.00	-3.2%
<b>8015 · PAYROLL TAXES</b>				
8019 · MEDICARE	9,029.89	8,589.46	440.43	5.1%
8020 · FICA	38,610.53	36,727.31	1,883.22	5.1%
8021 · STATE UNEMPLOYMENT	4,277.05	2,167.40	2,109.65	97.3%
8015 · PAYROLL TAXES - Other	84.00	0.00	84.00	100.0%
<b>Total 8015 · PAYROLL TAXES</b>	<b>52,001.47</b>	<b>47,484.17</b>	<b>4,517.30</b>	<b>9.5%</b>
8030 · RET. BENEFITS	57,165.00	62,270.56	-5,105.56	-8.2%
<b>8040 · INSURANCE</b>				
8041 · EMPLOYEE INSURANCE	236,937.46	233,303.84	3,633.62	1.6%
8043 · BUSINESS INSURANCE	69,009.00	52,824.00	16,185.00	30.6%
8044 · WORKERS COMP INSURANCE	13,001.52	14,816.63	-1,815.11	-12.3%
<b>Total 8040 · INSURANCE</b>	<b>318,947.98</b>	<b>300,944.47</b>	<b>18,003.51</b>	<b>6.0%</b>
<b>8200 · SUPPLIES</b>				
8210 · OFFICE SUPPLIES & EQUIPMENT	18,806.21	50,891.23	-32,085.02	-63.1%
8220 · OPERATING SUPPLIES	2,909.31	4,030.82	-1,121.51	-27.8%
8222 · LABORATORY AND MEDICAL SUPP...	0.00	537.95	-537.95	-100.0%
8226 · CLOTHING & UNIFORMS	737.20	0.00	737.20	100.0%
8231 · GAS, OIL, FUEL, GREASE	11,032.30	8,404.96	2,627.34	31.3%
8233 · MACHINERY & EQUIP PARTS, TIRES	8,748.19	8,312.78	435.41	5.2%
8236 · WATER MAIN AND LINE REPAIR	26,642.76	29,929.13	-3,286.37	-11.0%
8241 · CONSUMABLE TOOLS	1,477.04	1,950.56	-473.52	-24.3%
8263 · SAFETY SUPPLIES	475.10	4,550.41	-4,075.31	-89.6%
<b>Total 8200 · SUPPLIES</b>	<b>70,828.11</b>	<b>108,607.84</b>	<b>-37,779.73</b>	<b>-34.8%</b>
<b>8300 · PURCHASED SERVICES</b>				
8310 · COMMUNICATION AND POSTAGE	28,886.75	19,104.31	9,782.44	51.2%
8312 · BILLINGS ALARM	655.70	647.00	8.70	1.3%
8313 · ELM-UTILITIES UNDERGROUND	3,354.47	3,058.22	296.25	9.7%
8320 · PRINTING, FORMS, PRINTING SERVICE	867.35	2,389.20	-1,521.85	-63.7%
8330 · SUBSCRIPTIONS, LEGAL NOTICES	3,230.46	66.90	3,163.56	4,728.8%
8335 · MEMBERSHIPS & DUES	2,354.00	2,612.00	-258.00	-9.9%
8339 · CERTIFICATION RENEWALS	1,480.48	760.00	720.48	94.8%
8341 · ELECTRIC	45,670.32	44,402.75	1,267.57	2.9%
8342 · GAS	3,729.30	2,245.18	1,484.12	66.1%
8343 · SEWER	460.72	799.02	-338.30	-42.3%
8344 · TELEPHONE AND INTERNET ACCESS	5,733.71	3,247.53	2,486.18	76.6%
8345 · CELL PHONE	3,312.56	3,097.14	215.42	7.0%
8347 · PERMITS	2,935.00	4,450.00	-1,515.00	-34.0%
8349 · QUALITY TESTING	5,875.00	5,712.27	162.73	2.9%
8351 · LEGAL FEES	71,459.42	17,800.04	53,659.38	301.5%
8352 · ACCOUNTING FEES	390.00	14,300.00	-13,910.00	-97.3%



10:27 AM

## COUNTY WATER DISTRICT OF BILLINGS HEIGHTS

## Profit &amp; Loss Prev Year Comparison

04/08/22

March 2021 through March 2022

Accrual Basis

	Mar '21 - Mar 22	Mar '20 - Mar 21	\$ Change	% Change
8353 · ENGINEERING FEES	297,409.11	-144,291.61	441,700.72	306.1%
8355 · DATA PROCESSING SERVICES	49,303.60	32,062.41	17,241.19	53.8%
8360 · REPAIR & MAINT. CONTRACT SERVIC	111,153.95	48,710.13	62,443.82	128.2%
8363 · METERS REPAIR & MAINTENANCE	41,855.06	7,613.39	34,241.67	449.8%
8366 · BUILDING MAINTENANCE	12,070.46	15,756.47	-3,686.01	-23.4%
8370 · TRAVEL & LODGING	326.46	326.46	0.00	0.0%
8380 · TRAINING, TUITION	326.85	0.00	326.85	100.0%
<b>Total 8300 · PURCHASED SERVICES</b>	<b>692,840.73</b>	<b>84,868.81</b>	<b>607,971.92</b>	<b>716.4%</b>
8400 · BUILDING MATERIALS				
8410 · CONCRETE	1,800.00	1,600.00	200.00	12.5%
8450 · GRAVEL,SAND	1,850.19	1,896.69	-46.50	-2.5%
8470 · ASPHALT,COLD MIX	13,166.50	13,001.70	164.80	1.3%
8400 · BUILDING MATERIALS - Other	0.00	741,706.38	-741,706.38	-100.0%
<b>Total 8400 · BUILDING MATERIALS</b>	<b>16,816.69</b>	<b>758,204.77</b>	<b>-741,388.08</b>	<b>-97.8%</b>
8500 · FIXED CHARGES				
8515 · TAXES	4,188.09	4,076.38	111.71	2.7%
8520 · MISCELLANEOUS	84.98	564.86	-479.88	-85.0%
8533 · EQUIPMENT RENTAL	0.00	440.00	-440.00	-100.0%
8543 · DEQ SERVICE CONNECTION FEE	11,806.00	11,482.00	324.00	2.8%
<b>Total 8500 · FIXED CHARGES</b>	<b>16,079.07</b>	<b>16,563.24</b>	<b>-484.17</b>	<b>-2.9%</b>
8600 · DEBT SERVICES				
8620 · INTEREST	11,732.54	137,954.69	-126,222.15	-91.5%
<b>Total 8600 · DEBT SERVICES</b>	<b>11,732.54</b>	<b>137,954.69</b>	<b>-126,222.15</b>	<b>-91.5%</b>
8800 · OTHER				
8810 · LOSSES (BAD DEBT)	416.09	-11,612.20	12,028.29	103.6%
8800 · OTHER - Other	161.14	-90.90	252.04	277.3%
<b>Total 8800 · OTHER</b>	<b>577.23</b>	<b>-11,703.10</b>	<b>12,280.33</b>	<b>104.9%</b>
<b>Total Expense</b>	<b>1,880,271.54</b>	<b>2,134,568.49</b>	<b>-254,296.95</b>	<b>-11.9%</b>
<b>Net Ordinary Income</b>	<b>1,312,436.02</b>	<b>336,621.41</b>	<b>975,814.61</b>	<b>289.9%</b>
<b>Net Income</b>	<b>1,312,436.02</b>	<b>336,621.41</b>	<b>975,814.61</b>	<b>289.9%</b>



## COUNTY WATER DISTRICT OF BILLINGS HEIGHTS

### Board of Directors Meeting REVISED Minutes

March 16, 2022 at 6:00 PM

Board Room, County Water District of Billings Heights 1540 Popelka Dr.

#### REVISED AGENDA Monday, March 14, 2021

The meeting is open to any interested member of the public. Agendas and Agenda Packets are prepared for the meetings; agendas may be requested from the General Manager Peyton Brookshire, peyton@heightswaterdistrict.com and are available at <https://heightswaterdistrict.com/> and <https://www.yellowstonecountynews.com/category/features/>. Supplemental documents are linked in the Agenda Packet.

Join Zoom Meeting <https://us02web.zoom.us/j/89318236922> Meeting ID: 893 1823 6922

**CALL MEETING TO ORDER:** President Ming Cabrera at 6:00 pm

**WELCOME AND INTRODUCTIONS** President Ming Cabrera noted that the city appointed Jeff Engel to the Board; Yellowstone County appointed Pam Ellis. The minutes of the June Board meeting record the additions as well as three elected members: Ming Cabrera, Dennis Cook and Laura Drager. President Cabrera also reiterated the statement that Board members should be present in person if they are in town.

**BOARD MEMBERS PRESENT: IN PERSON** Ming Cabrera, Laura Drager, Pam Ellis, David Graves, Pam Ellis

**ON ZOOM** Brandon Hurst Dennis Cook was not visible on screen and did not participate

**STAFF PRESENT:** Peyton Brookshire, Josh Simpson, Dianne Crees and Attorney Mark Noennig

**GUESTS:** Kelly Brookshire, Evelyn Pyburn, Tom Zurbuchen,

**PRESIDENT'S REMARKS:** Ming Cabrera

During the course of the meeting the Public may be heard before a vote is cast by the Board. The President will acknowledge the Public once the motion has been made and discussed by the Board for their input. The President will recognize speakers who raise their hand. Once recognized, the speaker should move to the side of the board table so comments can be heard, identify themselves by name, and limit their comments to two minutes. Each speaker will have one opportunity to speak on any agenda item.

**LEGAL COMMITTEE REPORT** (see report and attachments)

- Background The City of Billings calculated the unpaid bill at \$2,970,599.35 and had offered to let the District repay the balance over a three year period. The legal committee negotiated that the District discount the amount possible to earn if the District invested in CD's during this period ( $\$2,970,599.35 - \$34,347.55 = \$2,936,251.80$ ). The District turned down requests to join the Franchise lawsuit multiple times as reflected in the Minutes (October 11, 2017, June 13, 2018, January 9, 2019).

The city's liability to the District for the franchise fees was limited to \$35,000 due to the statute of limitations and the date the District gave notice to the City when filing a counter lawsuit (January 7, 2021). The second counter claim of right-of-way fees are about \$5000 annually and the committee's recommendation is that any dispute could be resolved through discussion, not litigation.

Evidence does not exist to draw a clear conclusion on who made the error, the software vender or a city employee. This was made more difficult by the timeline. The error wasn't discovered until way

past the contract liability limitations with the vender. Added to this is the simple fact that the HWD did receive, and sell the water.

The council is scheduled to approve the agreement March 28.

Attorney Mark Noennig summarized the Settlement Agreement. The agreement is to pay the bill less about \$34,000 in interest that is saved as a result of what we would have saved had we paid it over a 3 year period. The District came out ahead there on the settlement in his view. The franchise fees agreed to dismiss that claim with prejudice meaning it is a “done deal” which offsets the amount the city agreed to deduct. The District court has recently held that the franchise fee was not collectible in another case based upon two observations 1) the Universal Commercial Code applies to this transaction; 2) there wasn’t sufficient protest under UCC when the bill was sent out. The City is no longer collecting franchise fees. The permit fees: the District’s position was that the City could not charge the District for right-of-way fees (each are a governmental body). We agreed not to agreed. It is subject to discussion and subject to further litigation if necessary. He is not speaking on behalf of the Board; he is speaking on behalf of an attorney hired to do a specific job. Nothing that he says should be used for legalities—he is just giving his input. He recommends that is likely in the best of the interests of the Board to settle. 1) The Liability It appears that the evidence will show that the city made a mistake; there is a contract that provides the means by which the price for that water is determined. The water was provided; the bill was apparently an error. The city took awhile to find the error. To his knowledge, there is no evidence that there was any intention on the part of the City or anyone else to misrepresent. Strongly supportable legal conclusion that the District would be responsible for that bill. Two other issues that are really important. Interest The city has added in enough interest to say the bill is \$5.2 million. That may not be necessarily supportable. The law based on statute and case history, if there is a contract and there is amount owed under the contract, the statute says 10% simple interest is accrued on that bill until it is paid. The city is charging probably in excess of that and probably compounded. 10% interest on \$3 million for several years, the District is responsible for plus or minus \$1 million in interest. The “consideration” settlement is primarily that the city doesn’t pursue that claim for \$1 million in interest which they may have a legally supportable basis to recover; that is not a conclusive decision. Conclusion: the principal amount is likely to be recovered; the interest too. The franchise fee is probably not winnable but it is set off against the reduction negotiated by the legal committee. Another big consideration is attorney’s fees: if this case is not settled and is litigated, people say attorneys would be the only happy people. He would not be happy because he does not want to litigate this case. The District would spend tens of thousands of dollars in attorney fees in addition to exposure to interest and the principal amount and not much success on the franchise fees or the right-of-way fees. The contract negotiation: we got that paragraph in the settlement agreement to say the parties will meet; no legal liability to do anything. That is within the spirit if not beyond what the charge was when the Resolution was passed.

Ming Cabrera asked “who made the mistake.” That question was answered by Pam Ellis who referenced Chris Kukulski’s response in the agenda: “Evidence does not exist to draw a clear conclusion on who made the error, the software vender or a city employee. This was made more difficult by the timeline. The error wasn’t discovered until way past the contract liability limitations with the vender. Added to this is the simple fact that the HWD did receive, and sell the water”. No one knows who made the error in implementation of the new software. The calculation to convert from cubic feet which the city measured in to gallons which the District measures was in error. The District has a contract, the city provided the water. Duke Nieskens told the old board that he personally had recalculated the correct amount; he confirmed in mediation that is the correct amount that is unbilled.

David Graves said he thought Mark did a fine job and we protected our rights on the contract. We did not negotiate a new contract; we are just paying for the water we used in the this settlement. The city made a lot of sacrifices.

President Cabrera asked for a motion. Pam Ellis read the recommended motion.

Recommended motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve SETTLEMENT AGREEMENT between THE CITY OF BILLINGS (the “City”) and THE COUNTY WATER DISTRICT OF BILLINGS HEIGHTS (the “District”) with the SETTLEMENT AMOUNT: \$2,936,251.80 (Two Million, Nine Hundred Thirty-Six Thousand, Two Hundred Fifty-One Dollars and 80 cents) and to direct the District to pay the full amount within thirty (30) days after the approval of this Settlement Agreement and Release by the later of the City of Billings City Council and the Board of Directors of the County Water District of Billings Heights. At a later date, The Parties through their respective representatives, shall meet to begin addressing issues with the existing Water Purchase Agreement with a goal of drafting a new Water Purchase Agreement that may be acceptable to both the City of Billings and the County Water District of Billings.

President Cabrera said if there is a second we can have a discussion and public comment (no second). Public comment needs to be done now or in the future. He spoke with city manager Chris Kukulski. Laura Drager advised that the Treasury Bills are maturing at the end of March.

Laura Drager echoed David’s sentiment. Mark Noennig did a great job representing the District. The city is going to write off about \$2 million in interest. Pam is the one that insisted that the city deduct the interest which we could have earned if we had paid the principal back over time. She believes this is a good deal for the rate-payers, for the District. This is an opportunity to put this to bed so we can move forward with planning for the future.

Pam Ellis noted that the city has it on the agenda for March 28, 2022. Ming Cabrera asked Mark Noennig if we needed to have a separate meeting and he said no. This was discussed November 15, November 29, December 15, and January 19 and the agenda and notice for this meeting. It was noted in the minutes, the Yellowstone County News has written multiple articles. The bulk of people that she talks to are upset that they were billed for the water and we did not return the money to rate-payers or pay the city. I am supported of approving the settlement offer.

Brandon Hurst wants to have the proper public notice. This is 30% of our reserves. Ming Cabrera asked if he wanted to make a substitute motion. Brandon reiterated that he would like to have a public meeting. Ming Cabrera said, FYI, this is a public meeting. Please amend the motion so that we can table it for the April meeting and a public meeting. Peyton Brookshire has said it would cost about \$2000 to send a notice to all rate-payers.

Ming Cabrera asked to table the decision until the April meeting. Treasuries mature at the end of March. Chris Kukulski was fine if we pay them after the April meeting. That way the rate-payers would be informed and we need to make sure it is done right. This is a huge chunk of money.

Mark Noennig said his input was that if you have sufficient notice and the issue is on the agenda, you can make the decision.

David Graves agrees with Brandon and Ming. He would like to see what the city does on March 28<sup>th</sup>. We can have the public hearing and the vote on April 13<sup>th</sup> and we would be able to pay the bill by the end of April.

Pam Ellis made a friendly amendment. It is much less expensive to send a postcard. Should come out closer to the \$1600 that we spend each month to pay the bills. We can post the Settlement agreement, the lawsuit and the counter-claim on the website. If people are going to speak to the Settlement, they should have an opportunity to be fully informed.

Ming Cabrera said we can use the Yellowstone County News, the Heights Task Force to show that we are looking at a settlement.

Brandon Hurst accepted the friendly amendment. Ming Cabrera suggested that the Public Hearing be done at 6:00 pm at the April 13, 2022 meeting.

MOTION Ming Cabrera summarized the amended motion with the friendly amendment to send a post-card to all rate-payers that a public meeting to vote on the Settlement Agreement would be held on April 13 @ 6:00 pm; the District will send postcard notices to all ratepayers. Ming Cabrera will sign the postcard. We can call Billings Gazette and Ming will send letters to the editor.

Mark Noennig said the notice needs to include the issue and when and where it will be heard.

PUBLIC COMMENT Tom Zurbuchen read the Settlement Agreement. He didn't like it. Does not believe it is fair to the ratepayers of the District or to the ratepayers of the city's water utility. He did not believe that the city could use the money to build an amphitheater at Coulson Park; all of this money needs to go to the water utility.

Laura Drager did some research. Public Works is an enterprise fee. The money will go into the Public Works enterprise fund—this money cannot be used for any other purpose. Maybe able to ask that a portion of the money be used to offset infrastructure development for the Inner Belt Loop. \$2,171,170.62 is the interest that had accrued in March; interests increases by about \$75,000 per month.

Peyton Brookshire believes there are still unanswered questions. The city is not accepting any liability for their error. We didn't get a rate freeze for 3 years and we are giving up 30% of our reserves. He does not like the way it is written. The city wants control. The District is not taxing the city's system.

Mark Noennig doesn't know how this settlement agreement would include a refund for franchise fees. The District court said what is paid was paid. He is not aware of any legal basis for concluding that there is no interest that is accruing on a debt when the amount has been determined unless there is a different specific agreement in writing. If there is a determination that an amount is owed, it accrues interest at a minimum of 10% per annum simple interest. He is not aware of a defense to the statute that the interest is not owed. This has been true since 1895. Mark Noennig summarized that if we save \$1 million in interest expense, that is hard to walk away from. If you end up paying attorney's fees, the interest and \$3 million in unpaid fees—how do you explain that to the ratepayers?

Ming Cabrera said that was one of the reasons he was elected because people were fed up with the District refusing to settle.

David Graves said we are not giving away 1/3 of our reserves. The District made money on our CD's and Treasury bonds. If the city had billed correctly, we would not have any interest; the District has benefited. Laura Drager added that the ratepayers have benefited as well.

David Graves called for the question.

VOTE ON THE QUESTION: Unanimous support

VOTE ON THE MOTION: Unanimous support.

Attachments:

Final Settlement Agreement City and Heights Water District

Resolution 007-22 Resolve Fee Dispute with the City of Billings

Decision and Order Re City of Billings' Motion for Partial Summary Judgment (franchise lawsuit)

**YCN ♦ February 25, 2022 ♦ Proposed Water Rate Increases Postponed; Water District Nears Agreement with City**

**NEW BUSINESS**

2. Board Secretary and Recording Secretary (see attachments Appointment of Administrative Personnel; Jeff Weldon Memo to Board 2021.09.98, Contract for Outside Services Suzie McKethen 2009.12.11, Draft CWDBH Board Secretary Job Description and Evaluation, 2022.02 CWD staffing comparison)

MOTION Ming Cabrera made a motion to hire a Recording and Board Secretary to take minutes and prepare the agenda. Seconded by David Graves.

Pam Ellis commented that the District spent \$8200 to purchase the Municode software for Agenda management and a new website. She spent 7 ½ hours training to use the software. For 14 years, the current District staff prepared the agendas and minutes. Preparing the agenda takes the bulk of the time. Preparing the agenda and minutes was done by Suzie McKethen on paid time; she received \$150 per month additional compensation for attending Board meetings. The District is currently hiring a finance clerk. She said she considered it completely irresponsible to hire a fifth person to work in the office. She contacted all the Districts that are larger in Montana and compared the staff with the annual income. All the other districts produce the water, most treat sewer, all have sewer lines (Lockwood sewage is treated at the Billings plant; Flathead Co. W/S don't treat wastewater, just collect and pump to Kalispell. We are the only districts that only redistributes the water. We have adequate staff in the office by comparison. We do not have a budget. We know the cost of wholesale water will increase somewhere in the range of 40-50% in FY2024. What we need to do first is develop the budget which we should be able to do when we receive the audit, we need to work with Josh Jabalara, we need to have a current job description, and we need to see if the work can be completed by the current staff as it was for the prior 14 years before we spend more money.

Ming Cabrera asked Peyton how many hours per month would it require for someone to prepare an agenda? Peyton Brookshire said the information that is going in now is quite different than what we have done in the past and different than what Lockwood does. His estimate was 4 hours tops. (Ming calculated 4 hours x \$15 per hour = \$60). Ming Cabrera asked if someone could add preparation of the agenda and minutes to the job description so the individual could complete the documents in time. Peyton Brookshire said he would talk to staff if they could do the work.

Pam Ellis noted that the documents included in the agenda are the documents that used to be sitting on the table when the Board walked in the door. That is not legal. Whatever action the Board takes, the information should be available to the Board members so they can adequately prepare for the meeting. The information must be available to the public 48 hours in advance of the meeting. At the beginning, using Municode would take significantly more than 4 hours because of the required time to learn a new software program. Pam Ellis sent the training links to Peyton Brookshire and invited him to participate; she did not have response. Our contract allows for one training period; we may need to pay additional money to train another person.

Ming Cabrera said the cost of photocopying the packet would run about \$500 per month. Using Municode makes it possible to make the documents available without this expenditure. Ming Cabrera called Zee Creative and did not get a return phone call. Peyton Brookshire had left a ½ page document on the Board table but it was not responsive to the RFP approved by the Board.

Ming Cabrera said he would like to table this decision until we get a budget and until we understand Municode a little bit better. Pam Ellis noted that the minutes have been really long because there has been no way for the public to see the documents. When you are posting the agenda packet with all the documents, the minutes can be shorter because the public can refer to the source documents in the agenda. Ming Cabrera said the public can all refer back to the audio recordings. We need to set up a

You Tube channel to post the zoom and/or audio recordings. When there is a question about the accuracy of the minutes, we can refer back to the recording of the meeting.

Laura Drager thought it was unfair for the Board to spring it on Peyton without giving him the opportunity.

MOTION Ming amended his original motion to table the discussion. The amended motion was approved by David Graves. Ming Cabrera had discussed it with Peyton before the meeting so he did have some time to think about the ideas discussed.

PUBLIC COMMENT: None

VOTE: Unanimous

#### **PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items**

- A. Any member of the Public may be heard on any subject that is not on the Agenda.
- B. The board will not take action on these items at this time but may choose to add an item to the next meeting's Agenda for discussion.

No public comments

#### **CONSENT AGENDA**

- 3. Minutes February 16, 2022
- 4. March Prepaid bills for approval
- 5. March Bills for Approval
- 6. February Bank Statements: First Interstate Bank
- 7. February Stifel Statement (see attached)
- 8. Profit and Loss Statement – February 2021 and February 2022

MOTION David Graves made the motion to accept the consent agenda. Seconded by Laura Drager.

DISCUSSION Laura Drager noted there was an error on page 41 and let Pam Ellis know. Suzie McKethen corrected the error in the minutes printed for the record book, it will be corrected for the minutes we post on the website and send to the County. Peyton Brookshire posted the corrected information to the District website.

David Graves called the question. Unanimous approval

VOTE ON THE MOTION: Unanimous approval

#### **GENERAL MANAGER REPORT - Peyton Brookshire**

- 9. See attached March Manager Packet
- 10. See Attachments Ordinance 001-22 ORDINANCE OF THE COUNTY WATER DISTRICT OF BILLINGS HEIGHTS CONFIRMING and RATIFYING ANNEXATIONS OF PROPERTIES INTO THE DISTRICT and Certification of Ordinance 001-22.

Pam Ellis made the motion: having conducted a public hearing, considered written and spoken public testimony, I move that the Board approve Ordinance 001-22 confirming and ratifying annexations of properties into the District and Certification of Ordinance 001-22 addressed to Christi Jacobsen, Montana Secretary of State and Jeff Martin, Yellowstone County Clerk and Recorder. SECONDED BY Laura Drager. Unanimous approval.

11. Annexation Application and Resolution 008-22 or Ordinance 002-22 Annexation for Barrett Road Development, Total \$109,309.85. (See Attached)
12. Resolution 009-22 or Ordinance 003-22 Annexation for High Sierra 21st filing. 10.454 acres for total of \$105,910.15
13. Annexation Application and Resolution 010-22 or Ordinance 004-22 Annexation for E1228 Rawhide Strip 1.13 Acres \$11,469.91 Attached
14. Laura Drager made the motion: having conducted a public hearing, considered written and spoken public testimony, and the recommendation from staff, I move the District approve Annexation for Barrett Road Development. 10.77 acres Total for annexation is \$109,309.85. SDF fee to be determined by modeling currently underway; Annexation for High Sierra 21st filing. 10.454 acres for total of \$105,910.15; Annexation for Ed McCullough for 1228 Rawhide Strip 1.13 Acres \$11,469.91 and approve Resolutions 008-22, 009-22 and 010-22 . Seconded by Pam Ellis. Approved Unanimously
15. Authorization to Establish and Maintain Security Account at Stifel Investments (see attachment)  
Laura Drager made the motion: having conducted a public hearing, considered written and spoken public testimony, I move that the District approve Resolution 011-22 to Authorize the establishment and maintenance of Security Accounts at Stifel Investments and authorize the following individuals to act on behalf of the Entity named herein: Ming Cabrera, President; David Graves, Vice President, Laura Drager, Treasurer, and Peyton Brookshire, General Manager. SECONDED by David Graves. Unanimous approval.

#### OLD BUSINESS

16. Update on the West End Water Plant Jennifer Duray told the legal committee on Monday, February 7 that the rate increase would probably not occur in FY23. She also said the projected increase would be higher than 30.6% based on completion of additional infrastructure. Laura attended the same meeting and heard Jennifer's statement. The rate increase the District will be charged is not known and the rate increase for July 2022 is off the table. At the February 16, 2022 Laura Drager moved to table actions Raftelis recommended until we have a written response from the City of Billings. Seconded by Pam Ellis. and approved unanimously.

Frank Ewalt responded to a question from Pam Ellis. There are multiple things coming into play. They city has applied for grant money, costs have increased beyond projections.

Attached are the emails received through a Public Information Request that gives some additional information and information from the City of Billings.

Jennifer Duray's email to council dated October 20, 2021 states, "Public Works' recommendation is to submit for the BRIC grant again and delay the intake and plant until the next round of grant selections are announced next July." The city did apply for the BRIC grant for the west end water plant. This appears to be written evidence from October 2021 that the city will not increase wholesale water rates to the District for FY 2023.

#### FINANCE COMMITTEE REPORT: Laura Drager

17. Yellowstone County Bank CD Maturity and Roll-over (see attached) The Yellowstone Bank CD matured; Laura Drager recommended to Peyton Brookshire to roll it over into a 5 year CD.
18. March Treasurer's Report



	31-Jan-22	28-Feb-22
<b>Meters</b>		
<b>Previous total meter count</b>	5881	5839
Residential	5440	5491
Commercial	399	346
New Residential	4	3
<b>Total # Meters</b>	<b>5839</b>	<b>5837</b>
<b>Checking</b>		
FIB Gross Income Account	\$ 952,485.57	\$ 960,580.57
FIB Operational & Maintenance	\$ 42,232.02	\$ 7,501.22
FIB Payroll Account	\$ 3,918.96	\$ 1,894.21
<b>Total Checking</b>	<b>\$ 998,636.55</b>	<b>\$ 969,976.00</b>
<b>Investments</b>		
Stifel - Cash & Equivalent	\$ 262,785.81	\$ 1,526,572.32
Stifel - Fixed Income CD's	\$ 8,612,724.64	\$ 7,327,654.60
<b>Total Stifel Investments</b>	<b>\$ 8,875,510.45</b>	<b>\$ 8,854,226.92</b>
First Interstate Bank Savings	\$ 250,935.48	\$ 250,937.40
Yellowstone Bank Reserve CD	\$ 205,267.50	\$ 219,584.53
<b>Total Investments</b>	<b>\$ 9,080,777.95</b>	<b>\$ 9,073,811.45</b>
<b>Total Cash Position</b>	<b>\$ 10,079,414.50</b>	<b>\$ 10,043,787.45</b>

#### SAFETY COMMITTEE REPORT: Jeff Engel

Josh Simpson gave the Safety Report requested by Jeff Engel. He provided copies of the Service Line Repair Work Order, the Main Line Repair Work Order, The Daily Trench Log and a blank copy of the County Water District Weekly Safety Meeting. All reports are maintained. Clay will provide a quarterly report to the Board in June.

#### BYLAWS AND GOVERNANCE COMMITTEE REPORT: Pam Ellis

- The colors and layout for the website were approved by Pam Ellis, Ming Cabrera and Peyton Brookshire. Municode is currently uploading the documents from DropBox for the website including agendas, minutes, policies, resolutions, ordinances, etc. There is the ability to have some sections on the website private. Currently that includes the videos and instructions for using the agenda and minute management software. The Board will be able to log on directly and vote on line so that all votes are accurately recorded. Municode will provide a brief training at a board meeting. Currently each Board members email address has been uploaded to the website and into the meeting management software. The projected completion is May 2022 but may be sooner. The website will allow us to post complete agendas, minutes and audio recordings. To post the audio recordings we will need to establish a You Tube channel in order to link the recordings.

The software will allow all supplemental documents to be linked directly in the agenda. We should not have to print agendas and documents for board members unless requested individually. This will also

mean that minutes can be more concise because the source documents referenced are linked within the publicly available agenda.

#### **ANNOUNCEMENTS**

The April County Water Board Meeting will be the second Wednesday, April 13, @ 6:00 pm. Laura Drager and Dennis Cook were attending a meeting out of town on the third Wednesday of April.

#### **ITEMS TO BE CONSIDERED AT FUTURE BOARD MEETINGS**

Note: No action can be taken on items that were not on the agenda.

..Begin working with Josh Jabalara on a rate study and review of fees charged to developers; the recommendation is that it is preferable to increase rates gradually when possible

..Steffeni Freese, the lead auditor from Anderson ZurMuehlen will meet attend our Board Meeting in April and be available to answer questions. The audit will be posted on the District website and at the Yellowstone County News when it is received so the public had adequate time to read.

..Genny Garrick, the Agenda and Board Management trainer from Municode will attend the May meeting to help the Board learn to use the software to vote. She will prepare a video for members to review prior to the meeting.

..Clay will provide a Quarterly Safety Report to the Board in June 2022.

..Recording Secretary and Board Secretary

**The meeting was adjourned at 7:56 pm.**

# STIFEL

COUNTY WATER DISTRICT  
OF BILLINGS HEIGHTS

March 1 -  
March 31, 2022  
Account Number:

Page 2 of 18

ASSET SUMMARY					Gains(-)Losses		
Value as of March 31, 2022							
	At Stifel	Not at Stifel	Total	% of assets *	Unrealized	Realized This Period	Year-to-date
Cash							
Cash Sweep**	2,485,786.20		2,485,786.20	28.15%			
Margin Balance							
<b>A. Net Cash Equivalents</b>	<b>\$2,485,786.20</b>		<b>\$2,485,786.20</b>	<b>28.15%</b>			
B. Equities							
C. Preferreds							
D. Fixed Income-Muni							
E. Fixed Income-Other	6,344,964.92		6,344,964.92	71.85%	-51,133.88		
F. Mutual Funds							
G. Unit Investment Trusts							
H. Insurance Products							
I. Alternative Investments							
J. Other Investments							
K. Stifel Smart Rate Program **							
<b>Net Portfolio Assets</b>	<b>\$6,344,964.92</b>	<b>\$0.00</b>	<b>\$6,344,964.92</b>	<b>71.85%</b>	<b>-\$51,133.88</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>Net Portfolio Value</b>	<b>\$8,830,751.12</b>	<b>\$0.00</b>	<b>\$8,830,751.12</b>	<b>100.00%</b>	<b>-\$51,133.88</b>	<b>\$0.00</b>	<b>\$0.00</b>

INCOME & DISTRIBUTION SUMMARY			
	Security Type	Year-to-date	This period
Dividends	Tax-Exempt		
	Taxable		
Interest	Tax-Exempt		
	Taxable	28,659.09	9,318.08
Capital Gain Distributions			
Return of Principal			
Other			
<b>Total Income &amp; Distributions</b>		<b>\$28,659.09</b>	<b>\$9,318.08</b>

INFORMATION SUMMARY			
	Security Type	Year-to-date	This period
Accrued Interest Paid	Tax-Exempt		
	Taxable		
Accrued Interest Received	Tax-Exempt		
	Taxable		
Gross Proceeds		750,000.00	250,000.00
Federal Withholding			
Foreign Taxes Paid			
Margin Interest Charged			

\* Please note "% of assets" figures are shown gross of any amounts owed to Stifel and/or net short positions.  
\*\* Include balances which are FDIC insured bank deposits, not cash held in your Securities Account and not covered by SIPC.



PO Box 30897  
Billings, MT 59107-0897

RETURN SERVICE REQUESTED



COUNTY WATER DISTRICT OF  
BILLINGS HEIGHTS  
GROSS INCOME ACCT  
1540 POPELKA DR  
BILLINGS MT 59105-4468


# Statement Ending 03/31/2020 Item 17.

COUNTY WATER DISTRICT OF Page 1 of 12

Account Number: XXXXXXXXXXXX2349

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### Summary of Accounts



Account Type	Account Number	Ending Balance
ANALYZED BUSINESS CHECKING	XXXXXXXXXXXX2349	\$708,141.15



## ANALYZED BUSINESS CHECKING-XXXXXXXXXXXX2349

### Account Summary

Date	Description	Amount
03/01/2022	<b>Beginning Balance</b>	<b>\$960,580.57</b>
	141 Credit(s) This Period	\$515,601.71
	37 Debit(s) This Period	\$768,041.13
03/31/2022	<b>Ending Balance</b>	<b>\$708,141.15</b>

### Account Activity

Post Date	Description	Debits	Credits	Balance
03/01/2022	<b>Beginning Balance</b>			<b>\$960,580.57</b>
03/01/2022	DEPOSIT		\$12,222.82	\$972,803.39
03/01/2022	METAVANTE CORP BILL PAYMT 07272-00		\$21.05	\$972,824.44
03/01/2022	IPAY SOLUTIONS BILL PMT BILL PMT		\$89.20	\$972,913.64
03/01/2022	CHECKFREE COUNTY WAT XXXXXX5397		\$424.28	\$973,337.92
03/01/2022	MERCHANT BANKCD DEPOSIT 496391735883		\$444.73	\$973,782.65
03/01/2022	CHECK # 10409	\$37.12		\$973,745.53
03/02/2022	DEPOSIT		\$1,672.24	\$975,417.77
03/02/2022	DEPOSIT		\$4,548.99	\$979,966.76
03/02/2022	METAVANTE CORP BILL PAYMT 11176-00		\$44.64	\$980,011.40
03/02/2022	IPAY SOLUTIONS BILL PMT BILL PMT		\$317.83	\$980,329.23
03/02/2022	CHECKFREE COUNTY WAT XXXXXX5397		\$715.53	\$981,044.76
03/02/2022	MERCHANT BANKCD DEPOSIT 496391735883		\$1,859.78	\$982,904.54
03/02/2022	CHECK # 10419	\$25.53		\$982,879.01
03/03/2022	DEPOSIT		\$1,898.38	\$984,777.39
03/03/2022	DEPOSIT		\$2,346.17	\$987,123.56
03/03/2022	DEPOSIT		\$2,387.00	\$989,510.56
03/03/2022	DEPOSIT		\$8,794.33	\$998,304.89
03/03/2022	METAVANTE CORP BILL PAYMT 1612200		\$311.35	\$998,616.24
03/03/2022	IPAY SOLUTIONS BILL PMT BILL PMT		\$676.84	\$999,293.08
03/03/2022	MERCHANT BANKCD DEPOSIT 496391735883		\$1,264.54	\$1,000,557.62
03/03/2022	CHECKFREE COUNTY WAT XXXXXX5397		\$1,830.62	\$1,002,388.24
03/03/2022	ICORP TRANSFER TO XXXXXX976 3/03/22 AT 7:50 SEQ 117500676	\$45,000.00		\$957,388.24
03/03/2022	ICORP TRANSFER TO XXXXXX1008 3/03/22 AT 13:56 SEQ 113564416	\$200,000.00		\$757,388.24
03/03/2022	CHECK # 10417	\$55.55		\$757,332.69
03/04/2022	DEPOSIT		\$2,183.77	\$759,516.46
03/04/2022	DEPOSIT		\$2,230.83	\$761,747.29
03/04/2022	DEPOSIT		\$5,662.95	\$767,410.24
03/04/2022	METAVANTE CORP BILL PAYMT 2604400		\$662.78	\$768,073.02
03/04/2022	IPAY SOLUTIONS BILL PMT BILL PMT		\$687.12	\$768,760.14
03/04/2022	CHECKFREE COUNTY WAT XXXXXX5397		\$1,573.82	\$770,333.96
03/04/2022	MERCHANT BANKCD DEPOSIT 496391735883		\$1,727.02	\$772,060.98
03/07/2022	DEPOSIT		\$1,865.88	\$773,926.86
03/07/2022	DEPOSIT		\$1,918.85	\$775,845.71
03/07/2022	DEPOSIT		\$2,315.02	\$778,160.73
03/07/2022	DEPOSIT		\$2,548.00	\$780,708.73
03/07/2022	DEPOSIT		\$2,990.29	\$783,699.02
03/07/2022	DEPOSIT		\$9,281.42	\$792,980.44
03/07/2022	IPAY SOLUTIONS BILL PMT BILL PMT		\$298.93	\$793,279.37
03/07/2022	METAVANTE CORP BILL PAYMT 16780-00		\$369.63	\$793,649.00
03/07/2022	MERCHANT BANKCD DEPOSIT 496391735883		\$1,121.50	\$794,770.50
03/07/2022	CHECKFREE COUNTY WAT XXXXXX5397		\$1,447.58	\$796,218.02

**ANALYZED BUSINESS CHECKING-XXXXXXXXXXXX2349 (continued)**

**Account Activity (continued)**

Post Date	Description	Debits	Credits	Balance
03/07/2022	MERCHANT BANKCD DEPOSIT 496391735883		\$1,690.81	\$797,908.89
03/07/2022	MERCHANT BANKCD DEPOSIT 496391735883		\$3,380.20	\$801,289.09
03/07/2022	833-830-9255 QuickBooks 2325068	\$349.99		\$800,939.10
03/08/2022	DEPOSIT		\$2,318.73	\$803,257.83
03/08/2022	DEPOSIT		\$11,117.83	\$814,375.66
03/08/2022	METAVANTE CORP BILL PAYMT 16654-00		\$209.95	\$814,585.61
03/08/2022	MERCHANT BANKCD DEPOSIT 496391735883		\$787.69	\$815,373.30
03/08/2022	CHECKFREE COUNTY WAT XXXXXX5397		\$1,979.43	\$817,352.73
03/08/2022	IPAY SOLUTIONS BILL PMT BILL PMT		\$2,224.06	\$819,576.79
03/08/2022	CHECK # 10427	\$26.65		\$819,550.14
03/09/2022	DEPOSIT		\$2,049.88	\$821,600.02
03/09/2022	DEPOSIT		\$2,682.86	\$824,282.88
03/09/2022	IPAY SOLUTIONS BILL PMT BILL PMT		\$271.61	\$824,554.49
03/09/2022	METAVANTE CORP BILL PAYMT 1635900		\$596.79	\$825,151.28
03/09/2022	CHECKFREE COUNTY WAT XXXXXX5397		\$1,605.28	\$826,756.56
03/09/2022	MERCHANT BANKCD DEPOSIT 496391735883		\$1,958.12	\$828,714.68
03/09/2022	CHECK # 10415	\$38.27		\$828,676.41
03/09/2022	CHECK # 10423	\$24.85		\$828,651.56
03/10/2022	DEPOSIT		\$1,987.13	\$830,638.69
03/10/2022	DEPOSIT		\$5,026.32	\$835,665.01
03/10/2022	METAVANTE CORP BILL PAYMT 16433-00		\$279.74	\$835,944.75
03/10/2022	County Water Dis Budget Bil XXXXX1683		\$1,251.56	\$837,196.31
03/10/2022	IPAY SOLUTIONS BILL PMT BILL PMT		\$1,333.50	\$838,529.81
03/10/2022	MERCHANT BANKCD DEPOSIT 496391735883		\$1,491.18	\$840,020.99
03/10/2022	CHECKFREE COUNTY WAT XXXXXX5397		\$1,664.72	\$841,685.71
03/10/2022	HEIGHTS WATER DI UTIL BILL HEIGHTS WATER D		\$16,231.44	\$857,917.15
03/11/2022	DEPOSIT		\$1,504.69	\$859,421.84
03/11/2022	DEPOSIT		\$2,781.94	\$862,203.78
03/11/2022	METAVANTE CORP BILL PAYMT 1308600		\$46.05	\$862,249.83
03/11/2022	IPAY SOLUTIONS BILL PMT BILL PMT		\$287.08	\$862,536.91
03/11/2022	CHECKFREE COUNTY WAT XXXXXX5397		\$720.44	\$863,257.35
03/11/2022	MERCHANT BANKCD DEPOSIT 496391735883		\$1,085.49	\$864,342.84
03/11/2022	ACH RTRN R01 BARRETO, FRANCISCO & J 19110-00	\$59.85		\$864,282.99
03/11/2022	CHECK # 10418	\$32.74		\$864,250.25
03/11/2022	CHECK # 10425	\$25.30		\$864,224.95
03/14/2022	DEPOSIT		\$2,616.19	\$866,841.14
03/14/2022	DEPOSIT		\$12,405.22	\$879,246.36
03/14/2022	DEPOSIT		\$16,966.65	\$896,213.01
03/14/2022	METAVANTE CORP BILL PAYMT 2604400		\$103.58	\$896,316.59
03/14/2022	IPAY SOLUTIONS BILL PMT BILL PMT		\$216.63	\$896,533.22
03/14/2022	MERCHANT BANKCD DEPOSIT 496391735883		\$343.51	\$896,876.73
03/14/2022	CHECKFREE COUNTY WAT XXXXXX5397		\$627.07	\$897,503.80
03/14/2022	MERCHANT BANKCD DEPOSIT 496391735883		\$1,862.53	\$899,366.33
03/14/2022	MERCHANT BANKCD DEPOSIT 496391735883		\$2,906.12	\$902,272.45
03/15/2022	DEPOSIT		\$3,258.76	\$905,531.21
03/15/2022	METAVANTE CORP BILL PAYMT 2300300		\$91.14	\$905,622.35
03/15/2022	IPAY SOLUTIONS BILL PMT BILL PMT		\$295.43	\$905,917.78
03/15/2022	CHECKFREE COUNTY WAT XXXXXX5397		\$453.59	\$906,371.37
03/15/2022	MERCHANT BANKCD DEPOSIT 496391735883		\$461.66	\$906,833.03

Item 17.

**ANALYZED BUSINESS CHECKING-XXXXXXXXXXXX2349 (continued)**

**Account Activity (continued)**

Post Date	Description	Debits	Credits	Balance
03/15/2022	Service Charges February 2022	\$364.73		\$906,468.30
03/15/2022	FDMS FDMS PYMT 052-1480741-000	\$29.93		\$906,438.37
03/15/2022	CHECK # 10420	\$26.43		\$906,411.94
03/16/2022	IPAY SOLUTIONS BILL PMT BILL PMT		\$72.10	\$906,484.04
03/16/2022	METAVANTE CORP BILL PAYMT 18017-00		\$142.05	\$906,626.09
03/16/2022	CHECKFREE COUNTY WAT XXXXXX5397		\$744.92	\$907,371.01
03/16/2022	MERCHANT BANKCD DEPOSIT 496391735883		\$1,271.04	\$908,642.05
03/16/2022	County Water Dis February 1 XXXXX1683	\$1,000.00		\$907,642.05
03/16/2022	CHECK # 10424	\$25.53		\$907,616.52
03/16/2022	CHECK # 10428	\$191.00		\$907,425.52
03/17/2022	DEPOSIT		\$8,895.19	\$916,320.71
03/17/2022	IPAY SOLUTIONS BILL PMT BILL PMT		\$45.94	\$916,366.65
03/17/2022	METAVANTE CORP BILL PAYMT 14061-00		\$159.07	\$916,525.72
03/17/2022	CHECKFREE COUNTY WAT XXXXXX5397		\$461.32	\$916,987.04
03/17/2022	MERCHANT BANKCD DEPOSIT 496391735883		\$12,290.09	\$929,277.13
03/17/2022	ICORP TRANSFER TO XXXXXX976 3/17/22 AT 8:29 SEQ 116777468	\$240,000.00		\$689,277.13
03/17/2022	ICORP TRANSFER TO XXXXXX1008 3/17/22 AT 8:28 SEQ 116770037	\$280,000.00		\$409,277.13
03/18/2022	DEPOSIT		\$15,647.66	\$424,924.79
03/18/2022	IPAY SOLUTIONS BILL PMT BILL PMT		\$113.71	\$425,038.50
03/18/2022	METAVANTE CORP BILL PAYMT 15131-00		\$118.22	\$425,156.72
03/18/2022	CHECKFREE COUNTY WAT XXXXXX5397		\$231.33	\$425,388.05
03/18/2022	MERCHANT BANKCD DEPOSIT 496391735883		\$613.82	\$426,001.87
03/21/2022	DEPOSIT		\$6,061.11	\$432,062.98
03/21/2022	County Water Dis Special XXXXX1683		\$21.05	\$432,084.03
03/21/2022	METAVANTE CORP BILL PAYMT 08023-00		\$78.72	\$432,162.75
03/21/2022	IPAY SOLUTIONS BILL PMT BILL PMT		\$79.71	\$432,242.46
03/21/2022	CHECKFREE COUNTY WAT XXXXXX5397		\$335.74	\$432,578.20
03/21/2022	MERCHANT BANKCD DEPOSIT 496391735883		\$447.99	\$433,026.19
03/21/2022	MERCHANT BANKCD DEPOSIT 496391735883		\$584.78	\$433,610.97
03/21/2022	MERCHANT BANKCD DEPOSIT 496391735883		\$799.78	\$434,410.75
03/21/2022	County Water Dis Payments XXXXX1683		\$817.37	\$435,228.12
03/21/2022	HEIGHTS WATER DI UTIL BILL HEIGHTS WATER D		\$7,666.32	\$442,894.44
03/21/2022	CHECK # 10352	\$31.73		\$442,862.71
03/21/2022	CHECK # 10431	\$14.27		\$442,848.44
03/21/2022	CHECK # 10443	\$94.88		\$442,753.56
03/22/2022	METAVANTE CORP BILL PAYMT 07272-00		\$15.00	\$442,768.56
03/22/2022	IPAY SOLUTIONS BILL PMT BILL PMT		\$235.48	\$443,004.04
03/22/2022	CHECKFREE COUNTY WAT XXXXXX5397		\$388.76	\$443,392.80
03/22/2022	MERCHANT BANKCD DEPOSIT 496391735883		\$497.02	\$443,889.82
03/22/2022	ACH RTRN R01 OWENS, KAMIE 19013-00	\$37.30		\$443,852.52
03/22/2022	ACH RTRN R01 BOYER, CHRISTINE 09027-00	\$137.37		\$443,715.15
03/22/2022	CHECK # 10442	\$36.84		\$443,678.31
03/23/2022	DEPOSIT		\$2,089.51	\$445,767.82
03/23/2022	DEPOSIT		\$233,697.69	\$679,465.51
03/23/2022	IPAY SOLUTIONS BILL PMT BILL PMT		\$98.15	\$679,563.66
03/23/2022	METAVANTE CORP BILL PAYMT 11196-00		\$144.60	\$679,708.26
03/23/2022	CHECKFREE COUNTY WAT XXXXXX5397		\$560.50	\$680,268.76
03/23/2022	MERCHANT BANKCD DEPOSIT 496391735883		\$1,283.45	\$681,552.21



**ANALYZED BUSINESS CHECKING-XXXXXXXXXXXX2349 (continued)**

**Account Activity (continued)**

Post Date	Description	Debits	Credits	Balance
03/23/2022	ACH RETURNED ITEM R01 21059-00 314074268687875	\$22.54		\$681,529.67
03/23/2022	CHECK # 10432	\$47.03		\$681,482.64
03/24/2022	METAVANTE CORP BILL PAYMT 1102300		\$45.19	\$681,527.83
03/24/2022	IPAY SOLUTIONS BILL PMT BILL PMT		\$55.32	\$681,583.15
03/24/2022	CHECKFREE COUNTY WAT XXXXXX5397		\$156.15	\$681,739.30
03/24/2022	MERCHANT BANKCD DEPOSIT 496391735883		\$1,003.45	\$682,742.75
03/24/2022	CHECK # 10433	\$28.33		\$682,714.42
03/24/2022	CHECK # 10436	\$46.80		\$682,667.62
03/25/2022	County Water Dis Redeposit XXXXX1683		\$37.30	\$682,704.92
03/25/2022	CHECKFREE COUNTY WAT XXXXXX5397		\$75.00	\$682,779.92
03/25/2022	IPAY SOLUTIONS BILL PMT BILL PMT		\$94.05	\$682,873.97
03/25/2022	MERCHANT BANKCD DEPOSIT 496391735883		\$908.73	\$683,782.70
03/25/2022	CHECK # 10422	\$25.30		\$683,757.40
03/25/2022	CHECK # 10437	\$24.40		\$683,733.00
03/28/2022	DEPOSIT		\$8,537.35	\$692,270.35
03/28/2022	METAVANTE CORP BILL PAYMT 29173-00		\$50.00	\$692,320.35
03/28/2022	County Water Dis Special XXXXX1683		\$57.54	\$692,377.89
03/28/2022	IPAY SOLUTIONS BILL PMT BILL PMT		\$80.00	\$692,457.89
03/28/2022	CHECKFREE COUNTY WAT XXXXXX5397		\$170.60	\$692,628.49
03/28/2022	County Water Dis Special XXXXX1683		\$172.37	\$692,800.86
03/28/2022	MERCHANT BANKCD DEPOSIT 496391735883		\$287.52	\$693,088.38
03/28/2022	MERCHANT BANKCD DEPOSIT 496391735883		\$888.58	\$693,976.96
03/28/2022	MERCHANT BANKCD DEPOSIT 496391735883		\$1,617.13	\$695,594.09
03/28/2022	CHECK # 10438	\$45.90		\$695,548.19
03/28/2022	CHECK # 10441	\$35.29		\$695,512.90
03/29/2022	IPAY SOLUTIONS BILL PMT BILL PMT		\$46.18	\$695,559.08
03/29/2022	METAVANTE CORP BILL PAYMT 2911000		\$61.34	\$695,620.42
03/29/2022	CHECKFREE COUNTY WAT XXXXXX5397		\$197.38	\$695,817.80
03/29/2022	MERCHANT BANKCD DEPOSIT 496391735883		\$310.83	\$696,128.63
03/29/2022	CHECK # 10430	\$44.38		\$696,084.25
03/30/2022	IPAY SOLUTIONS BILL PMT BILL PMT		\$21.31	\$696,105.56
03/30/2022	METAVANTE CORP BILL PAYMT 0801200		\$50.00	\$696,155.56
03/30/2022	CHECKFREE COUNTY WAT XXXXXX5397		\$158.36	\$696,313.92
03/30/2022	MERCHANT BANKCD DEPOSIT 496391735883		\$1,932.95	\$698,246.87
03/31/2022	DEPOSIT		\$7,037.02	\$705,283.89
03/31/2022	IPAY SOLUTIONS BILL PMT BILL PMT		\$25.79	\$705,309.68
03/31/2022	CHECKFREE COUNTY WAT XXXXXX5397		\$110.22	\$705,419.90
03/31/2022	MERCHANT BANKCD DEPOSIT 496391735883		\$2,776.55	\$708,196.45
03/31/2022	CHECK # 10440	\$47.03		\$708,149.42
03/31/2022	CHECK # 10449	\$8.27		\$708,141.15
<b>03/31/2022</b>	<b>Ending Balance</b>			<b>\$708,141.15</b>

**Checks Cleared**

Check Nbr	Date	Amount	Check Nbr	Date	Amount	Check Nbr	Date	Amount
10352	03/21/2022	\$31.73	10422*	03/25/2022	\$25.30	10431	03/21/2022	\$14.27
10409*	03/01/2022	\$37.12	10423	03/09/2022	\$24.85	10432	03/23/2022	\$47.03
10415*	03/09/2022	\$38.27	10424	03/16/2022	\$25.53	10433	03/24/2022	\$28.33
10417*	03/03/2022	\$55.55	10425	03/11/2022	\$25.30	10436*	03/24/2022	\$46.80
10418	03/11/2022	\$32.74	10427*	03/08/2022	\$26.65	10437	03/25/2022	\$24.40
10419	03/02/2022	\$25.53	10428	03/16/2022	\$191.00	10438	03/28/2022	\$45.90
10420	03/15/2022	\$26.43	10430*	03/29/2022	\$44.38	10440*	03/31/2022	\$4

**ANALYZED BUSINESS CHECKING-XXXXXXXXXXXX2349 (continued)**

**Checks Cleared (continued)**

Check Nbr	Date	Amount	Check Nbr	Date	Amount
10441	03/28/2022	\$35.29	10443	03/21/2022	\$94.88
10442	03/22/2022	\$36.84	10449*	03/31/2022	\$8.27

\* Indicates skipped check number

**Daily Balances**

Date	Amount	Date	Amount	Date	Amount
03/01/2022	\$973,745.53	03/11/2022	\$864,224.95	03/23/2022	\$681,482.64
03/02/2022	\$982,879.01	03/14/2022	\$902,272.45	03/24/2022	\$682,667.62
03/03/2022	\$757,332.69	03/15/2022	\$906,411.94	03/25/2022	\$683,733.00
03/04/2022	\$772,060.98	03/16/2022	\$907,425.52	03/28/2022	\$695,512.90
03/07/2022	\$800,939.10	03/17/2022	\$409,277.13	03/29/2022	\$696,084.25
03/08/2022	\$819,550.14	03/18/2022	\$426,001.87	03/30/2022	\$698,246.87
03/09/2022	\$828,651.56	03/21/2022	\$442,753.56	03/31/2022	\$708,141.15
03/10/2022	\$857,917.15	03/22/2022	\$443,678.31		

**Overdraft and Returned Item Fees**

	Total for this period	Total year-to-date
Total Overdraft Fees	\$0.00	\$0.00
Total Returned Item Fees	\$0.00	\$0.00



PO Box 30897  
Billings, MT 59107-0897

RETURN SERVICE REQUESTED



COUNTY WATER DISTRICT OF  
BILLINGS HEIGHTS  
OPERATIONAL & MAINTENANCE FUND  
1540 POPELKA DR  
BILLINGS MT 59105-4468


# Statement Ending 03/31/2020 Item 18.

COUNTY WATER DISTRICT OF Page 1 of 6

Account Number: XXXXXXXXXXXX1008

## Managing Your Accounts

-  Client Contact Center 855-342-3400
-  Website [firstinterstate.com](http://firstinterstate.com)



You're resourceful.  
And now you're restocked.

Hello, business line of credit.

Expanding, diversifying, or covering the unexpected — the cash infusion your business needs is here. Online easy, real-world quick.

Business works here.

Apply online at [firstinterstate.com/letsgo](http://firstinterstate.com/letsgo)

## Summary of Accounts



Account Type	Account Number	Ending Balance
STATE COUNTY MUNICIPALITY CHECKING	XXXXXXXXXXXX1008	\$252,125.14

Item 18.

THIS FORM IS PROVIDED TO HELP BALANCE YOUR STATEMENT

HOW TO BALANCE YOUR ACCOUNT

ACCOUNT RECONCILEMENT PRINCIPLES ARE FAIRLY SIMPLE, IT IS NECESSARY TO FIND ITEMS IN YOUR CHECKBOOK WHICH THE BANK HAS NOT YET PROCESSED, AND THOSE ON THE BANK STATEMENT BUT NOT YET IN YOUR CHECKBOOK. TO YOUR CHECKBOOK BALANCE ADD OR SUBTRACT THE OUTSTANDING BANK STATEMENT ITEMS, AND TO THE STATEMENT BALANCE ADD OR SUBTRACT OUTSTANDING CHECKBOOK ITEMS. THE TWO TOTALS SHOULD AGREE.

- 1. SORT CHECKS AND DEPOSITS INTO NUMBER OR DATE ORDER.
2. MARK OFF (✓) EACH ITEM AGAINST YOUR CHECKBOOK. THOSE NOT MARKED WILL BE OUTSTANDING ITEMS. ALSO NOTE ANY BANK OR OTHER CHARGES, OR AUTOMATIC DEPOSITS ON THE STATEMENT, NOT IN YOUR CHECKBOOK.
3. FILL IN THE FOLLOWING FORM FOR EASY RECONCILEMENT.

Form for balancing the checkbook. Includes fields for CHECKBOOK BALANCE, ADD ANY DEPOSITS INCLUDING AUTOMATIC DEPOSITS NOT YET ENTERED IN YOUR CHECKBOOK, SUB-TOTAL, SUBTRACT SERVICE CHARGE, IF SAVINGS TRANSFER ACCOUNT, ADD SAVINGS INTEREST, SUBTRACT ANY AUTOMATIC LOAN PAYMENTS OR OTHER AUTOMATIC CHARGES NOT YET ENTERED IN YOUR CHECKBOOK, and ADJUSTED CHECKBOOK BALANCE.

ADJUSTED STATEMENT BALANCE AND CHECKBOOK BALANCE SHOULD AGREE

CHECKING BALANCE SHOWN ON THIS STATEMENT IF SAVINGS TRANSFER ACCOUNT ADD SAVINGS BALANCE

ADD DEPOSITS OUTSTANDING NOT YET CREDITED TO YOUR ACCOUNT (INCLUDE ANY AUTOMATIC DEPOSITS EXPECTED, NOT YET CREDITED)

SUB-TOTAL

CHECKS OUTSTANDING WRITTEN BUT NOT YET CHARGED TO YOUR ACCOUNT

Table with 4 columns: CHECK NO., AMOUNT, CHECK NO., AMOUNT. Includes a SUB TOTAL row and a vertical column of dots with a downward arrow.

SUBTRACT TOTAL CHECKS OUTSTANDING

ADJUSTED STATEMENT BALANCE

ADJUSTED STATEMENT BALANCE AND CHECKBOOK BALANCE SHOULD AGREE

To report a lost or stolen ATM or First Interstate Debit Card call 1-888-752-3332 between the hours of 7:30 AM – 6:00 PM Mountain Time. Before or after hours call the Lost or Stolen Service at 1-800-342-6599.

Information for Consumer Checking and Savings Account Customers:

IN CASE OF ERRORS OR QUESTIONS ABOUT YOUR ELECTRONIC TRANSFERS

Telephone us or write us at the phone number and/or address on the front of this statement as soon as you can, if you think your statement or receipt is wrong or if you need more information about a transfer on the statement or receipt. We must hear from you no later than 60 days after we sent you the FIRST statement on which the error or probably appeared.

- (1) Tell us your name and account number (if any).
(2) Describe the error or the transfer you are unsure about, and explain as clearly as you can why you believe it is an error or why you need more information.
(3) Tell us the dollar amount of the suspected error.

We will investigate your complaint and will correct any error promptly. If we take more than 10 business days to do this, we will credit your account for the amount you think is in error, so that you will have the use of the money during the time it takes us to complete our investigation.

Information for Balance Plus Overdraft Checking Customers:

BALANCE SUBJECT TO INTEREST RATE

We figure the interest charge on your account by applying the periodic rate to the "daily balance" of your account for each day in the billing cycle. To get the "daily balance" we take the beginning balance of your account each day, add any new advances and fees, and subtract unpaid interest or other finance charges and any payments or credits. This gives us the daily balance.

WHAT TO DO IF YOU THINK YOU FIND A MISTAKE ON YOUR STATEMENT

If you think there is an error on your statement, write to us (on a separate sheet) at the address shown on the front of this statement.

In your letter, give us the following information:

- Account information: Your name and account number.
Dollar amount: The dollar amount of the suspected error.
Description of Problem: If you think there is an error on your bill, describe what you believe is wrong and why you believe it is a mistake.

You must contact us within 60 days after the error appeared on your statement.

You must notify us of any potential errors in writing. You may call us, but if you do we are not required to investigate any potential errors and you may have to pay the amount in question.

While we investigate whether or not there has been an error, the following are true:

- We cannot try to collect the amount in question, or report you as delinquent on that amount.
The charge in question may remain on your statement, and we may continue to charge you interest on that amount. But, if we determine that we made a mistake you will not have to pay the amount in question or any interest or other fees related to that amount.
While you do not have to pay the amount in question, you are responsible for the remainder of your balance
We can apply any unpaid amount against your credit limit.

Item 18.

## STATE COUNTY MUNICIPALITY CHECKING-XXXXXXXXXXXX1008

### Account Summary

Date	Description	Amount
03/01/2022	<b>Beginning Balance</b>	<b>\$7,501.22</b>
	2 Credit(s) This Period	\$480,000.00
	40 Debit(s) This Period	\$235,376.08
03/31/2022	<b>Ending Balance</b>	<b>\$252,125.14</b>

### Account Activity

Post Date	Description	Debits	Credits	Balance
03/01/2022	<b>Beginning Balance</b>			<b>\$7,501.22</b>
03/02/2022	CHECK # 17711	\$130.00		\$7,371.22
03/03/2022	ICORP TRANSFER FROM XXXXXX2349 3/03/22 AT 13:56 SEQ 113564416		\$200,000.00	\$207,371.22
03/03/2022	CHECK # 17701	\$672.76		\$206,698.46
03/03/2022	CHECK # 17708	\$480.00		\$206,218.46
03/03/2022	CHECK # 17712	\$1,648.90		\$204,569.56
03/04/2022	WEX INC FLEET DEBI 9100009036252	\$874.25		\$203,695.31
03/04/2022	ASCENSUS TRUST RET PLAN 259835 03042022	\$1,715.08		\$201,980.23
03/04/2022	CHECK # 17703	\$248.92		\$201,731.31
03/07/2022	CHECK # 17707	\$100.00		\$201,631.31
03/08/2022	CHECK # 17709	\$40.00		\$201,591.31
03/08/2022	CHECK # 17710	\$158.00		\$201,433.31
03/10/2022	CHECK # 17716	\$144.39		\$201,288.92
03/11/2022	CHECK # 17713	\$358.86		\$200,930.06
03/11/2022	CHECK # 17715	\$455.00		\$200,475.06
03/11/2022	CHECK # 17723	\$807.30		\$199,667.76
03/14/2022	CHECK # 17719	\$227.00		\$199,440.76
03/14/2022	CHECK # 17720	\$1,560.86		\$197,879.90
03/15/2022	Service Charges February 2022	\$9.19		\$197,870.71
03/15/2022	CHECK # 17717	\$145,167.53		\$52,703.18
03/15/2022	CHECK # 17718	\$9,536.00		\$43,167.18
03/15/2022	CHECK # 17724	\$24,417.71		\$18,749.47
03/16/2022	CHECK # 17714	\$139.98		\$18,609.49
03/16/2022	CHECK # 17722	\$128.74		\$18,480.75
03/17/2022	ICORP TRANSFER FROM XXXXXX2349 3/17/22 AT 8:28 SEQ 116770037		\$280,000.00	\$298,480.75
03/18/2022	ASCENSUS TRUST RET PLAN 259835 03182022	\$1,741.73		\$296,739.02
03/18/2022	CHECK # 17721	\$105.00		\$296,634.02
03/21/2022	CHECK # 17726	\$608.02		\$296,026.00
03/22/2022	THE GUARDIAN APR GP INS 76988900WWA0000	\$1,709.60		\$294,316.40
03/22/2022	CHECK # 17729	\$204.64		\$294,111.76
03/23/2022	CHECK # 17727	\$279.89		\$293,831.87
03/23/2022	CHECK # 17740	\$30.50		\$293,801.37
03/24/2022	CHECK # 17739	\$400.00		\$293,401.37
03/25/2022	MONTANASTATEFUND PREMIUM XXXXX9518	\$938.35		\$292,463.02
03/25/2022	CHECK # 17730	\$3,183.33		\$289,279.69
03/28/2022	CHECK # 17732	\$130.00		\$289,149.69
03/29/2022	CHECK # 17731	\$3,659.50		\$285,490.19
03/29/2022	CHECK # 17733	\$8,746.25		\$276,743.94
03/29/2022	CHECK # 17734	\$3,632.50		\$273,111.44
03/29/2022	CHECK # 17736	\$2,400.00		\$270,711.44
03/30/2022	CHECK # 17737	\$1,975.00		\$268,736.44
03/31/2022	HEALTH CARE SERV OBPPAYMT XXXXXX0605	\$15,454.93		\$253,281.51

Item 18.

# STATE COUNTY MUNICIPALITY CHECKING-XXXXXXXXXXXX1008

(continued)

## Account Activity (continued)

Post Date	Description	Debits	Credits	Balance
03/31/2022	CHECK # 17738	\$1,156.37		\$252,125.14
<b>03/31/2022</b>	<b>Ending Balance</b>			<b>\$252,125.14</b>

## Checks Cleared

Check Nbr	Date	Amount	Check Nbr	Date	Amount	Check Nbr	Date	Amount
17701	03/03/2022	\$672.76	17716	03/10/2022	\$144.39	17729*	03/22/2022	\$204.64
17703*	03/04/2022	\$248.92	17717	03/15/2022	\$145,167.53	17730	03/25/2022	\$3,183.33
17707*	03/07/2022	\$100.00	17718	03/15/2022	\$9,536.00	17731	03/29/2022	\$3,659.50
17708	03/03/2022	\$480.00	17719	03/14/2022	\$227.00	17732	03/28/2022	\$130.00
17709	03/08/2022	\$40.00	17720	03/14/2022	\$1,560.86	17733	03/29/2022	\$8,746.25
17710	03/08/2022	\$158.00	17721	03/18/2022	\$105.00	17734	03/29/2022	\$3,632.50
17711	03/02/2022	\$130.00	17722	03/16/2022	\$128.74	17736*	03/29/2022	\$2,400.00
17712	03/03/2022	\$1,648.90	17723	03/11/2022	\$807.30	17737	03/30/2022	\$1,975.00
17713	03/11/2022	\$358.86	17724	03/15/2022	\$24,417.71	17738	03/31/2022	\$1,156.37
17714	03/16/2022	\$139.98	17726*	03/21/2022	\$608.02	17739	03/24/2022	\$400.00
17715	03/11/2022	\$455.00	17727	03/23/2022	\$279.89	17740	03/23/2022	\$30.50

\* Indicates skipped check number

## Daily Balances

Date	Amount	Date	Amount	Date	Amount
03/02/2022	\$7,371.22	03/14/2022	\$197,879.90	03/23/2022	\$293,801.37
03/03/2022	\$204,569.56	03/15/2022	\$18,749.47	03/24/2022	\$293,401.37
03/04/2022	\$201,731.31	03/16/2022	\$18,480.75	03/25/2022	\$289,279.69
03/07/2022	\$201,631.31	03/17/2022	\$298,480.75	03/28/2022	\$289,149.69
03/08/2022	\$201,433.31	03/18/2022	\$296,634.02	03/29/2022	\$270,711.44
03/10/2022	\$201,288.92	03/21/2022	\$296,026.00	03/30/2022	\$268,736.44
03/11/2022	\$199,667.76	03/22/2022	\$294,111.76	03/31/2022	\$252,125.14

## Overdraft and Returned Item Fees

	Total for this period	Total year-to-date
<b>Total Overdraft Fees</b>	\$0.00	\$0.00
<b>Total Returned Item Fees</b>	\$0.00	\$0.00



PO Box 30897  
Billings, MT 59107-0897

RETURN SERVICE REQUESTED



COUNTY WATER DISTRICT OF  
BILLINGS HEIGHTS  
PAYROLL ACCOUNT  
1540 POPELKA DR  
BILLINGS MT 59105-4468

# Statement Ending 03/31/2020 Item 19.

COUNTY WATER DISTRICT OF Page 1 of 4

Account Number: XXXXXXXXXXXX0976

## Managing Your Accounts

-  Client Contact Center 855-342-3400
-  Website [firstinterstate.com](http://firstinterstate.com)



You're resourceful.  
And now you're restocked.

Hello, business line of credit.

Expanding, diversifying, or covering the unexpected — the cash infusion your business needs is here. Online easy, real-world quick.

**Business works here.**

Apply online at [firstinterstate.com/letsgo](http://firstinterstate.com/letsgo)

## Summary of Accounts



Account Type	Account Number	Ending Balance
STATE COUNTY MUNICIPALITY CHECKING	XXXXXXXXXXXX0976	\$243,411.00

THIS FORM IS PROVIDED TO HELP BALANCE YOUR STATEMENT

HOW TO BALANCE YOUR ACCOUNT

ACCOUNT RECONCILEMENT PRINCIPLES ARE FAIRLY SIMPLE, IT IS NECESSARY TO FIND ITEMS IN YOUR CHECKBOOK WHICH THE BANK HAS NOT YET PROCESSED, AND THOSE ON THE BANK STATEMENT BUT NOT YET IN YOUR CHECKBOOK. TO YOUR CHECKBOOK BALANCE ADD OR SUBTRACT THE OUTSTANDING BANK STATEMENT ITEMS, AND TO THE STATEMENT BALANCE ADD OR SUBTRACT OUTSTANDING CHECKBOOK ITEMS. THE TWO TOTALS SHOULD AGREE.

- 1. SORT CHECKS AND DEPOSITS INTO NUMBER OR DATE ORDER.
2. MARK OFF (✓) EACH ITEM AGAINST YOUR CHECKBOOK. THOSE NOT MARKED WILL BE OUTSTANDING ITEMS. ALSO NOTE ANY BANK OR OTHER CHARGES, OR AUTOMATIC DEPOSITS ON THE STATEMENT, NOT IN YOUR CHECKBOOK.
3. FILL IN THE FOLLOWING FORM FOR EASY RECONCILEMENT.

Form for balancing the checkbook. Includes fields for CHECKBOOK BALANCE, ADD ANY DEPOSITS INCLUDING AUTOMATIC DEPOSITS NOT YET ENTERED IN YOUR CHECKBOOK, SUB-TOTAL, SUBTRACT SERVICE CHARGE, IF SAVINGS TRANSFER ACCOUNT, ADD SAVINGS INTEREST, SUBTRACT ANY AUTOMATIC LOAN PAYMENTS OR OTHER AUTOMATIC CHARGES NOT YET ENTERED IN YOUR CHECKBOOK, and ADJUSTED CHECKBOOK BALANCE.

ADJUSTED STATEMENT BALANCE AND CHECKBOOK BALANCE SHOULD AGREE

CHECKING BALANCE SHOWN ON THIS STATEMENT IF SAVINGS TRANSFER ACCOUNT ADD SAVINGS BALANCE

ADD DEPOSITS OUTSTANDING NOT YET CREDITED TO YOUR ACCOUNT (INCLUDE ANY AUTOMATIC DEPOSITS EXPECTED, NOT YET CREDITED)

SUB-TOTAL

CHECKS OUTSTANDING WRITTEN BUT NOT YET CHARGED TO YOUR ACCOUNT

Table with 4 columns: CHECK NO., AMOUNT, CHECK NO., AMOUNT. Includes a SUB TOTAL row and a vertical column of dots with a downward arrow.

SUBTRACT TOTAL CHECKS OUTSTANDING

ADJUSTED STATEMENT BALANCE

ADJUSTED STATEMENT BALANCE AND CHECKBOOK BALANCE SHOULD AGREE

To report a lost or stolen ATM or First Interstate Debit Card call 1-888-752-3332 between the hours of 7:30 AM – 6:00 PM Mountain Time. Before or after hours call the Lost or Stolen Service at 1-800-342-6599.

Information for Consumer Checking and Savings Account Customers:

IN CASE OF ERRORS OR QUESTIONS ABOUT YOUR ELECTRONIC TRANSFERS

Telephone us or write us at the phone number and/or address on the front of this statement as soon as you can, if you think your statement or receipt is wrong or if you need more information about a transfer on the statement or receipt. We must hear from you no later than 60 days after we sent you the FIRST statement on which the error or probably appeared.

- (1) Tell us your name and account number (if any).
(2) Describe the error or the transfer you are unsure about, and explain as clearly as you can why you believe it is an error or why you need more information.
(3) Tell us the dollar amount of the suspected error.

We will investigate your complaint and will correct any error promptly. If we take more than 10 business days to do this, we will credit your account for the amount you think is in error, so that you will have the use of the money during the time it takes us to complete our investigation.

Information for Balance Plus Overdraft Checking Customers:

BALANCE SUBJECT TO INTEREST RATE

We figure the interest charge on your account by applying the periodic rate to the "daily balance" of your account for each day in the billing cycle. To get the "daily balance" we take the beginning balance of your account each day, add any new advances and fees, and subtract unpaid interest or other finance charges and any payments or credits. This gives us the daily balance.

WHAT TO DO IF YOU THINK YOU FIND A MISTAKE ON YOUR STATEMENT

If you think there is an error on your statement, write to us (on a separate sheet) at the address shown on the front of this statement.

In your letter, give us the following information:

- Account information: Your name and account number.
Dollar amount: The dollar amount of the suspected error.
Description of Problem: If you think there is an error on your bill, describe what you believe is wrong and why you believe it is a mistake.

You must contact us within 60 days after the error appeared on your statement.

You must notify us of any potential errors in writing. You may call us, but if you do we are not required to investigate any potential errors and you may have to pay the amount in question.

While we investigate whether or not there has been an error, the following are true:

- We cannot try to collect the amount in question, or report you as delinquent on that amount.
The charge in question may remain on your statement, and we may continue to charge you interest on that amount. But, if we determine that we made a mistake you will not have to pay the amount in question or any interest or other fees related to that amount.
While you do not have to pay the amount in question, you are responsible for the remainder of your balance
We can apply any unpaid amount against your credit limit.



## STATE COUNTY MUNICIPALITY CHECKING-XXXXXXXXXXXX0976

### Account Summary

Date	Description	Amount
03/01/2022	<b>Beginning Balance</b>	<b>\$1,894.21</b>
	2 Credit(s) This Period	\$285,000.00
	11 Debit(s) This Period	\$43,483.21
03/31/2022	<b>Ending Balance</b>	<b>\$243,411.00</b>

### Account Activity

Post Date	Description	Debits	Credits	Balance
03/01/2022	<b>Beginning Balance</b>			<b>\$1,894.21</b>
03/01/2022	CHECK # 10393	\$660.62		\$1,233.59
03/03/2022	ICORP TRANSFER FROM XXXXXX2349 3/03/22 AT 7:50 SEQ 117500676		\$45,000.00	\$46,233.59
03/04/2022	ASCENSUS TRUST RET PLAN 259835 03042022	\$1,930.90		\$44,302.69
03/04/2022	IRS USATAXPYMT 270246303648629	\$4,547.86		\$39,754.83
03/04/2022	County Water Dis Payroll 03 XXXXX1683	\$13,926.10		\$25,828.73
03/07/2022	STATE OF MONTANA MT TAX PMT XXXXXX3002WTH	\$954.00		\$24,874.73
03/14/2022	CHECK # 10398	\$57.41		\$24,817.32
03/15/2022	Service Charges February 2022	\$11.01		\$24,806.31
03/17/2022	ICORP TRANSFER FROM XXXXXX2349 3/17/22 AT 8:29 SEQ 116777468		\$240,000.00	\$264,806.31
03/18/2022	ASCENSUS TRUST RET PLAN 259835 03182022	\$1,986.19		\$262,820.12
03/18/2022	IRS USATAXPYMT 270247775909596	\$4,535.82		\$258,284.30
03/18/2022	County Water Dis Payroll 03 XXXXX1683	\$13,924.30		\$244,360.00
03/21/2022	STATE OF MONTANA MT TAX PMT XXXXXX3002WTH	\$949.00		\$243,411.00
03/31/2022	<b>Ending Balance</b>			<b>\$243,411.00</b>

### Checks Cleared

Check Nbr	Date	Amount	Check Nbr	Date	Amount
10393	03/01/2022	\$660.62	10398*	03/14/2022	\$57.41

\* Indicates skipped check number

### Daily Balances

Date	Amount	Date	Amount	Date	Amount
03/01/2022	\$1,233.59	03/07/2022	\$24,874.73	03/17/2022	\$264,806.31
03/03/2022	\$46,233.59	03/14/2022	\$24,817.32	03/18/2022	\$244,360.00
03/04/2022	\$25,828.73	03/15/2022	\$24,806.31	03/21/2022	\$243,411.00

### Overdraft and Returned Item Fees

	Total for this period	Total year-to-date
<b>Total Overdraft Fees</b>	\$0.00	\$0.00
<b>Total Returned Item Fees</b>	\$0.00	\$0.00



PO Box 30897  
Billings, MT 59107-0897

RETURN SERVICE REQUESTED



COUNTY WATER DISTRICT OF  
BILLINGS HEIGHTS  
1540 POPELKA DR  
BILLINGS MT 59105-4468

**Statement Ending 03/31/2022** Item 20.

COUNTY WATER DISTRICT OF Page 1 of 2

Account Number: XXXXXXXXXXXX7508

**Managing Your Accounts**

 Client Contact Center 855-342-3400  
 Website firstinterstate.com

**Summary of Accounts**



Account Type	Account Number	Ending Balance
STATE COUNTY MUNICIPALITY MONEY MARKET	XXXXXXXXXXXX7508	\$250,939.53

**STATE COUNTY MUNICIPALITY MONEY MARKET-XXXXXXXXXXXX7508**

**Account Summary**

Date	Description	Amount
03/01/2022	<b>Beginning Balance</b>	<b>\$250,937.40</b>
	1 Credit(s) This Period	\$2.13
	0 Debit(s) This Period	\$0.00
03/31/2022	<b>Ending Balance</b>	<b>\$250,939.53</b>

**Interest Summary**

Description	Amount
Annual Percentage Yield Earned	0.01%
Interest Days	31
Interest Earned	\$2.13
Interest Paid This Period	\$2.13
Interest Paid Year-to-Date	\$6.18
Average Ledger Balance	\$250,937.40

**Account Activity**

Post Date	Description	Debits	Credits	Balance
03/01/2022	<b>Beginning Balance</b>			<b>\$250,937.40</b>
03/31/2022	INTEREST		\$2.13	\$250,939.53
03/31/2022	<b>Ending Balance</b>			<b>\$250,939.53</b>



## Statements From County Water District Of Billings Heights

From: Billing Document Specialists <bd@billingdoc.com>

Sent: Wed, Mar 30, 2022 at 11:46 am

To: County Water District Of Billings Heights, MISSING\_MAILBOX\_TERMINATOR@.SYNTAX-ERROR., peyton@heightswaterdistrict.com, UNEXPECTED\_DATA\_AFTER\_ADDRESS@.SYNTAX-ERROR.

---

Statements From County Water District Of Billings Heights

Wednesday, March 30, 2022 09:46:42 AM

DATED : 03/30/2022

TOTAL ACCOUNTS RECEIVED : 6006

E-MAIL STATEMENTS THIS TRANSMISSION : 249

STATEMENTS PAID BY RECURRING : 185

501039 /data1/dsk11/031140/uploads/BDSWS03302022094202.txt\_P /data1/dsk11/031140/stmt.txt

# Processing totals for BMS125: County Water District Of Billings Heights (03/30/2022)

From: Billing Document Specialists <bdsc@billingdoc.com>  
Sent: Wed, Mar 30, 2022 at 11:47 am  
To: suzie@heightswaterdistrict.com, peyton@heightswaterdistrict.com

- Mark as Read
- Mark as New
- Report Spam
- Flag
- Add Sender to Contacts...
- Export to Zip
- Add New Filter...
- View Full Header

Processing Totals For BMS125: County Water District

Wednesday, March 30, 2022 09:46:49 AM

DATED : 03/30/2022

Number of Page 1's :	6006
Number of Additional:	0
Number Emailed :	110
	=====
Total :	5896
Manual :	0
Selective #9's :	3934
Inserts :	0
Out of Country :	3
ZERO BALANCE :	444
CREDIT BALANCE :	813
MARKED NOT TO MAIL :	359

## COUNTY WATER DISTRICT OF BILLINGS HEIGHTS

4/8/2022 8:29 AM

Register: 1010 · CASH:1034 · OPERATIONS &amp; MAINT. CHECKING

From 03/12/2022 through 03/31/2022

Sorted by: Date and Order Entered

Date	Number	Payee	Account	Memo	Payment	C	Deposit	Balance
03/15/2022	17730	Hendrickson Law Fir...	3000 · ACCOUNTS P...		3,183.33	X		7,389.20
03/15/2022	17731	interstate engineering...	3000 · ACCOUNTS P...		3,659.50	X		3,729.70
03/15/2022	17732	Montana Dept of Ad...	3000 · ACCOUNTS P...		130.00	X		3,599.70
03/15/2022	17733	Morrison Maierle, Inc.	3000 · ACCOUNTS P...		8,746.25	X		-5,146.55
03/15/2022	17734	Raftelis	3000 · ACCOUNTS P...		3,632.50	X		-8,779.05
03/15/2022	17735	TIRE RAMA	3000 · ACCOUNTS P...		20.00			-8,799.05
03/16/2022	ach 0401...	Blue Cross Blue Shield	3000 · ACCOUNTS P...		15,454.93	X		-24,253.98
03/16/2022	17736	Municode	3000 · ACCOUNTS P...		2,400.00	X		-26,653.98
03/16/2022	17737	Western Office Equi...	3000 · ACCOUNTS P...		1,975.00	X		-28,628.98
03/17/2022			1010 · CASH:1032 · G...	Funds Transfer		X	280,000.00	251,371.02
03/18/2022	3182022	Ascensus Trust Co	-split-		1,741.73	X		249,629.29
03/18/2022	04012022	Guardian Life	3000 · ACCOUNTS P...		1,709.60	X		247,919.69
03/18/2022	04082022	MONTANA STATE ...	3000 · ACCOUNTS P...		938.35	X		246,981.34
03/18/2022	17738	Hendrickson Law Fir...	3000 · ACCOUNTS P...		1,156.37	X		245,824.97
03/21/2022	17739	U. S. Post Office	8300 · PURCHASED ...	10 rolls of post...	400.00	X		245,424.97
03/21/2022	17740	COUNTY WATER ...	-split-	PETTY CASH	30.50	X		245,394.47
03/22/2022	17741	Charter	3000 · ACCOUNTS P...	VOID:		X		245,394.47
03/22/2022	17742	interstate engineering...	3000 · ACCOUNTS P...		7,797.00			237,597.47
03/22/2022	17743	MAIN STREET PRI...	3000 · ACCOUNTS P...		120.00			237,477.47
03/22/2022	17744	MASTERCARD	3000 · ACCOUNTS P...		3,568.50			233,908.97
03/22/2022	17745	Sowles, Co.	3000 · ACCOUNTS P...		7,000.00			226,908.97
03/22/2022	17746	Western Office Equi...	3000 · ACCOUNTS P...		42.50			226,866.47
03/22/2022	17747	Charter	3000 · ACCOUNTS P...		139.98			226,726.49
03/24/2022	To Print	HWT Construction	1200 · ACCOUNTS R...	Overpaymnet - ...	160.00			226,566.49
03/30/2022	17748	ACE HARDWARE/...	3000 · ACCOUNTS P...	1022	23.27			226,543.22
03/30/2022	17749	Energy Laboratories, ...	3000 · ACCOUNTS P...		480.00			226,063.22
03/30/2022	17750	interstate engineering...	3000 · ACCOUNTS P...		3,483.00			222,580.22
03/30/2022	17751	MAILING TECHNI...	3000 · ACCOUNTS P...		1,978.39			220,601.83
03/30/2022	17752	TCT	3000 · ACCOUNTS P...		146.68			220,455.15
03/30/2022	17753	Yellowstone Waterw...	3000 · ACCOUNTS P...		2,533.75			217,921.40
03/30/2022	17754	U. S. Post Office	8300 · PURCHASED ...	March Bills	1,648.17			216,273.23
03/31/2022	17756	Badger Meter, Inc.	3000 · ACCOUNTS P...		359.22			215,914.01
03/31/2022	17757	Shelly Loveless	-split-	VOID: Balance...		X		215,914.01
03/31/2022	17755	AEI ELECTRIC	3000 · ACCOUNTS P...		10,000.00			205,914.01
03/31/2022			8200 · SUPPLIES:821...	Service Charge	9.19	X		205,904.82

## COUNTY WATER DISTRICT OF BILLINGS HEIGHTS

4/8/2022 8:30 AM

Register: 1010 - CASHE1035 - PAYROLL CHECKING

From 03/12/2022 through 03/31/2022

Sorted by: Date, Type, Number/Ref

Date	Number	Payee	Account	Memo	Payment	C	Deposit	Balance
03/17/2022			1010 - CASHE1032 - G...	Funds Transfer		X	240,000.00	264,747.32
03/18/2022	31822	First Interstate Bank	-split-	81-0290906	4,535.82	X		260,211.50
03/18/2022	31822	Montana Dept. of Re...	3060 - PAYROLL TA...	4025203-002-...	949.00	X		259,262.50
03/18/2022	31822	UBS Financial Servi...	3060 - PAYROLL TA...	Brookshire	341.37	X		258,921.13
03/18/2022	3182022	Ascensus Trust Co	3060 - PAYROLL TA...		1,644.82	X		257,276.31
03/18/2022	To Print	[REDACTED]	-split-		1,730.57	X		255,545.74
03/18/2022	To Print	[REDACTED]	-split-		1,701.78	X		253,843.96
03/18/2022	To Print	[REDACTED]	-split-		2,155.38	X		251,688.58
03/18/2022	To Print	[REDACTED]	-split-		1,669.44	X		250,019.14
03/18/2022	To Print	[REDACTED]	-split-		1,483.57	X		248,535.57
03/18/2022	To Print	[REDACTED]	-split-		2,589.66	X		245,945.91
03/18/2022	To Print	[REDACTED]	-split-		1,433.83	X		244,512.08
03/18/2022	To Print	[REDACTED]	-split-		1,160.07	X		243,352.01
03/31/2022			8200 - SUPPLIES:822...	Service Charge	11.01	X		243,341.00

## COUNTY WATER DISTRICT OF BILLINGS HEIGHTS

4/8/2022 8:29 AM

Register: 1010 · CASH:1032 · GROSS INCOME FUND CHECKING

From 03/01/2022 through 03/31/2022

Sorted by: Date, Type, Number/Ref

Date	Number	Payee	Account	Memo	Payment	C	Deposit	Balance
03/01/2022			1500 · Undeposited Fu...	Deposit		X	424.28	962,662.57
03/01/2022			1500 · Undeposited Fu...	Deposit		X	21.05	962,683.62
03/01/2022			1500 · Undeposited Fu...	Deposit		X	89.20	962,772.82
03/01/2022			1500 · Undeposited Fu...	Deposit		X	12,222.82	974,995.64
03/02/2022			1500 · Undeposited Fu...	Deposit		X	715.53	975,711.17
03/02/2022			1500 · Undeposited Fu...	Deposit		X	317.83	976,029.00
03/02/2022			1500 · Undeposited Fu...	Deposit		X	44.64	976,073.64
03/02/2022			-split-	Deposit		X	1,264.54	977,338.18
03/02/2022			1500 · Undeposited Fu...	Deposit		X	1,672.24	979,010.42
03/02/2022			1500 · Undeposited Fu...	Deposit		X	4,548.99	983,559.41
03/02/2022			-split-	Deposit		X	1,727.02	985,286.43
03/03/2022			1500 · Undeposited Fu...	Deposit		X	1,830.62	987,117.05
03/03/2022			1500 · Undeposited Fu...	Deposit		X	311.35	987,428.40
03/03/2022			1500 · Undeposited Fu...	Deposit		X	676.84	988,105.24
03/03/2022			1500 · Undeposited Fu...	Deposit		X	1,898.38	990,003.62
03/03/2022			1500 · Undeposited Fu...	Deposit		X	2,346.17	992,349.79
03/03/2022			1500 · Undeposited Fu...	Deposit		X	2,387.00	994,736.79
03/03/2022			1500 · Undeposited Fu...	Deposit		X	8,794.33	1,003,531.12
03/03/2022			1500 · Undeposited Fu...	Deposit		X	1,690.81	1,005,221.93
03/03/2022	10423	Wadsworth Brothers ...	-split-	Balance of dep...	24.85	X		1,005,197.08
03/03/2022	10424	Gena & Ben Lager	-split-	Balance of dep...	25.53	X		1,005,171.55
03/03/2022	10425	Deborah & Arlan Thi...	-split-	Balance of dep...	25.30	X		1,005,146.25
03/03/2022	10426	Clarice Martin	-split-	Balance of dep...	25.30			1,005,120.95
03/03/2022	10427	Elizabeth & Paul Gar...	-split-	Balance of dep...	26.65	X		1,005,094.30
03/03/2022			1010 · CASH:1035 · P...	Funds Transfer	45,000.00	X		960,094.30
03/03/2022			1010 · CASH:1034 · O...	Funds Transfer	200,000.00	X		760,094.30
03/04/2022			1500 · Undeposited Fu...	Deposit		X	1,573.82	761,668.12
03/04/2022			1500 · Undeposited Fu...	Deposit		X	662.78	762,330.90
03/04/2022			1500 · Undeposited Fu...	Deposit		X	687.12	763,018.02
03/04/2022			1500 · Undeposited Fu...	Deposit		X	2,230.83	765,248.85
03/04/2022			1500 · Undeposited Fu...	Deposit		X	2,183.77	767,432.62
03/04/2022			1500 · Undeposited Fu...	Deposit		X	5,662.95	773,095.57
03/04/2022			1500 · Undeposited Fu...	Deposit		X	3,380.20	776,475.77
03/05/2022			1500 · Undeposited Fu...	Deposit		X	1,121.50	777,597.27
03/06/2022			1500 · Undeposited Fu...	Deposit		X	787.69	778,384.96
03/07/2022			-split-	Deposit		X	2,548.00	780,932.96
03/07/2022			1500 · Undeposited Fu...	Deposit		X	298.93	781,231.89
03/07/2022			1500 · Undeposited Fu...	Deposit		X	1,447.58	782,679.47
03/07/2022			1500 · Undeposited Fu...	Deposit		X	369.63	783,049.10
03/07/2022			1500 · Undeposited Fu...	Deposit		X	1,865.88	784,914.98



## COUNTY WATER DISTRICT OF BILLINGS HEIGHTS

4/8/2022 8:29 AM

Register: 1010 · CASH:1032 · GROSS INCOME FUND CHECKING

From 03/01/2022 through 03/31/2022

Sorted by: Date, Type, Number/Ref

Date	Number	Payee	Account	Memo	Payment	C	Deposit	Balance
03/07/2022			1500 · Undeposited Fu...	Deposit		X	2,990.29	787,905.27
03/07/2022			1500 · Undeposited Fu...	Deposit		X	2,315.02	790,220.29
03/07/2022			1500 · Undeposited Fu...	Deposit		X	1,918.85	792,139.14
03/07/2022			1500 · Undeposited Fu...	Deposit		X	9,281.42	801,420.56
03/07/2022			-split-	Deposit		X	1,958.12	803,378.68
03/08/2022			1500 · Undeposited Fu...	Deposit		X	1,979.43	805,358.11
03/08/2022			1500 · Undeposited Fu...	Deposit		X	209.95	805,568.06
03/08/2022			1500 · Undeposited Fu...	Deposit		X	2,224.06	807,792.12
03/08/2022			1500 · Undeposited Fu...	Deposit		X	2,318.73	810,110.85
03/08/2022			1500 · Undeposited Fu...	Deposit		X	11,117.83	821,228.68
03/08/2022			-split-	Deposit		X	1,491.18	822,719.86
03/08/2022	10428	DPHHS-AWACS	1200 · ACCOUNTS R...	Laura Faith-de...	191.00	X		822,528.86
03/09/2022			1500 · Undeposited Fu...	Deposit		X	271.61	822,800.47
03/09/2022			1500 · Undeposited Fu...	Deposit		X	1,605.28	824,405.75
03/09/2022			1500 · Undeposited Fu...	Deposit		X	596.79	825,002.54
03/09/2022			1500 · Undeposited Fu...	Deposit		X	2,682.86	827,685.40
03/09/2022			1500 · Undeposited Fu...	Deposit		X	2,049.88	829,735.28
03/09/2022			1500 · Undeposited Fu...	Deposit		X	1,085.49	830,820.77
03/10/2022			1500 · Undeposited Fu...	Deposit		X	1,251.56	832,072.33
03/10/2022			1500 · Undeposited Fu...	Deposit		X	16,231.44	848,303.77
03/10/2022			1500 · Undeposited Fu...	Deposit		X	1,333.50	849,637.27
03/10/2022			1500 · Undeposited Fu...	Deposit		X	279.74	849,917.01
03/10/2022			1500 · Undeposited Fu...	Deposit		X	1,664.72	851,581.73
03/10/2022			1500 · Undeposited Fu...	Deposit		X	1,987.13	853,568.86
03/10/2022			1500 · Undeposited Fu...	Deposit		X	5,026.32	858,595.18
03/10/2022			1500 · Undeposited Fu...	Deposit		X	2,906.12	861,501.30
03/10/2022	10429	Seth & Reilly Larson	-split-	Balance of dep...	24.85			861,476.45
03/10/2022	10430	Mike Fulkerson	-split-	Balance of dep...	44.38	X		861,432.07
03/10/2022	10431	Bonnie Braatz	-split-	Balance of dep...	14.27	X		861,417.80
03/11/2022			1500 · Undeposited Fu...	Deposit		X	720.44	862,138.24
03/11/2022			1500 · Undeposited Fu...	Deposit		X	46.05	862,184.29
03/11/2022			1500 · Undeposited Fu...	Deposit		X	287.08	862,471.37
03/11/2022			1500 · Undeposited Fu...	Deposit		X	1,504.69	863,976.06
03/11/2022			1500 · Undeposited Fu...	Deposit		X	2,781.94	866,758.00
03/11/2022			-split-	Deposit		X	1,862.53	868,620.53
03/11/2022	#1564		8800 · OTHER:8810 · ...	Barreto-nsf	59.85	X		868,560.68
03/12/2022			1500 · Undeposited Fu...	Deposit		X	343.51	868,904.19
03/13/2022			1500 · Undeposited Fu...	Deposit		X	461.66	869,365.85
03/14/2022			-split-	Deposit		X	12,405.22	881,771.07
03/14/2022			1500 · Undeposited Fu...	Deposit		X	627.07	882,398.14

## COUNTY WATER DISTRICT OF BILLINGS HEIGHTS

4/8/2022 8:29 AM

Register: 1010 · CASH:1032 · GROSS INCOME FUND CHECKING

From 03/01/2022 through 03/31/2022

Sorted by: Date, Type, Number/Ref

Date	Number	Payee	Account	Memo	Payment	C	Deposit	Balance
03/14/2022			1500 · Undeposited Fu...	Deposit		X	103.58	882,501.72
03/14/2022			1500 · Undeposited Fu...	Deposit		X	216.63	882,718.35
03/14/2022			1500 · Undeposited Fu...	Deposit		X	2,616.19	885,334.54
03/14/2022			1500 · Undeposited Fu...	Deposit		X	16,966.65	902,301.19
03/14/2022			-split-	Deposit		X	1,271.04	903,572.23
03/15/2022			1500 · Undeposited Fu...	Deposit		X	295.43	903,867.66
03/15/2022			1500 · Undeposited Fu...	Deposit		X	91.14	903,958.80
03/15/2022			1500 · Undeposited Fu...	Deposit		X	453.59	904,412.39
03/15/2022			1500 · Undeposited Fu...	Deposit		X	3,258.76	907,671.15
03/16/2022			1500 · Undeposited Fu...	Deposit		X	72.10	907,743.25
03/16/2022			1500 · Undeposited Fu...	Deposit		X	142.05	907,885.30
03/16/2022			1500 · Undeposited Fu...	Deposit		X	744.92	908,630.22
03/16/2022			-split-	Deposit		X	12,290.09	920,920.31
03/16/2022			-split-	Deposit		X	660.72	921,581.03
03/16/2022	#1565		8012 · DIRECTORS F...	Director Fees	1,000.00	X		920,581.03
03/16/2022	#1574		1200 · ACCOUNTS R...	Error in credit ...	46.90	X		920,534.13
03/17/2022			1500 · Undeposited Fu...	Deposit		X	461.32	920,995.45
03/17/2022			1500 · Undeposited Fu...	Deposit		X	159.07	921,154.52
03/17/2022			1500 · Undeposited Fu...	Deposit		X	45.94	921,200.46
03/17/2022			1500 · Undeposited Fu...	Deposit		X	8,895.19	930,095.65
03/17/2022			-split-	Deposit		X	584.78	930,680.43
03/17/2022	10432	Mark McConell	-split-	Deposit & inter...	47.03	X		930,633.40
03/17/2022	10433	Salvador & Irene Re...	-split-	Balance of dep...	28.33	X		930,605.07
03/17/2022	10434	Cassandra Burns	-split-	Deposit & inter...	47.48			930,557.59
03/17/2022	10435	void	66900 · Reconciliation ...	Balance of dep...				930,557.59
03/17/2022	10436	William Goodridge	-split-	Deposit & inter...	46.80	X		930,510.79
03/17/2022	10437	Julie & Kim Mangus	-split-	Balance of dep...	24.40	X		930,486.39
03/17/2022	10438	Sara & Brian Geffre	-split-	deposit & inter...	45.90	X		930,440.49
03/17/2022	10439	Cassandra Moore-Ma...	-split-	Balance of dep...	25.49			930,415.00
03/17/2022	10440	Erin & Daniel Wenner	-split-	Deposit & inter...	47.03	X		930,367.97
03/17/2022	10441	Ryan & Cressida Car...	-split-	Balance of dep...	35.29	X		930,332.68
03/17/2022	10442	Animal Hospital	1200 · ACCOUNTS R...	Overpayment	36.84	X		930,295.84
03/17/2022			1010 · CASH:1034 · O...	Funds Transfer	280,000.00	X		650,295.84
03/17/2022			1010 · CASH:1035 · P...	Funds Transfer	240,000.00	X		410,295.84
03/18/2022			1500 · Undeposited Fu...	Deposit		X	113.71	410,409.55
03/18/2022			1500 · Undeposited Fu...	Deposit		X	118.22	410,527.77
03/18/2022			1500 · Undeposited Fu...	Deposit		X	231.33	410,759.10
03/18/2022			1500 · Undeposited Fu...	Deposit		X	15,647.66	426,406.76
03/18/2022			1500 · Undeposited Fu...	Deposit		X	799.78	427,206.54
03/18/2022	10443	Ladonna Jamison	-split-	deposit & over...	94.88	X		427,111.66

## COUNTY WATER DISTRICT OF BILLINGS HEIGHTS

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Register: 1010 · CASH:1032 · GROSS INCOME FUND CHECKING

From 03/01/2022 through 03/31/2022

Sorted by: Date, Type, Number/Ref

Date	Number	Payee	Account	Memo	Payment	C	Deposit	Balance
03/19/2022			1500 · Undeposited Fu...	Deposit		X	447.99	427,559.65
03/20/2022			1500 · Undeposited Fu...	Deposit		X	497.02	428,056.67
03/21/2022			1500 · Undeposited Fu...	Deposit		X	817.37	428,874.04
03/21/2022			1500 · Undeposited Fu...	Deposit		X	7,666.32	436,540.36
03/21/2022			1500 · Undeposited Fu...	Deposit		X	335.74	436,876.10
03/21/2022			1500 · Undeposited Fu...	Deposit		X	78.72	436,954.82
03/21/2022			1500 · Undeposited Fu...	Deposit		X	79.71	437,034.53
03/21/2022			1500 · Undeposited Fu...	Deposit		X	21.05	437,055.58
03/21/2022			1500 · Undeposited Fu...	Deposit		X	6,061.11	443,116.69
03/21/2022	#1567		1200 · ACCOUNTS R...	Uncashed chec...		X	45.45	443,162.14
03/22/2022			1500 · Undeposited Fu...	Deposit		X	388.76	443,550.90
03/22/2022			1500 · Undeposited Fu...	Deposit		X	15.00	443,565.90
03/22/2022			1500 · Undeposited Fu...	Deposit		X	235.48	443,801.38
03/22/2022			-split-	Deposit		X	1,283.45	445,084.83
03/22/2022			-split-	Deposit		X	1,003.45	446,088.28
03/23/2022			1500 · Undeposited Fu...	Deposit		X	560.50	446,648.78
03/23/2022			1500 · Undeposited Fu...	Deposit		X	144.60	446,793.38
03/23/2022			1500 · Undeposited Fu...	Deposit		X	98.15	446,891.53
03/23/2022			-split-	Deposit		X	233,697.69	680,589.22
03/23/2022			1500 · Undeposited Fu...	Deposit		X	2,089.51	682,678.73
03/24/2022			1500 · Undeposited Fu...	Deposit		X	156.15	682,834.88
03/24/2022			1500 · Undeposited Fu...	Deposit		X	45.19	682,880.07
03/24/2022			1500 · Undeposited Fu...	Deposit		X	55.32	682,935.39
03/24/2022			-split-	Deposit		X	908.73	683,844.12
03/24/2022	10444	Animal Hospital	1200 · ACCOUNTS R...	Over payment	8.80			683,835.32
03/24/2022	10445	HWT Construction	6050 · HYDRANT RE...	Overpayment i...	160.00			683,675.32
03/24/2022	#1568		-split-	NSF Christine ...	137.37	X		683,537.95
03/24/2022	#1568		1010 · CASH:1032 · G...	NSF Kamie O...	37.30	X		683,500.65
03/24/2022	#1568		1010 · CASH:1032 · G...	NSF Ryan Braa...	22.54	X		683,478.11
03/24/2022	#1569		8800 · OTHER:8810 · ...	REDEPOSIT ...		X	37.30	683,515.41
03/25/2022			1500 · Undeposited Fu...	Deposit		X	75.00	683,590.41
03/25/2022			1500 · Undeposited Fu...	Deposit		X	94.05	683,684.46
03/25/2022			1500 · Undeposited Fu...	Deposit		X	888.58	684,573.04
03/25/2022			-split-	Deposit		X	1,617.13	686,190.17
03/26/2022			1500 · Undeposited Fu...	Deposit		X	287.52	686,477.69
03/27/2022			1500 · Undeposited Fu...	Deposit		X	80.00	686,557.69
03/28/2022			1500 · Undeposited Fu...	Deposit		X	170.60	686,728.29
03/28/2022			1500 · Undeposited Fu...	Deposit		X	50.00	686,778.29
03/28/2022			1500 · Undeposited Fu...	Deposit		X	310.83	687,089.12
03/28/2022			1500 · Undeposited Fu...	Deposit		X	8,537.35	695,626.47

## COUNTY WATER DISTRICT OF BILLINGS HEIGHTS

4/8/2022 8:29 AM

Register: 1010 · CASH:1032 · GROSS INCOME FUND CHECKING

From 03/01/2022 through 03/31/2022

Sorted by: Date, Type, Number/Ref

Date	Number	Payee	Account	Memo	Payment	C	Deposit	Balance
03/28/2022			-split-	Deposit		X	1,932.95	697,559.42
03/28/2022	#1571		8800 · OTHER:8810 · ...	NSF REDEPO...		X	22.54	697,581.96
03/28/2022	#1571		8800 · OTHER:8810 · ...	NSF REDEPO...		X	137.37	697,719.33
03/28/2022	#1575		1200 · ACCOUNTS R...	NSF Fee		X	70.00	697,789.33
03/29/2022			1500 · Undeposited Fu...	Deposit		X	197.38	697,986.71
03/29/2022			1500 · Undeposited Fu...	Deposit		X	61.34	698,048.05
03/29/2022			1500 · Undeposited Fu...	Deposit		X	46.18	698,094.23
03/29/2022	10446	Kacen French	-split-	Balance of Dep...	5.15			698,089.08
03/29/2022	10447	Beau Picard	-split-	Balance of Dep...	24.18			698,064.90
03/29/2022	10448	Hunter Wasen	-split-	Balance of Dep...	26.20			698,038.70
03/29/2022	10449	Judy Blackford	-split-	Balance of Dep...	8.27	X		698,030.43
03/30/2022			1500 · Undeposited Fu...	Deposit		X	158.36	698,188.79
03/30/2022			1500 · Undeposited Fu...	Deposit		X	50.00	698,238.79
03/30/2022			1500 · Undeposited Fu...	Deposit		X	21.31	698,260.10
03/30/2022			-split-	Deposit		X	2,776.55	701,036.65
03/31/2022			-split-	Deposit		X	7,037.02	708,073.67
03/31/2022			1500 · Undeposited Fu...	Deposit		X	110.22	708,183.89
03/31/2022			1500 · Undeposited Fu...	Deposit		X	25.79	708,209.68
03/31/2022			-split-	Deposit			851.29	709,060.97
03/31/2022			8200 · SUPPLIES:821...	Service Charge	744.65	X		708,316.32
03/31/2022	10450	Shelly Loveless	-split-	Balance of Dep...	6.39			708,309.93
03/31/2022	10451	Dawn Gilman	-split-	Balance of Dep...	5.83			708,304.10
03/31/2022	10452	Jose Clifton	-split-	Balance of Dep...	22.91			708,281.19
03/31/2022	10453	Judy Bufold	-split-	Balance of Dep...	24.40			708,256.79

## COUNTY WATER DISTRICT OF BILLINGS HEIGHTS

4/8/2022 10:13 AM

Register: 1010 · CASH:1034 · OPERATIONS &amp; MAINT. CHECKING

From 04/01/2022 through 04/08/2022

Sorted by: Date and Order Entered

Date	Number	Payee	Account	Memo	Payment C	Deposit	Balance
04/01/2022		Ascensus Trust Co	-split-		1,714.28		204,190.54
04/01/2022	17757	NorthWestern Energy	3000 · ACCOUNTS P...		489.87		203,700.67
04/01/2022	17758	Office Depot	3000 · ACCOUNTS P...		133.86		203,566.81
04/01/2022	17759	Yellowstone County ...	3000 · ACCOUNTS P...		51.80		203,515.01
04/05/2022	ach 040422	WEX	3000 · ACCOUNTS P...		1,194.57		202,320.44
04/05/2022	17760	Hendrickson Law Fir...	3000 · ACCOUNTS P...		2,739.64		199,580.80
04/05/2022	17761	MONTANA DAKO...	3000 · ACCOUNTS P...	326 01 192 491...	344.42		199,236.38
04/05/2022	17762	Morrison Maierle, Inc.	3000 · ACCOUNTS P...		455.00		198,781.38
04/05/2022	17763	NORTHWEST PIPE...	3000 · ACCOUNTS P...	11294	335.15		198,446.23
04/05/2022	17764	O'REILLY AUTOM...	3000 · ACCOUNTS P...		237.15		198,209.08
04/05/2022	17765	PayneWest Insurance	3000 · ACCOUNTS P...		100.00		198,109.08
04/05/2022	17766	UTILITIES UNDER...	3000 · ACCOUNTS P...	103870	235.50		197,873.58
04/05/2022	17767	Verizon	3000 · ACCOUNTS P...		284.23		197,589.35
04/08/2022	17768	BILLINGS/CITY OF...	3000 · ACCOUNTS P...		133,505.68		64,083.67

## COUNTY WATER DISTRICT OF BILLINGS HEIGHTS

4/8/2022 8:31 AM

Register: 1010 - CAS#1035 - PAYROLL CHECKING

From 04/01/2022 through 04/08/2022

Sorted by: Date, Type, Number/Ref

Date	Number	Payee	Account	Memo	Payment C	Deposit	Balance
04/01/2022	40122	Ascensus Trust Co	3060 - PAYROLL TA...		1,625.47		241,715.53
04/01/2022	4012022	First Interstate Bank	-split-	81-0290906	4,915.90		236,799.63
04/01/2022	4012022	Montana Dept. of Re...	3060 - PAYROLL TA...	4025203-002-...	1,045.00		235,754.63
04/01/2022	4012022	UBS Financial Servi...	3060 - PAYROLL TA...	Brookshire	341.37		235,413.26
04/01/2022	To Print	[REDACTED]	-split-		1,276.72		234,136.54
04/01/2022	To Print	[REDACTED]	-split-		690.05		233,446.49
04/01/2022	To Print	[REDACTED]	-split-		1,635.29		231,811.20
04/01/2022	To Print	[REDACTED]	-split-		1,568.58		230,242.62
04/01/2022	To Print	[REDACTED]	-split-		1,783.26		228,459.36
04/01/2022	To Print	[REDACTED]	-split-		1,703.97		226,755.39
04/01/2022	To Print	[REDACTED]	-split-		2,589.66		224,165.73
04/01/2022	To Print	[REDACTED]	-split-		1,891.69		222,274.04
04/01/2022	To Print	[REDACTED]	-split-		1,433.82		220,840.22
04/01/2022	To Print	[REDACTED]	-split-		1,160.07		219,680.15

**COUNTY WATER DISTRICT OF BILLINGS HEIGHTS  
INVESTMENTS**

**03/31/2022**

<u>Purch Date</u>	<u>STIFEL NICOLAUS</u>	<u>Type</u>	<u>Rate</u>	<u>Principal</u>	<u>Due Date</u>	<u>Code</u>
8/21/18	Sallie Mae Bk SLC UT CD	4 Y	3.150	\$100,000.00	08/22/22	SN-55
2/27/18	Capital Bank Little Rock AR CD	4YR	2.650	\$250,000.00	09/14/22	SN-52
11/8/18	UBS Bank USA SLC UT CD	4Y	3.400	\$200,000.00	11/21/22	SN-56
7/10/18	Morgan Stanley Bk SLC UT CD	4Y	2.650	\$50,000.00	01/11/23	SN-54
2/26/19	Morgan Stanley PVT Bk NY CD	4Y	2.950	\$251,291.32	2/07/23	SN-57
9/18/19	Sallie Mae SLC UT CD	4YR	3.300	\$92,000.00	7/11/23	SN-58
9/18/19	CIT Bank SLC UT CD	4YR	3.050	\$41,940.40	7/17/23	SN-59
9/18/19	Capital One Bk Glen Allen VA CD	4YR	2.200	\$202,755.41	08/7/23	SN-60
12/3/19	Live Oak Bkg Co CD	3YR9	1.800	\$50,000.00	9/13/23	SN-63
12/3/19	CIT Bank SLC UT CD	3YR9	3.250	\$222,179.04	9/25/23	SN-64
9/18/19	GE Capital Retail Bk Draper UT CD	4YR	3.300	\$106,047.22	10/4/23	SN-61
4/20/21	BMW Bank of N Amer SLC UT CD	2YR6	0.300	\$200,000.00	10/23/23	SN-70
9/18/19	GE Capital Retail Bk Draper UT CD	4YR	3.250	\$159,649.53	12/13/23	SN-62
4/19/21	Live Oak Bkg Co CD	3YR	0.350	\$200,000.00	4/22/24	SN-66
4/20/21	Mega Bank CD	3YR	0.250	\$250,000.00	4/22/24	SN-71
4/19/21	Medallion Bank SLC UT CD	3YR	0.300	\$250,000.00	4/23/24	SN-67
4/19/21	First Natl Bk of Amer Lansing MI	3YR	0.200	\$250,000.00	4/29/24	SN-68
4/20/21	TIAA FSB Jacksonville FL CD	3YR	0.300	\$250,000.00	4/29/24	SN-72
4/19/21	First State B&T Co Carthage TX CD	3YR6	0.300	\$250,000.00	10/28/24	SN-69
5/5/21	Luana Svgs Bk CD	3YR6	0.300	\$150,000.00	11/07/24	SN-72
1/20/22	US Treasury Bill	3MO	0.172	\$749,660.25	4/26/22	SN-75
1/20/22	US Treasury Bill	6MO	0.335	\$998,405.00	7/14/22	SN-76
03/31/22	Money Market Acct			<u>\$2,485,786.20</u>		
				\$7,759,714.37		

<u>Purch Date</u>	<u>D A DAVIDSON</u>	<u>Type</u>	<u>Rate</u>	<u>Principal</u>	<u>Due Date</u>	<u>Code</u>
4/24/18	Morgan Stanley Bk CD	4YR	2.950	\$200,000.00	5/3/22	DA-12
5/22/18	UBS Bank SLC UT CD	4 YR	2.950	<u>\$50,000.00</u>	5/31/22	DA-13
				\$250,000.00		

Investments

<u>Purch Date</u>	<u>RBC WEALTH MGMT</u>	<u>Type</u>	<u>Rate</u>	<u>Principal</u>	<u>Due Date</u>	<u>Code</u>
5/22/18	Citibank Nat'l Assoc DC	4YR	3.000	\$250,000.00	6/6/22	DR-77
8/22/18	Sallie Mae Bk SLC UT CD	4YR	3.150	\$50,000.00	8/22/22	DR-78
8/22/18	Third Fed Svgs & Ln Assc of CL CD	4YR	3.150	\$250,000.00	9/7/22	DR-79
7/30/19	Luana Savings Bk Luana IA CD	4YR6	2.000	\$100,000.00	2/2/23	DR-80
2/11/20	Raymond James Bk Natl Assn CD	3YR 6	1.700	<u>\$250,000.00</u>	8/14/23	DR-81
				\$900,000.00		

<u>Purch Date</u>	<u>FIRST INTERSTATE BANK</u>	<u>Type</u>	<u>Rate</u>	<u>Principal</u>	<u>Due Date</u>	<u>Code</u>
	FIRST INTERSTATE BANK SAVINGS(Operating Reserve)			\$250,939.53		

<u>Purch Date</u>	<u>YELLOWSTONE BANK</u>	<u>Type</u>	<u>Rate</u>	<u>Principal</u>	<u>Due Date</u>	<u>Code</u>
02/28/2017	Yellowstone Bank CD (Loan Reserve)	5 YR	1 .35	\$219,584.53	2/28/27	YB-1

**TOTAL INVESTMENTS \$9,380,238.43**

Investments



**COUNTY WATER DISTRICT OF BILLINGS HEIGHTS**  
1540 Popelka Dr, Billings MT 59105

March 3/3/22

**BANK BALANCES**

FIRST INTERSTATE BANK:

1-1032	GROSS INCOME FUND	708,215.52
2-1034	OPERATIONS & MAINTENANCE FUND	205,904.82
2-1035	PAYROLL FUND	<u>243,341.00</u>
		1,157,461.34

\*\*\*\*\*

**INVESTMENTS**

2245-	FIRST INTERSTATE SAVINGS	250,939.53
2295	STIFEL	8,909,714.37
2247-	YELLOWSTONE BANK	219,584.53

\*\*\*\*\*

**PROJECT COSTS**

8920	NONBUDGETED CAPITAL ASSETS	10,623.16
8930	CAPITAL IMPROVEMENTS	60,806.94
8931	SRF CAPITAL INVESTMENT	136,688.00

**GENERAL FINANCIAL INFORMATION**

10:26 AM

## COUNTY WATER DISTRICT OF BILLINGS HEIGHTS

04/08/22

## Profit &amp; Loss YTD Comparison

Accrual Basis

March 2022

	Mar 22	Jul '21 - Mar 22
<b>Ordinary Income/Expense</b>		
<b>Income</b>		
6000 · Uncategorized Income	0.00	200.00
6010 · WATER SALES	256,933.26	3,706,342.45
6020 · SERVICE LINE FEE	21,015.88	111,665.38
6030 · INTEREST INCOME	-1,066.19	94,306.56
6040 · OTHER INCOME	8,475.48	43,966.08
6050 · HYDRANT RENT	-160.00	-160.00
6070 · BUY-IN FEES	226,689.19	259,333.95
<b>Total Income</b>	<b>511,887.62</b>	<b>4,215,654.42</b>
<b>Cost of Goods Sold</b>		
7500 · WATER PURCHASED	133,444.30	2,347,511.93
<b>Total COGS</b>	<b>133,444.30</b>	<b>2,347,511.93</b>
<b>Gross Profit</b>	<b>378,443.32</b>	<b>1,868,142.49</b>
<b>Expense</b>		
66900 · Reconciliation Discrepancies	0.00	0.00
6999 · Uncategorized Expenses	0.00	0.00
<b>8009 · LABOR</b>		
8010 · LABOR-ADMINISTRATIVE	18,414.32	203,237.98
8011 · LABOR-FIELD	21,354.92	221,294.10
8014 · LABOR-BONUS	0.00	10,361.94
<b>Total 8009 · LABOR</b>	<b>39,769.24</b>	<b>434,894.02</b>
<b>8012 · DIRECTORS FEE</b>	<b>1,000.00</b>	<b>8,750.00</b>
<b>8015 · PAYROLL TAXES</b>		
8019 · MEDICARE	576.66	6,209.08
8020 · FICA	2,465.68	26,549.13
8021 · STATE UNEMPLOYMENT	485.18	2,038.56
8015 · PAYROLL TAXES - Other	0.00	84.00
<b>Total 8015 · PAYROLL TAXES</b>	<b>3,527.52</b>	<b>34,880.77</b>
<b>8030 · RET. BENEFITS</b>	<b>3,456.81</b>	<b>38,813.85</b>
<b>8040 · INSURANCE</b>		
8041 · EMPLOYEE INSURANCE	17,164.53	162,033.26
8043 · BUSINESS INSURANCE	0.00	66,634.00
8044 · WORKERS COMP INSURANCE	938.35	8,415.84
<b>Total 8040 · INSURANCE</b>	<b>18,102.88</b>	<b>237,083.10</b>
<b>8200 · SUPPLIES</b>		
8210 · OFFICE SUPPLIES & EQUIPMENT	3,025.20	13,582.52
8220 · OPERATING SUPPLIES	17.60	2,192.87
8226 · CLOTHING & UNIFORMS	0.00	642.52
8231 · GAS, OIL, FUEL, GREASE	1,194.57	7,765.67
8233 · MACHINERY & EQUIP PARTS, TIRES	560.60	5,510.34
8236 · WATER MAIN AND LINE REPAIR	0.00	19,728.50
8241 · CONSUMABLE TOOLS	612.81	1,477.04
8263 · SAFETY SUPPLIES	0.00	462.11
<b>Total 8200 · SUPPLIES</b>	<b>5,410.78</b>	<b>51,361.57</b>
<b>8300 · PURCHASED SERVICES</b>		
8310 · COMMUNICATION AND POSTAGE	4,046.66	17,762.33
8312 · BILLINGS ALARM	0.00	535.70
8313 · ELM-UTILITIES UNDERGROUND	235.50	1,971.18
8320 · PRINTING, FORMS, PRINTING SERVICE	5.40	867.35
8330 · SUBSCRIPTIONS, LEGAL NOTICES	51.80	3,216.51
8335 · MEMBERSHIPS & DUES	0.00	2,354.00
8339 · CERTIFICATION RENEWALS	0.00	1,002.48
8341 · ELECTRIC	2,331.35	35,636.84
8342 · GAS	952.44	2,660.59

10:26 AM

## COUNTY WATER DISTRICT OF BILLINGS HEIGHTS

## Profit &amp; Loss YTD Comparison

March 2022

04/08/22

Accrual Basis

	Mar 22	Jul '21 - Mar 22
8343 · SEWER	50.49	355.85
8344 · TELEPHONE AND INTERNET ACCESS	1,158.62	4,508.61
8345 · CELL PHONE	284.23	2,363.00
8347 · PERMITS	0.00	2,935.00
8349 · QUALITY TESTING	707.00	4,536.00
8351 · LEGAL FEES	3,183.33	66,384.42
8352 · ACCOUNTING FEES	130.00	390.00
8353 · ENGINEERING FEES	39,357.21	243,688.59
8355 · DATA PROCESSING SERVICES	18,641.47	37,482.21
8360 · REPAIR & MAINT. CONTRACT SERVIC	10,802.50	51,317.15
8363 · METERS REPAIR & MAINTENANCE	2,533.75	27,699.15
8366 · BUILDING MAINTENANCE	7,000.00	11,898.95
8380 · TRAINING, TUITION	0.00	286.85
<b>Total 8300 · PURCHASED SERVICES</b>	<b>91,471.75</b>	<b>519,852.76</b>
8400 · BUILDING MATERIALS		
8410 · CONCRETE	0.00	350.00
8450 · GRAVEL,SAND	0.00	1,805.19
8470 · ASPHALT,COLD MIX	0.00	7,688.00
<b>Total 8400 · BUILDING MATERIALS</b>	<b>0.00</b>	<b>9,843.19</b>
8500 · FIXED CHARGES		
8515 · TAXES	0.00	4,188.09
8520 · MISCELLANEOUS	5.00	19.00
8543 · DEQ SERVICE CONNECTION FEE	0.00	11,806.00
<b>Total 8500 · FIXED CHARGES</b>	<b>5.00</b>	<b>16,013.09</b>
8600 · DEBT SERVICES		
8620 · INTEREST	0.00	6,954.42
<b>Total 8600 · DEBT SERVICES</b>	<b>0.00</b>	<b>6,954.42</b>
8800 · OTHER		
8810 · LOSSES (BAD DEBT)	-48.86	489.97
8800 · OTHER - Other	0.00	161.14
<b>Total 8800 · OTHER</b>	<b>-48.86</b>	<b>651.11</b>
<b>Total Expense</b>	<b>162,695.12</b>	<b>1,359,097.88</b>
<b>Net Ordinary Income</b>	<b>215,748.20</b>	<b>509,044.61</b>
<b>Net Income</b>	<b>215,748.20</b>	<b>509,044.61</b>

# APRIL 2022 MANAGERS REPORT

1. Sartorie subdivision petition for annexation. 2.792 Acres 121619.52 Sqft. \$28,337.35. Will be a private system inside this parcel. Hydraulic modeling has been completed and plans have been approved.
2. Annexation petition for 2207 Bench Boulevard. .723 Acres 31885.92 Sq Ft buy in is \$7,429.42. There is a home on the lot which was never annexed or had a service stubbed to the lot. They are remodeling the home.
3. CIP Update. Will have information on 11<sup>th</sup> or 12<sup>th</sup>.
4. Chlorination project timeline update. Mobilization on the 8<sup>th</sup> and construction to proceed on the 11<sup>th</sup> of April. The project is expected to be completed by the end of July.
5. We have had several fraudulent check cashing attempts at multiple locations on our operation and maintenance account. Apparently, some people are forging and creating false checks and attempting to get money out of our operation and maintenance fund. Bank notified and on positive pay system now to confirm checks before they are cashed.
6. Have received quotes for the valve installs this spring and summer that the crew will be doing. So far the low bid is \$20,120.57 for the 23 valves and boxes. The installs will be done in various areas of the district to fill in areas where inadequate valving exists in the system.
7. We are looking at the government and accounting software offered by black mountain who's software does our utility billing and service orders to consolidate and streamline all the processes from budget to payroll and everything in between. This will get rid of QuickBooks and enable more people to have access to any information in the day to day operation. We will have a demo with black mountain and then assess. Quote is attached.



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550 S. 24<sup>th</sup> STREET W., SUITE 201, BILLINGS, MT 59102 | 406.894.2210

April 1, 2022

County Water District of Billings Heights  
Attn: Peyton Brookshire  
1540 Popelka Drive  
Billings, MT 59105

**Re: Request for Annexation**

Dear Mr. Brookshire,

This letter is being prepared on behalf of our client, Mr. Sartorie, to annex a portion of his property, Tract 2B-2A-1 of Amended Tracts of Corrected Certificate of Survey No. 840, Fifth Amended into the County Water District of Billings Heights. Below are the items requested for the annexation petition:

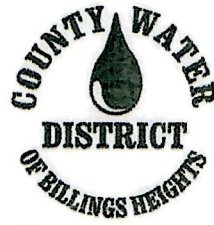
1. Property Legal Description: Tract 2B-2A-1 of Amended Tracts of Corrected Certificate of Survey No. 840, Fifth Amended
2. Property Metes and Boundary Description: Beginning at the northeast corner of Tract 2B-2A-1 of Amended Tracts of Corrected Certificate of Survey No. 840, Fifth Amended; thence S00°35'25"E a distance of 281.87 feet; thence S87°06'46"W a distance of 94.88 feet; thence S00°29'14"W a distance of 56.66 feet; thence S89°49'33"W a distance of 56.00 feet; thence S89°49'33"W a distance of 220.50 feet; thence N00°25'05"W a distance of 342.92 feet; thence N89°48'34"E a distance of 370.38 feet to the Point of Beginning. The annexation area is 2.792 acres.
3. A copy of the certificate of survey plat and proposed master site plan is enclosed.
4. A copy of the proposed site layout that will be submitted to MDEQ and the City of Billings for review and approval.
5. The current zoning of the property is N-2. The future use of the property will be residential.
6. The buy-in fee will be paid directly by Mr. Sartorie.

Sincerely,

A handwritten signature in blue ink, appearing to read "Aaron Redland", is written over a light blue circular stamp.

Aaron Redland  
Project Manager

Cc: Mr. Sartorie



1540 Popelka Drive  
Billings, MT 59105

Phone: 252-0539  
Fax: 252-0518

## PETITION REQUEST FOR ANNEXATION INTO THE COUNTY WATER DISTRICT OF BILLINGS HEIGHTS

**WE, the undersigned, owners of the following described real property (the "Owner"), which is contiguous to the County Water District of Billings Heights (the "District"), hereby petition to be annexed into the District pursuant to Montana Code Annotated § 7-13-2341, and on the following terms and conditions:**

**1. Property Description.** This Petition relates to certain real property in Yellowstone County, Montana, more particularly described as follows (the "Property"):

**[SEE ATTACHED EXHIBIT "A"]**

**2. Annexation Submittal Package.** In addition to this Petition, the Owner shall submit the following (the "Submittal Package"):

- A. Complete legal description of the Property, including a metes and bounds description;**
- B. Proposed plat of the Property in letter or legal size.**
- C. Preliminary plans for public improvements to the Property, which must be approved by the District prior to submittal to and approval by the Montana Department of Environmental Quality;**
- D. The zoning and use or intended use of the Property and of the real property immediately adjacent to it; and**
- E. Buy-In Fee.**

**The District will not commence review of the Petition until the complete Submittal Package has been delivered.**

**3. The Petition and Submittal Package should be submitted to the District at 1540 Popelka Drive, Billings, Montana, during regular business hours, which are generally Monday through Friday, between 8:00 a.m. and 5:00 p.m. Upon presentation, the Petition and Submittal Package will be checked for completeness. The District will not be required to review any submitted Petition and Submittal Package which is not complete. Submission of a Petition and the mandatory Submittal Package does not obligate the District to approve the annexation. The Owner understands and agrees that annexation is subject to review and decision by the District, as well as any and all conditions imposed by the District and the applicable provisions of Montana Code Annotated § 7-13-2341.**

4. **Hydraulic Modeling and Analysis.** By filing this Petition and Submittal Package, the Owner understands and agrees that the review process shall include and be subject to hydraulic modeling to be performed by the District's Engineering Firm or by an engineering firm designated by the District. The Owner shall be solely responsible for any and all costs and fees associated with the hydraulic modeling analysis, whether or not the annexation is approved by the District, which shall be paid immediately upon presentation of an invoice for such costs and fees.

5. **Annexation Agreement.** In the event the Petition is approved, prior to and as a condition precedent to annexation the Owner will be required to enter into an Annexation Agreement setting forth the terms and any conditions of annexation. By approval of this Petition and annexation of the Property, the Owner hereby agrees to be bound by the rules, regulations, ordinances, resolutions and conditions of the District, as the same may be amended or adopted from time to time.

6. **Water Main Extension Agreement.** In the event the District, in its discretion, determines that a water main extension is necessary, the Owner shall also be required to execute (and abide by the terms of) a Water Main Extension Agreement.

7. **Buy-In Fees.** All buy-in fees are payable in advance when the Petition is returned to the District Office signed by all landowners.

Mike Sartorie  
1880 Hawthorne Lane, Billings  
406-698-3806

Name, Address and Telephone No.

*[Handwritten Signature]* 406 698.3806  
Name, Address and Telephone No.

Name, Address and Telephone No.

Name, Address and Telephone No.

"Owner"

\*NOTE: If property is jointly owned, all owners must sign this Petition.

ALL ITEMS BELOW SHALL BE  
COMPLETED BY THE DISTRICT

Date Submitted: 4/5/22  
Received by: OPB  
Petition Number: 005-22  
Fee Paid: \$128,337.35







Resolution 012-22 to Authorize SARTORIE ANNEXATION 2.792 Acres 121619.52, Sqft. \$28,337.35.

WHEREAS, the County Water District of Billings Height Board consider written and spoken testimony at a meeting of the County Water District of Billings Heights Water Board on April 13, 2022,

The Board authorized annexation of Tract 2B-2A-1 of Amended Tracts of Corrected Certificate of Survey No. 840, Fifth Amended, Total \$28,337.35

That, the President of the County Water District of Billings Heights, sign the resolution on behalf of the board.

Signed: \_\_\_\_\_

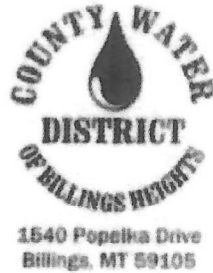
Ming Cabrera, President

Date: April 13, 2022

Attested: \_\_\_\_\_

Pam Ellis, Recording Secretary

DIRECTORS  
WYNN PIPPIN, President  
BRANDON HURST, Vice-President  
DONNA DINSMORE  
JAMES E. MILLER  
JON MUESSIG  
ROGER OSTERMILLER  
STEVEN BLOOD



DUKE NIESKENS  
General Manager  
Phone: 252-0539  
Fax: 252-0518

*Meetings*

*2nd  
Wed*

*After  
every month*

**PETITION AND REQUEST FOR ANNEXATION OF PROPERTY INTO THE COUNTY WATER DISTRICT OF BILLINGS HEIGHTS**

WE, the undersigned, owners of the following described real property (the "Owner"), which is contiguous to the County Water District of Billings Heights (the "District"), hereby petition to be annexed into the District pursuant to Montana Code Annotated § 7-13-2341, and on the following terms and conditions:

1. **Property Description.** This Petition relates to certain real property in Yellowstone County, Montana, more particularly described as follows (the "Property"):

[SEE ATTACHED EXHIBIT "A"]

2. **Annexation Submittal Package.** In addition to this Petition, the Owner shall submit the following (the "Submittal Package"):

- A. Complete legal description of the Property, including a metes and bounds description;
- B. Proposed plat of the Property in letter or legal size.
- C. Preliminary plans for public improvements to the Property, which must be approved by the District prior to submittal to and approval by the Montana Department of Environmental Quality;
- D. The zoning and use or intended use of the Property and of the real property immediately adjacent to it; and
- E. Buy-In Fee.

The District will not commence review of the Petition until the complete Submittal Package has been delivered.

3. The Petition and Submittal Package should be submitted to the District at 1540 Popelka Drive, Billings, Montana, during regular business hours, which are generally Monday through Friday, between 8:00 a.m. and 5:00 p.m. Upon presentation, the Petition and Submittal Package will be checked for completeness. The District will not be required to review any submitted Petition and Submittal Package which is not complete. Submission of a Petition and the mandatory Submittal Package does not obligate the District to approve the annexation. The Owner understands and agrees that annexation is subject to review and decision by the District, as well as any and all conditions imposed by the District and the applicable provisions of Montana Code Annotated § 7-13-2341.

4. **Hydraulic Modeling and Analysis.** By filing this Petition and Submittal Package, the Owner understands and agrees that the review process shall include and be subject to hydraulic modeling to be performed by the District's Engineering Firm or by an engineering firm designated by the District. The Owner shall be solely responsible for any and all costs and fees associated with the hydraulic modeling analysis, whether or not the annexation is approved by the District, which shall be paid immediately upon presentation of an invoice for such costs and fees.

5. **Annexation Agreement.** In the event the Petition is approved, prior to and as a condition precedent to annexation the Owner will be required to enter into an Annexation Agreement setting forth the terms and any conditions of annexation. By approval of this Petition and annexation of the Property, the Owner hereby agrees to be bound by the rules, regulations, ordinances, resolutions and conditions of the District, as the same may be amended or adopted from time to time.

6. **Water Main Extension Agreement.** In the event the District, in its discretion, determines that a water main extension is necessary, the Owner shall also be required to execute (and abide by the terms of) a Water Main Extension Agreement.

7. **Buy-In Fees.** All buy-in fees are payable in advance when the Petition is returned to the District Office signed by all landowners.

*James Pearson*  
2207 Bench Blvd, 925-367-3562  
Name, Address and Telephone No. 406-371-1095

Name, Address and Telephone No.

Name, Address and Telephone No.

Name, Address and Telephone No.

"Owner"

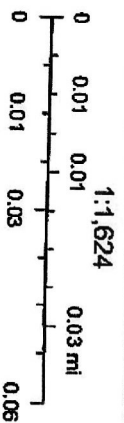
\*NOTE: If property is jointly owned, all owners must sign this Petition.

ALL ITEMS BELOW SHALL BE COMPLETED BY THE DISTRICT

Date Submitted: 4-8-2022  
Received by: RJB  
Petition Number: 006-22  
Fee Paid: 9522.19



1/7/2022, 10:31:53 AM





Resolution 013-22 to Authorize Annexation petition for 2207 Bench Boulevard. .723 Acres 31885.92 Sq Ft buy in is \$7,429.42

WHEREAS, the County Water District of Billings Height Board consider written and spoken testimony at a meeting of the County Water District of Billings Heights Water Board on April 13, 2022,

The Board authorized annexation 2207 Bench Boulevard. .723 Acres 31885.92 Sq Ft buy in is \$7,429.42

That, the President of the County Water District of Billings Heights, sign the resolution on behalf of the board.

Signed: \_\_\_\_\_

Ming Cabrera, President

Date: April 13, 2022

Attested: \_\_\_\_\_

Pam Ellis, Recording Secretary

Quote

03/09/2022

**Billings Heights Water District**  
 Peyton Brookshire  
 1540 Popelka Dr  
 Billings, MT 59105  
 peyton@heightswaterdistrict.com



110 Main Street, Suite 3  
 Polson, MT 59860

Tracy Frank  
 800.353.8829 Option: 3

Product Description	Purchase Price	Annual Fees	One-Time Conversion	Total
<b>Accounting</b>	7,800.00	1,560.00	1,720.00	11,080.00
<b>Payroll</b>	5,460.00	1,095.00	985.00	7,540.00
<b>ACH Direct Deposit</b>	1,100.00	110.00		1,210.00
<b>Budget Preparation</b>	3,120.00	625.00		3,745.00
<b>Accounts Receivable</b>	3,900.00	780.00	705.00	5,385.00
Subtotals:	<b>\$21,380.00</b>	<b>\$4,170.00</b>	<b>\$3,410.00</b>	
Grand Total:				<b>\$28,960.00</b>

**Terms**

1. Black Mountain Software (BMS) has made every effort to ensure the information contained within this quote is complete and accurate. However, we reserve the right to correct any error or omission related to price, product description or availability. Please remember that to completely understand this quote, you must consider, in addition to product and prices, the terms and conditions that follow either on this or separate pages.
2. Prices quoted herein do not reflect sale or use taxes imposed by any state or local government, or any unit or subdivision thereof; such taxes are the responsibility of the buyer. Buyer agrees to be responsible for the documentation relating to the payment of such taxes to the maximum extent legally permitted. Black Mountain Software will be responsible for the collection of such taxes and/or the documentation related thereto, only to the extent required by law.
3. Training is included with the installation of each software product. Unless specifically arranged, initial training will be conducted online. After initial training, free online training is always available for you and your staff as part of the Annual service and support fee. Advanced scheduling is required. Except for initial training, hourly charges apply for training physically provided onsite (your offices) or in house (our offices).
4. All costs are based on prices in effect for 60 days from the date of this bid.
5. Annual service and support includes software updates and unlimited phone, email and internet support. The service is renewed annually and is non-refundable. Annual fees are subject to change.
6. If travel is required, actual expenses are billed as follows: When flying, charges include airfare, travel time at \$35 per hour per person, meals at \$60 per day, lodging at local rates, and rental car. When driving, charges include mileage at 58.5¢ per mile, travel time at 45¢ per mile per person, meals at \$60 per day, and lodging at local rates. Alaska and North Dakota may have higher rates.
7. Normal billing procedures for new clients or stand alone applications for current clients require a 25% down payment, billed at commitment, and 75% final payment billed upon completion of installation and initial training of the core products, i.e., Accounting, Payroll or Utility Billing. Add on applications for current clients are billed for full purchase price only at commitment and service and support begins upon completion of installation and/or training. All billing will commence in full for all products after one year from commitment unless other arrangements have been made.
8. All of our software products are multi-user, with an unlimited number of licenses (seats). In addition, 'Read Only' access is available to limit data changes for specified users, while still providing lookup and printing capabilities.

Peyton,

Thank you for chatting with Heather and me this afternoon. I have attached the quote for the products we discussed. Also, below are links to information sheets about each one.

- ACCOUNTING
  - PAYROLL
  - BUDGET PREPARATION
  - ACCOUNTS RECEIVABLE
- ACH Direct Deposit

The prices you see on the quote include Purchase, Annual Maintenance, and Conversion where appropriate. There are no hidden fees. As you have experienced, we have unlimited fantastic customer service: when your staff calls our 800 number they will speak to a live individual that will help them solve their problem. We also include unlimited free on-line training for all of our annual support clients. That includes free monthly classes and on-demand classes (such as if a new employee is hired and needs to be trained on the software). We will see you through the conversion and installation and we will be there for you in the future, when you need us.

Please let me know when you receive this email - sometimes your filter will catch them.

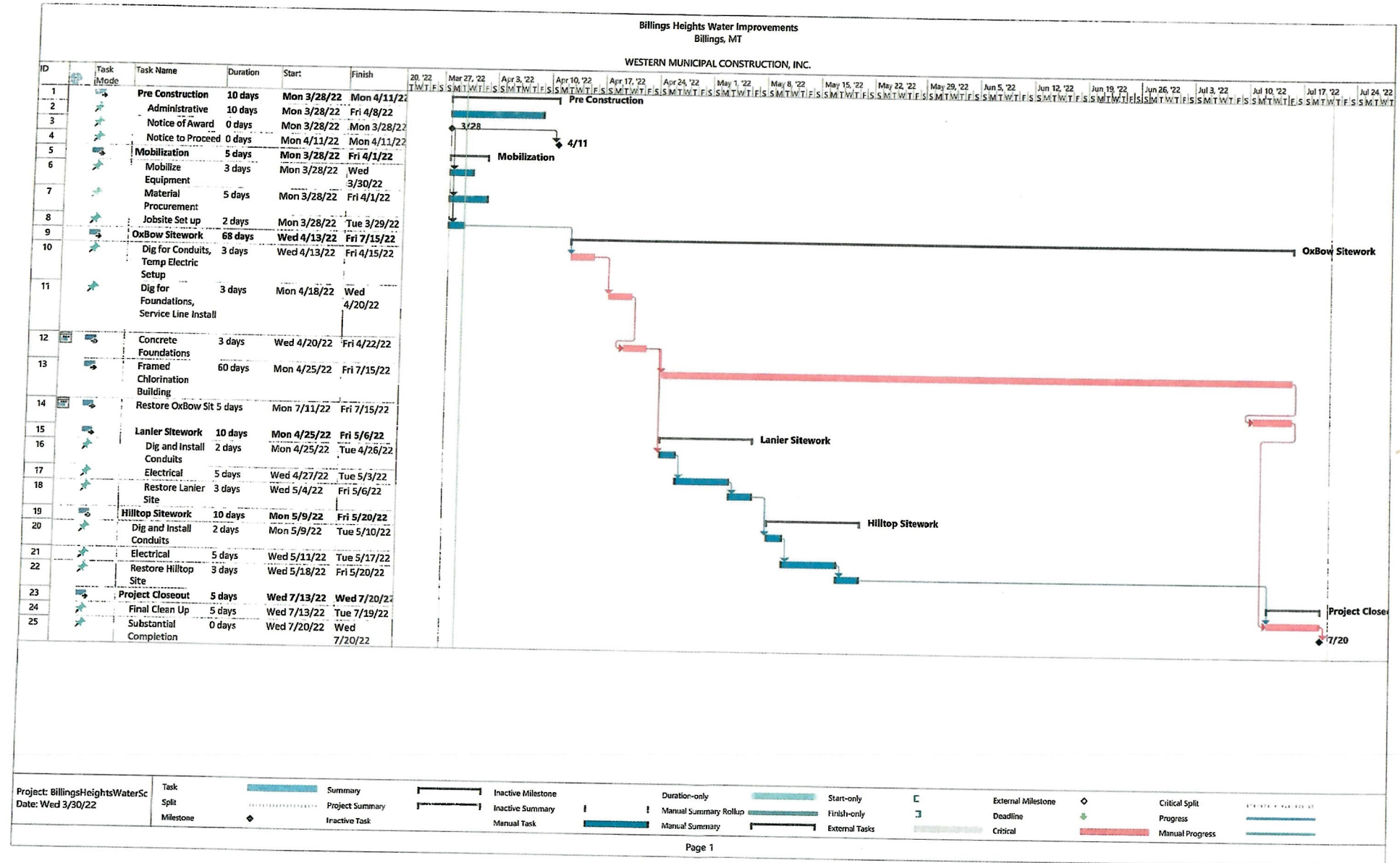
Please let me know if you have any questions.

By the way, congratulations on your promotion!

Have a great day!

Tracy

Tracy Frank  
Black Mountain Software Inc.  
800-353-8829  
[www.blackmountainsoftware.com](http://www.blackmountainsoftware.com)





County Water District Billings Heights  
Treasurer's Summary Report as of

	31-Jan-22	28-Feb-22	31-Mar-22
<b>Meters</b>			
Previous total meter count	5881	5839	5837
Residential	5440	5491	5448
Commercial	399	346	398
New Residential	4	3	5
<b>Total # Meters</b>	<b>5839</b>	<b>5837</b>	<b>5846</b>
<b>Checking</b>			
FIB Gross Income Account	\$ 952,485.57	\$ 960,580.57	\$ 708,141.15
FIB Operational & Maintenance	\$ 42,232.02	\$ 7,501.22	\$ 252,125.14
FIB Payroll Account	\$ 3,918.96	\$ 1,894.21	\$ 243,411.00
<b>Total Checking</b>	<b>\$ 998,636.55</b>	<b>\$ 969,976.00</b>	<b>\$ 1,203,677.29</b>
<b>Investments</b>			
Stifel - Cash & Equivalent	\$ 262,785.81	\$ 1,526,572.32	\$ 2,485,786.20
Stifel - Fixed Income CD's	\$ 8,612,724.64	\$ 7,327,654.60	\$ 6,344,964.92
<b>Total Stifel Investments</b>	<b>\$ 8,875,510.45</b>	<b>\$ 8,854,226.92</b>	<b>\$ 8,830,751.12</b>
First Interstate Bank Savings	\$ 250,935.48	\$ 250,937.40	\$ 250,939.53
Yellowstone Bank Reserve CD	\$ 205,267.50	\$ 219,584.53	\$ 219,584.53
<b>Total Investments</b>	<b>\$ 9,080,777.95</b>	<b>\$ 9,073,811.45</b>	<b>\$ 9,301,275.18</b>
<b>Total Cash Position</b>	<b>\$ 10,079,414.50</b>	<b>\$ 10,043,787.45</b>	<b>\$ 10,504,952.47</b>

## Website

**Board of Directors**—Please list alphabetically by last name and include their email addresses (I sent those to you initially). Please add that I am Recording Secretary **All set**

I would like to have the ability to automatically forward emails that are sent to [CWDBH@gmail.com](mailto:CWDBH@gmail.com) directly to each Board member. What do we need to do to make that happen? **In order to do that you'd have to setup filters in gmail to forward them when they come in. I actually setup a way on the contact form that people can select the member or all members they want to contact – I can add the email addresses behind the form so that it automatically gets sent to the person or person(s) selected.**

<https://billingsheightscwd.teammunicode.com/contact>

**Calendar** We were told when we purchased the agenda software and website that we would have a calendar and that the information for meetings would be automatically posted to the calendar when the documents were published. Please update. **I added the calendar link under About Us**

**Video and Audio** We have just started recording the meetings on zoom. I have audio files for recent meetings. We need to change the heading and also I need a You Tube channel linked and the audio files uploaded. **I can add a link to your Youtube Channel if you send it. There is a way in Municode Meetings where you can add the video link for each meeting. Audio files are large, so I will need to setup an FTP account and you will have to do a special process to get those in place. The YouTube Channel has been created. Pam needs to convert the audio files to allow uploading.**

**Contact Information** Please identify the office staff by name; include the emergency # **I updated the Contact Us Page and you'll see the link to the staff directory as well where each person is listed** <https://billingsheightscwd.teammunicode.com/contact>

**Municode Agenda Mgmt & Training Videos & Documents (not public; on website)** how do board members or staff access – **I added a button to the dashboard right under the Website Training Videos to these files for you.**

[pamellis50@gmail.com](mailto:pamellis50@gmail.com) Please change to [pamelliscwdbh@gmail.com](mailto:pamelliscwdbh@gmail.com) **Done**

## Administration Contact Information

**Peyton Brookshire, General Manager** Email: [peyton@heightswaterdistrict.com](mailto:peyton@heightswaterdistrict.com)

Office: 406-252-0539 Ext: 3 Cell: 406-696-0636

**Josh Simpson, Assistant Manager** [josh@heightswaterdistrict.com](mailto:josh@heightswaterdistrict.com) Office: 406-252-0539 Ext: 2

**Billings, account questions, emergency** 406-252-0539 Ext: 2

**Pay your bill** 406-252-0539 Ext: 1

- Suzie McKethen, Clerk

- **Dianne Crees, Billing**

Google Analytics Registration As part of the go-live process we will setup google analytics on your new website. There is no charge for this service. This will allow you to track information related to how users find and use your website. In order to configure this on your site I'll need you to follow the attached instructions to setup your municipal account and create a tracking code. If you already use analytics and have a tracking code for your current site you can just send that UA code, there is no need to create a new account.

**laura@remax-billings.com**

Mon, Apr 4, 3:32  
PM (4 days ago)

to me

Hi Pam,

I reviewed the website, it looks good. My only comment is it would be nice if we can link the MCA code on the Board application website to make it easy for anyone applying for the board to review the code.

**Mary Joy Gasdia**

Wed, Apr 6, 4:42  
AM (2 days ago)

When you go to the Board of Directors page the link is on the right. I will move it to the bottom near the application.

I'll update the meeting for 4/13

CWDBH Board of Directors  
Safety Report by Jeff Engel

4/6/2022

I was able to meet with Clay McCafree at the District office to review safety policies and procedures.

Each day starts with a morning meeting in the break room (board room) where tasks for the day are discussed and assigned. Safety procedures are discussed generally at each morning meeting, depending on the scheduled events for the day. Regularly scheduled tasks for the day will generally result in safety topic discussion from the 'Let's Talk Safety' handbook. On days where a particular task to be performed presents specific safety concerns, the topic is adjusted to one that is more relative to that days activities. Ex: The planned event for the day calls for a water line be excavated requiring the use of a trench box. The safety subject matter would change from the next handbook subject (example hypothermia) to trench box safety. This approach involves nothing more than some basic common sense which I found to be consistent throughout my visit with Clay and his explanations regarding the CWDBH safety program.

Every safety meeting requires all attendees to sign in upon presentation of the subject matter. This exercise generally takes place in the office but can also include field meetings depending on the subject matter and the particular field activity taking place.

Safety meeting materials including sign-in sheets are in Clays possession in a binder he generally keeps in his work truck. Additional records are kept in 3-ring binders in the break room specifically for each trenching activity—see Daily Trench Log form attached. Safety meetings are well documented.

Specific records are also kept for all service line repairs using the 'Service Line Repair Work Order' form attached. It is apparent that every detail related to each service call are very well documented.

In the event that Clay is not available to be the 'Competent Person' to present a safety meeting, then another field employee is assigned the job; again it is documented.

I did not ask how long records for safety meetings, trenching activities and service line repairs are kept on file.

Safety meetings are documented and filed in a file drawer in Peyton's office.

I found the safety procedures and policies of the CWDBH field crew to be consistent, very thorough and well documented. Clay and Peyton can elaborate on the finer details of safety meetings and their documentation.

I believe safety review of the policies and procedures of the CWDBH should be performed on a bi-annual or annual basis. Because of the detailed manner in which the safety program is managed, I do not believe it needs to be micro-managed on a weekly or even a monthly basis.

**Let's Talk**

# Safety

**A Series of 52 Talks  
on Common Utility  
Safety Practices**

**2009**



**American Water Works  
Association**

Advocacy  
Communications  
Conferences  
Education and Training  
Science and Technology  
Sections

*The Authoritative Resource on Safe Water®*

# Hypothermia: A Winter Safety Hazard



**H**ypothermia is a life-threatening condition that occurs when the body loses heat faster than it can produce it. Remember, normal body temperature is approximately 98.6°F (37°C). When cold weather causes this temperature to go down, serious problems, even death, can result.

Symptoms of hypothermia include uncomfortable shivering, impaired speech, and awkward or clumsy body movements. If the condition becomes severe, muscles may become rigid, skin may turn dark and puffy, and the victim could become unconscious.

If you identify symptoms in yourself or someone you are with, take the following first-aid steps immediately.

- Get the victim (or yourself) to a warm location.
- Remove any wet clothing, belts, etc., that might restrict circulation.
- Warm the victim by wrapping him or her in blankets or immersing the person in a tub of warm water. Make sure the water is not too hot.

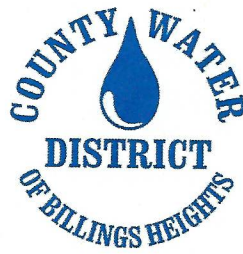
## Frostbite

Frostbite is a common cold-weather injury. It occurs when the fluids and underlying soft tissue of the skin freeze. The most commonly affected areas are the nose, cheeks, ears, fingers, and toes. Frostbite is accelerated by wind and humidity.

County Water District Weekly Safety Meeting										
Week	Date	Peyton	Josh	Clay	Andy	Colton	Quin	Derek	Suzie	Diane
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Daily Trench Log

Site Location		
Date	Time	Competent Person
Locate #	Trench Size	
Type of Protective System Used		
Trench Box	Wood Shoring	Sloping Other
Trench Box Used		
4x8 New	4x8 Old	4x5 N/A
Purpose of Trenching		
Drainage	Water	Gas Sewer Other
Were Visual Soil Test Made?		Yes No
Were Manual Soil Tests Made?		Yes No
Type of Soil?		
Stable Rock	Type A	Type B Type C
Surface Encumbrances		
If Yes, What type:		
Trench Conditions		
Wet	Dry	Submerged
Hazardous Atmosphere Exists:		Yes* No
Is trenching or excavation exposed to public vehicular traffic (exhaust Emission):		Yes* No
Is ladder within 25 feet of all workers:		Yes No
Is excavated material stored two feet or more from edge of excavation?		Yes No
Are employees exposed to public vehicular traffic? If yes, warning Vest required.		Yes No
Are all other utilities Protected? (Water, Sewer, Gas or other structures)		Yes No
Are Sewer or natural gas lines Exposed		Yes* No
Periodic inspections made?		Yes No
Did Employees receive training in excavating?		Yes No

\*(If yes, Follow confined space entry policy; Complete Confined Space Entry Permit; Monitor for toxic gas(es))



**SERVICE LINE REPAIR WORK ORDER**

<b>ACCOUNT NUMBER</b>			<b>SERVICE ADDRESS</b>		
<b>LOCATE NUMBER</b>			<b>DATE OF REPAIR</b>		
<b>DESCRIPTION OF PROBLEM</b>					
<b>DISTRICT SIDE</b>					
<b>LINE SIZE</b>	¾" CTS	1" CTS	¾" IPS	1" IPS	OTHER
<b>OLD LINE TYPE</b>	TUFFTUBE	COPPER	DRISCO	POLY	OTHER
<b>WAS A NEW LINE PULLED?</b>				YES	NO
<b>NEW LINE TYPE</b>		COPPER	DRISCO	PE4710 POLY	OTHER
<b>WAS THE CURB STOP REPLACED?</b>				YES	NO
<b>NEW CURBSTOP TYPE</b>		FLARE		COMPRESSION	
<b>WAS THE CURB BOX REPLACED?</b>				YES	NO
<b>DEPTH OF CURB BOX</b>				FT	IN
<b>CURB STOP MEASUREMENTS</b>					
<b>CORP INFO</b>	COMP	FLARE	DIRECT TAP	SADDLE	COLLAR
<b>DEPTH OF MAIN</b>				FT	IN
<b>SIZE OF MAIN</b>		IN	<b>TYPE OF MAIN</b>		
<b>MAIN MEASUREMENTS*</b>					
<b>HOMEOWNER SIDE LINE SPECS</b>					
<b>LINE SIZE</b>	¾" CTS	1" CTS	¾" IPS	1" IPS	OTHER
<b>LINE TYPE</b>	TUFFTUBE	COPPER	DRISCO	POLY	OTHER
<b>OBSTRUCTIONS/PROBLEMS/ OTHER UTILITY CONFLICTS</b>					

\*MAIN MEASUREMENTS FROM BACK OF CURB OR OTHER FIXED STRUCTURE