

BROADWATER COUNTY COMMISSIONERS
515 Broadway, Townsend

Meetings are held at the Flynn Building (old Opportunity Bank) 416 Broadway
Agenda, documents, Official Meetings Minutes and videos of Commission meetings are available and at
<https://www.broadwatercountymt.com>

OFFICIAL agendas are posted in the Courthouse (1st Floor Bulletin Board),
Broadwatercountymt.com, and in the window of the Flynn Building on
the Thursday before the Commission Meetings

May 23rd Monday

- | | |
|----------|--|
| 10:00 AM | Public Comment on any subject not on the agenda, and that the Commission has jurisdiction over / Approval of the Minutes / Certificate of Survey Review |
| 10:05 AM | Discussion and Decision: CDBG-ED Application for the Jack Rabbit Pub (Bridger Brewing) |
| 10:15 AM | Discussion and Decision: DUI Budget 2022-2023 Tracie Kiesel
DUI Task Force |
| 10:20 AM | Discussion and Decision Task Order Townsend Airport Task Order #1 Agreement to Furnish Engineering Services to Broadwater Co. for Improvements to the Townsend Airport, Land Acquisition Assistance and Services |
| 10:20 AM | Guest Speaker: Julie Dooling HD 70 will give an update on Legislative Activities and Other Topics |
| 11:00 AM | Public Hearing Preliminary Budget 2022-2023 |
| 11:15 AM | Discussion and Decision: Preliminary Budget 2022-2023 |

May 25th Wednesday

- | | |
|----------|---|
| 10:00 AM | Insurance Meeting with Julie Zipperian and MACO |
| 10:00AM | Discussion and Decision County Attorney Request to contract with outside legal assistance |

Public comment period (on items not on the agenda) will be at the beginning of each meeting. Mail & Items for Discussion and/or signature may occur as time allows during the meeting. Issues and times are subject to change.

Items for Discussion / Action / Review / Signature – Consent Agenda

- ✓ Certificate of Survey review
- ✓ Management – on-going advisory board appointments
- ✓ Claims/Payroll/minutes
- ✓ County Audit / Budget
- ✓ Mail – ongoing grants
- ✓ Correspondence – support letters

Debi Randolph		406-266-9270 and 406-980-2050
Darrel Folkvord	Chairperson	406-266-9272 and 406-980-1213
Mike Delger		406-266-9271 and 406-521-0834
E-mail		commissioners@co.broadwater.mt.us

APPENDIX M2 MANAGEMENT PLAN

Loan Project Managed by Montana Business Assistance Connection (MBAC)

MONTANA DEPARTMENT OF COMMERCE
COMMUNITY DEVELOPMENT BLOCK GRANT
ECONOMIC DEVELOPMENT PROGRAM
CONTRACT NO. MT-CDBG-ED-xx-xx
JackRabbit Pub, LLC

In Fiscal Year 2022, Broadwater County applied for a grant from the Montana CDBG-ED Program that will be loaned to JackRabbitPub, LLC. The loan repayments will be used to continue the development of the CDBG-ED Revolving Loan Fund (hereinafter called "The RLF"). The RLF will be used to provide financial capital to create or expand businesses in Broadwater County in equal proportion with private financing. New and growing businesses that borrow funds from the RLF will promise to provide jobs to low and moderate-income (LMI) families in Broadwater County. Broadwater County will enter into a Sub-Recipient Agreement with Montana Business Assistance Connection for administering the CDBG-ED Project and the RLF. This Management Plan is written to assure proper management of the CDBG-ED project, including financial management of grant funds, compliance with State and federal requirements, timely start-up and completion of project activities, and prudent administration of ongoing loan repayments.

A. ADMINISTRATIVE STRUCTURE

1. Broadwater County

The following persons will have lead responsibility for administering the County's FY 2021 Community Development Block Grant-Economic Development (CDBG-ED) Project on behalf of the County to fund job creation, training, and equipment purchase at the JackRabbitPub in Wheatland, MT, for the JackRabbitPub, LLC.

- a. Darrel Folkvord, County Commissioner, as the County's chief elected official, will have responsibility for all official contacts with the Montana Department of Commerce (MDOC). The Chairman and Commissioners will have the ultimate authority and responsibility for the implementation of the County's FY 2021 CDBG-ED project for Economic Development to facilitate an expansion of JackRabbitPub, LLC. The Chairman will approve and sign administrative documents, designate the Environmental Certifying Officer and approve all requests for payment from the CDBG-ED program. The Commissioners will approve all contracts and drawdown requests. The telephone number for the Chairman and Commissioners is (406) 266-9272, dfolkvord@co.broadwater.mt.us
- b. Jania Hatfield, Acting County Attorney, will review any proposed contractual agreements associated with the CDBG-ED Project, advise the

Commissioners regarding the agreements, and provide any other legal guidance as requested. 406-266-9226, jhatfield@co.broadwater.mt.us

- c. Angie Paulsen, County Clerk, will be responsible for maintaining records related to the management of the initial CDBG-ED project funds for Broadwater County. Telephone: (406)-266-9219, apaulsen@co.broadwater.mt.us
- d. Nichole Brown, County Community Development Director, will be the liaison between the Montana Business Assistance Connection (LDO), the Commission members, and the County Attorney. He will make appropriate recommendations and route all contract documents, administrative documents, and drawdowns as necessary. He will also be responsible for the Environmental Review process. (Telephone: (406) 266-9211, planning@co.broadwater.mt.us

2. Montana Business Assistance Connection (LDO)

To provide general technical assistance, coordination of funding sources, and assurances of compliance with all applicable state and federal requirements for the CDBG-ED program, Broadwater County has designated Montana Business Assistance Connection as its Project Administrator. Montana Business Assistance Connection is a not-for-profit 501(c)(3) Local Community Development Agency located in Lewis and Clark County. The following Montana Business Assistance Connection personnel will be responsible for the project:

Brian Obert, Executive Director, will be responsible for all official contacts with Broadwater County on behalf of the Montana Business Assistance Connection, keeping the Montana Business Assistance Connection Board of Directors apprised of project status, and entering agreements on behalf of Montana Business Assistance Connection. (Telephone: (406)-465-0619, Email: Bopert@mbac.biz.

- a. Katherine Anderson, Project Manager, will be responsible for the overall coordination of the CDBG-ED Grant awarded to Broadwater County. She will establish and maintain complete and accurate project files, monitor all project activities for compliance with all applicable requirements, and supervise the project outreach, intake, application, and project selection process. (Telephone: (406)-461-5633, Email: Kanderson@mbac.biz.
- b. Rebekah Dupre, Fiscal Officer, will be responsible for the fiscal management of the project, in coordination with the Project Manager and in accordance with the Montana Business Assistance Connection (LDO) Fiscal Procedures Manual. She will assure compliance with all applicable federal, state, and local requirements, keep all financial records and accounts for the Montana Business Assistance Connection (LDO) ensure coordination of all funding sources, review all project expenditures from the business, process pay requests, draft drawdown requests, and

prepare all project closeout documents. Telephone: (406) 447-1512.
Email: rdupre@mbac.biz.

B. PROJECT MANAGEMENT

1. Katherine Anderson, Broadwater County Grants Administrator, will:
 - a. Complete the environmental review for each project to assure compliance with National and Montana Environmental Policy Acts
 - b. Complete the Statutory Checklist or Consolidated Environmental Assessment Form, as applicable, and any other applicable environmental requirements
 - c. Prepare any legal notices required to be published for the environmental review process and conduct any required public hearings or informational meetings
 - d. Prepare a request for the release of funds to the MDOC
 - e. Assist in the development of a CDBG-ED contract between the County and the MDOC
 - f. Review, approve, and submit the CDBG-ED drawdown requests, after preparation by Montana Business Assistance Connection(LDO) and approval by the Commissioners, to the CDBG-ED Program, Business Resources Division, Montana Department of Commerce, and ensure disbursement of funds to the Montana Business Assistance Connection (LDO) for loan closings and administrative expenses
 - g. Review and approve all CDBG-ED closeout documents.
2. As a subgrantee, the Project Administrator, Montana Business Assistance Connection (LDO), is responsible for the following day to day project activities:
 - a. Coordinating with Broadwater County for the completion of the environmental review process required of each CDBG-ED project considered for funding to assure full compliance with the National and Montana Environmental Policy Acts and the preparation of any legal notices required to be published for the environmental review process and conducting the any required public hearings or informational meetings.
 - b. Assisting Broadwater County and the MDOC in developing the Broadwater County contract with the MDOC that will address all requirements related to practical project start-up and implementation. This will include preparing all management agreements between Broadwater County and the Project Administrator.

- c. Establishing and maintaining complete and accurate project files and preparing all documentation and reports incidental to the administration of the grant
- d. Reviewing all proposed project expenditures or requests for payment from the business to ensure their propriety and proper allocation of expenditures to the CDBG-ED budget.
- e. In cooperation with the Broadwater County project manager, processing quarterly payment requests and preparing drawdown requests to the MDOC, including the Request for Payment and Status of Funds Report and the Project Progress Report
- f. Assuring compliance with applicable civil rights requirements included in the Broadwater County's adopted equal opportunity plan and fair housing resolution
- g. Preparing all required performance reports and closeout documents for submittal to MDOC and assisting the Broadwater County auditors with the completion of the project's audit requirements
- h. Closing the CDBG-ED loan in a timely fashion in accordance with the project implementation schedule
- i. Monitoring the borrower's compliance with the loan agreement requirements, including monthly payments, implementation of the project hiring and training plan, submission of monthly financial statements, and documentation of benefits to low and moderate-income families
- j. Preparing the project's program income plan and securing MDOC approval for that plan before closing the CDBG-ED loan
- k. Attending Commission meetings to provide project status reports and representing the CDBG-ED project at any other public meetings deemed necessary by the Commissioners
- l. Developing a means for assisting the ultimate loan recipients with fulfilling the hiring and training plan requirements, including reports to MDOC regarding progress.

C. FINANCIAL MANAGEMENT

1. The Broadwater County Clerk will be responsible for:

- a. Establishing a CDBG-ED bank account and transferring CDBG-ED funds from that account to the Broadwater County treasury for disbursements, based on claims and supporting documents approved by the Project Manager and Commissioners. As the County uses an interest-bearing

account for its general disbursements, a separate non-interest-bearing account will be used for CDBG-ED funds. Balances in that account will not exceed \$5,000 for a period of three days. Funds will be transferred to the Montana Business Assistance Connection account, and the Montana Business Assistance Connection will disperse funds to the borrowers.

- b. Entering all project transactions into the County's existing accounting system (BARS) and preparing warrants for approved expenditures.
- c. With the assistance of the Project Administrator, prepare the Request for Payment and Status of Funds Reports to be submitted to MDOC. All drawdown requests will be signed by two of the three following persons: Chairman and County Finance Director.
- d. The Project Administrator will review all proposed expenditures of CDBG-ED funds and prepare drawdown requests, which will be signed by the officials cited above. All disbursements will be made in accordance with the County's established claim review procedures. Before submitting the claim to the County Clerk, the Project Administrator will attach a certification to each claim stating that the proposed expenditure is an eligible expense of the County CDBG-ED grant and consistent with the project budget.
- e. With the assistance of the Project Administrator, preparing the final financial report for project closeout.
- f. Financial record-keeping will conform to the recommendations of the MDOC/Local Governmental Services Bureau as described in Chapter 4 of the CDBG Grant Administration Manual. The original financial documents (claims with all supporting documents attached) will be retained in the Broadwater County offices.
- g. With oversight and approval from Broadwater County, Montana Business Assistance Connection (LDO) will administer the project within the framework of its financial procedures manual. These procedures are designed to ensure the efficient and effective administration of federal grants within the constraints of uniform federal compliance requirements outlined in OMB Circular A-110 and further codified in 24 CFR 570-502 (Revised as of April 1, 1997).
- h. A separate fund for the project will be set up within the general ledger accounts at Montana Business Assistance Connection (LDO). All CDBG-ED activities, including revenues, administrative expenditures, loans, and loan repayments, will be segregated, recorded, reported in this fund, and entitled "Broadwater County CDBG-ED Project Fund." The first transaction from the fund will be a loan to JackRabbitPub, LLC, for \$400,000.00. In conjunction with the loan closing date, the first drawdown from project

activity funds will be requested from Broadwater County. Montana Business Assistance Connection will prepare the drawdown request and forward it to the County. The County will review the request in accordance with its normal claim review process, sign the request, and deliver it to the MDOC. The loan closing date will be scheduled to coincide with receipt of funds in the Broadwater County account to prevent interest earnings on cash held at either the Broadwater County or Montana Business Assistance Connection before ultimate loan disbursement to (Name of Assisted Business).

- i. Subsequent draw downs will consist of administrative payments from Broadwater County to the Montana Business Assistance Connection. Administrative payments will consist of reimbursement for actual time and costs incurred. The Montana Business Assistance Connection will prepare the CDBG-ED draw down and attach a copy of a detailed invoice. Upon review and approval, the Broadwater County will forward the draw down request to the MDOC. Broadwater County will reimburse the Montana Business Assistance Connection for eligible administrative expenses upon receipt of funds from the MDOC.
- j. The CDBG-ED project fund will be audited every year in conjunction with Broadwater County's audit, and the audit will be conducted according to OMB Circular A-133.

PROGRAM INCOME AND REVOLVING LOAN FUND

Repayments of principal and interest on the note to JackRabbitPub, LLC will be deposited in the Revolving Loan Fund (see RLF Plan). The intent of the Broadwater County and Montana Business Assistance Connection is to tain net equity in the fund at the original project level, \$400,000. Interest earnings will be used to fund administrative expenses and loan loss reserves. The fund will be managed to provide a source of ongoing funding for the Broadwater County projects that impact LMI persons. Before the beginning of each year, Montana Business Assistance Connection will report the results of operations and the fund's financial position to Broadwater County. At that time, an administrative budget for the following year will also be submitted for review and approval. Based on Montana Business Assistance Connection's success in program management, the County will authorize administrative expenses for the following year's activity.

Suppose Montana Business Assistance Connection ceases to exist or an event of default occurs. In that case, Program Income relating to the CDBG-ED Project, including funds on hand and accounts or notes receivable, will revert to Broadwater County.

IN WITNESS WHEREOF, the parties hereto acknowledge that the parties named within are aware of their responsibilities and execute this Agreement on the _____ day of _____, **2022**.

PROJECT ADMINISTRATOR:

Brian Obert, Executive Director
Montana Business Assistance Connection

Date

Darrel Folkvord, Chairperson
Broadwater County

Date

**APPENDIX A
MONTANA DEPARTMENT OF COMMERCE
ECONOMIC DEVELOPMENT PROJECT APPLICATION FORM
AND TABLE OF CONTENTS**

(It is required that this form be typed and completely filled out)

Cells are formatted for numbers, currency, and percentages.

This appendix should be the first item to appear in the application.

A. APPLICANT INFORMATION

1. Local Government

Name of Local Government	Broadwater County		
Address	515 Broadway Townsend, MT 56944		
Phone Number	(406) 266-9219		
Chief Elected Official (Printed Name and Title)	Darrel Folkvord		
Signature of Chief Elected Official	Signature Needed		
Local Government Tax ID #	81-6001337		
Local Government DUNS #			04-6568374
Local Government CCR/CAGE Code	3W1A0		

2. Local Development Organization

Name of Contact Person	Katherine Anderson, MBAC		
Address	225 Cruse Ave. Ste D, Helena, MT :		
Phone Number	406-437-8566		
Email Address	kanderson@mbac.biz		
Existing Revolving Loan Fund (RLF)?	No		Yes
Does MDOC have copy of most current plan?			Balance
Yes	No	Year Plan was updated?	Money available for lo

3. Authorization of Release of Information

The Applicant (*Local Government*), **which has ultimate responsibility for submission of this application** des following party as the authorized contact for additional information and/or documentation regarding this applicator funding.

Name of Contact Person	Katherine Anderson
Address	225 Cruse Ave. Ste D, Helena, MT 59601
Phone Number	406-437-8566
Email Address	kanderson@mbac.biz

4. Assisted Business

Name of Company	JackRabbit Pub, LLC	
Contact Person	Jim Eberhard	
Address	10751 US HWY 287, Three Forks MT, 59752	
Phone Number	406-570-8236	
Email Address	jeberhard@bridgerbrewing.com	
Business DUNS Number		
North American Industrial Classification System (NAICS) Code	531312	
Does the business provide health care benefits?	No	Yes

B. PROJECT SUMMARY

In the box below, provide a summary of this proposal which describes the nature of the assisted business. This box may be expanded as necessary.

Please provide sufficient information to explain the primary project and what CDBG-ED funds would be utilized for. Providing a detailed summary will enable grant reviewers to understand the proposal better and facilitate the application review process.

The CDBG-ED proposal is for the purchase of equipment and wages for the JackRabbit Pub, a new expansion of Bridger Brewing located on a 247-acre parcel of commercial real estate located in Broadwater County, near Three ED funds are being requested in the amount of \$400,000. The funds will be used for the purchase of kitchen equip operations, and assist with the creation and training of roughly 40 new jobs in Jack Rabbit Pub. Revenue generate expansion will provide integral financial benefits to the Three Forks area and the local community through local job tourism promotion, and an increased tax base. The JackRabbit Pub will focus on utilizing both locally-grown ingre restaurant, and a local workforce to staff the pub.

C. BENEFIT TO LOW AND MODERATE-INCOME (LMI) SUMMARY

1. Jobs and Cost Per Job Summary

Total Number of New Jobs Created	17
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Total Number of New LMI Jobs Created	9
---	---

Total Number of Jobs Retained (only on retention projects)	N/A
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Total Number of LMI Jobs Retained (only on retention projects)	N/A
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Percentage (%) of Benefit to LMI Total jobs/total LMI jobs - minimum 51% benefit to LMI Job retention projects must provide documentation that without CDBG-ED assistance the jobs would be lost.	
--	--

CDBG-ED Cost Per Job (Maximum \$25,000 per job) Total CDBG-ED Activity Funds Requested \$ _____ / # of jobs _____.	\$25,000/Job
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2. Customized Training of Employees Summary

Total Number of Existing Employees to be Trained	
---	--

Total Number of New Employees to be Trained	
--	--

Total Number of Existing LMI Employees to be Trained	
---	--

Total Number of New LMI Employees to be Trained	
--	--

Percentage (%) Benefit to LMI	
Total jobs/total LMI jobs - minimum 51% benefit to LMI	

CDBG-ED Cost Per Job	
(Maximum \$5,000 per job)	
Total CDBG-ED Activity Funds Requested \$ ____ / # of jobs ____)	

D. FUNDING SUMMARY

Total CDBG-ED Activity Funds Requested	
--	--

Total Other Funds Committed	
Source Owner Investment	\$220,000.00
Source Bank Loan #1	\$180,000.00 (construction loan)

Matching Funds (At least 1:1)	
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Administrative Funds Requested	
No more than 8% of total CDBG-ED request.	

E. TABLE OF CONTENTS

Review and complete the General Application Requirements section of the guidelines to make sure that all areas have been completed.

APPLICATION REQUIREMENT

PAGE

- | | |
|---|------------|
| 1. Copy of Letter of Support from CRDC | See "Attat |
| 2. Community Needs Assessment Narrative and Copy of Assessment Process | See "Attat |
| 3. Benefit to Low and Moderate Income Persons Narrative | |
| 4. Appendix B. Local Government Local Development Organization and Business Application Certification | |
| 5. Appendix C. Acceptance of CDBG Program Requirements Certification for Application
<i>If a joint application, both local governments need to sign.</i> | |
| 6. Appendix D. State Objectives for the Montana Department of Commerce Business Resources Division Community Development Block Grant Program | |
| 7. Appendix E. Full Environmental Checklist | |
| 8. Appendix E-A (Supplement) Environmental Review Site Specific Checklist | |
| 9. Appendix H. Resolution to Authorize Application | |
| 10. Appendix I. Citizen Participation - First Public Hearing
Minutes, Attendance Sheet, Affidavit of Publication | |
| 11. Appendix I. Citizen Participation - Second Public Hearing
Minutes, Attendance Sheet, Affidavit of Publication | |
| 12. Appendix J. Draft Revolving Loan Fund Plan | |
| 13. Appendix L1 or L2. Draft Sub-Recipient Agreement
L1 for RLF project
L2 for non-RLF project | |
| 14. Appendix M1, M2 or M3. Draft Management Plan
M1 if to be managed by the Local Government
M2 if a loan to be managed by a 3rd party non-profit
M3 if a grant to be managed by a 3rd party non-profit | |
| 15. Appendix N. Sources and Uses Form Part I | |

16. **Appendix N. Sources and Uses Form Part II**
17. **Appendix O1 or O2. Draft Hiring and Training Plan or Draft Hiring and Training Plan for Customized Employee Training**
 O1 for Hiring and Training Plan
 O2 for Customized Training Plan
Hiring and Training Plans for Customized Employee Training need to address the minimum wage requirement.
18. **Appendix P. Project Implementation Schedule**
19. **Appendix Q. Draft Confidentiality and Non-Disclosure Agreement and Affidavit**
20. **Appendix R. Draft Inter-local Agreement**
21. **Appendix S. Income Survey Forms and Ethnicity/Racial Forms for Job Retention Proposals** *Forms for existing employees*
22. **Appendix T. Business Plan**
23. **Appendix U. Grant Assistance Agreements**
 U1 for Training Grant
 U2 for Infrastructure of Non-Profit Grants
24. **Appendix V. Preliminary Engineering Report Outline**
25. **Appendix W. Preliminary Architectural Report Outline**
26. **Appendix X. Anti-Pirating Certification**
27. **Financial Statements for 3 Most Recent Years of Operation**
 Balance Sheet
 Profit and Loss Statement
 Cash Flow Statement
 Reconciliation of Net Worth
 Current Aging of Accounts Receivables
28. **Financial Projections for 3 years**
 Projected Balance Sheet
 Projected Profit and Loss Statement
 Projected Cash Flow
29. **Loan Analysis Write-up** See "Attat
 UCC search See "Attat
30. **Debt Schedule**
31. **Explanation of Working Capital Needs**
32. **Personal Financial Statements and Tax Returns** See "Attat
 (for owners with 20% or more ownership)
33. **Personal Credit Check Release** See "Attat
 (for principal owners)

- | | |
|---|------------|
| 34. Public and Private Sector Commitments for Funding | See "Attat |
| 35. Acquisition Narrative - if applicable
<i>Buy/Sell Agreement</i> | See "Attat |
| 36. Federal Labor Standards Narrative - if applicable | See "Attat |
| 37. Map of Proposed Project Area | See "Attat |
| 38. FEMA Flood Map of Project Area - if applicable | See "Attat |
| 39. Proof of Worker's Compensation Coverage
(for local government, assisted business, local development organization) | See "Attat |
| 40. Other Items (list) | See "Attat |

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INDEX NUMBER

Chemical _____"

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Appendix D

Appendix B

Appendix C

Appendix D

Appendix E

Appendix E-A

Appendix H

Appendix I

Appendix I

Appendix J

Appendix L1

Appendix M2

Appendix N

Appendix N

Appendix O

Appendix P

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Appendix S

Appendix T

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Appendix X

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APPENDIX B
LOCAL GOVERNMENT
LOCAL DEVELOPMENT ORGANIZATION
AND BUSINESS APPLICATION CERTIFICATION

As the responsible authorized agents of ***Broadwater County, Montana Business Assistance Connection, Inc., and JackRabbit Pub, LLC.***, we hereby submit this Community Development Block Grant - Economic Development Application. The information presented in this application is, to the best of our knowledge, true and accurately represents the proposed project. We understand that additional information and documentation may be required by the Montana Department of Commerce.

Broadwater County has ultimate responsibility as grant applicant for submitting this application with true and accurate information on behalf of ***JackRabbit Pub, LLC.*** If funded, ***Broadwater County*** has ultimate responsibility for overseeing proper management of the project including compliance with CDBG regulations.

Montana Business Assistance Connection, Inc accepts responsibility for submission of true and accurate information in this application submitted by ***Broadwater County*** on behalf of ***JackRabbit Pub, LLC.***

JackRabbit Pub, LLC accepts responsibility for submission of true and accurate information in this application. If funded, it will accept responsibility for compliance with applicable CDBG regulations and to the provision of benefits and jobs predominately made to low and moderate-income persons as specified in this application.

Broadwater County

Darrel Folkvord, Chairperson

Date

Montana Business Assistance Connection, Inc.

Brian Obert, Executive Director

Date

JackRabbit Pub, LLC

Jim Eberhard, Co-Owner and Manager

Date

APPENDIX C

MONTANA DEPARTMENT OF COMMERCE BUSINESS RESOURCES DIVISION COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

ACCEPTANCE OF CDBG PROGRAM REQUIREMENTS CERTIFICATIONS FOR APPLICATION

Each applicant must agree to comply with all applicable State and federal laws and regulations in implementing their proposed CDBG project, if selected for funding. A copy of the Certifications for Application signed by the chief elected official or executive officer of the applicant and dated within six months of the date of application, must accompany the application for CDBG funds.

Applicants should carefully review these requirements and consider their potential impact when designing their CDBG project. Listed in the following Certifications for Application are the most important federal regulations that apply to projects using CDBG funds. They cover a wide range of issues including environmental impacts, labor standards, employment practices, financial procedures, and civil rights, many of which can have an affect on the costs or complexity of project implementation. Each federal law or regulation is annotated to give the applicant a general understanding of the requirements that must be met. Since this is a brief summary and not intended to be a comprehensive description of each law, local officials who have any questions or concerns regarding the applicability of these requirements should contact the Department of Commerce for guidance.

The local government will comply with all applicable parts of Title I of the Housing and Community Development Act of 1974, as amended, which have not been cited herein as well as with other applicable federal laws and regulations.

The local government will comply with all requirements established by the Department of Commerce and applicable State laws, regulations, and administrative procedures.

The local government accepts the terms, conditions, selection criteria, and procedures established by the Montana Community Development Block Grant (CDBG) Program and expressly waives any statutory or common law right it may have to challenge the legitimacy and propriety of these terms, conditions, criteria, and procedures in the event that it is not selected for an award of CDBG funds.

ACQUISITION, DISPLACEMENT AND RELOCATION

The local government will minimize displacement as a result of activities assisted with CDBG funds and assist persons actually displaced.

The local government will comply with:

- The Uniform Relocation Assistance and Real Property acquisition Policies Act of 1970 (The Uniform Act) as amended, and implementing regulations 49 CFR Part 24 and the requirements of Section 570.496a. These laws and accompanying regulations require the grantee to provide relocation payments and offer relocation assistance to all persons displaced as a result of acquisition of real property for an activity assisted under the CDBG program. Such payments and assistance must be provided in a fair and consistent and equitable manner that ensures that the relocation process does not result in a different or separate treatment of such persons on account of race, color, religion, national origin, sex, source of income, age, handicap, or familial status (families with children). The grantee must assure that, within a reasonable period of time prior to displacement, decent, safe and sanitary replacement dwellings will be available to all displaced families and individuals and that the range of choices available to such persons will not vary on account of their race, color, religion, national origin, sex, source of income, age, handicap, or familial status (families with children); and
- The grantee must also inform affected persons of their rights and of the acquisition policies and procedures set forth in the regulations of 49 CFR, Part 24, Subpart B.
- The Anti-displacement and Relocation Assistance Plan adopted by the Montana Department of Commerce for the Montana CDBG program.

ASSESSMENTS FOR PUBLIC IMPROVEMENTS

The local government will not attempt to recover any capital costs of public improvements assisted in whole or part with CDBG funds by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless:

- a. CDBG funds are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than CDBG funds; or,
- b. for purposes of assessing any amount against properties owned and occupied by persons of low and moderate income who are not persons of very low income, the applicant certifies that it lacks sufficient CDBG funds to comply with the requirements of clause a, above.

BUILDING STANDARDS

The local government will require every building or facility (other than a privately owned residential structure) designed, constructed, or altered with funds provided under the Montana CDBG Program to comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," Number A-117.1R 1971, subject to the exceptions contained in CFR 101-19.604. It will also comply with the Architectural Barriers Act of 1968 and HUD regulations 24 CFR Part 8,

"Nondiscrimination Based on Handicap in Federally Assisted Activities of HUD". The applicant will be responsible for conducting inspections to insure compliance with these specifications by the contractor; and will comply with HUD Cost-Effective Energy Standards, 24 CFR Part 39.

CITIZEN PARTICIPATION

The local government will comply with the detailed Citizen Participation Plan adopted by the Montana Department of Commerce for the Montana CDBG program.

CIVIL RIGHTS, EQUAL OPPORTUNITY, AND FAIR HOUSING REQUIREMENTS

Civil Rights

The local government will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), and the regulations issued pursuant thereto (24 CFR Part 1), which provides that no person in the United States shall on the grounds of race, color, or national origin, be excluded from participation in, be denied in the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant received Federal financial assistance and will immediately take any measures necessary to effectuate this assurance. If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the applicant, this assurance shall obligate the applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits.

Equal Opportunity

The local government will comply with:

- Section 109 of the Housing and Community Development Act of 1974 as amended, and the regulations issued pursuant thereto (24 CFR 570.601), which provides that no person in the United States shall, on the grounds of race, color, national origin, or sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or in part with funds provided under the Act;
- The Age Discrimination Act of 1975, as amended (42 U.S.C. 6101 et seq.). The act provides that no person shall be excluded from participation, denied program benefits or subjected to discrimination on the basis of age under any program or activity receiving federal funding assistance;
- Section 504 of the Rehabilitation Act of 1973, amended (29 U.S.C. 794). The act provides that no otherwise qualified individual shall, solely, by reason of his or her handicap, be excluded from participation (including employment), denied program

benefits or subjected to discrimination under any program or activity receiving federal assistance funds;

- Section 3 of the Housing and Community Development Act of 1968 (12 U.S.C. 170/u) (24 CFR Part 135). Section 3 of the Housing and Urban Development Act of 1968 requires, in connection with the planning and carrying out of any project assisted under the Act, to the greatest extent feasible, opportunities for training and employment be given to lower-income persons residing within the unit of local government or the non-metropolitan county in which the project is located, and contracts for work in connection with the project be awarded to eligible business concerns which are located in, or owned in substantial part, by persons residing in the project area. The grantee must assure good faith efforts toward compliance with the statutory directive of Section 3; and
- Executive Order 11246, as amended by Executive Orders 11375 and 12086, and the regulations issued pursuant thereto (24 CFR Part 130 and 41 CFR Chapter 60) prohibit a CDBG recipient and subcontractors, if any, from discriminating against any employee or applicant for employment because of race, color, religion, sex or national origin. The grantee and subcontractors, if any, must take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex or national origin. Such action must include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rate of pay or other forms of compensation; and selection for training, including apprenticeship. The grantee and subcontractors must post in conspicuous places, available to employees and applicants for employment, notices to be provided setting for the provisions of this nondiscrimination clause. For contracts over \$10,000 the grantee or subcontractors will send to each applicable labor union a notice of the above requirements, the grantee and subcontractors will comply with relevant rules, regulations and orders of the U.S. Secretary of Labor. The grantee or subcontractors must make their books and records available to State and federal officials for purposes of investigation to ascertain compliance.

Fair Housing

The local government will affirmatively further fair housing and will comply with:

- Title VIII of the Civil Rights Act of 1968 (also known as The Fair Housing Act) (42 U.S.C. 3601 et seq.), as amended by the Fair Housing Amendments Act of 1988 and the regulations issued pursuant thereto. The law states that it is the policy of the United States prohibiting any person from discriminating in the sale or rental of housing, the financing of housing, or the provision of brokerage services, including in any way making unavailable or denying a dwelling to any person, because of race, color, religion, sex, national origin, handicap, or familial status. CDBG grantees must also administer programs and activities relating to housing and community development in a manner that affirmatively promotes fair housing and

further the purposes of Title VIII; and

- Executive Order 11063, as amended by Executive Order 12259, requires CDBG recipients to take all actions necessary and appropriate to prevent discrimination because of race, color, religion, creed, sex or national origin; in the sale, leasing, rental and other disposition of residential property and related facilities (including land to be developed for residential use); or in the use or occupancy thereof if such property and related facilities are, among other things, provided in whole or in part with the aid of loans, advances, grants or contributions from the federal government.

Prohibition of Discrimination on Basis of Religion

The local government will comply with section 109(a) of the Housing and Community Development Act which prohibits discrimination on the basis of religion or religious affiliation. No person will be excluded from participation in, denied the benefit of, or be subjected to discrimination under any program or activity funded in whole or in part with CDBG funds on the basis of his or her religion or religious affiliation.

Prohibition of Excessive Force

The local government will, if awarded CDBG funds, adopt and enforce a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations in accordance with Section 104(1) of the Housing and Community Development Act, as amended.

CONFLICT OF INTEREST

The local government will comply with the provisions of 24 CFR 570.611 and with sections 2-2-125, 2-2-201, 7-3-4367, 7-5-2106, and 7-5-4109, MCA, (as applicable) regarding the avoidance of conflict of interest.

ENVIRONMENTAL REQUIREMENTS

Air Quality

The local government will comply with the Clean Air Act (42 U.S.C. 7401, et seq.) which prohibits engaging in, supporting in any way or providing financial assistance for, licensing or permitting, or approving any activity which does not conform to the State implementation plan for national primary and secondary ambient air quality standards.

Environmental Impact

The local government will comply with:

- Section 104(f) of the Housing and Community Development Act of 1974, as amended through 1981. This section expresses the intent that "the policies of the

National Environmental Policy Act of 1969 and other provisions of law which further the purposes of such Act be most effectively implemented in connection with the expenditure of funds under" the Act. Such other provisions of law which further the purpose of the National Environmental Policy Act of 1969 are specified in regulations issued pursuant to Section 104(f) of the Act and contained in 24 CFR Part 58; and

- The National Environmental Policy Act of 1969 (42 U.S.C. Section 4321, et seq. and 24 CFR Part 58). The purpose of this Act is to attain the widest use of the environment without degradation, risk to health or safety or other undesirable and unintended consequences. Environmental review procedures are a necessary part of this process. Pursuant to these provisions, the grantee must also submit environmental certifications to the Department of Commerce when requesting that funds be released for the project. The grantee must certify that the proposed project will not significantly impact the environmental regulations and fulfilled its obligations to give public notice of the funding request, environmental findings and compliance performance.

The local government's chief executive officer or other officer of the applicant approved by the State:

1. consents to assume the status of responsible federal official under the National Environmental Policy Act of 1969 (NEPA) and other provisions of federal law, as specified in 24 CFR Part 58, which further the purposes of NEPA, insofar as the provisions of such federal law apply to the Montana Community Development Block Grant Program; and
2. is authorized and consents on behalf of the applicant and himself to accept the jurisdiction of the Federal courts for the purpose of enforcement of his responsibilities as such an official.

EPA List of Violating Facilities

The local government will ensure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the program are not listed on the U.S. Environmental Protection Agency's (EPA) List of Violating Facilities and that it will notify the Department of Commerce of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by EPA.

Farmlands Protection

The local government will comply with the Farmlands Protection Policy Act of 1981 (7 U.S.C. 4202, et seq.) and any applicable regulations (7 CFR Part 658) which established compliance procedures for any federally assisted project which will convert farmlands designated as prime, unique or statewide or locally important, to non-agricultural uses.

Floodplain Management and Wetlands Protection

The local government will comply with:

- the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1973. Section 102(a) required, on and after March 2, 1974, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards. The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance;
- Executive Order 11988, May 24, 1978: Floodplain Management (42 F.R. 26951, et seq.). The intent of this Executive Order is to (1) avoid, to the extent possible, adverse impacts associated with the occupancy and modification of floodplains and (2) avoid direct or indirect support of floodplain development wherever there is a practical alternative. If a grantee proposes to conduct, support or allow an action to be located in the floodplain, the grantee must consider alternatives to avoid adverse effects and incompatible involvement in the floodplains. If siting in a floodplain is the only practical alternative, the grantee must, prior to taking any action: (1) design or modify its actions in order to minimize a potential harm to the floodplain; and (2) prepare and circulate a notice containing an explanation of why the action is proposed to be located in a floodplain; and
- Executive Order 11990, May 24, 1977: Protection of Wetlands (42 F.R. 26961, et seq.). The intent of this Executive Order is to avoid adverse impacts associated with the destruction or modification of wetlands and direct or indirect support of new construction in wetlands, wherever there is a practical alternative. The grantee must avoid undertaking or providing assistance for new construction located in wetlands unless there is no practical alternative to such construction and the proposed action includes all practical measures to minimize harm to wetlands which may result from such use.

Historic Preservation

The local government will comply with:

- Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470, as amended) through completion of the procedures outlined in 36 CFR 800 and 36 CFR 63. Compliance with these procedures should include:
 1. consulting with the State Historic Preservation Office (SHPO) to identify properties listed in or eligible for inclusion in the National Register of Historic

Places that exist with a proposed CDBG project's area of potential environmental impact, and/or to determine the need for professional archaeological, historical, or architectural inventory of potentially affected properties to determine whether they would qualify for register listing; and

2. consulting, as needed with the SHPO, Keeper of the National Register of Historic Places, and the Advisory Council on Historic Preservation to evaluate the significance of historic or prehistoric properties which could be affected by CDBG work and to determine how to avoid or mitigate adverse effects to significant properties from project work.

Lead-Based Paint

The local government will comply with Title IV of the Lead-based Paint Poisoning Prevention Act (42 U.S.C. 4831), which prohibits the use of lead-based paint in residential structures constructed or rehabilitated with federal assistance of any kind.

Noise, Facility Siting

The local government will comply with HUD Environmental Standards (24 CFR, Part 51, Environmental Criteria and Standards and 44 F.R. 40860-40866, July 12, 1979) which prohibits HUD support for most new construction of noise-sensitive uses in general for projects with unacceptable noise exposures is discouraged for projects with normally unacceptable noise exposure. Additionally projects may not be located near facilities handling materials of an explosive or hazardous nature, or in airport clear zones.

Solid Waste

The local government will comply with the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. Section 6901, et seq.). The purpose of this Act is to promote the protection of health and the environment and to conserve valuable material and energy resources.

Water Quality

The local government will comply with:

- the Safe Drinking Water Act of 1974 (42 U.S.C. Section 201, 300(f) et seq. and U.S.C. Section 349), as amended, particularly Section 1424(e) (42 U.S.C. Section 300H-303(e)) which is intended to protect underground sources of water. No commitment for federal financial assistance can be entered into for any project which the U.S. Environmental Protection Agency determines may contaminate an aquifer which is the sole or principal drinking water source for an area; and
- the Federal Water Pollution Control Act of 1972, as amended, including the Clear Water Act of 1977, Public Law 92-212 (33 U.S.C. Section 1251, et seq.) which

provides for the restoration and maintenance of the chemical, physical and biological integrity of the nation's water.

Wildlife

The local government will comply with:

- the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.). The intent of this Act is to ensure that all federally assisted projects seek to preserve endangered or threatened species. Federally authorized and funded projects must not jeopardize the continued existence of endangered and threatened species or result in the destruction or modification of habitat of such species which is determined by the U.S. Department of the Interior, after consultation with the state, to be critical; and
- the Fish and Wildlife Coordination Act of 1958, as amended, (U.S.C. 661 et seq.) which requires that wildlife conservation receives equal consideration and is coordinated with other features of water resource development programs.

Wild and Scenic Rivers

The local government will comply with the Wild and Scenic Rivers Act of 1968, as amended (16 U.S.C. 1271, et seq.). The purpose of this Act is to preserve selected rivers or sections of rivers in their free-flowing condition, to protect the water quality of such rivers and to fulfill other vital national conservation goals. Federal assistance by loan, grant, license or other mechanism can not be provided to water resources construction projects that would have a direct and adverse effect on any river included or designated for study or inclusion in the National Wild and Scenic River System.

Executive Order 12898, Environmental Justice: This project is in compliance with 24 CFR Part 1 B, C and D and is not located in a special flood hazard area. It has been determined that this project will not have a disproportionately high and adverse human health or environmental effect on minority and or low-income populations. This project will not exclude participation in or deny benefits to people because of their race, color or national origin.

FINANCIAL MANAGEMENT

The local government will comply with the applicable requirements of:

- OMB Circular A-87, "Cost Principles for State and Local Governments," as specified by the Department of Commerce;
- HUD "Administrative Requirements for Grant and Operative Agreements to State, Local, and Federally-Recognized Indian Tribal Governments," (24 CFR, Part 85), or any equivalent procedures and requirements that the Montana Department of

Commerce may prescribe. The HUD Administrative Requirements are the basis for a number of specific requirements on the financial management and record keeping of CDBG funds. The requirements apply to cash depositories, bonding and insurance, record keeping, program income, property management, procurement, closeout, audit, and other requirements; and

- The Single Audit Act of 1984, as amended by the Single Audit Act of 1996 (the Single Audit Act Amendments”), which establishes criteria for determining the scope and content of the audits and OMB Circular A-133, dated local Governments, and Non-Profit Organizations,” revised June 24, 1997. (OMB Circular A-133 supersedes OMB Circular A-128, Audits of S which has been rescinded.)

The local government will promptly refund to the Montana Department of Commerce any CDBG funds determined by an audit to have been spent in an unauthorized or improper manner or for ineligible activities.

The local government will give the Montana Department of Commerce, the Montana Legislative Auditor, HUD, and the Comptroller General, through any authorized representatives, access to and the right to examine all records, books, papers, or documents related to the grant.

LABOR STANDARDS

The local government will comply with:

- Section 110 of the Housing and Community Development Act of 1975, as amended, 24 CFR 570.605, and State regulations regarding the administration and enforcement of labor standards. Section 110 requires that all laborers and mechanics employed by contractors or subcontractors on construction work assisted under the Act shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276-1- 276a-5). By reason of the foregoing requirement the Contract Work Hours and Safety Standards Act (40 U.S.C. 327 et seq.) also applies. However, these requirements apply to rehabilitation of residential property only if such property is designed for residential use for eight or more families;
- Davis-Bacon Act, as amended (40 U.S.C. et seq.), Section 2; June 13, 1934, as amended (48 Stat. 948.40 U.S.C. 276(c)), popularly known as the Copeland Anti-Kickback Act. The Act mandates that all laborers and mechanics be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account except "permissible" salary deductions, the full amounts due at the time of payments, computed at wage rates not less than those contained in the wage determination issued by the U.S. Department of Labor. Weekly compliance statements and payrolls are required to be submitted to the

federally-funded recipient by the contractor;

- Contract Work Hours and Safety Standards Act (40 U.S.C. 327 et seq.). According to the Act, no contract work may involve or require laborers or mechanics to work in excess of eight hours in a calendar day, or in excess of 40 hours in a work week, unless compensation of not less than one and one-half times the basic rate is paid for the overtime hours. If this Act is violated, the contractor or subcontractor is liable to any affected employee for unpaid damages as well as to the United States for liquidated damages; and
- Federal Fair Labor Standards Act, (29 U.S.C.S. 201 et seq.). The act requires that covered employees be paid at least the minimum prescribed wage, and also that they be paid one and one-half times their basic wage rate for all hours worked in excess of the prescribed workweek.

LEGAL AUTHORITY

The local government possesses legal authority to apply for the grant and to execute the proposed project under Montana law and, if selected to receive a Community Development Block Grant, will make all efforts necessary to assure timely and effective implementation of the project activities described in the attached application.

LOBBYING

The local government certifies that:

- No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influencing an officer or employee or any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all

sub-recipients shall certify and disclose accordingly.

- This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

POLITICAL ACTIVITY

The local government will comply with the Hatch Act (5 U.S.C. 1501, et seq.; 5 CFR Part 151) which restricts the political activity of individuals principally employed by a state or local agency in connection with a program financed in whole or in part by federal loans or grants. An affected employee may not be a candidate for public office in a partisan election.

AUTHORIZATION TO SUBMIT APPLICATION

The local government governing body has duly adopted or passed as an official act a resolution, motion or similar action authorizing the submission of the application, including all understandings and assurances contained herein, and directing and authorizing the signatory to act in connection with the application and to provide such additional information as may be required.

Signature, Chief Elected Official
(or Executive Officer)

Name (typed or printed)

Title

Date

APPENDIX H

RESOLUTION TO AUTHORIZE APPLICATION

WHEREAS, the County is applying to the Montana Department of Commerce for a Community Development Block Grant – Economic Development Program grant to assist the JackRabbit Pub, LLC with equipment purchases, and operation costs, and to support wages and training of new employees.

WHEREAS, the Montana Business Assistance Connection (MBAC) has the legal jurisdiction and authority to make a loan to the JackRabbit Pub, LLC via the Broadwater County Revolving Loan Fund (RLF)

WHEREAS, MBAC and the County have executed a sub-recipient agreement for the management and fiscal responsibility of the Broadwater County RLF

That the County agrees to conform with the regulations, statutes, terms, and conditions described in the CDBG Certifications for Application; and

That Darrel Folkvord, Broadwater County Chairperson, is authorized to submit this application to the Montana Department of Commerce, on behalf of Broadwater County to act on behalf of the County and to provide such additional information as may be required.

Signed: _____

Name: _____

Title: _____

Date: _____

Attested: _____

APPENDIX 01

HIRING AND TRAINING PLAN

In consideration of the financial assistance provided by Broadwater County and the Community Development Block Grant – Economic Development (CDBG-ED) Program through the Revolving Loan Fund (RLF) administered by the Montana Business Assistance Connection, JackRabbit Pub, LLC agrees to participate in a hiring and training plan that is an integral part of the Loan Agreement. The business will be responsible for implementing the plan and will be assisted by the Montana Job Service and Montana Business Assistance Connection.

1. **LOW AND MODERATE-INCOME BENEFIT:** As a result of the loan assistance provided by the Montana CDBG-ED Program, the business will create forty-four full-time equivalent jobs by the end of the second year of the project. The business will make all job openings available to low and moderate-income persons and will use the most recent low and moderate-income guidelines provided by the Montana Department of Commerce to determine eligibility for this status. The business will hire at least nine low and moderate-income persons during the two-year duration of the project.
2. **OVERALL EMPLOYMENT:** The business's place of operation will be located at 10751 US HWY 287, Three Forks, MT 59751, and operations at that facility will employ a total of forty-four persons by the end of the second year of the project.
3. **HIRING AND TRAINING PRACTICES:** A personnel coordinating committee will be formed that will include representatives from the Montana Job Service, Montana Business Assistance Connection, and JackRabbit Pub, LLC. The committee will assess training needs, develop application and referral procedures, and ensure that hiring practices conform to requirements of Title VI of the Civil Rights Act of 1964, Section 109 of the Housing and Community Development Act of 1974, the Age Discrimination Act of 1974, and the Americans with Disabilities Act.

The committee will establish coordination of services that benefit low and moderate-income persons including necessary skills, training, employment counseling, job retention skills, and supportive services when appropriate through linkages with job programs operated by Montana Job Service and other local resources.

In all of its hiring practices, the business will abide by the provisions of Title VI of the Civil Rights Act of 1964, which states that no person may, on the grounds, of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

The business will also comply with Section 109 of the Housing and Community Development Act of 1974, which states that:

“No persons in the U.S. may, on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this title. Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1974 or with respect to an otherwise qualified handicapped individual as provided in Section 504 of the Rehabilitation Act of 1973 will also apply to such program or activity.”

This Hiring and Training Plan contains the following exhibits:

Attachment A – List of jobs to be created or retained, including the percentage of full-time, skilled, semiskilled, or unskilled, job titles, rates of compensation;

Attachment B – Timetable for creating the jobs, the total number of persons to be hired including the number of LMI to be hired;

Attachment C – Procedures for outreach, recruitment, screening, selection, training, and placement of workers - particularly LMI workers; and description of training curriculum and resources.

4. **REPORTS AND RECORD-KEEPING:** JackRabbit Pub, LLC will ask each applicant to complete an income survey form and ethnicity/racial category form, so that the designated representatives of the Broadwater County and Montana Business Assistance Connection, can determine the low and moderate-income status and ethnicity/racial category of the business's employees at the time of hire. Employees will be given race and ethnicity categories form to complete for data collection to be reported to the CDBG-ED program and HUD. In addition to this documentation, the Montana Job Service will maintain an applicant pool for the business, with special codes assigned to applicants interested in working at the business. Before referral to the business, all applicants will be screened for income eligibility for job training assistance, tax credit incentives, and CDBG-ED low and moderate-income status. The business will provide a list of its employees to Broadwater County's designated representative no less than every three (3) months during the two-year duration of the project.
5. **ACCEPTANCE:** JackRabbit Pub, LLC hereby agrees to abide by the hiring and training provisions described herein.

Jim Eberhard
JackRabbit Pub, LLC

Date

Darrel Folkvord
Broadwater County

Date

Brian Obert
Montana Business Assistance Connection

Date

Attachment A
 JackRabbit Pub
 10751 US HWY 287, Three Forks MT,
 59752

<u>JOB TITLE</u>	<u># OF POS</u>	<u>JOB DESCRIPTION</u>	<u>POS #</u>	<u>PROJECTED WORK TIME</u>	<u>FTE</u>	<u>PROJ. COMPEN</u>
1. Bartender	3	Front of House	005-007	1664 hrs/yr	7	\$10.00/hr
2. Kitchen Staff	12	Kitchen	029-046	1872 hrs/yr	1	\$18.00/hr
3. Host	2	Front of House	047-049	1664 hrs/yr	2	\$14.00hr
<u>Total FTE</u>	<u>17</u>				<u>17</u>	

Position 005-007: Bartending and serving experience preferred but not required

Position 029-046: Kitchen experience preferred but not required

Position 047-049: Hosting experience preferred but not required

Attachment B

Description of Outreach and Recruitment

JackRabbit Pub, LLC, will provide competitive opportunities to prospective employees, especially low-to-moderate income individuals. The JackRabbit Pub publishes employment opportunities on social media, such as Facebook and Instagram, as well as on news outlets and community websites such as Craigslist, KBZK's Workers Wanted page, and Indeed.com, which is a popular and user-friendly electronic method of submitting job applications. Additionally, the JackRabbit Pub publishes job postings in the local newspapers in Bozeman, Belgrade, Manhattan, and Three Forks. Advertisements for positions on all platforms run for 2-3 weeks, or until the positions are filled.

Attachment C

Timetable for Hiring of JackRabbit Pub Staff

March 2022	Begin advertising campaign outside the company and conduct initial Interviews with candidates.
April 2022	Finalize hiring of new positions and begin training. (Training is expected to commence 1 week prior to opening, and will continue for 2-4 weeks, Depending on the level of experience for each hire.)
May 2022	Finalize hiring of new positions and begin training. (Training is expected to commence 1 week prior to opening, and will continue for 2-4 weeks, depending on the level of experience for each hire.)
June 2022	Training of new hires is expected to be completed by the end of June.

Montana Business Assistance Connection, Inc., fka Gateway Economic Development Corporation

Broadwater County, Montana Revolving Loan Fund Policies and Procedures

Adopted by the Commissioners of Broadwater County and the Board of Directors of
Montana Business Assistance Connection, Inc.

_____, 2022

Part One: Introduction and Basic Loan Policies

A. Introduction

Montana Business Assistance Connection, Inc., formerly known as Gateway Economic Development Corporation, hereinafter referred to as (“MBAC”), will administer and manage the assets of Broadwater County economic development revolving loan fund (“RLF”). Broadwater County has expensed the revolving loan funds established through the Montana Community Development Block Grant-Economic Development (CDBG) program. CDBG funds are allocated through the Montana Department of Commerce to private enterprises sponsored by the local government. To create efficiencies of scale and access professionals specializing in community lending, the Broadwater County Commissioners have designated through a Sub-Recipient Agreement, MBAC, a non-profit economic development corporation, as administrator and manager of the loan fund.

These funds may be expanded through new CDBG “first round” loans from time to time. The funds will be segregated from other MBAC loan funds and programs for income, performance, geography, and other criteria.

The following policies and procedures represent a collaboration blending the MBAC Revolving Loan Fund Policies and Procedures.

B. Financing Policies

1. No loan will exceed \$100,000 unless special approval is provided.
2. Loans will have an annual interest rate of no more than 7% above the current New York Prime Rate.
3. All loans will be governed by, originated, and serviced pursuant to MBAC’s Revolving Loan Fund Policies and Procedures. See attached Schedule A.

C. Portfolio Standards and Targets

1. Type of Businesses/ Activities Assisted
Priority for loan assistance will be given to projects that create essential employment, existing businesses that are expanding, and businesses that show a clear need for gap financing. Consideration will be given to developing a balanced portfolio. Businesses that receive more than 50% of their gross sales from gaming or use multi-level marketing strategies are not eligible for assistance. All loans will provide financing that is otherwise not available.
2. Use of Funds
Eligible uses include the purchase of fixed assets, working capital, or debt restructure. No more than 50% of the total loan portfolio will be allocated to working capital. Specifically, RLF capital may not be used to:
 - a. Acquire an equity position in a private business;
 - b. Subsidize interest payments on an existing loan;
 - c. Provide the equity contribution required of borrowers under other Federal loan programs;
 - d. Enable an RLF borrower to acquire an interest in a business, either through the purchase of stock or through the acquisition of assets, unless the need for RLF financing is sufficiently justified and documented in the loan write-up. Acceptable justification could include acquiring a business to substantially save it from imminent foreclosure or acquiring it to expand it with increased investment. In any case, the resulting economic benefits should be consistent with the strategic objectives of the RLF;
 - e. Refinance existing debt unless:
 - i. There is sound economic justification and the loan write-up states that the RLF is not replacing private capital solely for the purpose of reducing the risk of loss to an existing lender(s) or to lower the cost of financing to a borrower, or

D. Portfolio Performance

MBAC staff, MBAC Loan Review Committee (“LRC”), MBAC Board of Directors (“BOD”), and Broadwater County Commissioners will evaluate the loan fund’s performance once a year. Report forms provided by the funding agencies will be completed and submitted as required to each corresponding agency. If need be, the RLF plan will be modified to accommodate changes in the need for financing and new opportunities for economic development that may arise in the future. All proposed modifications to the RLF policies and procedures will be developed by the MBAC staff and LRC and submitted to the BOD and Broadwater County Commission for approval. The Montana Department of Commerce will be provided with changes in the RLF policies and procedures for review.

Part Two: Revolving Loan Fund Operational Procedures

A. Loan Application Requirements

1. See attached Schedule A.

B. MBAC Staff Duties

1. See attached Schedule A.

C. Loan Review Committee

1. See attached Schedule A.

D. Loan Closing and Disbursement Procedures

1. See attached Schedule A.

E. Loan Servicing Procedures

1. See attached Schedule A.

Part Three: Administration

A. Loan Loss Reserve

A loan loss reserve will be established for this fund. 15% of each loan payment will be transferred from interest income into the reserve account until such time as the amount held in the loan loss reserve is equal to 4% of the total loan balance outstanding.

B. Loan Write-Offs

Loan write-offs will be recommended by MBAC staff to the LRC, BOD, and Broadwater County Commission. Write-off recommendations will be made when all reasonable workout possibilities have been attempted and have failed. Loan write-off decisions will be ultimately made by the BOD, and the amounts lost will be re-capitalized from the loan loss reserve account.

C. Loan Recovery

Payments received from written-off loans will be placed in the loan loss reserve account in order to re-capitalize the reserve.

D. Administrative Costs

The administrative cost of the loan fund program will be paid from interest earned on outstanding loan principal, interest earned on accounts holding RLF funds, loan service fees, income generated by contracted services, and general administrative funds available. The BOD will approve an administrative budget for MBAC prior to the beginning of each calendar year.

E. Recapitalization Strategy

All principal payments received from this RLF loan fund be re-lent. In addition, loans made from second-generation CDBG payments will be booked under the Gateway Loan Fund and designated as a Gateway Loan.

Broadwater County:

This Revolving Loan Fund is governed by a Broadwater County Commission Resolution.

Broadwater County Commissioner, Chair Date

Broadwater County Commissioner Date

Broadwater County Commissioner Date

Montana Business Assistance Connection, Inc.:

President of the Board Date

Secretary of the Board Date

TASK ORDER NUMBER ONE
AGREEMENT TO FURNISH ENGINEERING SERVICES
to
BROADWATER COUNTY
for
IMPROVEMENTS TO THE TOWNSEND AIRPORT
LAND ACQUISITION ASSISTANCE & SERVICES

This Task Order provides for professional engineering services to be performed by ROBERT PECCIA & ASSOCIATES, INC. (hereinafter the Engineer), for BROADWATER COUNTY AND CITY OF TOWNSEND (hereinafter the Owner), in accordance with Article 1 of the Agreement to Furnish Engineering Services to the BROADWATER COUNTY AND CITY OF TOWNSEND, for Improvements to the TOWNSEND CITY-COUNTY AIRPORT, dated May, 2022 (hereinafter the Agreement). This Task Order represents an authorization to proceed with the scope of services, schedule, and compensation described herein. This Task Order, when executed by both parties, shall become a supplement to and part of the basic Agreement.

ARTICLE 1. SCOPE OF SERVICES

The Engineer agrees to furnish the following professional engineering services in connection with the *LAND ACQUISITION ASSISTANCE & SERVICES* to the TOWNSEND AIRPORT.

Work contemplated under this Task Order includes land acquisition services for:

1. Section 28, Township 07 North, Range 02 East, C.O.S. 2-638, 2nd Amend. Tract 1, In SE4, Previous C.O.S. 2-425 – PARTIAL
2. Section 28, Township 07 North, Range 02 East, C.O.S. 2-135, Tract 2, In NW4SE4 – ENTIRE
3. Section 28, Township 07 North, Range 02 East, C.O.S. 2-135, Tract 3, In SW4SE4 – ENTIRE

A. PROJECT ADMINISTRATION

FAA grant / project administration services are not included in this task order. Should the land acquisition efforts result in successful acquisition a future task order will include additional grant / project administration items necessary to request federal reimbursement(s).

1. Prepare Contracts / Task Orders

The engineering contract outlining the general scope, basis of compensation, payment for services, obligations of the Engineer and Owner, as well as general and legal provisions governing contractual relations between Engineer and Owner will be prepared by the Engineer and reviewed and executed by the Owner.

The Engineer shall prepare Task Orders with specific work items of defined scope, documenting work to be completed, times for completion, and engineering budget for this project.

An Independent Fee Estimate (IFE) is not included in this Task order. If required / completed by the Owner, coordination will be budgeted under a separate Task order.

2. Produce Pay Applications

The Engineer will prepare pay applications for the Owner's review / concurrence. Work associated with FAA reimbursement will be budgeted for under separate / future task order(s) following successful completion of land acquisition and FAA grant issuance.

B. LAND ACQUISITION SERVICES

1. Assist Sponsor with Project Development

The Engineer will work with the Owner to establish proposed land acquisition(s) including development of graphics for Airport Board and Owner discussions.

2. Land Acquisition Exhibits

Land exhibits will be prepared for the Owner and Landowner(s) to aid in appraisals and discussions with the Owner, Airport Board, and landowner(s).

3. Prepare Land Information for Use by Appraiser and Review Appraiser

The engineer will review FAA current land acquisition requirements and guidelines to coordinate the land acquisition process. Portions of this guidance will be disseminated as necessary to the appraiser, review appraiser and Owner during the process. These include AC 150/5100-17, Change 7 - *Land Acquisition and Relocation Assistance for Airport Improvement Program Assisted Projects*, FAA Order 5100.38D - *Airport Improvement Program Handbook – Change 1* and FAA Order 5100.37B - *Land Acquisition and Relocation Assistance for Airport Projects* and FAA Order 1050.19B – *Environmental Due Diligence Audits (EDDA) in the Conduct of FAA Real Property Transactions*.

4. Selecting Appraisers & Review Appraisers

The Engineer will solicit and select a land / property appraiser and a review appraiser. This will be accomplished by developing a list of potential appraisers from the geographic area registered on the Appraisal Institutes web-site. Qualifications, availability, and cost will be evaluated. The Engineer will provide appropriate FAA reference materials to these appraisers to ensure appropriate steps are taken and procedures followed during the process. The appraisal and review appraisal direct costs will be included as direct costs under this contract in order to eliminate the mandatory selection requirements (advertising, etc.). Subcontracts will be developed and executed with the selected appraiser and a review appraiser.

The Engineer will also review the draft appraisal report, offering comments and clarifications to be made, and helping ensure the FAA required process has been followed and adequate justification for the determined market price has been provided based on the specific site and airport conditions.

5. Environmental Due Diligence

Not applicable to this project. Environmental due diligence will be completed under future agreement prior to construction and is not included in this Task Order.

6. Landowner / Property Owner Coordination & Meetings

Direct negotiations and coordination with the landowner are not included in this task order. Negotiations will be completed by the Owner or budgeted for under a separate / future task order(s)

7. Assist Owner in Selecting / Provide Assistance to Negotiator

Not included as part of this contract.

If reasonable attempts by the Owner to negotiate an agreement or negotiated Administrative Settlement (justification for payment above determined fair market value) are unsuccessful, the acquisition may be referred to the Sponsor for consideration of condemnation or assistance by a negotiator.

8. Relocation Assistance

Not included as part of this contract. As of the date of this Task Order, no relocation services are anticipated for any of the parcels to be acquired. Should relocation services become necessary they will be budgeted for under a separate future Task Order(s).

9. General Assistance During Land Acquisition Process

Not included as part of this contract. The engineers will assist the Owner in negotiation efforts, but it is anticipated that the Owner will complete direct negotiation efforts with the landowner. Additional general assistance shall be budgeted for under a separate / future task order.

10. Certificate of Title

Not included as part of this task order. Preparation of Certificate of Title and/or evaluation of Title Report (and potential "restrictive" encumbrances should they exist) will be completed under a separate / future task order should the land acquisition efforts be successful.

11. Legal Land Surveying and Filing

Not included as part of this task order. Legal land surveying, property pin setting, etc. will be completed under a separate / future task order should the land acquisition efforts be successful.

ARTICLE 2. SCHEDULE

It is anticipated that those services listed above under Task Order Number One are to be completed during the time period from April 2022 through August 2022.

ARTICLE 3. COMPENSATION

A. BUDGET

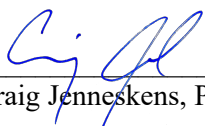
The budget for services described under Article 1, Scope of Services, Part A, Land Acquisition Services, shall be the lump sum amount of **Twenty Thousand, Five Hundred Forty Dollars and Zero Cents (\$20,540.00)** as shown on the attached "Schedule of Estimated Costs".

DATED this ____ day of **May 2022**.

BROADWATER COUNTY

ROBERT PECCIA & ASSOCIATES, INC.

By: _____
Darrel Folkvord, Chairman

By:  _____
Craig Jenneskens, P. E., President

CITY OF TOWNSEND

By: _____
Mike Evans, Mayor



RPA Project #: 20008.0

DIRECT LABOR

WORK ITEM / SUBTASK	Trips	SENIOR	PROJECT	ENVIRON.	SURVEYOR	CADD	ACCOUNTING	TOTAL	
		CONSULTANT	ENGINEER	PLANNER	I	DESIGNER	\$47.26	PERSON	
		\$61.44	\$45.00	\$35.00	\$47.26	\$39.13	\$47.26	HOURS	
A. Project Administration									
Project Startup / Coordination									
Sponsor / Airport Board Meetings & Preparation									
Travel Time									
Produce & Email Meeting Updates									
FAA Pre-design Meeting / Preparation / Minutes									
Prepare Contracts / Task Order (#1)		2	2				1	5	
Independent Fee Review Coordination									
Record of Negotiations									
Prepare FAA Grant Application									
ALP "Pen & Ink" Revision - Depicting Future Acquisitions									
AIP Project Schedule									
Complete and Process Sponsor Certifications									
Produce Pay Applications (1)		1					1	2	
Annual / Final FAA Form 425 - Federal Financial Report									
Annual / Final FAA Form 271 - Outlay Report and RFR									
AEP / Quarterly Performance Report									
Final Land Report									
ALP "Pen & Ink" Revision - Depicting Actual Acquisitions w/ Metes & Bounds & Any Encumbrances									
B. Land Acquisition Services									
Assist Owner with Project Development		1	1					2	
Land Acquisition Exhibits		2				2		4	
Prepare Land Information for Use by Appraisers		2	2			1		5	
Selecting / Contracting Appraisers & Review Appraisers		2						2	
Subcontract / Coordinate with Appraiser		6	2				0.5	8.5	
Subcontract / Coordinate with Review Appraiser		2	2				0.5	4.5	
Landowner Coordination & Meetings (2 telephone only)		2						2	
Travel Time									
Environmental Due Diligence									
Documented Categorical Exclusion									
Assist Owner in Selecting / Provide Assistance to Negotiator									
Relocation Assistance									
Obtain Title Report & Prepare Certificate of Title									
Evaluate Encumbrances - Extinguish if necessary									
General Assistance During Land Acquisition Process									
Legal Land Surveying									
GPS Traverse / Setting Temporary Bench Marks & Additional Control									
Research & Tie Property Corners									
County Records Research									
Set New Property Corners									
Travel Time									
Survey Reductions / Base Map Preparation									
Draft Parcel Exhibits									
Certificate of Survey / Filing / Coordination									
		Perso	20	9	0	0	3	3	35
		Labor	\$1,228.80	\$405.00	\$0.00	\$0.00	\$117.39	\$141.78	\$1,892.97
			0						

DIRECT EXPENSES

Subcontracted Services - Appraisal (Hall-Widdoss & Co., PC)	\$8,500.00
Subcontracted Services - Review Appraisal (Joki & Associates)	\$4,250.00
Supplies	\$0.00
Mileage	0 \$0.00
Telephone and Fax	\$0.00
Equipment (Computers, Etc...)	\$90.00
Per Diem (Day Rate)	0 \$0.00
Printing (Final Report, COS, Plats, Exhibits, Misc.)	\$0.00
COS Filing Fee	0 \$0.00
Miscellaneous	\$4.50
Total:	\$12,844.50

SUMMARY OF ENGINEERING SERVICES

Direct Labor	\$1,892.97
Overhead (1.65 x Direct Labor)	\$3,123.40
Subtotal Labor Cost:	\$5,016.37
Direct Expenses	\$12,844.50
Subtotal Project Costs:	\$17,860.87
Fixed Fee	\$2,679.13
Total Engineering Fee (Rounded):	\$20,540.00

Vendor #/Name	Amount	Last Paid Date
18210 360 OFFICE SOLUTIONS	316.20	05/19/22
2368 ALTIMUS DISTRIBUTING INC	40.91	05/19/22
7 AVAILITY/REAL MED	79.00	05/19/22
34 BALCO UNIFORM CO INC	76.48	05/19/22
2325 BILLINGS CLINIC BROADWATER	2,012.60	05/19/22
225 BLACKFOOT COMMUNICATIONS INC	2,815.04	05/19/22
18118 BOB BARKER COMPANY INC	1,316.72	05/19/22
2348 BOBERT'S TIRES & GLASS LLC	52.00	05/19/22
1575 BROOKS-JEFFREY MARKETING, INC	2,298.33	05/19/22
17290 CAPITAL COMMUNICATIONS	400.00	05/19/22
1047 CENTURYLINK	1,203.24	05/19/22
74 CORDOVA TONY	114.50	05/19/22
1874 DANA SAFETY SUPPLY, INC	495.00	05/19/22
1437 DIS TECHNOLOGIES	3,583.95	05/19/22
2610 DOCULYNX	995.00	05/19/22
2082 FISHER'S TECHNOLOGY	481.05	05/19/22
1180 FLYNN, KIRK	832.52	05/19/22
16944 GALLS, LLC	144.97	05/19/22
19692 GLAXOSMITHKLINE PHARMACEUTICALS	2,230.12	05/19/22
1310 HELENA INK & TONER CO	110.25	05/19/22
2585 HUGHES NETWORK SYSTEMS, LLC	107.18	05/19/22
1975 IRON MOUNTAIN INC	117.37	05/19/22
335 LEHRKINDS INC.	17.10	05/19/22
2611 MASOLO, BRADEN	106.00	05/19/22
20019 MERCK SHARP & DOHME CORP	2,760.36	05/19/22
16981 MJC & MCCA	35.00	05/19/22
2493 MORGAN, BRIAN	400.00	05/19/22
18978 MSU EXTENSION SERVICE	2,968.14	05/19/22
18475 MT BROOM & BRUSH SUPPLY	284.74	05/19/22
19867 MT INTERNET CORP.	71.20	05/19/22
2236 MT LAW ENFORCEMENT ACADEMY	206.00	05/19/22
16885 MT MAGISTRATES ASSOCIATION	200.00	05/19/22
1037 RANDOLPH, DEBRA	173.16	05/19/22
19187 ROCKY MOUNTAIN SUPPLY	498.24	05/19/22
19203 SCHAEFFER MFG. CO.	443.52	05/19/22
18419 STATE OF MONTANA SURPLUS PROPERTY	100.00	05/19/22
18 STERICYCLE INC	1.78	05/19/22
214 TAYLOR, RUBY S	63.18	05/19/22
2077 TK'S GARAGE	1,185.00	05/19/22
20 TOWN & RANCH TRUE VALUE	70.45	05/19/22
2194 TOWNSEND DENTAL	508.00	05/19/22
19313 TOWNSEND DRUG	2,260.63	05/19/22
20104 TOWNSEND HARDWARE	154.62	05/19/22
1921 TREASURE STATE SOLUTIONS INC	40.76	05/19/22
19314 VERIZON WIRELESS	1,390.36	05/19/22
2281 WESTAFF WORKFORCE SOLUTIONS LLC	1,799.96	05/19/22
19954 WILSON, SHIRLEY	237.25	05/19/22
2274 WING'S ALL TERRAIN	45,520.00	05/19/22
1948 WOOD, MARK	114.50	05/19/22
Grand Total:	81,432.38	