

## CITY OF BILLINGS

### CITY OF BILLINGS VISION STATEMENT:

**“THE MAGIC CITY – A VIBRANT, WELCOMING PLACE WHERE  
PEOPLE FLOURISH AND BUSINESS THRIVES.”**

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### AGENDA

**COUNCIL CHAMBERS**

**October 26, 2009**

**6:30 P.M.**

**CALL TO ORDER – Mayor Tussing**  
**PLEDGE OF ALLEGIANCE – Mayor Tussing**  
**INVOCATION – Councilmember Gaghen**  
**ROLL CALL**  
**MINUTES: October 13, 2009**  
**COURTESIES**  
**PROCLAMATIONS**  
**ADMINISTRATOR REPORTS - TINA VOLEK**

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1 and 2 ONLY.**

**Speaker sign-in required.** (Comments offered here are limited to **1 minute** per speaker. Please sign up on the clipboard located at the podium. Comment on items listed as public hearing items will be heard **ONLY** during the designated public hearing time for each respective item.)

*(NOTE: For Items not on this agenda, public comment will be taken at the end of the agenda. Please sign up on the clipboard located at the back of the room.)*

**1. CONSENT AGENDA**

- A. Resolution** approving City Council Electronic Communications and Usage Policy (delayed from 10/13/09).
- B. Change Order #2 Final**, W.O. 05-17, Highland School Route Sidewalks, Riverside Sand and Gravel, \$21,145.85.
- C. Professional Services Contract** for development of an Integrated Water Plan; HDR Engineering, Inc.; \$212,000.
- D. Professional Services Contract** for Safe Routes to School Study; Sanderson Stewart; \$55,000.
- E. Amendment #3, W.O. 05-20, Aronson Avenue**, Professional Services Contract, DOWL HKM Engineering, \$13,062.83.

- F. Lease Agreement** with GSK Partners, LLP, for temporary use of 1.45 acres of land during construction of W.O. 04-26, Zone 4 Reservoir pump station and water storage tank; 9/1/2009 through 10/31/2011; \$44,000 total with option of additional month-by-month lease for up to six months at a monthly payment of \$2,000 per acre.
- G. Subordination of Housing Rehabilitation Loan** for Julie Slevira, \$14,523.91.
- H. Approval of Quarterly Report for Pledged Collateral** for First Interstate Bank Certificate of Deposit, US Bank Municipal Investor Accounts, US Bank Repurchase Account, and US Bank Certificates of Deposit.
- I. Resolution** establishing criteria for use of Recovery Zone Facility Bonds.
- J. Final Plat Approval** of Appleby Subdivision, Amended Lot 2, Block 1; and **revocation** of Condition #2 of preliminary plat approval (3/9/09).
- K. Bills and Payroll**
  - 1.** September 25, 2009
  - 2.** October 2, 2009

(Action: approval or disapproval of Consent Agenda.)

## **REGULAR AGENDA**

- 2. ADOPTION OF WELCOME HOME BILLINGS TEN-YEAR PLAN TO IMPACT HOMELESSNESS AND THE MAYOR'S COMMITTEE ON HOMELESSNESS' FY2009-2011 ACTION PLAN, AS SUBMITTED.** Staff recommends approval. (Action: approval or disapproval of staff recommendation.)
- 3. PUBLIC HEARING AND RESOLUTION** levying and assessing emergency abatement expenses on the tax rolls for property located at 314 South 26th Street, Billings, MT, in the amount of \$8,863. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)
- 4. PUBLIC HEARING AND RESOLUTION** authorizing the filing of a Grant Application for Federal Transit Administration, Section 5309, Bus and Bus-Related Facilities Program Funds in the amount of \$247,000 for purchase of four paratransit vans and the subsequent execution by the Mayor of the Grant Agreement. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)
- 5. PUBLIC HEARING AND RESOLUTION** authorizing permanent speed humps on 38th Street West between Colin Drive and Poly Drive. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)
- 6. PUBLIC HEARING AND RESOLUTION** vacating the north half of North 26th between 2nd Avenue North and 3rd Avenue North; Yellowstone County, owner. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

- 7. PUBLIC HEARING AND SITE DEVELOPMENT ORDINANCE VARIANCE #OP-09-04:** A variance from the Site Development Ordinance, Section 6-1203(r), which prohibits customer access to alleys from commercial sites that abut a residential zone. Cenex Petroleum, Inc., owner. Staff recommends conditional approval. (**Action:** approval or disapproval of staff recommendation.)
- 8. PUBLIC HEARING AND ZONE CHANGE #858:** A zone change from Residential 6000 and Residential 9600 to Controlled Industrial on a 4.87-acre parcel of land described as Certificate of Survey 473 and the south 132 feet of Lot 4 in the SW1/4 of Section 9, Township 1S, Range 26E, and generally located at 415 and 431 South Billings Boulevard. Ralph Hanser, applicant. Zoning Commission recommends approval and adoption of the 12 Zoning Commission Determinations. ( **Action:** approval or disapproval of Zoning Commission recommendation.)
- 9. PUBLIC HEARING AND SPECIAL REVIEW #879:** A special review to allow a vehicle wrecking facility in a proposed Controlled Industrial (CI) zone on a 4.87-acre parcel described as Certificate of Survey 473 and the southern 132 feet of Lot 4 in the NW1/4, SW1/4 of Section 9, Township 1S, Range 26E, generally located at 415 and 431 South Billings Boulevard. Ralph Hanser, applicant. Zoning Commission recommends conditional approval. ( **Action:** approval or disapproval of Zoning Commission recommendation.)
- 10. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #850:** A text amendment to the Unified Zoning Regulations, regulating the location of Sexually-Oriented Businesses within the City of Billings; amending Sections 27-201 and 27-611 BMCC to include a definition of 'Adult Cabaret' and regulating the location of an 'Adult Cabaret'. Zoning Commission recommends approval. (**Action:** approval or disapproval of Zoning Commission recommendation.)
- 11. PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #853:** Text amendments to sections of the Billings, Montana City Code (BMCC); including Section 27-604 related to fences, Section 27-615 related to clear vision areas, Section 27-618 illustrations of clear vision areas, and deletion of Sections 22-441 through 22-448, redundancies related to clear vision areas in the chapter on streets and sidewalks. The Zoning Commission recommends approval. ( **Action:** approval or disapproval of Zoning Commission recommendation.)
- 12. PUBLIC COMMENT** on Non-Agenda Items -- Speaker Sign-in required. (*Restricted to ONLY items not on this printed agenda; comments limited to 3 minutes per speaker. Please sign up on the clipboard located at the back of the Council Chambers.*)

## **COUNCIL INITIATIVES**

### **ADJOURN**

*Additional information on any of these items is available in the City Clerk's Office.*

*Reasonable accommodations will be made to enable individuals with disabilities to attend this meeting. Please notify Cari Martin, City Clerk, at 657-8210.*

Date: 10/26/2009

TITLE: City Council Electronic Communications and Usage Policy

Brent Brooks and Craig

PRESENTED BY: Hensel

Department: Legal

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**Information**

**PROBLEM/ISSUE STATEMENT**

The advent of emerging technologies presents Council Members the opportunity to discuss and debate Council business in non-traditional formats not always conducive to public observation and scrutiny. Since principles of open government and open meetings laws require that debate on issues presented to the City Council take place in a manner consistent with the letter and spirit of open government and ample opportunity for public observation and comment, the Council wished to adopt policies consistent with these principles and set guidelines for use of electronic communications during Council Meetings. The City Attorney was directed via Council Initiative by Council Member Pitman to develop policies and guidelines to be implemented by resolution and administrative order. The proposed resolution and policy were presented to Council during the August 17th work session and formally during the September 28, 2009, Regular Council Meeting. Pursuant to the motion of Council Member Veis, the Council continued final approval of this policy in order to insert an exception for personal or business emergency. Staff has collaborated with Council Members Veis and Pitman on this exception and it is noted by underlines in the attached Resolution labeled "Attachment A".

**ALTERNATIVES ANALYZED**

During the August 17, 2009, work session, the Mayor, City Council and staff discussed maintaining the status quo, and having no specific rules for electronic device use; or drafting and approving new guidelines governing the use of electronic communications during City Council Meetings. Therefore the Council may:

- Approve the attached resolution adopting electronic device use guidelines; or
- Disapprove the attached resolution adopting electronic device use guidelines.

**FINANCIAL IMPACT**

This action will have no financial impact.

**RECOMMENDATION**

Staff recommends the Council adopt the attached resolution as modified per Council Member Veis.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

Link: [Resolution Adopting a City Council Email Policy](#)

Link: [Attachment A - EMail Access Policy](#)

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RESOLUTION No. 09-

A RESOLUTION OF THE BILLINGS, MONTANA CITY COUNCIL  
ADOPTING A CITY COUNCIL E-MAIL ACCESS POLICY AND AUTHORIZING  
THE CITY ADMINISTRATOR TO ENACT RULES AND PROCEDURES  
IMPLEMENTING THE POLICY.

WHEREAS, evolving and emerging electronic communications technology provides the Billings City Council an opportunity to provide the public with additional forums for accessing public information sent to or from the Billings City Council; and

WHEREAS, principles of open government, right of public participation and observation require that most communications sent to or from the Billings City Council be provided to the public for review; and

WHEREAS, the Billings City Council desires to adopt a policy together with appropriate procedures allowing for the access to City Council e-mails as public documents subject to public access and inspection as provided by Montana law; and

WHEREAS, the Billings City Council desires to direct the City Administrator to construct an efficient process for public access to all e-mail sent to or from the Billings City Council that are not subject to the right of privacy or the attorney-client privilege or other recognized statutory privileges;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA AS FOLLOWS:

That the City of Billings hereby adopts the *City Council E-mail Access Policy* which is provided in Attachment "A".

APPROVED AND PASSED by the City Council of the City of Billings, Montana this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

THE CITY OF BILLINGS

By: \_\_\_\_\_  
Ron Tussing, MAYOR

ATTEST:

BY: \_\_\_\_\_

Cari Martin, CITY CLERK

**ATTACHMENT "A"**

**CITY OF BILLINGS**

**CITY COUNCIL EMAIL ACCESS POLICY**

**October 2009**

**Policy Summary**

The City of Billings City Council E-mail Access Policy is intended to allow public access to e-mails sent to or from the Mayor and City Council. With few exceptions, the public cannot expect confidentiality when communicating via email with the Mayor and City Council members individually or collectively on matters of City business. Similarly, the Mayor and City Council cannot expect confidentiality when communicating via email with the public or each other on matters of city business. The Mayor and City Council acknowledge and expect certain categories of emails to be excluded from public access such as but not limited to attorney-client communications between the Mayor and City Council from in-house or retained attorneys representing the City, or emails containing right of privacy information such as but not limited to personal medical information or other personal information which society recognizes as private and which outweighs the public's right to know.

**Policy**

**CITY COUNCIL E-MAIL ACCESS POLICY**

1. Unless excluded by law or attorney-client relationship, all emails sent to or from the Mayor and City Council members shall be reviewed by City staff. Thereafter, all emails 1.(of significant public interest) 2.(not containing right of privacy or lawfully privileged information such as but not limited to attorney-client or health information),shall be made available to the public through access via the City of Billings official website.
2. Emails to or from the Mayor or any Council member concerning a land use or other quasi-judicial issue shall be made available to the public through access via the City of Billings official website. Land use or quasi-judicial issues include but are not limited to: preliminary or final subdivision plat approval, zone changes, special reviews, variance requests, annexations/de-annexations and street or right of way vacations.
3. The City Administrator shall implement this policy utilizing appropriate rules such as but not limited to Administrative Orders and other procedures to ensure the most efficient and expeditious posting of Mayor and City Council emails.
4. The City Administrator is authorized to amend Mayor and City Council email access rules and procedures as necessary to effectuate and maintain this Policy.

The City Administrator is also authorized to provide input and suggested amendments as necessary to this Policy.

5. Nothing within this Policy is intended to restrict the public's right to obtain documents pursuant to Montana Code Annotated sections 2-6-101, et seq.
6. This Policy shall be reviewed by the City Council on or before three years from the date of approval.

DRAFT

Date: 10/26/2009

TITLE: WO 05-17 Highland School Route Sidewalks Change Order #2 Final

PRESENTED BY: David Mumford

Department: Public Works

**Information**

**PROBLEM/ISSUE STATEMENT**

W.O. 05-17, Highland School Route Sidewalks, was awarded to Riverside Sand and Gravel at the October 14, 2008, City Council Meeting in the amount of \$149,748.30. This project is a CTEP project that constructed approximately 1,750 feet of sidewalk along 11th Street West, O'Malley Drive, and Azalea Lane. The project also constructed a crosswalk at the intersection of 11th Street West and Poly Drive. The project is complete. Change Order #2 Final is to reconcile final quantities with actual quantities, resulting in a net increase of \$21,145.85, which was mainly due to the fact that the existing curb and gutter was in poor condition and needed to be replaced prior to constructing the new curbside. This change order has been approved by CTEP for reimbursement. This change order is over 10% of the original contract and, as such, must be approved by City Council.

**ALTERNATIVES ANALYZED**

The City Council may:

- Approve Change Order #2 Final for \$21,145.85; or
- Not approve Change Order #2 Final.

**FINANCIAL IMPACT**

The original contract was for \$149,748.30; and the change order is for \$21,145.85, for a total of \$175,044.15. The funding for this project is as follows:

Storm Drain Funds	\$ 6,000.00
Gas Tax Funds	\$ 27,525.00
CTEP Funds	\$ 62,500.00
Arterial	\$ 43,055.00
Sidewalks	\$ 37,000.00
Total Funds	\$ 176,080.00

**RECOMMENDATION**

Staff recommends that Council approve Change Order #2 Final for WO 05-17, Highland School Route Sidewalks, with Riverside Sand and Gravel in the amount of \$21,145.85.

**APPROVED BY CITY ADMINISTRATOR**

**Attachments**

Link: [Change Order No. 2 - Final](#)

PROJECT: Highland School Route

C. O. : Two (2) Reconciling 10/5/09

ITEM	DESCRIPTION	UNIT	UNIT PRICE	Quantity		Dollar Amount	
				Increase / (Decrease)	Increase / (Decrease)		
100	CONCRETE SIDEWALK, 4" BLVD WALK	SF	\$4.00	0.00	702.00	0.00	(2,808.00)
101	CONCRETE SIDEWALK, 4" CURB WALK	SF	\$4.00	541.00	0.00	2,164.00	0.00
102	CONCRETE SIDEWALK, 6"	SF	\$5.75	0.00	793.50	0.00	(4,562.63)
103	COMBINED CURB & GUTTER	LF	\$21.70	295.93	0.00	6,421.68	0.00
105	CONCRETE DRIVEWAY APRON, 6"	SF	\$5.75	1,391.00	0.00	7,998.25	0.00
106	CONCRETE DRIVEWAY APRON, 4"	SF	\$4.00	323.35	0.00	1,293.40	0.00
110	DETECTABLE WARNING PANELS	SF	\$12.60	4.00	0.00	50.40	0.00
110A	PINDOWN DETECTABLE WARNING PANELS	SF	\$33.00	0.00	0.00	0.00	0.00
115	RETAINING WALL	SF	\$5.50	0.00	508.00	0.00	(2,794.00)
121	CONCRETE FLATWORK REMOVAL	SY	\$9.70	116.00	0.00	1,125.20	0.00
122	CONCRETE CURB & GUTTER REMOVAL	LF	\$2.65	295.93	0.00	784.21	0.00
124	CONCRETE SAW CUT	LF	\$1.70	150.00	0.00	255.00	0.00
151	STREET RESTORATION (TYPE A)	SY	\$51.50	0.00	40.00	0.00	(2,060.00)
153	STREET RESTORATION (TYPE C)	SY	\$52.50	188.63	0.00	9,903.08	0.00
158	TREE REMOVAL, CLASS III (72" - 125")	EA	\$400.00	0.00	0.00	0.00	0.00
163	TYPE II INLET, 30-INCH BARREL	EA	\$3,200.00	0.00	0.00	0.00	0.00
165	12" PVC - C900 STORM DRAIN LATERAL	LF	\$58.00	0.00	0.00	0.00	0.00
166	ADJUST INLET TO GRADE	EA	\$235.00	0.00	0.00	0.00	0.00
167	FIRE HYDRANT RELOCATION	EA	\$3,500.00	1.00	0.00	3,500.00	0.00
199	RELOCATE SIGN	EA	\$215.00	1.00	0.00	215.00	0.00
215	HEDGE REMOVAL	EA	\$140.00	0.00	0.00	0.00	0.00
301	ARCHITECTUAL CONCRETE	SF	\$10.00	0.00	21.00	0.00	(210.00)
302	MEDIAN CURB & GUTTER	LF	\$27.00	0.00	1.00	0.00	(27.00)
320	CURB PAINT (YELLOW)	GAL	\$425.00	0.00	0.00	0.00	0.00
321	STRIPING EPOXY PAINT (WHT)-8 IN	LF	\$25.00	0.00	0.00	0.00	0.00
322	STRIPING EPOXY PAINT (WHT)-24 IN	LF	\$25.00	8.00	0.00	200.00	0.00
349	2-INCH MILL AND OVERLAY	SY	\$43.25	0.00	7.00	0.00	(302.75)
350	TRAFFIC CONTROL	LS	\$5,700.00	0.00	0.00	0.00	0.00
351	MOBILIZATION	LS	\$19,000.00	0.00	0.00	0.00	0.00
352	TAXES, BONDS, INSURANCE	LS	\$2,500.00	0.00	0.00	0.00	0.00
Subtotal					33,910.22	(12,764.38)	

TOTAL NET INCREASE / (DECREASE)

\$21,145.85

Date: 10/26/2009

TITLE: Integrated Water Plan - Contract for Professional Engineering Services

PRESENTED BY: David Mumford

Department: Public Works

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**Information**

**PROBLEM/ISSUE STATEMENT**

The City of Billings must balance social, environmental and economic responsibilities in managing its water. The Integrated Water Plan will outline how we seek to meet those responsibilities. The resulting plan will be a comprehensive, balanced, and science-based review of water use strategies for the City of Billings.

The City Council previously adopted our Water Master Plan, our Wastewater Master Plan, and our Stormwater Master Plan. Existing and proposed Environmental Protection Agency (EPA) and Montana Department of Environmental Quality (MDEQ) regulations pertaining to wastewater discharge regulations have focused our efforts into the development of a more holistic water plan. The Integrated Water Plan will explore water conservation issues, water reuse opportunities, identify resource efficiencies, incorporate environmental protection elements, and provide continual learning opportunities and best practices models.

HDR Engineering, Inc. developed the City of Billings' Water Master Plan, Wastewater Master Plan, and Stormwater Master Plan. HDR was selected using the RFQ process.

**ALTERNATIVES ANALYZED**

The Council may:

- Approve the Integrated Water Use Plan Contract for Professional Engineering Services; or
- Not approve the Integrated Water Use Plan Contract for Professional Engineering Services

**FINANCIAL IMPACT**

Total contract price is estimated to be \$212,000. The Public Works Department has the funds available within the FY2010 budget.

**RECOMMENDATION**

Staff recommends that the City Council approve the Integrated Water Plan Contract for Professional Engineering Services with HDR Engineering, Inc. for \$212,000.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

Link: [Integrated Water Plan - Contract for Professional Services](#)

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# Contract for Professional Architectural and Engineering Services

## Project Integrated Water Plan

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In consideration of the mutual promises herein, City of Billings and HDR Engineering, Inc. agree as follows. This Contract consists of:

- Part I, consisting of 15 Sections of Special Provisions;
- Part II, consisting of 11 Sections of General Provisions;
- Appendix A consisting of 4 pages (Basic Services of Contractor);
- Appendix B consisting of 1 pages (Methods and Times of Payment);
- Appendix C consisting of 1 pages (Additional Services of Contractor);
- Appendix D consisting of 2 pages (Schedule of Professional Fees);
- Appendix E consisting of 1 pages (Project Schedule);
- Appendix F consisting of 1 pages (Certificate(s) of Insurance); and

### **PART I SPECIAL PROVISIONS**

#### Section 1. Definitions.

In this Contract:

- A. "Administrator" means the City Engineer of the Engineering Division of the Public Works Department or his designee.
- B. "Billings" means the City of Billings.
- C. "Contractor" means HDR Engineering, Inc.

#### Section 2. Scope of Services.

- A. The Contractor shall perform professional services in accordance with Appendix A, which is attached hereto and incorporated in this Section by reference.
- B. Billings shall pay the Contractor in accordance with the Schedule of Professional Fees attached as Appendix D and incorporated herein by reference for services actually performed under this Contract.
- C. Billings shall not allow any claim for services other than those described in this Section. However, the Contractor may provide, at its own expense, any other services that are consistent with this Contract.
- D. The Contractor shall provide as-built drawings on mylar and in digital format, as approved by the City of Billings, to the Administrator within 30 days after the project

completion date. Final payment will be withheld until the as-built drawings are received by the City of Billings.

- E. The Contractor shall provide certified construction payrolls to the Administrator stating in writing that the payrolls have been reviewed and are acceptable.

Section 3. Time for Performance.

- A. This Contract becomes effective when signed on behalf of Billings.
- B. The Contractor shall commence performance of the Work described in Section 2 on receipt of written Notice to Proceed and complete that performance in accordance with the schedule set forth in Appendix E.
- C. This Contract shall terminate at midnight on May 7, 2010.

Section 4. Compensation; Method of Payment.

- A. Subject to the contractor's satisfactory performance, the City of Billings shall pay the contractor two hundred twelve thousand dollars (\$212,000.00).
- B. Each month, or at the conclusion of each phase of the Work for which payment is due, as negotiated on a per-task basis, the Contractor shall present a bill to the Administrator describing the Work for which it seeks payment and documenting expenses and fees to the satisfaction of the Administrator. If any payment is withheld because the Contractor's performance is unsatisfactory, the Administrator must, within ten (10) days of the payment denial, notify the Contractor of the payment denial and set forth, with reasonable specificity, what was unsatisfactory and why. Billings will pay Contractor within 30 days of receiving an acceptable invoice.

Section 5. Termination of the Contractor's Services.

The Contractor's services under Section 2 of this Part may be terminated:

- A. By mutual consent of the parties.
- B. For the convenience of Billings, provided that Billings notifies the Contractor in writing of its intent to terminate under this paragraph at least 10 days prior to the effective date of the termination.
- C. For cause, by either party where the other party fails in any material way to perform its obligations under this Contract. Termination under this Subsection is subject to the condition that the terminating party notifies the other party of its intent to terminate, stating with reasonable specificity the grounds therefor, and the other party fails to cure the default within 30 days after receiving the notice.

Section 6. Duties Upon Termination

- A. If Billings terminates the Contractor's services for convenience, Billings shall pay the Contractor for its actual costs reasonably incurred in performing before termination and Billings shall pay for services rendered prior to termination. Payment under this Subsection shall never exceed the total compensation allowable under Section 4 of this Part. All finished and unfinished documents and materials prepared by the Contractor shall become the property of Billings.

- B. If the Contractor's services are terminated for cause, Billings shall pay the Contractor the reasonable value of the services satisfactorily rendered prior to termination, less any damages suffered by Billings because of the Contractor's failure to perform satisfactorily. The reasonable value of the services rendered shall never exceed ninety percent (90%) of the total compensation allowable under Section 4 of this Part. Any finished or unfinished documents or materials prepared by the Contractor under this Contract shall become the property of Billings at its option.
- C. If the Contractor receives payments exceeding the amount to which it is entitled under Subsections A or B of this Section, he shall remit the excess to the Administrator within 30 days of receiving notice to do so.
- D. The Contractor shall not be entitled to any compensation under this Section until the Contractor has delivered to the Administrator all documents, records, Work product, materials and equipment owned by Billings and requested by the Administrator.
- E. If the Contractor's services are terminated for whatever reason the Contractor shall not claim any compensation under this Contract, other than that allowed under this Section.
- F. If a final audit has not been performed before the Contractor's services are terminated, Billings may recover any payments for costs disallowed as a result of the final audit.
- G. Except as provided in this Section, termination of the Contractor's services under Section 5 of this Part does not affect any other right or obligation of a party under this Contract.

Section 7. Insurance.

- A. The Contractor shall maintain in good standing the insurance described in Subsection B of this Section. Before rendering any services under this Contract, the Contractor shall furnish the Administrator with proof of insurance in accordance with Subsection B of this Section.
- B. The Contractor shall provide the following insurance:
  - 1. Workers' compensation and employer's liability coverage as required by Montana law.
  - 2. Commercial general liability, including contractual and personal injury coverage's -- \$1,500,000 per occurrence.
  - 3. Commercial automobile liability -- \$500,000 per accident.
  - 4. Professional liability in the amount of \$1,500,000 per claim.
- C. Each policy of insurance required by this Section shall provide for no less than 30 days' advance notice to Billings prior to cancellation.
- D. Billings SHALL be listed as an additional insured on all policies except Professional Liability and Worker's Compensation Policies. In addition, all policies except Professional Liability and Worker's Compensation shall contain a waiver of subrogation against Billings.

Section 8. Assignments.

Unless otherwise allowed by this Contract or in writing by the Administrator, any assignment by the Contractor of its interest in any part of this Contract or any delegation of

duties under this Contract shall be void, and an attempt by the Contractor to assign any part of its interest or delegate duties under this Contract shall give Billings the right immediately to terminate this Contract without any liability for Work performed.

Section 9. Ownership; Publication, Reproduction and Use of Material.

- A. Except as otherwise provided herein, all data, documents and materials produced by the Contractor under this Contract shall be the property of Billings, which shall retain the exclusive right to publish, disclose, distribute and otherwise use, in whole or in part, any such data, documents, or other materials. Exclusive rights shall not be attributed to portions of such materials presently in the public domain or which are not subject to copyright. Contractor shall retain rights to pre-existing proprietary property including but not limited to interactive models. The Contractor shall have the right to include photographic or artistic representations of the design and construction of the Project among the Contractor's promotional and professional materials. The Contractor's materials shall not include Billings' confidential or proprietary information regardless of whether Billings has previously advised the Contractor in writing of the specific information considered by Billings to be confidential and proprietary.
- B. Equipment purchased by the Contractor with Contract funds: See Appendix A, Section 3. Scope of Work.
- C. Should Billings elect to reuse Work products provided under this Contract for other than the original project and/or purpose, Billings will indemnify and hold harmless the Contractor from any and all claims, demands and causes of action of any kind or character arising as a result of reusing the documents developed under this contract. Additionally, any reuse of design drawings or specifications provided under this Contract must be limited to conceptual or preliminary use for adaptation, and the original Contractor's or subcontractor's signature, professional seals and dates removed. Such reuse of drawings and specifications, which require professional seals and dates removed, will be signed, sealed, and dated by the professional who is in direct supervisory control and responsible for adaptation.

Section 10. Notices.

Any notice required pertaining to the subject matter of this Contract shall be either sent via facsimile (FAX), e-mail, or mailed by prepaid first class registered or certified mail, return receipt requested to the following addresses:

Billings: David D. Mumford  
City of Billings  
Public Works Department  
2224 Montana Avenue e-mail: [mumfordd@ci.billings.mt.us](mailto:mumfordd@ci.billings.mt.us)  
Billings, Montana 59105 FAX: (406) 237-6291

Contractor: Amanda B. McInnis  
HDR Engineering, Inc.  
1715 South Reserve Street, Suite C  
Missoula, Montana 59801 e-mail: [amanda.mcinnis@hdrinc.com](mailto:amanda.mcinnis@hdrinc.com)

Notices are effective upon the earlier of receipt, proof of good transmission (facsimiles only), or 5 days after proof of proper posting.

Section 11. Contract Budget.

In connection with its performance under this Contract, the Contractor shall not make expenditures other than as provided in line items in the Contract budget.

Section 12. Force Majeure.

- A. Any failure to perform by either party due to force majeure shall not be deemed a violation or breach hereof.
- B. As used in this Contract, force majeure is an act or event of substantial magnitude, beyond the control of the delayed party, which delays the completion of this Contract, including without limitation:
  - 1. Any interruption, suspension or interference resulting solely from the act of Billings or neglect of Billings not otherwise governed by the terms of this Contract.
  - 2. Strikes or Work stoppages.
  - 3. Any interruption, suspension or interference with the project caused by acts of God, or acts of a public enemy, wars, blockades, insurrections, riots, arrests or restraints of governments and people, civil disturbances or similar occurrences.
  - 4. Order of court, administrative agencies or governmental officers other than Billings.

Section 13. Financial Management System.

The Contractor shall establish and maintain a financial management system that:

- A. Provides accurate, current, and complete disclosure of all financial transactions relating to the Contract;
- B. Maintains separate accounts by source of funds for all revenues and expenditures and identifies the source and application of funds for the Contractor's performance under this Contract, including information pertaining to subcontracts, obligations, unobligated balances, assets, liabilities, outlays and income;
- C. Effectively controls and accounts for all municipal funds and Contract property;
- D. Compares actual expenditures with budgeted amounts and relates financial information to performance or productivity data including unit cost information where applicable;
- E. Allocates administrative costs to direct service delivery units;
- F. Minimizes the time between receipt of funds from Billings and their disbursement by the Contractor;
- G. Provides accounting records supported by source documentation; and
- H. Provides a systematic method assuring the timely and appropriate resolution of audit findings and recommendations.

Section 14. Funding Requirements.

In the event that any funding source for this Contract should impose additional requirements upon Billings for the use of those funds, the Contractor agrees to abide by those additional requirements immediately upon receipt of written notice thereof from Billings.

Section 15. Subcontracts.

The Contractor may enter into subcontracts for the purchase of goods and services necessary for the performance of this Contract, provided:

- A. Every subcontract shall be reduced to writing and contain a precise description of the services or goods to be provided and the nature of the consideration paid therefor.
- B. Every subcontract under which the Contractor delegates the provision of services shall be subject to review and approval by the Administrator before it is executed by the Contractor.
- C. Every subcontract in an amount exceeding \$1,000 shall require reasonable access to business records of the subcontractor relating to the purchase of goods or services pursuant to the subcontract.

**PART II**  
**GENERAL CONTRACT PROVISIONS**

Section 1. Relationship of Parties.

The Contractor shall perform its obligations hereunder as an independent Contractor of Billings. Billings may administer the Contract and monitor the Contractor's compliance with its obligations hereunder. Billings shall not supervise or direct the Contractor other than as provided in this Section.

Section 2. Nondiscrimination.

- A. The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, national origin, ancestry, age, sex, or marital status or who is a "qualified individual with a disability" (as that phrase is defined in the Americans With Disabilities Act of 1990). The Contractor will take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, color, religion, or mental or physical impairment/disability. Such action shall include, without limitation, employment, upgrading, demotion or transfer, recruitment or recruiting advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training including apprenticeship. The Contractor agrees to post, in conspicuous places available to employees and applicants for employment, notices setting forth the provisions of this non-discrimination clause.
- B. The Contractor shall state, in all solicitations or advertisements for employees to Work on Contract jobs, that all qualified applicants will receive equal consideration for employment without regard to race, color, religion, national origin, ancestry, age, sex or marital status, or mental or physical impairment/disability.
- C. The Contractor shall comply with any and all reporting requirements that may apply to it which the City of Billings may establish by regulation.
- D. The Contractor shall include the provisions of Subsections A through C of this Section in every subcontract or purchase order under this Contract, so as to be binding upon every such subcontractor or vendor of the Contractor under this Contract.
- E. The Contractor shall comply with all applicable federal, state, and city laws concerning the prohibition of discrimination.

Section 3. Permits, Laws, and Taxes.

The Contractor shall acquire and maintain in good standing all permits, licenses and other entitlements necessary to its performance under this Contract. All actions taken by the Contractor under this Contract shall comply with all applicable statutes, ordinances, rules and regulations. The Contractor shall pay all taxes pertaining to its performance under this Contract.

Section 4. Nonwaiver.

The failure of either party at any time to enforce a provision of this Contract shall in no way constitute a waiver of the provision, nor in any way affect the validity of this Contract or any part hereof, or the right of such party thereafter to enforce each and every provision hereof.

Section 5. Amendment.

- A. This Contract shall only be amended, modified or changed by a writing, executed by authorized representatives of the parties, with the same formality as this Contract was executed.
- B. For the purposes of any amendment modification or change to the terms and conditions of this Contract, the only authorized representatives of the parties are:

Contractor: Vice President

Billings: City Council or Authorized Designee

- C. Any attempt to amend, modify, or change this Contract by either an unauthorized representative or unauthorized means shall be void.

Section 6. Jurisdiction; Choice of Law.

Any civil action rising from this Contract shall be brought in the District Court for the Thirteenth Judicial District of the State of Montana, Billings. The law of the State of Montana shall govern the rights and obligations of the parties under this Contract.

Section 7. Severability.

Any provision of this Contract decreed invalid by a court of competent jurisdiction shall not invalidate the remaining provisions of the Contract.

Section 8. Integration.

This instrument and all appendices and amendments hereto embody the entire agreement of the parties. There are no promises, terms, conditions or obligations other than those contained herein; and this Contract shall supersede all previous communications, representations or agreements, either oral or written, between the parties hereto.

Section 9. Liability.

The Contractor shall indemnify, defend, save, and hold Billings harmless from any and all claims, causes of action, lawsuits, damages, judgments, liabilities, and litigation costs and expenses including reasonable attorneys' fees and costs, arising from any wrongful or negligent act, error or omission of the Contractor or any agent, employee or subcontractor as a result of the Contractor's or any subcontractor's performance pursuant to this Contract.

- A. The Contractor shall not indemnify, defend, save and hold Billings harmless from claims, causes of action, lawsuits, damages, judgments, liabilities, and litigation costs and expenses or attorneys' fees and costs arising from wrongful or negligent acts, error or omission solely of Billings occurring during the course of or as a result of the performance of the Contract.
- B. Where claims, lawsuits or liability, including attorneys' fees and costs arise from wrongful or negligent act of both Billings and the Contractor, the Contractor shall indemnify, defend, save, and hold Billings harmless from only that portion of claims, causes of action, lawsuits, damages, judgments, liabilities, and litigation costs and expenses including attorneys' fees and costs, which result from the Contractor's or any subcontractor's wrongful or negligent acts occurring as a result from the Contractor's performance pursuant to this Contract.

Section 10. Inspection and Retention of Records.

The Contractor shall, at any time during normal business hours and as often as Billings may deem necessary, make available to Billings, for examination, all of its records with respect to all matters covered by this Contract for a period ending three years after the date the Contractor is to complete performance in accordance with Section 2 of the Special Provisions. Upon request, and within a reasonable time, the Contractor shall submit such other information and reports relating to its activities under this Contract, to Billings, in such form and at such times as Billings may reasonably require. The Contractor shall permit Billings to audit, examine and make copies of such records, and to make audits of all invoices, materials, payrolls, records of personnel, and other data relating to all matters covered by this Contract. Billings may, at its option, permit the Contractor to submit its records to Billings in lieu of the retention requirements of this Section.

Section 11. Availability of Funds.

Payments under this Contract may require funds from future appropriations. If sufficient funds are not appropriated for payments required under this Contract, this Contract shall terminate without penalty to Billings; and Billings shall not be obligated to make payments under this Contract beyond those which have previously been appropriated.



## **Appendix A**

### **Basic Services of Contractor**

#### **INTEGRATED WATER PLAN**

Overall Objectives:

The City of Billings must balance social, environmental and economic responsibilities in managing its water. The integrated water plan will outline how we seek to meet those responsibilities.

The City of Billings is committed to the following principles:

- Water Conservation-reducing demand for water
- Reuse of Water-Providing reuse opportunities with recycled water that is fit for its purpose
- Resource Efficiency-Using the least amount of both financial and earth resources
- Environmental Protection-Respecting the needs of future generations by reducing carbon emissions and using water wisely
- Continual Improvement and Learning-Improving overall performance by reviewing policies, plans and implementation of other areas around the country to ensure the City of Billings is using the best practices available

This study will be a comprehensive, balanced, and science-based review of water use strategies for the City of Billings. As part of this work, this plan will evaluate the watershed, other water users, and the City of Billings' available water resources and water streams to develop a long-term plan that integrates the best use of the City water resources.

Workshops will be conducted regularly and will build on an initial chartering workshop. Chapters of the plan will be delivered in advance of project meetings. Workshops will provide a forum for discussion and feedback on work conducted to date and direction of future work. The chartering workshop will review current City water management policies and develop a preliminary list of policies to be reviewed and included in the plan.

A preliminary table of contents would include:

- Chapter 1-Executive Summary (future task)
- Chapter 2-Best Management Practices and Policies from Other Locations (from the Chartering Workshop)
- Chapter 3-Update River Discharge Requirements
- Chapter 4-Effluent Management Plan

Future chapters to be determined.

**Chartering Workshop and Policy/Best Practices Memorandum.** Conduct a one-day chartering workshop for the project participants to agree on the mission of the work. Begin by working with National experts and City staff to gain clarity on objectives and priorities. Bring to the workshop a candidate list of best management practices and policies from other cities that have faced similar challenges. In addition, conduct a screening level study of effluent management alternatives prior to the workshop to facilitate discussion on which alternatives should be brought forward for further study.

In the workshop, discuss policy and jurisdictional issues related to water management as well as effluent management strategies. Frame technical issues in terms of demand management, supply resources, and water reclamation for purposes of policy discussions. Potential subjects for discussion may include the following:

**Regulatory Drivers**

- Safe Drinking Water Act
- Stormwater Phase 2 NPDES
- TMDLs
- Nutrient Criteria
- Discharge Permitting

**Land use and development policy**

- Reclaimed water use standards
  - Development policy for reclaim water distribution systems in new development
  - Purple pipeline distribution network

**Water rights**

- Reclaimed water rights issues

Following the workshop, conduct a one hour summary presentation with time for question and answer for area stakeholders (council, homebuilders, watershed groups, etc.). The workshop content would be summarized in a memorandum for incorporation into the plan. One summary draft and final technical memorandum will be prepared.

**Deliverables:** Draft and final memorandum summarizing policy/best practices from other locations (Chapter 2)

**City Responsibilities:**

- Establish personnel for participation in the group
- Attend the Workshop

**Update River Discharge Requirements (Chapter 3).** MDEQ has identified new benchmarks for affordability of wastewater service and has defined new ‘limits of technology’ for discharge to surface waters. In addition, recent discharge permits with pending TMDLs have capped total nitrogen and total phosphorous for river discharges. The new nutrient requirements for discharge to the Yellowstone River will be evaluated and updated. Costs will be calculated for two different approaches. The first would be to rerate the plant (establish a new flow and loading conditions) with the tankage that is currently in place and cost out minor modifications (adding baffles, mixers, changing controls) to convert the process to new treatment levels. The second would be to develop a cost for new construction to maintain existing and future flows at the new process requirements. One process train will be evaluated based on a screening level evaluation of other trains. Preliminary layouts will be developed along with planning level operation/maintenance and

capital costs. Two workshops to review the draft memorandum and discuss cost estimates is assumed. One summary draft and final technical memorandum will be prepared.

In addition, an evaluation of what it would take to meet the new instream standards (0.3 mg/L total nitrogen, 0.03 mg/L total phosphorus) regardless of affordability or reasonable limits of technology considerations. Three process trains will be evaluated and one selected for development of a range of capital costs to build.

**Deliverables:** Draft and final summary memorandum (Chapter 3)

**Effluent Management Planning (Chapter 4).** Evaluate alternatives to the Yellowstone River discharge described above. Up to ten alternatives will be evaluated. The following are some candidates for discussion:

- Irrigation ditch discharge (winter groundwater infiltration/summer irrigation use)
- Groundwater discharge via surface and subsurface infiltration
- Aquifer storage and recovery
- Industrial cooling/use
- Steam
- Wetland discharge
- Flood or spray irrigation on cropland
- Nutrient recovery/fertilizer manufacturing

For each alternative, planning level capital and operating costs will be calculated. Figure-level drawings will be developed. We will contact manufacturers, quantify operations needs, develop preliminary layouts and possible locations, and investigate implementation issues as necessary. A short discussion including near term and long term regulatory requirements will be included. Some alternatives will likely be suited to handling a small portion of the City flow. Costs will be compared on a dollar per gallon as well as a 20 year present worth basis. One summary draft and final technical memorandum will be prepared. Two workshops to review alternatives and get City input will be conducted. (A screening level discussion will take place at the Chartering Workshop.)

**Deliverables:** Draft and final summary memorandum (Chapter 4)

**City Responsibilities:**

- Review and comment on Memoranda
- Attend Workshops

**Project Management.** Assumed project duration is a period of six months. Ongoing project management activities including day to day internal and City communication and accounting.

## **OPTIONAL FUTURE TASKS:**

**Evaluate purchase of Billings Bench Water Association.** Discuss benefits of purchase of BBWA in light of stormwater and wastewater needs. Describe steps toward purchase, establish fair market value for their system and describe how the City would fund the process. A comprehensive estimated fair market value analysis is typically composed of three primary analyses, each prepared in accordance with three generally accepted valuation methodologies—capitalized net income,

comparable sales and reconstruction less depreciation. These processes are discussed in detail in the appendix to this document.

**Deliverables:** Memorandum and valuation of the BBWA.

**Evaluate Aquifer Storage and Recovery (ASR) for Water and Wastewater Supply.** This task includes a desktop feasibility assessment. If the assessment indicates that the project is feasible, the next steps (construct a test well, get permits in place, etc.) may be taken. Three sites will be assessed against the following criteria:

- Hydrogeology of proposed ASR system (including water quality, well inventory and potential hydrologic/interference effects)
- Required ASR system capacity and storage volume requirements to achieve project objectives
- Conceptual design of ASR system (including testing and monitoring requirements) at a level sufficient to identify site logistics (i.e.piping, electrical service provision, pumping, etc.)

**Deliverables:** Draft and final technical memorandum evaluation of the technical and regulatory feasibility of potential ASR project and a cost estimate.

**Prepare Draft MOU with MDEQ and Lockwood** Prepare a draft Memorandum of Understanding with Lockwood and MDEQ to ensure that the City of Billings gets credit in its discharge permit for taking on additional loading from Lockwood. In the TMDL process, a loading to the Yellowstone River from Lockwood will be identified. The City of Billings should be credited with accepting that load in future permit negotiations. A draft MOU to that effect will be developed and two meetings will be conducted.

**Deliverables:** Draft and final MOU. Minutes from meetings.

**Appendix B**  
**Methods and Times of Payment**

(not used in this Contract)

## **Appendix C**

### **Additional Services of Contractor**

(Not used in this Contract)

## **Appendix D**

### **Schedule of Professional Fees**

**Appendix E**  
**Project Schedule**

Not used in this contract

**Appendix F**  
**Certificate(s) of Insurance**

Attached Certificate(s) of Insurance



Date: 10/26/2009

TITLE: W.O. 09-21, Safe Routes to School/Professional Services Contract

PRESENTED BY: David Mumford

Department: Public Works

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### Information

#### PROBLEM/ISSUE STATEMENT

In May the City was awarded a \$55,550 Safe Routes to School non-infrastructure grant for an engineering study to review the walking and biking routes to Billings public elementary schools. As part of the grant application process, the School District also committed an additional \$10,000 to the study. In late August, the Engineering Division solicited proposals from six pre-qualified firms to perform the study. A total of five proposals were received. A selection committee composed of members of the Engineering Division, Planning Department, School District, Riverstone Health, PTA Council and Police Department reviewed the proposals and recommended that Public Works contract with Sanderson-Stewart to complete the Study. The purpose of the study is to identify major obstacles and conflict areas children may encounter walking to 11 of the area elementary schools and then develop a prioritized list of short-, medium- and long-term projects necessary to address the problems at those schools. The project listing will include planning level cost estimates so that future Safe Routes to School (SRTS) and CTEP grants can be applied for to address the issues. Under the terms of the SRTS grant, the study must be completed by June 30, 2010. An additional SRTS non-infrastructure grant will be applied for in the next grant cycle to study the remaining 11 elementary schools in the Billings Public School system.

#### ALTERNATIVES ANALYZED

The Council may:

- Approve the award of the contract to Sanderson Stewart; or
- Not approve the award of the contract to Sanderson Stewart. If the study is not completed by June 30, 2010, the City will lose the \$50,000 in grant money already awarded.

#### FINANCIAL IMPACT

The study will be paid for by a combination of a \$55,550 SRTS grant approved by the State last May, and \$10,000 in funding from School District 2. This leaves approximately \$4,500 to cover City expenses in administering the grant and the study.

#### RECOMMENDATION

Staff recommends that the City Council approve the \$55,550 professional services contract with Sanderson-Stewart, contingent upon acceptance of the contract by the Montana Department of Transportation.

#### APPROVED BY CITY ADMINISTRATOR

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### Attachments

Link: [City State Agmt](#)

Link: [Contract](#)

Link: [Appendix A](#)

Link: [Appendix B](#)

Link: [Appendix C](#)

Link: [Appendix D](#)

Link: [Appendix F](#)

Link: [Appendix G](#)

Link: [Appendix H](#)

Link: [Appendix E](#)

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**Safe Routes to School Non-Infrastructure Contract**  
**CFDA #20.205 – Safe Routes to School**

This Contract is entered into between the State of Montana, Department of Transportation, Transportation Planning Division, 2701 Prospect Avenue, P.O. Box 201001, Helena, Montana (State) and City of Billings - Planning and Community Services Department, City Hall, 210 North 27th Street, Billings, MT 59101 (Grantee). Liaison for the State is Audrey Allums, Transit Supervisor. Liaison for the Grantee is Debi Meling.

The State, having received grant monies from the Federal Highway Administration (FHWA), through section 1404, SAFE ROUTES TO SCHOOL PROGRAM, and desiring to assist the Grantee, enters into the following contract with Grantee.

**ARTICLE 1. PROJECT**

SECTION 1.1 Purpose of Contract. This contract provides assistance for the Grantee to execute a Safe Routes to School Non-Infrastructure project in accordance to the application submitted to and approved by MDT.

SECTION 1.2 Scope of Project. Grantee shall undertake and complete the project as described in its application (Attachment 1). The Grantee shall use its best efforts to efficiently and economically complete the Project.

Conducting Safe Routes to School assessment for generating a community wide action plan to identify preferred routes of travel to 22 elementary schools in Billings.

SECTION 1.3 Period of Performance. This contract will be effective from July 1, 2009 to June 30, 2010.

SECTION 1.4 Cost of Project. The total cost of the **Non-Infrastructure** Project shall be \$50,000.00. The cost of the Project shall be shared as follows:

100 Percent Federal	\$ 50,000.00
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State will make quarterly reimbursement payments to Grantee based upon the State's approval of reports, expense documentation, and invoices submitted by the Grantee.

SECTION 1.5 Purchase of Project Equipment. The State, on behalf of the Grantee, or the Grantee with the State's prior approval, shall purchase all Project equipment in accordance with applicable State law and the standards set forth by the Uniform Administration Requirement for Grant and Cooperative Agreement to State and Local Government (49 CFR Part 18). Project equipment shall be purchased in conformity with the latest approved Cost of Project as shown in Section 1.4.

SECTION 1.6 Title to Project Equipment. The Grantee shall hold title to Project equipment. The State shall be the first secured party. The State may enforce this provision through legal action to protect its security interests in Project equipment.

SECTION 1.7 Use of Project Equipment. The Grantee shall use Project equipment for service described in the Project Application. If any Project equipment is no longer needed for this service, the Grantee shall immediately notify the State and the State shall dispose of such Project equipment.

SECTION 1.8 Maintenance. During the contract period Grantee shall maintain the Project equipment and facilities at a high level of cleanliness, safety and mechanical soundness. In addition, all accessible features and equipment used by persons with disabilities must be maintained in operating condition. Equipment must be repaired promptly, and reasonable steps must be taken to continue serving persons with disabilities while the repairs are being made (reference 49 CFR, Subpart G, 37.161 and 37.163). The State reserves the right to rehabilitate any Project equipment covered under this contract, after proper application by Grantee and approval by the State.

SECTION 1.9 Insurance. During the Contract term, the Grantee shall maintain insurance or self-insurance (property damage and liability) adequate to protect the federal share portion of Project facilities and equipment. Grantee will furnish proof of such insurance for the State's approval.

#### SECTION 1.10 Records, Reports and Information Access.

1.10.1 Recordkeeping. The Grantee shall keep records regarding the use of Project property, compliance with the provisions of this Contract, the federal assurances, and such records as the State and the Federal Highway Administration (FHWA) may require, including financial statements, program operation data, contracts and other Project-related documents. If a third party has exclusive possession of any required information and refuses or fails to provide that information, the Grantee shall inform the State and set forth its efforts to obtain this information. Grantee shall maintain these records for at least three years after any final payment and all other matters pending under this Contract are closed.

1.10.2 Reporting. Grantee shall advise the State in writing of Project progress at such times and in such manner as the State and FHWA may require, but not less than quarterly.

1.11 Media. Acknowledge funding for this project is provided through the MDT in all publicity and earned media.

## ARTICLE 2. DEFAULT AND TERMINATION

SECTION 2.1 Default. Nonperformance by the Grantee of any obligation imposed by this Contract, including noncompliance with the federal assurances in Articles 3 and 4, or reduction of local project cost funding, will constitute default.

SECTION 2.2 Termination. This Contract may be terminated by the State by serving a notice of termination on the Grantee. Termination may occur for either convenience or default. If termination is for convenience, the notice shall give the Grantee thirty days to wind down its activities under this Contract. If termination occurs due to default, the notice shall state the nature of the Grantee's default, and offer the Grantee ten (10) days for an opportunity to explain its nonperformance. If the State finds that the Grantee has a reasonable excuse for nonperformance, which is beyond the control of the Grantee, the State may set up a new work schedule and allow the completion of this Contract.

In any termination, the State will make its contractual payments proportionate to the work properly performed in accordance with this Contract to the time of termination. Grantee shall account for any Project property in its possession.

SECTION 2.3. Litigation. Controversy arising from this contract may result in litigation. Arbitration is not available. This Contract shall be governed by Montana law.

SECTION 2.4 Venue. In the event of litigation concerning this contract, venue shall be in the First Judicial District of the State of Montana, in and for Lewis and Clark County.

### ARTICLE 3. MISCELLANEOUS

SECTION 3.1 Contract Modification. Any change to this contract will only be by written agreement of the Parties.

SECTION 3.2 Assignment and Subcontracting. The Grantee shall not assign any portion of the work to be performed under this contract, or execute any contract, amendment or change order thereto, or obligate Grantee in any manner with any third party with respect to Grantee's rights and responsibilities under this contract, without the prior written concurrence of the State.

SECTION 3.3 Subcontracts. The Grantee shall include in all subcontracts entered into pursuant to this Agreement a copy of this Contract, and the subcontract will make the provisions of this Contract a specific part of the subcontract. In addition, the Grantee shall include the following provisions in any advertisement or invitation to bid for any procurement under this contract:

Statement of Financial Assistance

This agreement is subject to a financial assistance contract between the Montana Department of Transportation, the U. S. Department of Transportation, and the Federal Highway Administration.

SECTION 3.4 Indemnification. The Grantee shall indemnify, defend, and hold harmless the State of Montana, its Department of Transportation, its employees and agents from and against all claims, demands, or actions from damages to property or injury to persons or other damage to persons or entities arising or resulting from the performance of this Contract.

SECTION 3.5 Settlement of Third Party Contract Disputes or Breaches. The term "third-party contract," as used in this Contract, is defined as a contract between the Grantee and its subcontractor in which the Grantee has procured a good and/or service commercially from the subcontractor. FHWA has a vested interest in the settlement of disputes, defaults, or breaches involving any federally assisted third party contracts. FHWA retains the right to a proportionate share, based on the percentage of the Federal share committed to the Project, of any proceeds derived from any third party recovery. Therefore, the Grantee shall avail itself of all legal rights available under any third party contract. The Grantee shall notify the State of any current or prospective litigation or major disputed claim pertaining to any third party contract. FHWA reserves the right to concur in any compromise or settlement of the Grantee's claim(s) involving any third party contract, before making Federal assistance available to support that settlement. If the third party contract contains a liquidated damages provision, any liquidated damages recovered shall be credited to the Project account involved unless FHWA permits otherwise.

SECTION 3.6 Notice. All notices arising from the provisions of this Contract shall be in writing and given to the parties at the addresses listed above, either by regular mail or delivery in person.

SECTION 3.7 Agency Assistance. No assistance, other than provided for by this Contract, will be required, but may be provided at the discretion of State.

SECTION 3.8 Severability and Integration. If any part, or parts, of this contract are determined to be void, the remaining parts will remain valid and operative. This document, together with its schedules, attachments, and exhibits, represent the complete and entire understanding of the parties on its subject matter. No provision, express or implied, arising from any prior oral or written request, bid, inquiry, negotiation, contract, or any other form of communication, shall be a provision of this contract unless it is reduced to writing, signed by the parties, and attached to this document.

SECTION 3.9 Prohibited Interest. No employee, officer, board member or agent of the Grantee shall participate in the selection, award, or administration of a contract if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:

- (1) The employee, officer, board member or agent;
- (2) Any member of his or her immediate family;
- (3) His or her partner; or
- (4) An organization which employs, or is about to employ any of the above; has a financial or other interest in the firm selected for award. The Grantee's employees, officers, board members, or agents shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties of sub-agreements.

SECTION 3.10 Interest of Members of or Delegates to Congress. No member of or delegate to the Congress of the United States shall be admitted to any share or part of this contract or to any benefit arising therefrom.

SECTION 3.11 Waivers. A party's failure to enforce any provision of this Contract shall not be construed as a waiver excusing the other party's future performance.

SECTION 3.12 Ineligible Bidders. Bidders or Suppliers whose names appear on the U. S. Comptroller General's List of Ineligible Contractors are not eligible for award of, or participation in, any contract that may be awarded as a result of this contract. Submission of a bid by any bidder constitutes certification that he or any subcontractor or suppliers to him, on this proposed contract, if one is awarded, are not on the Comptroller General's List of Ineligible Contractors. A subsequent determination by FHWA that a bidder knowingly made any misstatement of facts in this regard will be cause for immediate disqualification, suspension or termination of the contract for cause.

SECTION 3.13 Prohibition Against Use of Federal Funds for Lobbying. The Grantee or its subcontractor shall not use Federal assistance funds for publicity or propaganda purposes designed to support or defeat legislation or appropriations pending before Congress or a state legislature.

SECTION 3.14 Employee Political Activity. The provisions of 5 U.S.C. 1501-1508, 7324-7326 (the "Hatch Act"), and implementing regulations set forth in 5 C.F.R. Part 151 are applicable to State and local agencies and their officers and employees to the extent covered by the statute and regulations. The "Hatch Act" restricts the political activity of an individual principally employed by a State or local executive agency in connection with a program financed in whole or in part by Federal loans, grants, or cooperative agreement.

SECTION 3.15 False or Fraudulent Statements or Claims. The Grantee acknowledges that, should it make a false, fictitious, or fraudulent claim, statement, submission, or certification to the State or Federal Government in connection with this project, MDT reserves the right to pursue the procedures and impose on the Grantee the penalties of 18 U.S.C. 1001, 31 U.S.C. 3801, et seq., and/or 49 U.S.C. 5307(n)(1), as may be deemed by MDT to be appropriate.

SECTION 3.16 Debarment and Suspension. The Grantee shall obtain from its third party contractors certifications required by Department of Transportation regulations, "Government-wide Debarment and Suspension (Nonprocurement)," 49 C.F.R. Part 29, and otherwise comply with the requirements of those regulations.

SECTION 3.17 No State Obligations to Third Parties. The State shall not be subject to any obligations or liabilities to any third party in connection with the performance of this Project without the specific written consent of the State and FHWA. Neither the concurrence in nor the approval of the award of this contract or any subcontract, or the solicitation thereof, nor any other act performed by the State under this contract shall constitute such consent.

SECTION 3.18 Federal Changes. Grantee shall at all times comply with all applicable FHWA regulations, policies, procedures and directives.

SECTION 3.19 Authority. The Grantee warrants that it has the lawful authority to enter this contract, and that it has taken all actions and complied with all procedures necessary to execute the authority lawfully in entering this contract, and that the undersigned signatory for Grantee has been lawfully delegated the authority to sign this contract on behalf of Grantee.

SECTION 3.20 Compliance with Laws. Some of the clauses contained in this contract are not governed solely by Federal law, but are significantly affected by State law. The laws and regulations cited in this contract are not all-inclusive of those which may apply to the successful completion of this contract. The Grantee understands that it is its responsibility to learn what federal, state and local laws and regulations will apply to its operation under this contract, and that Grantee is solely responsible for its lawful compliance with them.

SECTION 3.21 Audit Requirement. The Grantee shall perform an audit in compliance with the Single Audit Act Amendments of 1996, 31 U.S.C. 7501 et seq. and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations." The Grantee will provide the MDT Transit Section with a copy of the audit report for each fiscal year FHWA funds are received by the Grantee.

#### **ARTICLE 4. NON-DISCRIMINATION NOTICE**

During the performance of this contract, City of Billings - Planning and Community Services Department (hereafter in this Section "the Party"), for itself, its assignees and successors in interest, agrees as follows:

##### **A) COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 FOR FEDERAL-AID CONTRACTS**

- (1) Compliance with Regulations: The Party shall comply with all Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation, 49 Code of Federal Regulations (CFR), Part 21, as they may be amended (hereafter referred to as the Regulations), which are incorporated by reference and made a part of this Agreement, even if only state funding is here involved.
- (2) Nondiscrimination: The Party, with regard to the work performed by it during the Agreement, shall not discriminate on the grounds of sex, race, color, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The Party shall not participate either directly or indirectly in the discrimination prohibited by 49 CFR Sec. 21.5.
- (3) Solicitations for Subcontracts, Including Procurement of Materials and Equipment: In all solicitations, whether by competitive bidding or negotiation by the Party for work to be performed under a subcontract, including procurement of materials or leases of equipment, any potential subcontractor or supplier shall be notified by the Party of the Party's obligations under this Agreement and the Regulations relative to nondiscrimination.
- (4) Information and Reports: The Party will provide all reports and information required by the Regulations, or directives issued pursuant thereto, and permit access to its books, records, accounts, other sources of information and its facilities as may be determined by State or the Federal Highway Administration (FHWA) to be pertinent to ascertain

compliance with Regulations or directives. Where any information required of the Party is in the exclusive possession of another who fails or refuses to furnish this information, the Party shall so certify to the Department or FHWA as requested, setting forth what efforts it has made to obtain the information.

- (5) Sanctions for Noncompliance: In the event of the Party's noncompliance with the nondiscrimination provisions of this Agreement, State may impose sanctions as it or the FHWA determines appropriate, including, but not limited to,
  - (a) Withholding payments to the Party under the Agreement until the Party complies, and/or
  - (b) Cancellation, termination or suspension of the Agreement, in whole or in part.
- (6) Incorporation of Provisions: The Party will include the provisions of paragraphs (1) through (6) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto. The Party will take such action with respect to any subcontract or procurement as the State or the FHWA may direct to enforce such provisions including sanctions for noncompliance: Provided, however, that in the event the Party is sued or is threatened with litigation by a subcontractor or supplier as a result of such direction, the Party may request the State to enter into the litigation to protect the interests of the State, and, in addition, the Party or the State may request the United States to enter into such litigation to protect the interests of the United States.

**B) COMPLIANCE WITH THE MONTANA GOVERNMENTAL CODE OF FAIR PRACTICES, SEC. 49-3-207, MCA**

In accordance with Section 49-3-207, MCA, the Party agrees that for this Agreement all hiring will be made on the basis of merit and qualifications and that there will be no discrimination on the basis of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin by the persons performing the Agreement.

**C) COMPLIANCE WITH AMERICANS WITH DISABILITIES ACT (ADA)**

- (1) The Party will comply with all regulations relative to implementation of the AMERICANS WITH DISABILITIES ACT.
- (2) The Party will incorporate or communicate the intent of the following statement in all publications, announcements, video recordings, course offerings or other program outputs: **"The Party will provide reasonable accommodations for any known disability that may interfere with a person in participating in any service, program or activity offered by the Party. In the case of documents, recordings or verbal presentations, alternative accessible formats will be provided. For further information call the Party."**
- (3) All video recordings produced and created under contract and/or agreement will be closed-captioned.

**D) COMPLIANCE WITH PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISES IN DEPARTMENT OF TRANSPORTATION FINANCIAL ASSISTANCE PROGRAMS, 49 CFR PART 26**

Each Agreement the Department signs with a Party (and each subcontract the prime contractor signs with a subcontractor) must include the following assurance:

**The Party, subrecipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The Party shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the Party to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.**

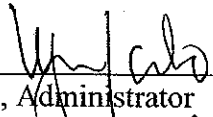
IN WITNESS WHEREOF, the parties hereto have caused this contract to be executed.

CITY OF BILLINGS

BY:   
Christine Thiel, City Administrator

DATE: June 9, 2009

MONTANA DEPARTMENT OF TRANSPORTATION

BY:   
Lynn Zanto, Administrator

DATE: 6/17/09

Approved for Legal Content by: 

Approved for Civil Rights Content by: Bill Anderson

The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes the need for transparency and accountability in financial reporting.

Secondly, it highlights the role of internal controls in preventing fraud and ensuring the integrity of the financial statements. The document provides a detailed overview of the various control mechanisms in place.

Furthermore, the document addresses the challenges faced by organizations in the current economic environment. It offers practical solutions and strategies to overcome these challenges and ensure long-term sustainability.

In conclusion, the document serves as a comprehensive guide for organizations seeking to improve their financial management practices. It provides valuable insights and actionable recommendations.

The following sections provide a detailed analysis of the financial data and the results of the internal audits conducted over the past year.

The financial statements show a steady increase in revenue over the period, which is a positive indicator of the company's growth. However, there are concerns regarding the rising operating expenses.

The internal audits have identified several areas where controls are weak or missing. These areas include the procurement process, the accounts payable cycle, and the fixed asset management.

It is recommended that the company implement the following measures to address the identified weaknesses: 1) Strengthen the procurement process by introducing competitive bidding. 2) Improve the accounts payable cycle by automating the process.

3) Enhance fixed asset management by conducting regular physical counts and reconciling them with the accounting records. These measures are essential for ensuring the accuracy and reliability of the financial statements.

The management team is committed to implementing these recommendations and ensuring that the company's financial management practices meet the highest standards of transparency and accountability.

# Contract for Professional Architectural and Engineering Services

## W.O. 09-21, SRTS Study

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In consideration of the mutual promises herein, City of Billings and Sanderson-Stewart agree as follows. This Contract consists of:

Part I, consisting of 15 Sections of Special Provisions;

Part II, consisting of 11 Sections of General Provisions;

Appendix A consisting of 4 pages (Basic Services of Contractor);

Appendix B consisting of 1 page (Methods and Times of Payment);

Appendix C consisting of 1 page (Additional Services of Contractor);

Appendix D consisting of 3 pages (Schedule of Professional Fees);

Appendix E consisting of 1 page (Project Schedule);

Appendix F consisting of 2 pages (MDT Required Provisions

Appendix G consisting of 8 pages (SRTS Non-Infrastructure Contract #104597)

Appendix H consisting of Certificate(s) of Insurance

### **PART I SPECIAL PROVISIONS**

#### Section 1. Definitions.

In this Contract:

- A. "Administrator" means the City Engineer of the Engineering Division of the Public Works Department or his designee.
- B. "Billings" means the City of Billings.
- C. "Contractor" means Sanderson-Stewart.

#### Section 2. Scope of Services.

- A. The Contractor shall perform professional services in accordance with Appendix A, which is attached hereto and incorporated in this Section by reference.

- B. Billings shall pay the Contractor in accordance with the Schedule of Professional Fees attached as Appendix D and incorporated herein by reference for services actually performed under this Contract.
- C. Billings shall not allow any claim for services other than those described in this Section. However, the Contractor may provide, at its own expense, any other services that are consistent with this Contract.
- ~~D. The Contractor shall provide as-built drawings on mylars and in digital format, as approved by the City of Billings, to the Administrator within 30 days after the project completion date. Final payment will be withheld until the as-built drawings are received by the City of Billings. NOT APPLICABLE~~
- ~~E. The Contractor shall provide certified construction payrolls to the Administrator stating in writing that the payrolls have been reviewed and are acceptable. NOT APPLICABLE~~

Section 3. Time for Performance.

- A. This Contract becomes effective when signed on behalf of Billings.
- B. The Contractor shall commence performance of the Work described in Section 2 on receipt of written Notice to Proceed and complete that performance in accordance with the schedule set forth in Appendix \_\_\_\_\_.
- C. This Contract shall terminate at midnight on July 30, 2010.

Section 4. Compensation; Method of Payment. (Choose payment method A, B, or C)

- A. Each month, or at the conclusion of each phase of the Work for which payment is due, as negotiated on a per-task basis, the Contractor shall present a bill to the Administrator describing the Work for which it seeks payment and documenting expenses and fees to the satisfaction of the Administrator. If any payment is withheld because the Contractor's performance is unsatisfactory, the Administrator must, within ten (10) days of the payment denial, notify the Contractor of the payment denial and set forth, with reasonable specificity, what was unsatisfactory and why. Billings will pay Contractor within 30 days of receiving an acceptable invoice.
- B. The Contractor is not entitled to any compensation under this Contract, other than is expressly provided for in this Section.
- C. As a condition of payment, the Contractor shall have paid all City taxes currently due and owing by the Contractor.

Section 5. Termination of the Contractor's Services.

The Contractor's services under Section 2 of this Part may be terminated:

- A. By mutual consent of the parties.
- B. For the convenience of Billings, provided that Billings notifies the Contractor in writing of its intent to terminate under this paragraph at least 10 days prior to the effective date of the termination.
- C. For cause, by either party where the other party fails in any material way to perform its obligations under this Contract. Termination under this Subsection is subject to the condition that the terminating party notifies the other party of its intent to

terminate, stating with reasonable specificity the grounds therefor, and the other party fails to cure the default within 30 days after receiving the notice.

#### Section 6. Duties Upon Termination

- A. If Billings terminates the Contractor's services for convenience, Billings shall pay the Contractor for its actual costs reasonably incurred in performing before termination and Billings shall pay for services rendered prior to termination. Payment under this Subsection shall never exceed the total compensation allowable under Section 4 of this Part. All finished and unfinished documents and materials prepared by the Contractor shall become the property of Billings.
- B. If the Contractor's services are terminated for cause, Billings shall pay the Contractor the reasonable value of the services satisfactorily rendered prior to termination, less any damages suffered by Billings because of the Contractor's failure to perform satisfactorily. The reasonable value of the services rendered shall never exceed ninety percent (90%) of the total compensation allowable under Section 4 of this Part. Any finished or unfinished documents or materials prepared by the Contractor under this Contract shall become the property of Billings at its option.
- C. If the Contractor receives payments exceeding the amount to which it is entitled under Subsections A or B of this Section, he shall remit the excess to the Administrator within 30 days of receiving notice to do so.
- D. The Contractor shall not be entitled to any compensation under this Section until the Contractor has delivered to the Administrator all documents, records, Work product, materials and equipment owned by Billings and requested by the Administrator.
- E. If the Contractor's services are terminated for whatever reason the Contractor shall not claim any compensation under this Contract, other than that allowed under this Section.
- F. If a final audit has not been performed before the Contractor's services are terminated, Billings may recover any payments for costs disallowed as a result of the final audit.
- G. Except as provided in this Section, termination of the Contractor's services under Section 5 of this Part does not affect any other right or obligation of a party under this Contract.

#### Section 7. Insurance.

- A. The Contractor shall maintain in good standing the insurance described in Subsection B of this Section. Before rendering any services under this Contract, the Contractor shall furnish the Administrator with proof of insurance in accordance with Subsection B of this Section.
- B. The Contractor shall provide the following insurance:
  - 1. Workers' compensation and employer's liability coverage as required by Montana law.
  - 2. Commercial general liability, including contractual and personal injury coverage's -- \$1,500,000 per occurrence.

3. Commercial automobile liability -- \$500,000 per accident.
  4. Professional liability in the amount of \$1,500,000 per claim.
- C. Each policy of insurance required by this Section shall provide for no less than 30 days' advance notice to Billings prior to cancellation.
  - D. Billings SHALL be listed as an additional insured on all policies except Professional Liability and Worker's Compensation Policies. In addition, all policies except Professional Liability and Worker's Compensation shall contain a waiver of subrogation against Billings.

Section 8. Assignments.

Unless otherwise allowed by this Contract or in writing by the Administrator, any assignment by the Contractor of its interest in any part of this Contract or any delegation of duties under this Contract shall be void, and an attempt by the Contractor to assign any part of its interest or delegate duties under this Contract shall give Billings the right immediately to terminate this Contract without any liability for Work performed.

Section 9. Ownership; Publication, Reproduction and Use of Material.

- A. Except as otherwise provided herein, all data, documents and materials produced by the Contractor under this Contract shall be the property of Billings, which shall retain the exclusive right to publish, disclose, distribute and otherwise use, in whole or in part, any such data, documents, or other materials. Exclusive rights shall not be attributed to portions of such materials presently in the public domain or which are not subject to copyright. Contractor shall retain rights to pre-existing proprietary property including but not limited to interactive models. The Contractor shall have the right to include photographic or artistic representations of the design and construction of the Project among the Contractor's promotional and professional materials. The Contractor's materials shall not include Billings' confidential or proprietary information regardless of whether Billings has previously advised the Contractor in writing of the specific information considered by Billings to be confidential and proprietary.
- B. Equipment purchased by the Contractor with Contract funds: See Appendix A, Section 3. Scope of Work.
- C. Should Billings elect to reuse Work products provided under this Contract for other than the original project and/or purpose, Billings will indemnify and hold harmless the Contractor from any and all claims, demands and causes of action of any kind or character arising as a result of reusing the documents developed under this contract. Additionally, any reuse of design drawings or specifications provided under this Contract must be limited to conceptual or preliminary use for adaptation, and the original Contractor's or subcontractor's signature, professional seals and dates removed. Such reuse of drawings and specifications, which require professional seals and dates removed, will be signed, sealed, and dated by the professional who is in direct supervisory control and responsible for adaptation.

Section 10. Notices.

Any notice required pertaining to the subject matter of this Contract shall be either sent via facsimile (FAX), e-mail, or mailed by prepaid first class registered or certified mail, return receipt requested to the following addresses:

Billings: Debi Meling, P.E., City Engineer  
City of Billings  
Public Works  
2224 Montana Ave  
Billings, Montana 59101  
e-mail: melingd@ci.billings.mt.us  
FAX: (406) 237-6291

Contractor: Michael Sanderson, P.E., PTOE  
Sanderson Stewart  
1300 North Transtech Way  
Billings, MT 59102  
e-mail: msanderson@sandersonstewart.com  
FAX: (406) 656-0697

Notices are effective upon the earlier of receipt, proof of good transmission (facsimiles only), or 5 days after proof of proper posting.

Section 11. Contract Budget.

In connection with its performance under this Contract, the Contractor shall not make expenditures other than as provided in line items in the Contract budget.

Section 12. Force Majeure.

- A. Any failure to perform by either party due to force majeure shall not be deemed a violation or breach hereof.
- B. As used in this Contract, force majeure is an act or event of substantial magnitude, beyond the control of the delayed party, which delays the completion of this Contract, including without limitation:
  - 1. Any interruption, suspension or interference resulting solely from the act of Billings or neglect of Billings not otherwise governed by the terms of this Contract.
  - 2. Strikes or Work stoppages.
  - 3. Any interruption, suspension or interference with the project caused by acts of God, or acts of a public enemy, wars, blockades, insurrections, riots, arrests or restraints of governments and people, civil disturbances or similar occurrences.
  - 4. Order of court, administrative agencies or governmental officers other than Billings.

Section 13. Financial Management System.

The Contractor shall establish and maintain a financial management system that:

- A. Provides accurate, current, and complete disclosure of all financial transactions relating to the Contract;
- B. Maintains separate accounts by source of funds for all revenues and expenditures and identifies the source and application of funds for the Contractor's performance

- under this Contract, including information pertaining to subcontracts, obligations, unobligated balances, assets, liabilities, outlays and income;
- C. Effectively controls and accounts for all municipal funds and Contract property;
  - D. Compares actual expenditures with budgeted amounts and relates financial information to performance or productivity data including unit cost information where applicable;
  - E. Allocates administrative costs to direct service delivery units;
  - F. Minimizes the time between receipt of funds from Billings and their disbursement by the Contractor;
  - G. Provides accounting records supported by source documentation; and
  - H. Provides a systematic method assuring the timely and appropriate resolution of audit findings and recommendations.

#### Section 14. Funding Requirements.

In the event that any funding source for this Contract should impose additional requirements upon Billings for the use of those funds, the Contractor agrees to abide by those additional requirements immediately upon receipt of written notice thereof from Billings.

#### Section 15. Subcontracts.

The Contractor may enter into subcontracts for the purchase of goods and services necessary for the performance of this Contract, provided:

- A. Every subcontract shall be reduced to writing and contain a precise description of the services or goods to be provided and the nature of the consideration paid therefor.
- B. Every subcontract under which the Contractor delegates the provision of services shall be subject to review and approval by the Administrator before it is executed by the Contractor.
- C. Every subcontract in an amount exceeding \$1,000 shall require reasonable access to business records of the subcontractor relating to the purchase of goods or services pursuant to the subcontract.

**PART II**  
**GENERAL CONTRACT PROVISIONS**

Section 1. Relationship of Parties.

The Contractor shall perform its obligations hereunder as an independent Contractor of Billings. Billings may administer the Contract and monitor the Contractor's compliance with its obligations hereunder. Billings shall not supervise or direct the Contractor other than as provided in this Section.

Section 2. Nondiscrimination.

- A. The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, national origin, ancestry, age, sex, or marital status or who is a "qualified individual with a disability" (as that phrase is defined in the Americans With Disabilities Act of 1990). The Contractor will take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, color, religion, or mental or physical impairment/disability. Such action shall include, without limitation, employment, upgrading, demotion or transfer, recruitment or recruiting advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training including apprenticeship. The Contractor agrees to post, in conspicuous places available to employees and applicants for employment, notices setting forth the provisions of this non-discrimination clause.
- B. The Contractor shall state, in all solicitations or advertisements for employees to Work on Contract jobs, that all qualified applicants will receive equal consideration for employment without regard to race, color, religion, national origin, ancestry, age, sex or marital status, or mental or physical impairment/disability.
- C. The Contractor shall comply with any and all reporting requirements that may apply to it which the City of Billings may establish by regulation.
- D. The Contractor shall include the provisions of Subsections A through C of this Section in every subcontract or purchase order under this Contract, so as to be binding upon every such subcontractor or vendor of the Contractor under this Contract.
- E. The Contractor shall comply with all applicable federal, state, and city laws concerning the prohibition of discrimination.

Section 3. Permits, Laws, and Taxes.

The Contractor shall acquire and maintain in good standing all permits, licenses and other entitlements necessary to its performance under this Contract. All actions taken by the Contractor under this Contract shall comply with all applicable statutes, ordinances, rules and regulations. The Contractor shall pay all taxes pertaining to its performance under this Contract.

Section 4. Nonwaiver.

The failure of either party at any time to enforce a provision of this Contract shall in no way constitute a waiver of the provision, nor in any way affect the validity of this Contract or any part hereof, or the right of such party thereafter to enforce each and every provision hereof.

Section 5. Amendment.

- A. This Contract shall only be amended, modified or changed by a writing, executed by authorized representatives of the parties, with the same formality as this Contract was executed.
- B. For the purposes of any amendment modification or change to the terms and conditions of this Contract, the only authorized representatives of the parties are:

Contractor: Michael Sanderson, P.E., PTOE, Principal  
(title of position)

Billings: City Council or Authorized Designee

- C. Any attempt to amend, modify, or change this Contract by either an unauthorized representative or unauthorized means shall be void.

Section 6. Jurisdiction; Choice of Law.

Any civil action rising from this Contract shall be brought in the District Court for the Thirteenth Judicial District of the State of Montana, Billings. The law of the State of Montana shall govern the rights and obligations of the parties under this Contract.

Section 7. Severability.

Any provision of this Contract decreed invalid by a court of competent jurisdiction shall not invalidate the remaining provisions of the Contract.

Section 8. Integration.

This instrument and all appendices and amendments hereto embody the entire agreement of the parties. There are no promises, terms, conditions or obligations other than those contained herein; and this Contract shall supersede all previous communications, representations or agreements, either oral or written, between the parties hereto.

Section 9. Liability.

The Contractor shall indemnify, defend, save, and hold Billings harmless from any and all claims, causes of action, lawsuits, damages, judgments, liabilities, and litigation costs and expenses including reasonable attorneys' fees and costs, arising from any wrongful or negligent act, error or omission of the Contractor or any agent, employee or subcontractor as a result of the Contractor's or any subcontractor's performance pursuant to this Contract.

- A. The Contractor shall not indemnify, defend, save and hold Billings harmless from claims, causes of action, lawsuits, damages, judgments, liabilities, and litigation costs and expenses or attorneys' fees and costs arising from wrongful or negligent acts, error or omission solely of Billings occurring during the course of or as a result of the performance of the Contract.
- B. Where claims, lawsuits or liability, including attorneys' fees and costs arise from wrongful or negligent act of both Billings and the Contractor, the Contractor shall indemnify, defend, save, and hold Billings harmless from only that portion of claims, causes of action, lawsuits, damages, judgments, liabilities, and litigation costs and expenses including attorneys' fees and costs, which result from the Contractor's or any subcontractor's wrongful or negligent acts occurring as a result from the Contractor's performance pursuant to this Contract.

Section 10. Inspection and Retention of Records.

The Contractor shall, at any time during normal business hours and as often as Billings may deem necessary, make available to Billings, for examination, all of its records with respect to all matters covered by this Contract for a period ending three years after the date the Contractor is to complete performance in accordance with Section 2 of the Special Provisions. Upon request, and within a reasonable time, the Contractor shall submit such other information and reports relating to its activities under this Contract, to Billings, in such form and at such times as Billings may reasonably require. The Contractor shall permit Billings to audit, examine and make copies of such records, and to make audits of all invoices, materials, payrolls, records of personnel, and other data relating to all matters covered by this Contract. Billings may, at its option, permit the Contractor to submit its records to Billings in lieu of the retention requirements of this Section.

Section 11. Availability of Funds.

Payments under this Contract may require funds from future appropriations. If sufficient funds are not appropriated for payments required under this Contract, this Contract shall terminate without penalty to Billings; and Billings shall not be obligated to make payments under this Contract beyond those which have previously been appropriated.

IN WITNESS WHEREOF, the parties have executed this Contract on the date and at the place shown below.

City of Billings

Contractor

\_\_\_\_\_  
City Council or Designee

\_\_\_\_\_

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

ATTEST:

IRS Tax ID # \_\_\_\_\_

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

Date: \_\_\_\_\_

By \_\_\_\_\_

BRENT BROOKS, City Attorney

STATE OF MONTANA            )  
  :ss.  
COUNTY OF YELLOWSTONE )

On this \_\_\_\_ day of \_\_\_\_\_, 2004, before me, the undersigned, a Notary Public for the State of Montana, personally appeared \_\_\_\_\_, known to me to be the \_\_\_\_\_ of \_\_\_\_\_, and acknowledged to me that they executed the foregoing instrument on behalf of said corporation having first been authorized to do so.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

\_\_\_\_\_  
Notary Public for the State of Montana  
Residing at Billings, Montana  
My Commission Expires: \_\_\_\_\_

**Note: Final contract documents will require the Contractor's signature to be notarized.**

## Appendix A

### Basic Services of Engineer

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#### Section 1. Engineer's Rights and Duties.

- A. To furnish all labor, materials, equipment, supplies, and incidentals necessary to conduct and complete the Engineer's portion of the project as defined in the scope of work and to prepare and deliver to Billings all plans, specifications, bid documents, and other material as designated herein.
- B. Ascertain such information as may have a bearing on the work from local units of government, utility companies, and private organizations and shall be authorized to procure information from other authorities besides Billings, but shall keep Billings advised as to the extent of these contacts and the results thereof.
- C. Prepare and present such information as may be pertinent and necessary in order for Billings to pass critical judgment on the features of the work. The Engineer shall make changes, amendments or revisions in the detail of the work as may be required by Billings. When alternates are being considered, Billings shall have the right of selection.
- D. Engineer's work shall be in accordance with the standards of sound engineering and present City, State, and National standards and policies currently in use.
- E. Conform to the requirements of the Montana Code Annotated Title 18 "Public Contracts" and more particularly Sections 18-2-121 and 18-2-122, and all other codes of the State of Montana applicable to providing professional services including codes and standards nationally recognized.
- F. The Engineer shall certify with the submission of final plans that the plans are in conformance with applicable sections of Title 69, Chapter 4, Part 5, of the Montana Code Annotated as pertaining to existing utilities.
- G. To perform professional services in connection with the project and will serve as Billings' representative in those phases of the project to which this agreement applies.
- H. Where Federal funds are involved, the necessary provisions to meet all requirements will be complied with and documents secured and placed in the bidding documents.
- I. Submit an estimated progress schedule as to time and costs at the beginning of the work, and monthly progress reports thereafter until complete. The reports will include any problems, potential problems, and delays as foreseen by the Engineer. Reports will be submitted in a timely manner to permit prompt resolution of problems.
- J. ~~Contract administration duties will include review of contractor certified payrolls for wage rate compliance. Discrepancies in certified payrolls will be resolved with the~~

~~Contractor. A signed Engineer's Payroll Check Sheet (included in the Standard Modifications to MPWSS) will be submitted as proof of this review with one copy of each payroll. NOT APPLICABLE~~

- K. Name a Task Director who shall be the liaison between Billings and the Engineer. For this project the Task Director designated for the Engineer is Danielle Scharff, P.E., PTOE working under the Principal-in-Charge, Michael Sanderson, P.E., PTOE.

## Section 2. Billings Rights and Duties.

- A. To furnish all labor, materials, equipment, supplies, and incidentals necessary to conduct and complete Billings' portion of the project as designated in the scope of work.
- B. Name a Task Director who shall be the liaison between the Engineer and Billings. For this project, the Task Director designated is H. Terry Smith, P.E., PTOE, City Traffic Engineer.

## Section 3. Scope of Work.

### **Task 1: Inventory and Review**

1.1 Coordinate the verification of GIS information provided by City of Billings (including existing signing, sidewalks, crosswalks, and school attendance boundaries) within a 1 mile radius of each of the 11 elementary schools. Actual verification will be completed by City employees or school volunteers.

1.2 Review *School Zone Traffic Control Policy, School Route Priority Study, Survey about Walking and Biking to School*, and crossing guard policies.

### **Task 2: Identify Major Barriers and Conflict Areas**

2.1 Within 1 mile of each school, identify barriers that prohibit safe pedestrian access to school, including roadways with high speeds or traffic volumes, waterways, lack of sidewalks, etc.

2.2 For up to 1 hour per school, observe unsafe driver behaviors near the schools and off-site conflict areas that are unsafe for students walking and bicycling to school. Observation times will be determined in consultation with City and School representatives.

2.3 For up to 1 hour per school, observe school access conditions, site circulation, and parent and bus loading zones.

### **Task 3: Develop Maps**

3.1 Based on City GIS maps, develop base maps for 11 elementary schools that show existing sidewalks, trails, marked crosswalks, and crossing guard locations. Show barriers, recommended improvements, attendance boundaries, and 1-mile radius around each school. These maps will be developed in conjunction with Task 1.

3.2 Use base maps above to develop Safe Walking Route Maps for each school.

3.3 School site circulation maps showing teacher parking, visitor parking, bus loading, and parent loading zones.

#### **Task 4: Recommended Improvements**

4.1 Identify short, medium, and long-term improvements at each school that will be based on the MUTCD and generally accepted traffic engineering principles. Recommended improvements will focus on the safety of students walking and biking to school, speed zones, parking lot circulation, and parent and bus loading zones.

4.2 Identify immediate low-cost solutions that can be implemented using existing resources.

4.3 Develop no more than three exhibits per school, as required, that illustrate recommended improvements for display at school meetings and inclusion in the final report.

#### **Task 5: Implementation Strategies**

5.1 Determine the three highest priority projects for each school based on stakeholder input and the significance of various safety concerns.

5.2 Perform budget level cost estimates, including a general cost range for the top three priority projects for each school.

5.3 Provide a list of potential funding sources.

#### **Task 6: Global Issues**

6.1 Identify the big-picture issues that may be affecting students' ability to walk or bike to school.

6.2 Make general recommendations related to the location of school attendance boundaries, busing distances, and school start times.

6.3 Provide any additional comments required to address items needed for future SRTS funding applications. It is anticipated that these issues will be addressed within approximately three pages of the final report.

#### **Task 7: Stakeholder Involvement**

7.1 Review and summarize results from *Survey about Walking and Biking to School* for the 11 schools included in this study.

7.2 Hold up to three steering committee meetings at various points throughout the project.

7.3 Prepare letter/questionnaire for each school that will list preliminary recommended improvements, ask specific questions about other potential problem areas, and request prioritization of recommended improvements. Each of the schools will be responsible for distributing the questionnaire and collecting responses. Sanderson Stewart will compile the resulting data.

7.4 After these results have been compiled, review meetings will be held for two different groups of schools by area of town. Each school will designate two to three representatives (Principal, PTA member, etc.) to attend the meeting and provide input on behalf of the school.

## **Task 8: Final Report**

8.1 Compile resulting information into a comprehensive report that provides the documentation needed to satisfy Safe Routes funding requirements.

8.2 Internal quality control review of draft report.

8.3 Present draft report to steering committee for review.

8.4 Prepare final report based on the comments received from the steering committee.

## Appendix B

### Methods and Times of Payment

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#### Section 1. Payments for Basic Services.

Billings shall authorize payment to the Engineer for services performed under Appendix A of this Agreement. Partial payment shall be due the Engineer upon receipt of the Engineer's pay estimate, said estimate being proportioned to the work completed by the Engineer.

Partial payment shall be made to the Engineer upon receipt of the Engineer's pay estimate, said estimate being proportioned to the work completed by the Engineer. The total of all partial payments shall not exceed ninety per cent (90%) of the total contract amount prior to completion and acceptance of the final report (Task 8). The final payment shall be made only after acceptance of final documents by Billings, and determination that the scope of work has been satisfactorily completed.

- A. For services rendered, Appendix A, the Engineer shall be paid based upon actual time accrued, but not to exceed \$55,550.00
- B. Final payment shall be the above stated basic fee less all previous payments.

#### Section 2. Payments for Extra Services when Authorized by Billings.

Requests made or conditions identified by interested groups at the agency or public meetings, which are beyond the scope and intent of this study shall be paid for on an hourly basis at the applicable fees in Appendix D.

#### Section 3. Corrections.

Costs of Billings work that is required for corrections to the Engineer's work which requires redoing by Billings shall be deducted from any payments due the Engineer, if the Engineer fails to make the required corrections.

#### Section 4. Fee Increases

For contracts and services that are expected to require more than one (1) year to complete, the above stated basic services payments may be reviewed and adjusted annually by mutual agreement of the parties, based upon documented evidence that the Engineer's costs and hourly rates as shown in Appendix D have increased for all comparable clients.

## **Appendix C**

### **Additional Services of Engineer**

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Extra Services of the Engineer will be paid only with written prior authorization by Billings.

- A. Requests made or conditions identified by interested groups at the agency or public meetings, which are beyond the scope and intent of this study.

## Appendix D

### Schedule of Professional Fees

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Current agreements for engineering services stipulate that the standard hourly rates are subject to review and adjustments. Hourly rates for services effective on the date of this Agreement are attached hereto.

The itemized schedule provided attached includes direct labor costs, normal payroll and overhead costs, transportation, furnishing equipment and materials normally required for performance of the work and reasonable profit. Direct project costs not itemized herein shall be paid for at actual cost.

Materials and other direct costs will be invoiced at current rates, plus a ten percent (10%) handling fee. Included as direct costs are the following:

- A. Approved Employee Meals, Lodging, Transportation
- B. Premium Delivery Service (UPS, Federal Express, etc.)
- C. Toll Communication Services (Telephone, Fax, etc.)
- D. Supplies
- E. Premiums for Special Insurance, Performance Bonds, etc.
- F. Other Out-of-Pocket Expenses
- G. Consultants

The cost of Professional Liability Insurance coverage is included in the hourly rates of personnel.

## Appendix F

### Montana Department of Transportation Required Provisions

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#### NON-DISCRIMINATION NOTICE

During the performance of this Agreement, **Sanderson Stewart**, (hereafter in this Section "the Party"), for itself, its assignees and successors in interest, agrees as follows:

- A) COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 FOR FEDERAL-AID CONTRACTS**
- (1) Compliance with Regulations: The Party shall comply with all Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation, 49 Code of Federal Regulations (CFR), Part 21, as they may be amended (hereafter referred to as the Regulations), which are incorporated by reference and made a part of this Agreement, even if only state funding is here involved.
  - (2) Nondiscrimination: The Party, with regard to the work performed by it during the Agreement, shall not discriminate on the grounds of sex, race, color, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The Party shall not participate either directly or indirectly in the discrimination prohibited by 49 CFR Sec. 21.5.
  - (3) Solicitations for Subcontracts, Including Procurement of Materials and Equipment: In all solicitations, whether by competitive bidding or negotiation by the Party for work to be performed under a subcontract, including procurement of materials or leases of equipment, any potential subcontractor or supplier shall be notified by the Party of the Party's obligations under this Agreement and the Regulations relative to nondiscrimination.
  - (4) Information and Reports: The Party will provide all reports and information required by the Regulations, or directives issued pursuant thereto, and permit access to its books, records, accounts, other sources of information and its facilities as may be determined by State or the Federal Highway Administration (FHWA) to be pertinent to ascertain compliance with Regulations or directives. Where any information required of the Party is in the exclusive possession of another who fails or refuses to furnish this information, the Party shall so certify to the Department or the FHWA as requested, setting forth what efforts it has made to obtain the information.
  - (5) Sanctions for Noncompliance: In the event of the Party's noncompliance with the nondiscrimination provisions of this Agreement, State may impose sanctions as it or the FHWA determines appropriate, including, but not limited to,
    - (a) Withholding payments to the Party under the Agreement until the Party complies, and/or
    - (b) Cancellation, termination or suspension of the Agreement, in whole or in part.

- (6) Incorporation of Provisions: The Party will include the provisions of paragraphs (1) through (6) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto. The Party will take such action with respect to any subcontract or procurement as the State or the FHWA may direct to enforce such provisions including sanctions for noncompliance: Provided, however, that in the event the Party is sued or is threatened with litigation by a subcontractor or supplier as a result of such direction, the Party may request the State to enter into the litigation to protect the interests of the State, and, in addition, the Party or the State may request the United States to enter into such litigation to protect the interests of the United States.

**B) COMPLIANCE WITH THE MONTANA GOVERNMENTAL CODE OF FAIR PRACTICES, SEC. 49-3-207, MCA**

In accordance with Section 49-3-207, MCA, the Party agrees that for this Agreement all hiring will be made on the basis of merit and qualifications and that there will be no discrimination on the basis of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin by the persons performing the Agreement.

**C) COMPLIANCE WITH AMERICANS WITH DISABILITIES ACT (ADA)**

- (1) The Party will comply with all regulations relative to implementation of the AMERICANS WITH DISABILITIES ACT.
- (2) The Party will incorporate or communicate the intent of the following statement in all publications, announcements, video recordings, course offerings or other program outputs: **"The Party will provide reasonable accommodations for any known disability that may interfere with a person in participating in any service, program or activity offered by the Party. In the case of documents, recordings or verbal presentations, alternative accessible formats will be provided. For further information call the Party."**
- (3) All video recordings produced and created under contract and/or agreement will be closed-captioned.

**D) COMPLIANCE WITH PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISES IN DEPARTMENT OF TRANSPORTATION FINANCIAL ASSISTANCE PROGRAMS, 49 CFR PART 26**

Each Agreement the Department signs with a Party (and each subcontract the prime contractor signs with a subcontractor) must include the following assurance:

**The Party, subrecipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The Party shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the Party to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate**

## **Appendix G**

### **City-State SRTS Contract**

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Pursuant to the Section 3.3 of the *Safe Routes to School Non-Infrastructure Contract Number 104597* between the City of Billings and the Montana Department of Transportation, attached hereto is a copy of said Contract 104597.

## **Appendix H**

### **Certificate(s) of Insurance**

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Attached hereto are all Certificates of Insurance from Sanderson Stewart required under the terms of the contract.

## **Appendix E**

### **Project Schedule**

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Based on a notice to proceed by Billings date no later than November 2, 2009, the completion date for the Engineer's work through final report shall be June 30, 2010.

Delays affecting the completion of the work within the time specified of more than ninety (90) days, not attributable to or caused by the Parties hereto, may be considered as cause for the renegotiation or termination of this Contract.

If the Engineer is behind on this Contract due to no fault of Billings, then the Engineer hereby acknowledges the right of Billings to withhold future Contracts to the Engineer in addition to any other remedy until this Contract is brought back on schedule or otherwise resolved.

**Regular City Council Meeting**

**Consent : 1.E.**

**Date: 10/26/2009**

**TITLE: W.O. 05-20 Aronson Avenue Professional Services Contract Amendment No. 3**

**PRESENTED BY:** David Mumford

**Department:** Public Works

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### **Information**

#### **PROBLEM/ISSUE STATEMENT**

At the January 28, 2008, City Council Meeting, DOWL HKM was awarded a contract to provide construction administration services that included bridge inspection, construction staking, shop drawing review, and providing as-built drawings. Due to the contractors sequencing, the duration of the bridge construction was prolonged, and DOWL HKM expended more time than was anticipated on construction inspection. DOWL HKM tried to bring the budget back on track during the final phases of the bridge construction by limiting inspection hours. The construction has been completed and DOWL HKM has expended the allowable budget. This amendment will provide the necessary funding for DOWL HKM to complete construction as-builts and project close out.

#### **ALTERNATIVES ANALYZED**

Council may:

- Approve the Professional Services Contract Amendment No. 3 with DOWL HKM Engineering in the amount of \$13,062.83; or
- Not approve the Professional Services Contract Amendment No. 3 with DOWL HKM Engineering

#### **FINANCIAL IMPACT**

This contract amendment is for \$13,062.83 and brings the total Professional Services Contract with DOWL HKM Engineering to \$723,846.83. Funding for this contract amendment will be from Arterial Funds.

#### **RECOMMENDATION**

Staff recommends that Council approve the Professional Services Contract amendment for W.O. 05-20, Aronson Avenue, with DOWL HKM Engineering in the amount of \$13,062.83.

#### **APPROVED BY CITY ADMINISTRATOR**

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### **Attachments**

Link: [Contract Amendment No. 3](#)

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**AMENDMENT NO. 3**

**TO**

**CONTRACT FOR PROFESSIONAL SERVICES**

**CITY OF BILLINGS W.O. 05-20 Aronson Avenue**

THIS AGREEMENT, made and entered into on September 28, 2009, by and between the following:

CITY OF BILLINGS, a Municipal Corporation,  
2224 Montana Avenue  
Billings, Montana 59101,  
Hereinafter designated the CITY

and

DOWL HKM  
222 N. 32<sup>nd</sup> Street  
Billings, MT 59101  
hereinafter designated the CONTRACTOR

WITNESSETH:

WHEREAS, the City and Contractor have entered into a contract dated July 24, 2006, for Contractor to provide engineering services to the City for W.O. 05-20 Aronson Avenue and;

WHEREAS, the City has need for construction administration and construction staking services, and;

WHEREAS, the City has authority to contract for consulting engineering services, and;

WHEREAS, the Contractor represents that he is qualified to perform such services, is in compliance with Montana Statutes relating to the registration of professional engineers and is willing to furnish such services to the City;

NOW, THEREFORE, in consideration of the terms, conditions, covenants and performance contained herein, or attached and incorporated herein, the Parties hereto agree as follows:

Part I Special Provisions, Section 4.A. is amended to add the following:

Subject to the Contractor's satisfactory performance, Billings shall pay the Contractor no more than Two Hundred Twenty-Nine Thousand Forty-Nine Dollars and No/100 (\$229,049.83) for Construction Administration in accordance with this Section and as amended.

Appendix B, Section 1.A. is amended to add the following:

For services rendered prior to construction, as found in Appendix A, the Engineer shall be paid based upon actual time accrued on a cost plus fixed fee basis, up to the Phase III Design services maximum amount listed below. The actual cost shall be calculated as follows: The direct raw labor cost multiplied by 2.7679 (direct labor plus 176.79% times for overhead), plus a 12% fixed fee. Maximum fee for Phase II design services are as follows:

Phase II Design	\$215,987.00
Subcontracts	\$0.00
Amendment 3	\$13,062.83
<hr/> Total Phase II Design	<hr/> \$229,049.83

All other terms and conditions of the contract to which this amendment applies shall remain in full effect.

CONTRACTOR

NAME: DOWL HKM  
BY: Ka B Fagg  
TITLE: Vice President  
DATE: 9-28-09

CITY OF BILLINGS, MONTANA

BY: \_\_\_\_\_  
Mayor  
DATE: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

BY: \_\_\_\_\_  
City Attorney

Date: 10/26/2009

TITLE: W.O. 04-26--Zone 4 Reservoir, Lease Agreement for Staging Area

PRESENTED BY: David Mumford

Department: Public Works

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### Information

#### PROBLEM/ISSUE STATEMENT

W.O. 04-26--Zone 4 Reservoir involves the construction of a new pump station and water storage tank in Northwest Billings (near Ironwood Subdivision) to provide service to water distribution pressure Zones 4 and 5 West. The project site is a parcel of land with very rugged terrain and rimrocks on either side of the tank site. The land and a permanent easement (to install associated water lines and to access the site) were purchased from GSK Partners, LLP (Shane Gundlach).

The project requires an ample amount of space for construction staging to provide a place to store steel, piping materials, road materials, contractor office trailers, etc. There is no space within the City-owned parcel or easement to feasibly use as a staging area during construction activities. There is an area of land adjacent to the existing easement and City parcel, also owned by Mr. Gundlach, that is fairly flat and ideal to be used as a staging area. Mr. Gundlach has agreed to lease this small piece of land, approximately 1.45 acres in size, to the City for the duration of the Zone 4 project.

#### ALTERNATIVES ANALYZED

The Council may:

- Lease approximately 1.45 acres of land from Shane Gundlach to be used as a staging area during construction on the Zone 4 Reservoir project. This land is adjacent to the project site, making it practical for storing equipment and materials and for contractors to receive deliveries needed on the job site.
- Not lease any land from Shane Gundlach and attempt to locate a staging area somewhere else. There are no other sites available in the remote vicinity of the job site, which would cause the contractors greater burden to get all required equipment and materials to the job site, corresponding to increased costs.

#### FINANCIAL IMPACT

The cost to lease the desired piece of land is \$44,000, which permits use of 1.45 acres for a period of up to 26 months (terminating October 31, 2011 and the approximate duration of the project). The terms of the Lease Agreement also allow the City, if necessary, to extend the Lease on a monthly basis for up to another six months in return for a monthly payment of \$2,000 per acre per month.

The project budget has adequate funds available to cover the costs of the Lease.

#### RECOMMENDATION

Staff recommends that Council approve a Lease Agreement with GSK Partners, LLP, for the lease of 1.45 acres of land to be used as a staging area during construction on the Zone 4 Reservoir project and authorize the Mayor to execute the respective Lease Agreement.

#### APPROVED BY CITY ADMINISTRATOR

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### Attachments

Link: [Gundlach Lease Agreement](#)

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## **LICENSE AGREEMENT CONSTRUCTION STAGING AREA**

This Agreement made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2009, by and between **GSK Partners, LLP** of 2515 Park Ridge Lane North, Billings, MT 59106, (hereinafter referred to as 'Licensor'), and the **CITY OF BILLINGS**, a Montana Municipal Corporation, of P.O. Box 1178, Billings, Montana 59103 (hereinafter referred to as 'Licensee').

In consideration of the mutual promises contained in this Agreement, the parties agree as follows:

### **SECTION ONE GRANT OF LICENSE AND DESCRIPTION OF PREMISES**

Licensor grants to Licensee a license to occupy and use, subject to all of the terms and conditions of this Agreement, a parcel of land, consisting of 1.45 acres, more or less, across, over and through certain real property located in the SE ¼ of Section 19, Township 1 North, Range 25 East, P.M.M. Yellowstone County, Montana, as shown in Exhibits "A" and "B", attached, and which the parties have already fenced off in anticipation of entering into this Agreement.

### **SECTION TWO LIMITATION TO DESCRIBED PURPOSE**

The above-described property may be occupied and used by Licensee solely for the purpose of providing Licensee a staging area for storage of construction materials and construction equipment and for a construction headquarters in the SE ¼ of Section 19, Township 1 North, Range 25 East, P.M.M. Yellowstone County, Montana from which Licensee will stage personnel, materials and equipment to construct its Zone Four Municipal Water Reservoir, and for incidental purposes related to such purpose during the period beginning the 1<sup>st</sup> day of September, 2009 and continuing for a period of twenty-six (26) months until the 31<sup>st</sup> day of October, 2011. Licensee may perform minor road repairs such as graveling or grading, or repairs that are necessary to maintain Licensee's access to the Zone Four Municipal Water Reservoir site. The area has been fenced to assure that Licensor's horses are kept out of the staging area. Licensee shall close all gates immediately upon passing through them. No gates shall be left standing open.

Licensee shall control weeds in all areas disturbed by its activities during the term of this Agreement. All disturbed areas shall be reseeded by Licensee at the conclusion of the construction project without regard to whether the initial area is reduced during the term this Agreement is in force and effect.

**SECTION THREE  
RENEWAL**

This license may be renewed at the conclusion of the initial period for up to six additional one (1) month periods. . Licensors will cooperate with Licensee in identifying and securing permission to use an alternative route for ingress and egress to Licensee's Zone Four Municipal Water Reservoir site in the event the route described in this agreement becomes unavailable for any reason.

**SECTION FOUR  
CONSIDERATION**

The parties agree that Licensee shall pay to Licensor, within fifteen (15) days of the signing of this agreement, the sum of FORTY-FOUR THOUSAND AND NO/100 DOLLARS (\$44,000.00). Licensee shall pay to Licensor, on the 10<sup>th</sup> day of each month, the sum of TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00) per acre per month for each additional month it uses the described premises for the purposes set forth hereinabove. If Licensee occupies .75 acres one month, for example, the rental payment shall be \$1,500.00 for that month. If Licensee occupies .5 acres in another month, the rental shall be \$1,000.00 for that month. If Licensee occupies the entire 1.45 acres for a month, the rental shall be \$2,900.00 for that month.

**SECTION FIVE  
TERMINATION**

If Licensee fails to comply with any condition of this Agreement at the time or in the manner provided for, the Licensor may, at its option, terminate this Agreement and be released from all obligations if the default is not cured within sixty (60) calendar days after written notice of the default is provided to the Licensee. Said notice shall set forth the items to be cured. Notices shall be provided in writing and hand-delivered or mailed to the parties at the addresses set forth in the first paragraph of this Agreement. The City's representative to receive all correspondence shall be Will Robbins, of 2224 Montana Avenue, Billings, Montana 59101.

Licensee may, at its option, terminate this Agreement and be released from all further obligations by delivering to Licensor sixty (60) calendar days written notice of its intention to so terminate the Agreement.

**SECTION SIX  
LICENSOR AS AN ADDITIONAL INSURED**

Licensee shall name Licensor as a "non-municipal" additional covered party under its Memorandum of Coverage with the Montana Municipal Insurance Authority so that Licensor is an additional covered party for any damages caused by Licensee's actions, activities, or infrastructure.

**SECTION SEVEN  
GOVERNING LAW**

This Agreement shall be construed and enforced in accordance with the laws of the State of Montana. Venue for any suit between the parties arising out of this Agreement shall be the State of Montana Thirteenth Judicial District Court, Yellowstone County.

**SECTION EIGHT  
ENTIRE AGREEMENT**

This Agreement constitutes the entire understanding between the parties relating to the subject matter contained herein. No agent or representative of either party has authority to make any representations, statements, warranties or agreements not herein expressed and all modifications or amendments of this agreement, including the appendices, must be in writing and signed by an authorized representative of each of the parties hereto.

**SECTION NINE  
NOTICES**

Any notice provided for or concerning this agreement shall be in writing and shall be deemed sufficiently given when sent by United States Mail, First Class postage prepaid, if sent to the respective address of each party as set forth in this agreement.

**SECTION TEN  
ASSIGNMENTS**

The rights of each party under this agreement are personal to that party and may not be assigned or transferred to any other person, firm, corporation, or other entity without the prior written consent of the other party, which consent shall not be unreasonably denied.

**SECTION ELEVEN  
LICENSE RUNS WITH THE LAND**

This license shall run with the land and shall be binding on and shall inure to the benefit of the parties to this Agreement, their respective heirs, successors, or assigns.





Date: 10/26/2009

TITLE: Subordination of Housing Rehab Loan - Slevira

PRESENTED BY: Candi Beaudry

Department: Planning & Community  
Services

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**Information**

**PROBLEM/ISSUE STATEMENT**

Julie Slevira qualified for and received a Housing Rehabilitation Deferred Loan in June, 2005. The loan does not have to be repaid as long as Ms. Slevira remains the owner/occupant of the property. The loan is to be 100% repaid when the property is sold or when the owner no longer occupies the property. In order to refinance and take advantage of the current low interest rates, Ms. Slevira has requested the City subordinate its lien to a new first mortgage and will follow the City's subordination policy, which requires a 33% payback of the Housing Rehabilitation Loan.

**ALTERNATIVES ANALYZED**

The Council may:

- Approve the request to subordinate \$14,523.91 interest in the property in a second position to a new first mortgage; or
- Not approve the subordination request, which could result in the homeowner not being able to refinance in order to benefit from the current low interest rates.

**FINANCIAL IMPACT**

Staff recommends that the City subordinate \$14,523.91 of its interest to a new first mortgage from First Interstate Bank not to exceed \$94,000.00. This new first mortgage will refinance existing debt on the property. It will include a \$5,000 payoff for an existing First Time Homebuyer Loan and 33% repayment of the Housing Rehabilitation Loan in the amount of \$7,153.57 and partially will pay-off medical and consumer debt. A Comparative Market Analysis valued the home at \$120,200. The City will retain \$14,523.91 interest in the property in second position, and the City is still protected by the current value of the home.

**RECOMMENDATION**

Staff recommends approval of the subordination request as the new loan partially repays the City's Housing Rehabilitation Loan and the remaining amount owed the City is still protected by the current value of the home. Staff recommends that Council subordinate the City's lien securing a \$14,523.91 CDBG Housing Rehabilitation Deferred Loan to Julie Slevira, 214 South 38th Street.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

Link: [Subordination Agreement](#)

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respectively of the City of Billings, and whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

\_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Notary Public for the State of Montana  
Residing at Billings, Montana  
My Commission Expires: \_\_\_\_\_

**Date: 10/26/2009**

**TITLE: Quarterly Report for Pledged Collateral**

**PRESENTED BY:** Patrick M Weber

**Department:** City Hall Administration

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**Information**

**PROBLEM/ISSUE STATEMENT**

Deposit type securities (i.e., certificates of deposit) shall be collateralized according to Montana Code Annotated Section 7-6-207.

On September 30, 2009, the City had a certificate of deposit at First Interstate Bank for \$1,500,000; also \$11,133,169 invested in the U.S. Bank Municipal Investor Accounts; and \$8,771,685 in the US Bank Repurchase Account. The City has \$16,760,000 in four certificates of deposit at US Bank, Billings.

Because First Interstate Bank and US Bank's net worth ratios to total assets ratio are over 6%, the City is required to have a minimum of 50% of the deposits covered by pledged securities. First Interstate Bank has collateralized the City's deposits with 100% in pledged securities. US Bank has collateralized the City's Municipal Investor Account and four certificates of deposit with 131% in pledged securities. The Repurchase Account is collateralized with 102% in pledged securities.

**ALTERNATIVES ANALYZED**

The Council may:

- Approve the quarterly report for pledged collateral; or
- Not approve the quarterly report for pledged collateral

**FINANCIAL IMPACT**

There is no financial impact to the City.

**RECOMMENDATION**

Staff recommends that Council approve the quarterly report for pledged collateral

**APPROVED BY CITY ADMINISTRATOR**

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**Regular City Council Meeting**

**Consent : 1.I.**

**Date: 10/26/2009**

**TITLE: Resolution Adopting Criteria for the ARRA Recovery Zone Facility Bonds**

**PRESENTED BY:** Patrick Weber

**Department:** City Hall Administration

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### **Information**

#### **PROBLEM/ISSUE STATEMENT**

The City received a \$26,831,000 allocation of Recovery Zone Facility Bonds. Yellowstone County received a \$9,973,000 allocation of Recovery Zone Facility Bonds, which the County Commissioners reallocated to the City of Billings on September 25, 2009. These bonds are to be used by the citizens of Billings for major development projects. The bonds are issued as tax exempt, which will lower interest costs on projects. The City is establishing criteria for each project that is brought to the City for financing.

#### **ALTERNATIVES ANALYZED**

The Council may:

- Use a first-come, first-served basis for allocating the bonds, without regards to City goals; or
- Establish criteria that ensure City goals are met, the projects ready for funding and citizens have their own funding source.

#### **FINANCIAL IMPACT**

There is no financial responsibility for the City, as these bonds are similar to Industrial Development Bonds. The City will receive a fee for each project that is approved.

#### **RECOMMENDATION**

Staff recommends that Council approve the resolution setting criteria for Recovery Zone Facility Bonds.

#### **APPROVED BY CITY ADMINISTRATOR**

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### **Attachments**

Link: [ERZ Bonds](#)

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CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of City of Billings, Montana (the "City"), hereby certify that the attached resolution is a true copy of Resolution No. \_\_\_\_\_, entitled: "RESOLUTION ESTABLISHING CRITERIA FOR APPROVAL OF PROJECTS FOR FINANCING AS RECOVERY ZONE FACILITY BONDS" (the "Resolution"), on file in the original records of the City in my legal custody; that the Resolution was duly adopted by the City Council of the City at a meeting on October 26, 2009, and that the meeting was duly held by the City Council and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the Resolution at said meeting, the following Council Members voted in favor thereof: \_\_\_\_\_;  
\_\_\_\_\_;  
voted against the same: \_\_\_\_\_;  
abstained from voting thereon: \_\_\_\_\_;  
or were absent: \_\_\_\_\_.

WITNESS my hand officially this \_\_\_\_\_ day of October, 2009.

\_\_\_\_\_  
City Clerk

RESOLUTION NO. \_\_\_\_\_

RESOLUTION ESTABLISHING CRITERIA FOR APPROVAL  
OF PROJECTS FOR FINANCING AS RECOVERY ZONE  
FACILITY BONDS

BE IT RESOLVED by the City Council (the “Council”) of City of Billings, Montana (the “City”), as follows:

Section 1. Recitals.

1.01 Pursuant to Resolution No. 09-18866, adopted on September 14, 2009 and in accordance with the provisions of the American Recovery and Reinvestment Act of 2009 (“ARRA”); the policies and procedures established by the Department of Administration of the State of Montana (the “Department”); Internal Revenue Service Notice 2009-50; and Section 1400U-1(b) of the Internal Revenue Code of 1986, the Council designated the City as a recovery zone (“Recovery Zone”).

1.02 Pursuant to Internal Revenue Service Notice 2009-50, the City was allocated \$26,831,000 of Recovery Zone Facility Bond authority and pursuant to the policies and procedures of the Department, Yellowstone County has allocated its \$9,973,000 of Recovery Zone Facility Bond authority to the City.

1.03 The City wishes to use its Recovery Zone Facility Bond authority in a manner that will preserve and create jobs and promote economic recovery in the City, increase the tax base, provide long term economic benefits to the citizens of the City and complement and enhance the City’s goals and objectives of the urban renewal districts created by the City (the “Urban Renewal Districts”).

1.04 The City wishes to establish the criteria that it will consider for the allocation of its Recovery Zone Facility authority to projects, and the issuance of Recovery Zone Facility Bonds.

Section 2. Nature and Purpose of Recovery Zone Facility Bond Financing.

2.01 Nature of Bonds. ARRA enables the City to issue Recovery Zone Facility Bonds and to pass along its ability to borrow money on a tax exempt basis for most types of private business activities located in the Recovery Zone. The Recovery Zone Facility Bonds will be issued by the City in accordance with the provisions of the Montana Economic Development Bond Act in Title 90, Chapter 5, Part 1 (the “Act”) and applicable provisions of the Treasury Department. Under the Act, the City will issue the Recovery Zone Facility Bonds and loan the proceeds thereof (the “Loan”) to the private borrower (the “Borrower”), who will enter into a loan agreement (the “Loan Agreement”) whereby the Borrower agrees to repay the Loan. The City will assign an interest in the Loan Agreement to the purchaser of the Recovery Zone Facility Bonds, who may require a mortgage on the facility being financed and other security for the Loan. The Recovery Zone Facility Bonds will be special limited obligations of the City, payable solely from the Loan repayments of the Borrower and other security provided by the

Borrower and will not give rise to any pecuniary obligation of the City. Neither the City's credit nor its taxing power will be pledged to the repayment of the Recovery Zone Facility Bonds. The Borrower shall be responsible for securing a purchaser for the Recovery Zone Facility Bonds. All Recovery Zone Facility Bonds must be issued by December 31, 2010.

2.02 Types of Eligible Projects. Recovery Zone Facility Bonds can be used for nongovernmental purposes that historically would not qualify for tax-exempt financing; 95% of proceeds (net of any reasonably required reserve funds) must be used for property in the Recovery Zone that is acquired, constructed, reconstructed or renovated after designation of the Recovery Zone. Recovery Zone Facility Bonds cannot be used for residential rental property, golf courses, country clubs, massage parlors, hot tub facilities, suntan facilities, racetrack/gambling facilities, or stores whose primary business is the sale of alcohol for consumption off-premise.

2.03 Application Procedure. Developers of eligible projects shall request an allocation of the Recovery Zone Facility Bond authority by filing a letter of application with the Financial Services Manager, which shall include the following information:

- (a) description of the project, including square footage and size of facility;
- (b) street address and legal description;
- (c) estimated costs of the project;
- (d) name and address of owner or developer of the project;
- (e) estimated date of commencement of project; and
- (f) the name, address, and contact person for the lender or purchaser of Recovery Zone Facility Bonds.

### Section 3. Evaluation of Application and Criteria for Allocation of Authority.

3.01 Criteria. The City will take the following factors into consideration in allocating its Recovery Zone Bonds:

- (a) whether the project is in an Urban Renewal District or would otherwise enhance or enable the City to accomplish the goals and objectives of an Urban Renewal District;
- (b) whether the developer has sufficient financial resources to undertake the project and complete the closing of the Recovery Zone Facility Bond financing by December 31, 2010;
- (c) whether the developer has firm commitment from a lender to purchase the Recovery Zone Facility Bonds, and under what conditions;
- (d) the number of jobs created during construction of the project and the approximate level of pay and benefits for such jobs;

- (e) the number of long term jobs expected to be available after construction and the approximate level of pay and benefits for such jobs; and
- (f) the need for the project.

3.02 Public Hearing; Allocation; Status Report. Allocation of the Recovery Zone Facility Bond authority will be made by the City Council after a public hearing on the project as required by the Act and the Internal Revenue Code. As a condition of the allocation, the City will require monthly status reports on the project and the financing arrangements and the City may nullify the allocation if the Council determines that a particular project is not likely to successfully complete the financing by the deadline.

3.03 City Fees for Recovery Zone Facility Bonds. Recipients of Recovery Zone Facility Bond authority shall pay the same fees and charges as for all other industrial development revenue bonds issued under the Act.

Section 4. Compliance with Wage and Hours Requirements; Montana Labor Preference. The Act requires that contracts for projects financed by Recovery Zone Facility Bonds issued under the Act must give preference to the employment of bona fide Montana residents if their qualifications are substantially equal to those of nonresidents. Contractors on Recovery Zone Facility Bond financed projects must agree to pay the standard prevailing wage rate in effect for the district in which the project is located.

Section 5. Effective Date. This Resolution shall become effective upon passage.

PASSED AND ADOPTED by the Billings City Council on the 26<sup>th</sup> of October, 2009.

THE CITY OF BILLINGS

(SEAL)

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Ron Tussing, Mayor

ATTEST:

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Cari Martin, City Clerk

**Date: 10/26/2009**

**TITLE: Final Plat -- Appleby Subdivision, Amended Lot 2, Block 1**

**PRESENTED BY:** Candi Beaudry

Planning & Community

**Department:** Services

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**Information**

**PROBLEM/ISSUE STATEMENT**

The final plat for Amended Lot 2, Block 1, Appleby Subdivision is being presented to Council for approval. On March 9, 2009, the City Council conditionally approved the preliminary plat which contains two lots on approximately .66 acres of land (29,000 square feet). The subject property is zoned Residential Multi-Family (RMF) and is located at 428 Milton Road. The property currently has two apartment buildings on it. The subdivision will result with one building on each lot. The property owner is 24 Clark, LLC and the agent is Atlas Engineers.

As part of the approval of the plat, Council established seven conditions of approval. Condition #2 stated that "...the applicant shall correct language in the SIA concerning parkland dedication in Section VIII Parks/Open Space. It shall reflect the requirements of Section 23-1002.B. of the City Subdivision Regulations that addresses how parkland dedication is required for subdivisions that provide for multi-family developments. The requirement is 11% of the area of the net land proposed to be developed at a density of one dwelling unit per half acre or less."

After the Council's preliminary approval was issued, the applicant raised a concern that the condition #2 was not legal since Section 23-1008.E., BMCC, states that a subdivision creating only one additional parcel may not require parkland dedication. Subsequently, the applicant's attorney and the City Attorney reviewed more carefully the local regulations and agreed that the requirement for parkland dedication in the case was invalid. Therefore, the applicant has requested, and City Legal and Planning Departments are recommending that Condition of Approval #2 be revoked. Such action is allowable at the time of the final plat approval in accordance with Section 23-1104, BMCC, which states: "Upon written request of the subdivider, the City Council may amend conditions of preliminary plat approval where it can be found that errors or changes beyond the control of the subdivider have rendered a condition unnecessary, impossible or illegal." A copy of this request letter is found in the attachments.

**ALTERNATIVES ANALYZED**

The City Council may:  
Revoke condition of approval #2; or  
Require that condition of approval #2 be met; AND  
Approve the final plat; or  
Deny the final plat.

**FINANCIAL IMPACT**

Should the City Council approve the final plat, the apartment buildings on the subject property could be sold separately, which could result in additional tax revenues for the City.

**RECOMMENDATION**

Staff recommends that the City Council revoke Condition of Approval #2, issued on March 9, 2009, and approve the final plat of Amended Lot 2, Block 1, Appleby Subdivision.

**APPROVED BY CITY ADMINISTRATOR**

Link: [Final Plat](#)

Link: [Applicant letter](#)

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# AMENDED PLAT OF LOT 2, BLOCK 1, APPELBY SUBDIVISION

LOCATED IN THE SE1/4 SECTION 22, T.1N., R.26E., P.M.M.  
CITY OF BILLINGS, YELLOWSTONE COUNTY, MT.

FOR: 24 CLARK, LLC  
BILLINGS, MT.

BY: ATLAS ENGINEERS INC.  
BILLINGS, MT.

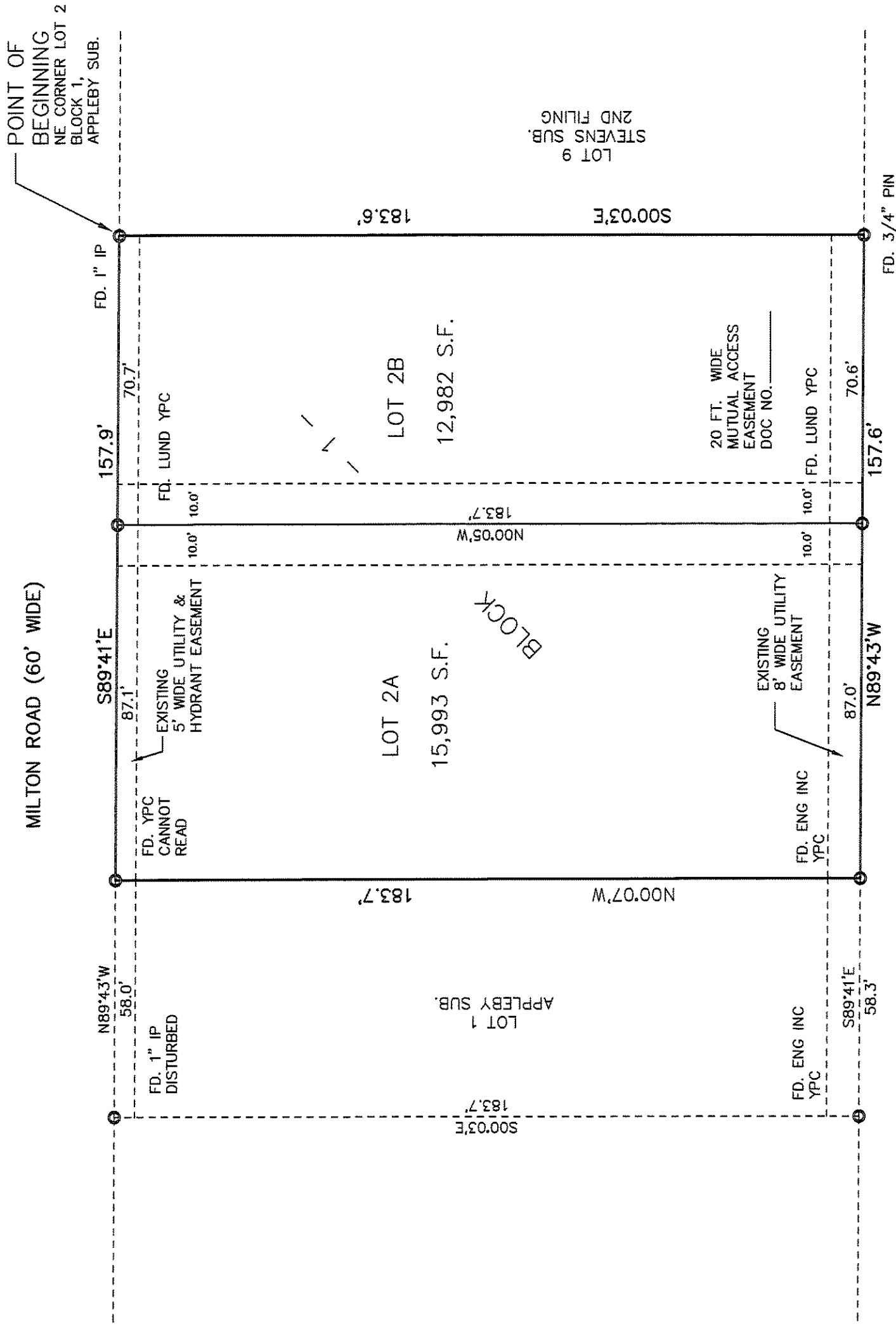
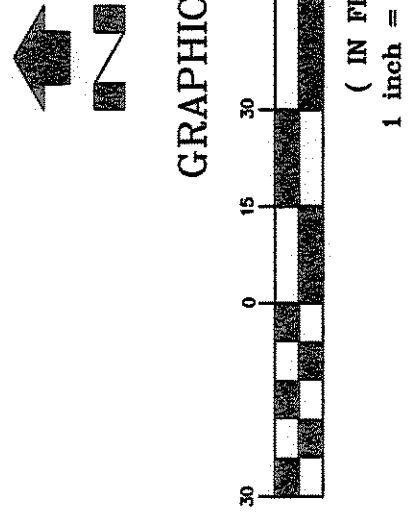
DATE: AUGUST, 2009

**BASIS OF BEARINGS:**

THE BASIS OF BEARINGS FOR THIS PLAT IS THE  
EAST LINE OF LOT 2, APPELBY SUBDIVISION.

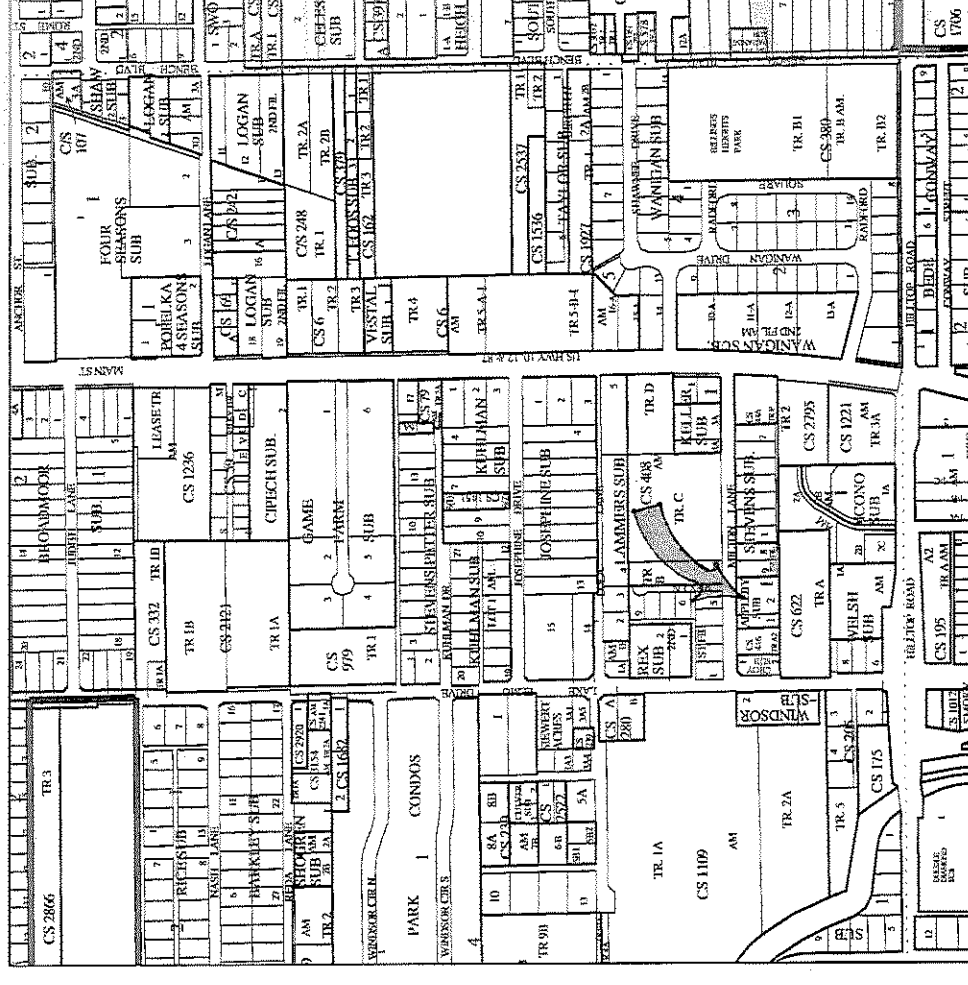
**PURPOSE OF SURVEY:**

THE PURPOSE OF THIS SURVEY IS TO CREATE LOTS  
FOR CONVEYANCE.




TRACT A  
C/S NO. 622


MORTGAGEE CONSENT



VICINITY MAP SCALE 1" = 800' ±

**MONUMENTATION:**

CORNER MARKED WITH SYMBOL:  IS MONUMENTED BY A 5/8" STEEL PIN WITH PLASTIC CAP STAMPED 'ATLAS 2795 S' SET BY THIS SURVEY OR AS MAY BE NOTED OTHERWISE.

CORNER MARKED WITH SYMBOL:  IS MONUMENTED AS NOTED AND WAS FOUND BY THIS SURVEY OR AS MAY BE NOTED OTHERWISE.

**CERTIFICATE OF SURVEYOR**

STATE OF MONTANA )  
County of Yellowstone )

THIS IS TO CERTIFY THAT James L. Hahn, a Montana Registered Land Surveyor, No. 2795 S, being first duly sworn, deposes and says that during the months of July and August, 2009, at the request of the owners and in conformance with the provisions of the laws of the State of Montana, he conducted a survey and prepared the hereto annexed plat of a tract of land being Lot 2, Block 1, of Appelby Subdivision, as recorded at the Yellowstone County Clerk and Recorder's Office, located in the SE1/4 Section 22, T.1N., R.26E., P.M.M., City of Billings, Yellowstone County, Montana.

James L. Hahn, 2795 S  
Montana Registered Land Surveyor

STATE OF MONTANA )  
County of Yellowstone )

Subscribed and sworn to before me, a Notary Public in and for the State of Montana, this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

STATE OF MONTANA )  
County of Yellowstone )

Notary Public in and for the State of Montana  
Printed name: Eileen E. Hahn  
Residing in Billings, Montana  
My commission expires: May 20, 2010

July 24, 2009

Mr. Wyeth Friday, AICP  
Planning Division Manager  
Planning & Community Services  
City of Billings/Yellowstone County  
510 N. Broadway, 4th Floor  
Billings, MT 59101



Re: Appleby Subdivision, Amended Lot 2, Block 1, Park Land Dedication

Dear Mr. Friday:

The City of Billings Planning Office has reviewed the park requirement in regards to our minor subdivision application and found it to be inapplicable in this instance. Accordingly, 24 Clark, LLC respectfully requests that the City of Billings eliminate Condition #2 of the preliminary plat approval and forego any park requirement on this minor subdivision.

As you may or may not be aware, Harlan Lund, the professional surveyor we had retained to complete the work on this application, recently passed away unexpectedly which has caused a slight delay in our application process. Jim Hahn of Atlas Engineering has agreed to complete the project and will be submitting the final plat map and other necessary documents very shortly.

Please feel free to contact me at the number below or Jim at 245-6695 if you have any questions or need any further information. It is our understanding that with this request and the final documents Jim will be submitting, the next step is to have the application brought to the City Council for final approval. Please let me know when we are on their agenda

Sincerely,

Jamie L. Pearson  
Vice President  
Immo, Inc.  
GP JJAD, LP  
Member Bili, LLC  
Member 24 Clark, LLC  
406.208.3488  
jamie@debizel.com

**Regular City Council Meeting**

**Consent : 1.K.1.**

**Date: 10/26/2009**

**TITLE: Payment of Claims, 9/25/09.**

Pat M. Weber, Financial

**PRESENTED BY:** Services Manager

**Department:** City Hall Administration

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### **Information**

#### **PROBLEM/ISSUE STATEMENT**

Claims in the amount of \$1,793,789.44 have been audited and are presented for your approval for payment. A complete listing of the claims dated September 25, 2009, is available in the Finance Department.

#### **ALTERNATIVES ANALYZED**

The Council may:

- Approve the payment of claims; or
- Not approve the payment of claims.

#### **FINANCIAL IMPACT**

Claims have a varying impact on department budgets, but are submitted by the departments and reviewed by Finance staff before being sent to the Council.

#### **RECOMMENDATION**

Staff recommends that Council approve Payment of Claims.

#### **APPROVED BY CITY ADMINISTRATOR**

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### **Attachments**

Link: [List of claims greater than \\$2500.](#)

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CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
09/25/2009	724616	ACOM INC	20212			63,578.75	
521-1594-493.24-50	09/22/2009	GARAGE PAINTING PYMNT 7	7	260381	03/2010	61,560.00	
521-1593-493.24-50	09/22/2009	PMNT 7 WITH P.O. 269242	257A	269242	03/2010	2,018.75	
09/25/2009	724622	ARROW STRIPING & MANUFACTURING	9617			4,740.00	
211-3136-433.23-40	09/23/2009	MISC SERVICES	21860	269277	03/2010	3,160.00	
211-3136-433.23-40	09/23/2009	MISC SERVICES	21861	269277	03/2010	1,580.00	
09/25/2009	724634	BILLINGS TOURISM	19895			2,934.67	
779-1576-415.76-79	09/23/2009	MISC SERVICES	AUG 2009	269266	03/2010	2,934.67	
09/25/2009	724637	BOBCAT OF BIGSKY, INC.	19296			34,148.90	
640-3139-454.94-20	09/23/2009	ROAD/HGWY HEAVY EQUIPMNT	2193	267693	03/2010	33,868.00	
211-3133-433.23-20	09/23/2009	MISC SERVICES	11003	269284	03/2010	51.31	
211-3132-433.23-20	09/23/2009	MISC SERVICES	11043	269291	03/2010	229.59	
09/25/2009	724638	BUSINESS TAX SECTION	2449			12,104.20	
421-8493-623.93-40	09/18/2009	WO0436 BRIARWOOD SEWER	12	258719	03/2010	1,523.17	
416-7493-603.93-40	09/18/2009	WO0622 L STRUCTURE	4	261071	03/2010	644.20	
503-7591-609.93-40	09/18/2009	WO0801 WATER/SEWER REHAB	3	265601	03/2010	5,529.18	
513-8591-625.93-40	09/18/2009	WO0801 WATER/SEWER REHAB	3	265601	03/2010	1,521.33	
513-8591-625.93-40	09/18/2009	WO0801 WATER/SEWER REHAB	3	265601	03/2010	2,886.32	
09/25/2009	724645	CIVICPLUS	19594			3,000.00	
620-1911-482.35-52	09/22/2009	MISC SERVICES	OCT-DEC 09	269205	03/2010	3,000.00	
09/25/2009	724649	COP CONSTRUCTION CO	865			1,134,539.22	
421-8493-623.93-40	09/18/2009	WO0436 BRIARWOOD SEWER	12	258716	03/2010	150,793.47	
503-7591-609.93-40	09/18/2009	WO0801 WATER/SEWER REHAB	3	265600	03/2010	547,389.02	
513-8591-625.93-40	09/18/2009	WO0801 WATER/SEWER REHAB	3	265600	03/2010	285,745.53	
513-8591-625.93-40	09/18/2009	WO0801 WATER/SEWER REHAB	3	265600	03/2010	150,611.20	
09/25/2009	724650	CTA ARCHITECTS	920			5,000.00	
562-7120-711.93-10	09/21/2009	MISC SERVICES	76050	269052	03/2010	3,154.00	
562-7120-711.93-10	09/21/2009	MISC SERVICES	76512	269052	03/2010	207.50	
562-7120-711.93-10	09/21/2009	MISC SERVICES	77771	269052	03/2010	249.00	
562-7120-711.93-10	09/21/2009	MISC SERVICES	78175	269052	03/2010	1,389.50	
09/25/2009	724653	D N D SECURITY	16586			2,549.67	
571-7148-713.24-50	09/15/2009	AUGUST SECURITY FOR DTTC	2617	F09751	03/2010	350.00	
521-1591-493.39-70	09/22/2009	SEPT 09 SECURITY	2621	269243	03/2010	519.92	
521-1592-493.39-70	09/22/2009	SEPT 09 SECURITY	2621	269243	03/2010	669.92	
521-1593-493.39-70	09/22/2009	SEPT 09 SECURITY	2621	269243	03/2010	504.92	
521-1594-493.39-70	09/22/2009	SEPT 09 SECURITY	2621	269243	03/2010	504.91	
09/25/2009	724654	DELL COMPUTER L P	13426			11,037.07	
150-2223-422.29-25	09/24/2009	MISC SERVICES	XDD47WW94	268197	03/2010	7,037.61	
561-7110-711.29-25	09/24/2009	MISC SERVICES	XDD5X72P2	268779	03/2010	3,999.46	
09/25/2009	724658	DOWNTOWN BILLINGS BID, INC.	19065			3,577.50	
521-1592-493.36-50	09/22/2009	P2 GROUND MX JUL-SEP 09	116	269238	03/2010	642.00	

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780-1575-415.76-80	09/23/2009	MISC SERVICES	AUG 2009	269265	03/2010	1,255.50	
09/25/2009 724669	FIRST INTERSTATE BANK	1303				6,742.86	
723-6595-465.62-00	09/23/2009	MISC SERVICES	110216095	269269	03/2010	6,742.86	
09/25/2009 724672	GARY L WALTON PLLC	20787				3,553.00	
10-1611-416.35-60	09/22/2009	CONSULTANT SERVICES	10259-001	269209	03/2010	3,553.00	
09/25/2009 724676	GUARDIAN SECURITY INC	12486				5,561.00	
260-5512-455.35-74	09/19/2009	SECURITY SERVICES	994999	F09782	03/2010	5,561.00	
09/25/2009 724680	HDR INC	1544				2,950.67	
416-7493-603.93-40	09/17/2009	PL0049 WTR SYS ER POWER	137673-H	249305	03/2010	2,313.04	
432-3110-431.93-10	09/18/2009	W00722 KING AVE EAST	137877-H	254108	03/2010	637.63	
09/25/2009 724684	HOUSING AUTHORITY OF BILLINGS	7959				21,778.75	
294-6690-463.72-75	09/18/2009	MISC SERVICES	WHITETAIL PMT 1	269147	03/2010	21,778.75	
09/25/2009 724685	IAFF	20196				4,306.50	
900-0000-209.99-20	09/25/2009	PAYROLL SUMMARY	20090925		03/2010	4,306.50	
09/25/2009 724690	INTEGRATED INFORMATION SOLUTIO	13770				6,817.00	
620-1911-482.53-70	09/18/2009	MISC SERVICES	63751	268937	03/2010	6,817.00	
09/25/2009 724691	INTEGRATED SOLUTIONS ENGINEERI	13814				18,000.00	
512-8430-623.23-60	09/17/2009	RSVIEW SERVERS	604	267088	03/2010	18,000.00	
09/25/2009 724693	J & M AUTO PARTS	20652				5,695.00	
640-3138-433.94-40	09/18/2009	AUTO MAJOR TRANSPORTATION	TRAILER	269123	03/2010	5,695.00	
09/25/2009 724697	JTL GROUP INC DBA KNIFE RIVER	2417				16,178.04	
211-3132-433.45-20	09/18/2009	ROAD/HIGHWAY MATERIAL	183871	269099	03/2010	27.46	
211-3132-433.47-10	09/18/2009	ROAD AND HIGHWAY MATERIAL	183891	269099	03/2010	3,189.56	
211-3132-433.45-20	09/18/2009	ROAD/HIGHWAY MATERIAL	183941	269099	03/2010	248.75	
211-3132-433.45-20	09/18/2009	ROAD/HIGHWAY MATERIAL	183942	269099	03/2010	271.00	
211-3132-433.47-10	09/18/2009	ROAD AND HIGHWAY MATERIAL	183962	269099	03/2010	3,586.44	
211-3132-433.45-20	09/18/2009	ROAD/HIGHWAY MATERIAL	184065	269099	03/2010	192.72	
211-3132-433.45-20	09/18/2009	ROAD/HIGHWAY MATERIAL	184066	269099	03/2010	23.80	
211-3132-433.45-20	09/18/2009	ROAD/HIGHWAY MATERIAL	184528	269099	03/2010	321.53	
211-3132-433.45-20	09/18/2009	ROAD/HIGHWAY MATERIAL	184571	269099	03/2010	33.35	
211-3132-433.47-10	09/18/2009	ROAD AND HIGHWAY MATERIAL	184598	269099	03/2010	3,418.80	
211-3132-433.45-20	09/18/2009	ROAD/HIGHWAY MATERIAL	184634	269099	03/2010	99.43	
211-3132-433.45-20	09/18/2009	ROAD/HIGHWAY MATERIAL	184635	269099	03/2010	211.57	
211-3132-433.45-20	09/23/2009	ROAD/HIGHWAY MATERIAL	185276	269275	03/2010	41.18	
211-3132-433.47-10	09/23/2009	ROAD AND HIGHWAY MATERIAL	185299	269275	03/2010	2,024.44	
211-3132-433.45-20	09/23/2009	ROAD/HIGHWAY MATERIAL	185495	269275	03/2010	224.56	
211-3132-433.47-10	09/23/2009	ROAD AND HIGHWAY MATERIAL	185513	269275	03/2010	265.76	
211-3132-433.45-20	09/23/2009	ROAD/HIGHWAY MATERIAL	185978	269275	03/2010	147.49	
211-3132-433.47-10	09/23/2009	ROAD AND HIGHWAY MATERIAL	186091	269275	03/2010	1,850.20	

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
09/25/2009	724698	JUNIOR LIBRARY GUILD	10962				4,293.00
260-5519-455.33-33	09/23/2009	CHILDREN BOOKS	52140	F09798	03/2010		4,293.00
09/25/2009	724702	KOIS BROTHERS EQUIPMENT CO	6452				3,231.80
601-0000-141.00-00	08/14/2009	MP	83202		02/2010		113.18
541-3122-435.23-20	08/14/2009	MP	83203	266712	02/2010		41.91
541-3122-435.23-20	08/26/2009	MP	83296	266712	02/2010		132.10
541-3122-435.23-20	09/02/2009	MP	83385	266712	03/2010		337.18
541-3122-435.23-20	09/10/2009	MP	83296-A	266712	03/2010		8.54
211-3132-433.23-20	09/10/2009	MP	MT30064	268950	03/2010		2,250.00
541-3122-435.23-20	09/11/2009	MP	83158	266712	03/2010		348.89
09/25/2009	724713	MAILING TECHNICAL SERVICES	12577				6,430.81
260-5511-455.31-10	09/19/2009	AUGUST 2009	AUGUST 2009	F09785	03/2010		958.68
502-7311-602.31-10	09/23/2009	MISC SERVICES	IVC09641	269171	03/2010		2,196.52
502-7311-602.31-11	09/23/2009	MISC SERVICES	IVC09641	269171	03/2010		451.80
512-8311-622.31-10	09/23/2009	MISC SERVICES	IVC09641	269171	03/2010		2,196.51
512-8311-622.31-11	09/23/2009	MISC SERVICES	IVC09641	269171	03/2010		451.80
502-7311-602.31-10	09/23/2009	MISC SERVICES	IVC09644	269171	03/2010		75.45
502-7311-602.31-11	09/23/2009	MISC SERVICES	IVC09644	269171	03/2010		12.29
512-8311-622.31-10	09/23/2009	MISC SERVICES	IVC09644	269171	03/2010		75.47
512-8311-622.31-11	09/23/2009	MISC SERVICES	IVC09644	269171	03/2010		12.29
09/25/2009	724724	MONTANA LEGISLATIVE SERVICES	2515				4,917.00
150-2223-422.25-20	09/21/2009	2009 MCA/FULL SET/FIRE	24263 09 MCA	269221	03/2010		305.00
10-1212-412.33-90	09/23/2009	MUNICIPAL JUDGE	23687	269288	03/2010		305.00
10-1220-412.32-10	09/23/2009	MUNI COURT	23687	269288	03/2010		610.00
10-1314-413.32-20	09/23/2009	CITY CLERK	23687	269288	03/2010		305.00
10-1512-415.33-90	09/23/2009	FINANCE	23687	269288	03/2010		305.00
10-1611-416.32-20	09/23/2009	CITY ATTY	23687	269288	03/2010		1,525.00
150-2150-421.32-10	09/23/2009	POLICE	23687	269288	03/2010		305.00
150-2150-421.32-10	09/23/2009	POLICE (SECOND COPY)	23687	269288	03/2010		305.00
260-5519-455.32-20	09/23/2009	LIBRARY	23687	269288	03/2010		305.00
561-7110-711.33-90	09/23/2009	AIRPORT	23687	269288	03/2010		305.00
660-3110-431.32-30	09/23/2009	PUBLIC WORKS	23687	269288	03/2010		305.00
10-1313-413.32-20	09/23/2009	VOLUME 2 OF MCA FOR TINA	24941	269288	03/2010		37.00
09/25/2009	724727	MONTANA STATE FIREMAN'S ASSOC	20195				2,688.29
900-0000-209.99-24	09/25/2009	PAYROLL SUMMARY	20090925		03/2010		2,688.29
09/25/2009	724731	MOUNTAIN ELECTRIC OF MONTANA	20428				3,013.79
260-5511-455.79-30	09/19/2009	ELECTRICAL WORK INV 651	651-731	F09776	03/2010		660.97
260-5511-455.79-30	09/19/2009	ELECTRICAL WORK INV 691	651-731	F09776	03/2010		272.00
260-5511-455.79-30	09/19/2009	ELECTRICAL WORK INV 692	651-731	F09776	03/2010		306.00
260-5511-455.79-30	09/19/2009	ELECTRICAL WORK INV 693	651-731	F09776	03/2010		414.16
260-5511-455.79-30	09/19/2009	ELECTRICAL WORK INV 695	651-731	F09776	03/2010		251.78
260-5511-455.79-30	09/19/2009	ELECTRICAL WORK INV 719	651-731	F09776	03/2010		891.78
260-5511-455.79-30	09/19/2009	ELECTRICAL WORK INV 731	651-731	F09776	03/2010		217.10
09/25/2009	724735	MSU-BILLINGS	16280				18,154.00
260-5512-455.92-92	09/19/2009	SHARED COST FOR A&E SERVI	S0448000	F09784	03/2010		18,154.00

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
09/25/2009	724742	NORTHWESTERN ENERGY	15771			41,287.76	
150-2221-422.34-10	09/16/2009	FIRE6/ELEC/3060 KWH	0100477-9 09AUG	267864	03/2010	399.61	
260-5512-455.34-10	09/21/2009	ELECTRIC CHARGES	100467-0 9/09	F09792	03/2010	10,868.49	
650-1567-487.34-10	09/25/2009	FACILITIES MANAGEMENT	01005073		03/2010	7,625.50	
150-2221-422.34-10	09/25/2009	NW FIRE	07125370		03/2010	597.16	
10-5122-451.34-10	09/25/2009	NW PARK/REC/PL	07126832		03/2010	83.51	
571-7148-713.34-10	09/25/2009	NW AVIATION/TRAN	07127640		03/2010	21.30	
561-7117-711.34-10	09/25/2009	NW AVIATION/TRAN	07127921		03/2010	404.44	
561-7117-711.34-10	09/25/2009	NW AVIATION/TRAN	07127996		03/2010	15.05	
561-7117-711.34-10	09/25/2009	NW AVIATION/TRAN	07128002		03/2010	1,128.48	
561-7113-711.34-10	09/25/2009	NW AVIATION/TRAN	07128093		03/2010	7.10	
561-7117-711.34-10	09/25/2009	NW AVIATION/TRAN	07128176		03/2010	8.99	
561-7113-711.34-10	09/25/2009	NW AVIATION/TRAN	07196165		03/2010	50.98	
521-1595-493.34-10	09/25/2009	NW FINANCE	07208291		03/2010	318.73	
521-1592-493.34-10	09/25/2009	NW FINANCE	07208341		03/2010	2,650.34	
150-2221-422.34-10	09/25/2009	NW FIRE	07208408		03/2010	280.99	
10-5112-452.34-10	09/25/2009	NW PARK/REC/PL	07222375		03/2010	11.92	
10-5112-452.34-10	09/25/2009	NW PARK/REC/PL	07222474		03/2010	7.10	
10-5112-452.34-10	09/25/2009	NW PARK/REC/PL	07222540		03/2010	.16	
10-5112-452.34-10	09/25/2009	NW PARK/REC/PL	07222557		03/2010	80.97	
10-5112-452.34-10	09/25/2009	NW PARK/REC/PL	07222573		03/2010	427.10	
10-5112-452.34-10	09/25/2009	NW PARK/REC/PL	07222607		03/2010	341.72	
10-5112-452.34-10	09/25/2009	NW PARK/REC/PL	07222615		03/2010	48.75	
10-5112-452.34-10	09/25/2009	NW PARK/REC/PL	07222623		03/2010	32.86	
10-5112-452.34-10	09/25/2009	NW PARK/REC/PL	07222631		03/2010	92.57	
10-5112-452.34-10	09/25/2009	NW PARK/REC/PL	07222656		03/2010	144.34	
10-5112-452.34-10	09/25/2009	NW PARK/REC/PL	07222664		03/2010	18.61	
10-5112-452.34-10	09/25/2009	NW PARK/REC/PL	07222680		03/2010	14.50	
10-5112-452.34-10	09/25/2009	NW PARK/REC/PL	07222698		03/2010	14.19	
10-5112-452.34-10	09/25/2009	NW PARK/REC/PL	07222920		03/2010	10.31	
10-5112-452.34-10	09/25/2009	NW PARK/REC/PL	07222938		03/2010	62.16	
10-5112-452.34-10	09/25/2009	NW PARK/REC/PL	07229057		03/2010	9.28	
10-5112-452.34-10	09/25/2009	NW PARK/REC/PL	07229339		03/2010	273.29	
10-5112-452.34-10	09/25/2009	NW PARK/REC/PL	07230352		03/2010	263.10	
10-5112-452.34-10	09/25/2009	NW PARK/REC/PL	07230360		03/2010	8.71	
10-5112-452.34-10	09/25/2009	NW PARK/REC/PL	07230378		03/2010	164.69	
10-5112-452.34-10	09/25/2009	NW PARK/REC/PL	07230386		03/2010	47.87	
10-5112-452.34-10	09/25/2009	NW PARK/REC/PL	07230428		03/2010	34.20	
10-5112-452.34-10	09/25/2009	NW PARK/REC/PL	07230444		03/2010	473.72	
10-5112-452.34-10	09/25/2009	NW PARK/REC/PL	07230485		03/2010	85.28	
10-5112-452.34-10	09/25/2009	NW PARK/REC/PL	07230501		03/2010	136.21	
10-5112-452.34-10	09/25/2009	NW PARK/REC/PL	07230527		03/2010	52.45	
10-5112-452.34-10	09/25/2009	NW PARK/REC/PL	07230543		03/2010	416.18	
10-5112-452.34-10	09/25/2009	NW PARK/REC/PL	07230550		03/2010	7.10	
10-5112-452.34-10	09/25/2009	NW PARK/REC/PL	07230568		03/2010	17.86	
10-5112-452.34-10	09/25/2009	NW PARK/REC/PL	07230576		03/2010	7.10	
10-5112-452.34-10	09/25/2009	NW PARK/REC/PL	07230584		03/2010	11.82	
10-5112-452.34-10	09/25/2009	NW PARK/REC/PL	07230907		03/2010	8.30	
10-5112-452.34-10	09/25/2009	NW PARK/REC/PL	07231624		03/2010	11.64	

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT
10-5112-452.34-10	09/25/2009	NW PARK/REC/PL	07231707	1,259.50
10-5112-452.34-10	09/25/2009	NW PARK/REC/PL	07236441	7.10
10-5112-452.34-10	09/25/2009	NW PARK/REC/PL	07236458	7.10
260-5512-455.34-10	09/25/2009	NW LIBRARY	07244643	79.54
10-5112-452.34-10	09/25/2009	NW PARK/REC/PL	07894371	19.73
10-5112-452.34-10	09/25/2009	NW PARK/REC/PL	07931348	195.38
10-5112-452.34-10	09/25/2009	NW PARK/REC/PL	08317026	7.25
872-5198-452.34-10	09/25/2009	NW PARK/REC/PL	10590933	168.58
10-5112-452.34-10	09/25/2009	NW	15220957	222.10
521-1592-493.34-10	09/25/2009	PARK 2 GARAGE	15942824	1,312.02
150-2221-422.34-10	09/23/2009	FIRE1/ELEC/32800 KWH	0100476-1 09SEP	2,592.31
502-7400-603.34-10	09/25/2009	NW PUD-WATER TREAT	07222524	2,093.33
502-7400-603.34-10	09/25/2009	NW PUD-WATER TREAT	07230436	5,527.09
09/25/2009	724748	PACIFIC SIGNAL SUPPLY INC, LLC	18041	20,463.21
211-3136-433.24-30	09/23/2009	MISC SERVICES	3185	20,463.21
09/25/2009	724750	PAYNE FINANCIAL GROUP	16511	18,200.00
571-7143-713.51-10	09/16/2009	INVOICE# 307794	307794	18,200.00
09/25/2009	724758	PUBLIC UTILITIES	5022	2,614.25
521-1592-493.34-20	09/25/2009	105 N 27	4975819	50.65
872-5198-452.34-20	09/25/2009	2314 MONTANA AVE IRR	11139217	174.79
521-1591-493.34-20	09/25/2009	2922 3 AVE NORTH	22414454	69.87
521-1591-493.34-20	09/25/2009	2922 3 AVE NORTH SP/IRR	22434115	26.23
521-1594-493.34-20	09/25/2009	505 N 31	257110001100	103.90
872-5198-452.34-20	09/25/2009	2817 MONTANA AVE	676814300	282.42
872-5198-452.34-20	09/25/2009	2709 MONTANA AVE	6768310079100	105.58
872-5198-452.34-20	09/25/2009	2613 MONTANA AVE	676853944	46.63
872-5198-452.34-20	09/25/2009	2519 MONTANA AVE	676893237	98.78
872-5198-452.34-20	09/25/2009	2305 MONTANA AVE	6769110083201	676.92
872-5198-452.34-20	09/25/2009	204 N 28	904979321	440.06
872-5198-452.34-20	09/25/2009	2304 MONTANA AVE IRR	938591235	397.21
872-5198-452.34-20	09/25/2009	4063 IRON HORSE TRL IRR	10797511406	61.43
872-5198-452.34-20	09/25/2009	3012 WINCHESTER TRL IRR	10797712729	68.23
872-5198-452.34-20	09/25/2009	4375 IRON HORSE TRL IRR	13578527227	11.55
09/25/2009	724759	QWEST !NTERPRISE NETWORKING	15061	4,670.60
225-2232-422.79-90	09/16/2009	REPL'D DAMAGED CARDS	70096728 911	4,670.60
09/25/2009	724770	SANDERSON STEWART	20446	12,072.89
462-3161-431.93-10	09/18/2009	SID1387 ZIMMERMAN TRL	29929	12,072.89
09/25/2009	724771	SANDS JOSEPH	17240	4,345.73
150-2224-422.38-10	09/21/2009	TUITION ASSISTANCE/FALL09	TUITION 09FALL	4,345.73
09/25/2009	724775	SHERMAN & HOWARD L.L.C.	3414	3,412.09
10-1611-416.35-60	09/22/2009	CONSULTANT SRVCS.	471543	3,412.09
09/25/2009	724793	TOWN & COUNTRY SUPPLY ASSOCIAT	18295	46,066.92
601-0000-141.00-00	09/18/2009	MP	68597	8,189.60

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ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO # PER/YEAR TRN AMOUNT
561-7118-711.23-13	09/21/2009	INVOICE #67161	67161	F09788 03/2010 8,829.87
601-0000-141.00-00	09/23/2009	MP	67344	03/2010 5,105.75
601-0000-141.00-00	09/24/2009	MP	66118	03/2010 14,296.10
601-0000-141.00-00	09/24/2009	MP	66119	03/2010 9,645.60
09/25/2009 724794	TRACTOR & EQUIPMENT	3775		3,398.58
601-0000-141.00-00	09/16/2009	MP	BLCSO441835	03/2010 1,155.00
541-3123-435.23-20	09/21/2009	MP	BLW00111678	269230 03/2010 1,761.54
541-3123-435.23-20	09/21/2009	MP	BLW00111679	269231 03/2010 482.04
09/25/2009 724805	US BANK-REVOLVING LOAN FUND	16715		6,742.86
723-6595-465.62-00	09/23/2009	MISC SERVICES	53-7240483306	269267 03/2010 6,742.86
09/25/2009 724814	VERIZON WIRELESS	14490		18,794.73
150-2170-441.34-50	09/17/2009	VERIZON WSCA SEPT 2009	AN SHELTER MDT	03/2010 225.09
209-4451-428.34-50	09/17/2009	VERIZON WSCA SEPT 2009	BUILDING AIR	03/2010 180.04
717-2166-421.34-50	09/17/2009	VERIZON WSCA SEPT 2009	CCSIU AIR CARD	03/2010 45.01
150-2221-422.34-50	09/17/2009	VERIZON WSCA SEPT 2009	FIRE DEPT AIR C	03/2010 45.01
150-2221-422.34-50	09/17/2009	VERIZON WSCA SEPT 2009	FIRE MDT	03/2010 585.17
620-1911-482.34-50	09/17/2009	VERIZON WSCA SEPT 2009	ITD AIR CARD	03/2010 45.01
260-5517-455.34-50	09/17/2009	VERIZON WSCA SEPT 2009	LIBRARYOUTREACH	03/2010 135.03
150-2111-421.34-50	09/17/2009	VERIZON WSCA SEPT 2009	POLICE AIR CARD	03/2010 45.01
150-2111-421.34-50	09/17/2009	VERIZON WSCA SEPT 2009	POLICE MDT	03/2010 3,510.88
150-2111-421.34-50	09/17/2009	VERIZON WSCA SEPT 2009	POLICE USM MDT	03/2010 180.29
502-7500-609.34-50	09/17/2009	VERIZON WSCA SEPT 2009	PUD AIR CARD	03/2010 45.01
561-7110-711.34-50	09/17/2009	VERIZON SEPT 2009	AIRPORT	03/2010 428.28
150-2170-441.34-50	09/17/2009	VERIZON SEPT 2009	ANIMAL SHELTER	03/2010 160.07
717-2166-421.34-50	09/17/2009	VERIZON SEPT 2009	CCSIU	03/2010 355.85
10-1313-413.34-50	09/17/2009	VERIZON SEPT 2009	CITY ADMIN	03/2010 57.28
10-1611-416.34-50	09/17/2009	VERIZON SEPT 2009	LEGAL	03/2010 32.83
150-2225-422.34-50	09/17/2009	VERIZON SEPT 2009	COMM CENTER 911	03/2010 51.36
650-1565-487.34-50	09/17/2009	VERIZON SEPT 2009	FACILITIES BOC	03/2010 67.48
650-1567-487.34-50	09/17/2009	VERIZON SEPT 2009	FACILITIES CH	03/2010 84.44
10-1512-415.34-50	09/17/2009	VERIZON SEPT 2009	FINANCE PAT	03/2010 128.76
150-2221-422.34-50	09/17/2009	VERIZON SEPT 2009	FIRE DEPT	03/2010 395.73
10-1750-417.34-50	09/17/2009	VERIZON SEPT 2009	HUMAN RESOURCES	03/2010 42.44
620-1913-482.34-50	09/17/2009	VERIZON SEPT 2009	ITD GIS	03/2010 12.84
620-1911-482.34-50	09/17/2009	VERIZON SEPT 2009	ITD	03/2010 171.40
260-5517-455.34-50	09/17/2009	VERIZON SEPT 2009	LIBRARYOUTREACH	03/2010 26.85
260-5512-455.34-50	09/17/2009	VERIZON SEPT 2009	LIBRARY	03/2010 152.27
601-1550-481.34-50	09/17/2009	VERIZON SEPT 2009	MOTOR POOL	03/2010 36.04
10-1220-412.34-50	09/17/2009	VERIZON SEPT 2009	DRUG COURT	03/2010 104.20
10-1212-412.34-50	09/17/2009	VERIZON SEPT 2009	MUNI JUDGE	03/2010 137.97
240-4301-419.34-50	09/17/2009	VERIZON SEPT 2009	PLANNING	03/2010 80.28
150-2111-421.34-50	09/17/2009	VERIZON SEPT 2009	POLICE	03/2010 2,680.69
251-2186-421.34-50	09/17/2009	VERIZON SEPT 2009	POLICE FORENSIC	03/2010 59.39
249-2196-421.34-50	09/17/2009	VERIZON SEPT 2009	698 1391 DV	03/2010 25.66
521-1521-493.34-50	09/17/2009	VERIZON SEPT 2009	PARKING	03/2010 292.34
10-5110-453.34-50	09/17/2009	VERIZON SEPT 2009	PRPL ADM	03/2010 313.31
10-5121-451.34-50	09/17/2009	VERIZON SEPT 2009	PRPL-RECREATION	03/2010 256.70

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
10-5140-436.34-50	09/17/2009	VERIZON SEPT 2009	CEMETERY		03/2010	34.33	
10-5112-452.34-50	09/17/2009	VERIZON SEPT 2009	PARKS PMD		03/2010	43.10	
10-5112-452.34-50	09/17/2009	VERIZON SEPT 2009	PARKS		03/2010	1,524.10	
10-1543-415.34-50	09/17/2009	VERIZON SEPT 2009	PURCHASING		03/2010	23.48	
660-3110-431.34-50	09/17/2009	VERIZON SEPT 2009	PW ADM		03/2010	113.04	
209-4451-428.34-50	09/17/2009	VERIZON SEPT 2009	BUILDING		03/2010	181.83	
670-3141-489.34-50	09/17/2009	VERIZON SEPT 2009	ENGINEERING		03/2010	458.62	
541-3121-435.34-50	09/17/2009	VERIZON SEPT 2009	SOLID WASTE		03/2010	99.32	
211-3131-433.34-50	09/17/2009	VERIZON SEPT 2009	STREET/TRAFFIC		03/2010	423.74	
541-3123-435.34-50	09/17/2009	VERIZON SEPT 2009	SW ON CALL		03/2010	79.57	
502-7700-611.34-50	09/17/2009	VERIZON SEPT 2009	PUD ENVIRN 1/2		03/2010	19.05	
512-8700-628.34-50	09/17/2009	VERIZON SEPT 2009	PUD ENVIRN 1/2		03/2010	19.05	
502-7400-603.34-50	09/17/2009	VERIZON SEPT 2009	WATER TREATMENT		03/2010	833.03	
502-7500-609.34-50	09/17/2009	VERIZON SEPT 2009	WATER SYSTEMS		03/2010	346.88	
512-8500-625.34-50	09/17/2009	VERIZON SEPT 2009	WASTEWATER SYS		03/2010	771.95	
502-7312-602.34-50	09/17/2009	VERIZON SEPT 2009	PWBLKNP MTRSHOP		03/2010	464.92	
502-7314-602.34-50	09/17/2009	VERIZON SEPT 2009	PWBLKNP STORES		03/2010	114.30	
502-7311-602.34-50	09/17/2009	VERIZON SEPT 2009	PWBLKNP OFFICE		03/2010	114.30	
512-8400-623.34-50	09/17/2009	VERIZON SEPT 2009	WASTEWATER TREA		03/2010	922.08	
606-1931-484.34-50	09/17/2009	VERIZON SEPT 2009	TELECOMM SYS		03/2010	46.06	
571-7142-713.31-60	09/17/2009	VERIZON SEPT 2009	ON-CALL MET		03/2010	89.88	
571-7141-713.34-50	09/17/2009	VERIZON SEPT 2009	MET TRANSIT		03/2010	35.95	
10-4321-419.34-50	09/17/2009	VERIZON SEPT 2009	CODE ENFORCEMT		03/2010	183.32	
10-5112-452.34-50	09/17/2009	VERIZON SEPT 2009	PARKS IRR		03/2010	484.92	
571-7147-713.34-50	09/21/2009	INVOICE# 0795791342	0795791342	F09791	03/2010	171.90	
09/25/2009	724816	WELLS FARGO BANK-LOAN PAYMENT	16716			6,742.86	
723-6595-465.62-00	09/23/2009	MISC SERVICES	1609108243	269268	03/2010	6,742.86	
09/25/2009	724817	WESTERN SECURITY BANK	16462			6,824.38	
723-6595-465.62-00	09/23/2009	MISC SERVICES	100022110	269270	03/2010	3,412.19	
723-6595-465.62-00	09/23/2009	MISC SERVICES	157011874	269270	03/2010	3,412.19	
09/25/2009	724818	WHITNEY EQUIPMENT COMPANY INC	20728			11,748.74	
502-7400-603.24-50	09/23/2009	IMPELLOR REPAIR	0031497-IN	269274	03/2010	11,748.74	
09/25/2009	724820	WILLIAM BROTHERS CONSTRUCTION	8323			63,775.30	
416-7493-603.93-40	09/18/2009	WO0622 L STRUCTURE	4	261070	03/2010	63,775.30	
09/25/2009	724823	YELLOWSTONE COUNTY FINANCE DPT	16736			11,038.99	
150-2111-421.35-90	09/18/2009	MISC SERVICES	AUG INMATE	269197	03/2010	10,200.00	
150-2111-421.35-90	09/18/2009	MISC SERVICES	JULY MEDICAL	269197	03/2010	838.99	
09/25/2009	724825	YELLOWSTONE VALLEY ANIMAL SHEL	20525			19,627.67	
150-2170-441.39-90	09/17/2009	CONTRACT 9-22/10-21	09-1046	269161	03/2010	19,627.67	

DATE RANGE TOTAL \* 1,713,349.05 \*

**Regular City Council Meeting**

**Consent : 1.K.2.**

**Date: 10/26/2009**

**TITLE: Payment of Claims, 10/02/2009.**

Pat M. Weber, Financial

**PRESENTED BY:** Services Manager

**Department:** City Hall Administration

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**Information**

**PROBLEM/ISSUE STATEMENT**

Claims in the amount of \$1,862,068.90 have been audited and are presented for your approval for payment. A complete listing of the claims dated October 2, 2009, is available in the Finance Department.

**ALTERNATIVES ANALYZED**

The Council may:

- Approve the payment of claims; or
- Not approve the payment of claims.

**FINANCIAL IMPACT**

Claims have a varying impact on department budgets, but are submitted by the departments and reviewed by Finance staff before being sent to the Council.

**RECOMMENDATION**

Staff recommends that Council approve Payment of Claims.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

Link: [List of claims greater than \\$2500.](#)

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CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
10/02/2009 240-4301-419.72-14	724831 09/30/2009	ACTIVE TRANSPORTATION ALTERNAT SEPTEMBER 2009	20644	ALT MODES 9-09	269443	03/2010	5,667.00 5,667.00
10/02/2009 293-6554-463.72-75	724832 09/30/2009	ALL PHASE BUILDERS MISC SERVICES	16854	255, FAITH, L	269424	03/2010	5,000.00 5,000.00
10/02/2009 294-6555-463.72-75 295-6555-463.72-75	724836 09/30/2009 09/30/2009	AMERICAN TITLE & ESCROW MISC SERVICES MISC SERVICES	159	BOCHARD (KRAFT) BOCHARD (KRAFT)	269409 269409	03/2010 03/2010	20,065.00 13,369.79 6,695.21
10/02/2009 260-5512-455.36-90	724842 09/28/2009	AUTOMATIC DOORS OF MONTANA INC MISC SERVICES	11827	787	266742	03/2010	10,450.00 10,450.00
10/02/2009 660-3110-431.53-11 670-3141-489.53-11	724853 09/30/2009 09/30/2009	BILLINGS DEPOT INC OCT NOV DEC LEASE OCT NOV DEC LEASE	11948	LEASE PAYMENT LEASE PAYMENT	269438 269438	03/2010 03/2010	36,275.01 16,323.75 19,951.26
10/02/2009 421-8493-623.93-40 503-7491-603.93-90	724861 09/30/2009 09/30/2009	BROWN AND CALDWELL WO0811 WWTP ADM A/C WO0816 SCADA REPLACEMENT	18626	21110782 21110705	257862 265225	03/2010 03/2010	5,517.93 534.83 4,983.10
10/02/2009 503-0000-201.10-00 513-8491-623.93-90 503-7591-609.93-40 416-7493-603.92-20 840-3184-431.93-10 205-3131-433.93-10 210-3110-431.93-11 840-3184-431.93-10	724864 09/30/2009 09/30/2009 09/30/2009 09/30/2009 09/30/2009 09/30/2009 09/30/2009 09/30/2009	BUSINESS TAX SECTION PARTIAL RETAINAGE RELEASE WO0808 ELECTRICAL IMPRVMT WO0801 WATER/SEWER REHAB WO0426 ZONE 4 RESERVOIR WO0820 STORM DRAIN WO0304 JACKSON ST SDWLKS WO0304 JACKSON ST SDWLKS WO0304 JACKSON ST SDWLKS	2449	RET RELEASE 5 4 1 1 1 1 1	265603 257956 265603 267994 268419 268421 268421 268421	03/2010 03/2010 03/2010 03/2010 03/2010 03/2010 03/2010 03/2010	6,302.09 500.00 227.72 585.23 4,171.18 111.49 182.07 475.00 49.40
10/02/2009 718-2160-421.79-10	724868 09/30/2009	CCSIU MISC SERVICES	18082	9/29 BUY \$	269446	03/2010	5,464.87 5,464.87
10/02/2009 513-8491-623.93-90	724869 09/30/2009	COLSTRIP ELECTRIC INC WO0808 ELECTRICAL IMPRVMT	11663	5	257954	03/2010	22,543.73 22,543.73
10/02/2009 502-7400-603.24-50	724873 09/28/2009	COOPERS CONSULTING LLP MISC SERVICES	20114	177	269372	03/2010	4,193.49 4,193.49
10/02/2009 411-7151-713.92-90	724875 09/23/2009	CTA ARCHITECTS MISC SERVICES	920	269247-1	269247	03/2010	20,298.52 20,298.52
10/02/2009 561-7110-711.29-25	724879 09/24/2009	DELL COMPUTER L P XDCXWRT21	13426	XDCX8NNM5	268804	03/2010	4,294.13 4,294.13
10/02/2009 502-7211-601.34-95	724880 09/23/2009	DEPT OF ENVIRONMENTAL QUALITY PUBLIC WATER SPLY ANN FEE	15307	SDW00153-10	269263	03/2010	57,412.00 57,412.00
10/02/2009 252-2187-421.12-20	724881 09/29/2009	DEPT OF JUSTICE DCI MISC SERVICES	17163	WAYDE OT	269405	03/2010	4,110.37 875.80

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ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
252-2187-421.12-20	09/29/2009	MISC SERVICES	WEG OT	269405	03/2010	3,234.57	
10/02/2009	724886	EBMS	20398			57,429.55	
627-1752-417.35-12	09/29/2009		ADMIN FEES		04/2010	16,055.00	
627-1752-417.35-15	09/29/2009		SPECIFIC PREM		04/2010	32,965.80	
627-1752-417.51-61	09/29/2009		CARE LINK FEE		04/2010	3,207.75	
627-1752-417.35-11	09/29/2009		FLEX ADMIN FEE		04/2010	1,764.00	
627-1752-417.35-15	09/29/2009		PRO FEE		04/2010	3,437.00	
10/02/2009	724899	FIRST MONTANA TITLE CO	1304			15,000.00	
288-6581-464.72-77	09/25/2009	MISC SERVICES	BENDER, JULIE	269308	03/2010	15,000.00	
10/02/2009	724907	GREAT WEST ENGINEERING	18016			29,355.31	
512-0000-201.10-00	09/23/2009	RETAINAGE RELEASE	RET RELEASE	255071	03/2010	16,960.52	
512-8211-621.35-40	09/23/2009	TMDL/MIXING ZONE STUDY	5848	255071	03/2010	12,394.79	
10/02/2009	724912	HDR INC	1544			8,017.20	
502-7211-601.35-40	09/23/2009	DRINKING WATER SOURCE STD	137672-H	258046	03/2010	4,229.74	
502-0000-201.10-00	09/25/2009	RETAINAGE RELEASE	RET RELEASE	261065	03/2010	1,202.55	
513-8491-623.93-90	09/30/2009	WO0808 WWTP ELECTRICAL	137669-H	255506	03/2010	961.99	
503-7491-603.93-90	09/30/2009	WO0907 CHEM BLDG MCC REP	137675-H	264913	03/2010	428.75	
502-7211-601.35-40	09/30/2009	WO0916 ELECTRICAL UPDATES	137677-H	267012	03/2010	597.09	
512-8211-621.35-40	09/30/2009	WO0916 ELECTRICAL UPDATES	137677-H	267012	03/2010	597.08	
10/02/2009	724915	HUPPERT CONSTRUCTION	16447			6,000.00	
10-4321-419.35-85	08/18/2009	MISC SERVICES	1123	269419	03/2010	6,000.00	
10/02/2009	724922	INGRAM BOOK COMPANY	1820			5,415.13	
260-5519-455.32-20	09/29/2009	PUBLICATIONS/AUDIOVISUAL	44855600 CREDIT	269385	03/2010	27.25-	
260-5519-455.32-20	09/29/2009	PUBLICATIONS/AUDIOVISUAL	44855601 CREDIT	269385	03/2010	22.75-	
260-5519-455.32-20	09/29/2009	PUBLICATIONS/AUDIOVISUAL	44933335 CREDIT	269385	03/2010	17.67-	
260-5519-455.32-26	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45018301	269385	03/2010	47.46-	
260-5519-455.32-23	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45066929 CREDIT	269385	03/2010	35.98-	
260-5519-455.32-20	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45188201	269385	03/2010	488.23	
260-5519-455.32-26	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45188201	269385	03/2010	450.48	
260-5519-455.32-55	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45188201	269385	03/2010	127.96	
260-5519-455.33-33	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45188201	269385	03/2010	258.83	
260-5519-455.32-20	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45245888	269385	03/2010	199.63	
260-5519-455.32-26	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45245888	269385	03/2010	137.86	
260-5519-455.33-33	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45245888	269385	03/2010	31.93	
260-5519-455.32-26	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45288272	269385	03/2010	76.62	
260-5519-455.32-20	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45288273	269385	03/2010	73.06	
260-5519-455.32-55	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45288273	269385	03/2010	10.61	
260-5519-455.32-20	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45288274	269385	03/2010	118.61	
260-5519-455.32-23	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45288274	269385	03/2010	16.49	
260-5519-455.32-26	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45288274	269385	03/2010	24.32	
260-5519-455.32-20	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45288275	269385	03/2010	38.97	
260-5519-455.32-26	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45288275	269385	03/2010	129.22	
260-5519-455.32-26	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45288279	269385	03/2010	15.90	
260-5519-455.32-20	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45288280	269385	03/2010	30.03	

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260-5519-455.32-26	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45288282	269385	03/2010	9.00
260-5519-455.32-20	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45288283	269385	03/2010	45.31
627-1752-417.35-16	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45288284	269385	03/2010	23.94
260-5519-455.32-20	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45316715	269385	03/2010	9.41
260-5519-455.32-26	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45316716	269385	03/2010	14.75
260-5519-455.32-20	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45316717	269385	03/2010	28.28
260-5519-455.32-26	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45316718	269385	03/2010	60.18
260-5519-455.32-26	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45316719	269385	03/2010	23.11
260-5519-455.32-20	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45316720	269385	03/2010	17.67
260-5519-455.32-26	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45316720	269385	03/2010	14.74
260-5519-455.32-26	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45316721	269385	03/2010	18.57
260-5519-455.32-20	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45316722	269385	03/2010	11.97
260-5519-455.32-26	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45316722	269385	03/2010	8.40
260-5519-455.32-26	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45316723	269385	03/2010	34.47
260-5519-455.32-26	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45331493	269385	03/2010	14.75
260-5519-455.32-26	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45331494	269385	03/2010	7.79
260-5519-455.32-20	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45331495	269385	03/2010	23.97
260-5519-455.32-20	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45331496	269385	03/2010	20.23
260-5519-455.32-20	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45344598	269385	03/2010	104.05
260-5519-455.32-23	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45344598	269385	03/2010	34.08
260-5519-455.32-26	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45344598	269385	03/2010	338.96
260-5519-455.32-55	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45344598	269385	03/2010	14.72
260-5519-455.33-33	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45344598	269385	03/2010	236.74
260-5519-455.33-34	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45344598	269385	03/2010	27.44
260-5519-455.32-26	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45344599	269385	03/2010	15.31
260-5519-455.32-26	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45344600	269385	03/2010	8.38
260-5519-455.32-26	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45344601	269385	03/2010	8.38
260-5519-455.32-26	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45344602	269385	03/2010	23.71
260-5519-455.32-55	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45344602	269385	03/2010	5.39
260-5519-455.32-20	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45349998	269385	03/2010	73.25
260-5519-455.32-26	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45349998	269385	03/2010	77.61
260-5519-455.32-55	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45349998	269385	03/2010	6.57
260-5519-455.33-33	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45349998	269385	03/2010	9.43
260-5519-455.32-20	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45349999	269385	03/2010	12.57
260-5519-455.32-26	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45493536	269385	03/2010	31.54
260-5519-455.32-26	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45493537	269385	03/2010	29.50
260-5519-455.32-20	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45493538	269385	03/2010	29.50
260-5519-455.32-26	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45493538	269385	03/2010	14.75
260-5519-455.32-20	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45493539	269385	03/2010	31.52
260-5519-455.32-20	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45493540	269385	03/2010	23.60
260-5519-455.32-26	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45493540	269385	03/2010	9.58
260-5519-455.32-20	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45493541	269385	03/2010	142.04
260-5519-455.32-26	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45493541	269385	03/2010	202.80
260-5519-455.32-26	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45493542	269385	03/2010	17.08
260-5519-455.32-20	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45493543	269385	03/2010	14.75
260-5519-455.32-26	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45493543	269385	03/2010	23.71
260-5519-455.33-33	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45493543	269385	03/2010	5.98
260-5519-455.32-20	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45493544	269385	03/2010	14.15

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260-5519-455.32-26	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45493544	269385	03/2010	8.39	
260-5519-455.32-55	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45493545	269385	03/2010	5.99	
260-5519-455.32-20	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45493546	269385	03/2010	65.39	
260-5519-455.32-20	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45493547	269385	03/2010	14.72	
260-5519-455.32-26	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45493547	269385	03/2010	14.72	
260-5519-455.33-33	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45493547	269385	03/2010	7.18	
260-5519-455.33-34	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45493547	269385	03/2010	9.89	
260-5519-455.32-20	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45518838	269385	03/2010	251.11	
260-5519-455.32-23	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45518838	269385	03/2010	37.19	
260-5519-455.32-26	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45518838	269385	03/2010	582.66	
260-5519-455.32-55	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45518838	269385	03/2010	60.29	
260-5519-455.33-33	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45518838	269385	03/2010	80.26	
260-5519-455.32-26	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45518839	269385	03/2010	14.75	
260-5519-455.32-20	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45518840	269385	03/2010	17.70	
260-5519-455.32-26	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45518840	269385	03/2010	45.36	
260-5519-455.32-20	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45518841	269385	03/2010	14.97	
260-5519-455.32-26	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45518842	269385	03/2010	8.99	
260-5519-455.32-20	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45518843	269385	03/2010	14.16	
260-5519-455.32-26	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45518843	269385	03/2010	8.97	
260-5519-455.33-33	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45518843	269385	03/2010	21.21	
260-5519-455.33-34	09/29/2009	PUBLICATIONS/AUDIOVISUAL	45518843	269385	03/2010	20.35	
10/02/2009	724924	INTERSTATE ENGINEERING INC	7958			2,720.00	
240-4301-419.72-14	09/28/2009	INV 2289 FINAL	INV 2289 FINAL	269321	03/2010	2,720.00	
10/02/2009	724928	J & J CONCRETE	15244			11,038.00	
840-3184-431.93-10	09/30/2009	WO0820 STORM DRAIN	1	268418	03/2010	11,038.00	
10/02/2009	724942	MAHONEY ASSOCIATES CONSULTING	17580			3,287.40	
10-1512-415.35-90	09/30/2009	MISC SERVICES	09-FIELD	269416	03/2010	3,287.40	
10/02/2009	724943	MAILING TECHNICAL SERVICES	12577			6,138.53	
521-1522-493.31-10	09/30/2009	MISC SERVICES	AUGUST 2009	269420	03/2010	332.22	
571-7141-713.31-10	09/30/2009	MISC SERVICES	AUGUST 2009	269420	03/2010	684.98	
605-1515-483.31-10	09/30/2009	MISC SERVICES	AUGUST 2009	269420	03/2010	5,121.33	
10/02/2009	724950	MONTANA DAKOTA UTILITIES CO	2492			3,917.38	
561-7117-711.34-40	09/28/2009	073869 28	092809	F09824	03/2010	10.40	
561-7117-711.34-40	09/28/2009	073858 25	092809	F09824	03/2010	15.88	
561-7112-711.34-40	10/01/2009	AIRPORT	07387221		04/2010	975.23	
512-8400-623.34-40	10/01/2009	PUD	07555321	25%	04/2010	31.40	
512-8400-623.34-40	10/01/2009	PUD	07555321	50%	04/2010	62.79	
512-8400-623.34-40	10/01/2009	PUD	07555321	25%	04/2010	31.40	
660-3110-431.34-40	10/01/2009		07585726	45%	04/2010	34.31	
670-3141-489.34-40	10/01/2009		07585726	55%	04/2010	41.94	
10-5127-451.34-40	10/01/2009	REC	07586821		04/2010	30.98	
650-1567-487.34-40	10/01/2009	FACILITIES	07610421		04/2010	123.53	
260-5512-455.34-40	10/01/2009	LIBRARY	07617521		04/2010	41.95	
521-1595-493.34-40	10/01/2009	PARK 1 LEASE	07624823		04/2010	10.40	
571-7143-713.34-40	10/01/2009	TRANSIT	07647023		04/2010	288.78	

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT		
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT
150-2221-422.34-40	10/01/2009	FIRE	07676421		04/2010	69.36
150-2221-422.34-40	10/01/2009	FIRE	07935121		04/2010	69.46
541-3123-435.34-40	10/01/2009	SW	08073321		04/2010	12.46
502-7400-603.34-40	10/01/2009	PUD	08156221		04/2010	84.61
502-7400-603.34-40	10/01/2009	PUD	08156322	50%	04/2010	5.55
502-7400-603.34-40	10/01/2009	PUD	08156322	50%	04/2010	5.54
502-7400-603.34-40	10/01/2009	PUD	08156421		04/2010	20.72
502-7400-603.34-40	10/01/2009	PUD	08156521		04/2010	50.92
502-7400-603.34-40	10/01/2009	PUD	08156621		04/2010	22.05
502-7400-603.34-40	10/01/2009	PUD	08156721		04/2010	16.59
502-7400-603.34-40	10/01/2009	PUD	08156821		04/2010	10.40
502-7400-603.34-40	10/01/2009	PUD	08156922		04/2010	10.40
502-7314-602.34-40	10/01/2009	PUD	08157021	50%	04/2010	329.94
512-8314-622.34-40	10/01/2009	PUD	08157021	50%	04/2010	329.94
502-7314-602.34-40	10/01/2009	PUD	08157121	50%	04/2010	38.18
512-8314-622.34-40	10/01/2009	PUD	08157121	50%	04/2010	38.17
502-7400-603.34-40	10/01/2009	PUD	08157221		04/2010	10.40
502-7400-603.34-40	10/01/2009	PUD	08157322		04/2010	11.09
512-8400-623.34-40	10/01/2009	PUD	08510222		04/2010	17.98
10-5141-436.34-40	10/01/2009	CEMETERY	08543421		04/2010	17.97
10-5141-436.34-40	10/01/2009	CEMETERY	08543521		04/2010	20.53
502-7400-603.34-40	10/01/2009	CSD	31563202		04/2010	10.30
502-7400-603.34-40	10/01/2009	CSD	31563302		04/2010	10.40
502-7400-603.34-40	10/01/2009	PUD	31753602		04/2010	10.40
150-2171-441.34-40	10/01/2009	ANIMAL SHELTER	32062801		04/2010	335.41
650-1566-487.34-40	10/01/2009	ADMIN BUILDING	32577402		04/2010	196.52
650-1566-487.34-40	10/01/2009	EVIDENCE BUILDING	32629302		04/2010	10.40
650-1566-487.34-40	10/01/2009	PD1	32708002		04/2010	41.28
650-1566-487.34-40	10/01/2009	GARAGE	32781001		04/2010	197.22
10-5126-451.34-40	10/01/2009	PARKS & REC	34329601		04/2010	33.05
521-1592-493.34-40	10/01/2009	PARK II	34941902		04/2010	13.14
512-8500-625.34-40	10/01/2009	PUD	35059801		04/2010	22.74
150-2221-422.34-40	10/01/2009	FIRE STATION #7	35322001		04/2010	60.48
512-8500-625.34-40	10/01/2009	PUD LIFT STATION	36738301		04/2010	30.29
561-7113-711.34-40	10/01/2009		31454301		04/2010	10.40
561-7113-711.34-40	10/01/2009		31454601		04/2010	22.05
561-7113-711.34-40	10/01/2009		31454902		04/2010	22.05
10/02/2009	724958	MORRISON MAIERLE INC	2572			165,150.24
503-7591-609.93-40	09/30/2009	WO0801 WATER/SEWER REHAB	91483	252779	03/2010	87,809.21
513-8591-625.93-40	09/30/2009	WO0801 WATER/SEWER REHAB	91483	252779	03/2010	76,473.69
503-7591-609.93-40	09/30/2009	WO1001 WATER/SEWER REHAB	91484	268044	03/2010	433.67
513-8591-625.93-40	09/30/2009	WO1001 WATER/SEWER REHAB	91484	268044	03/2010	433.67
10/02/2009	724970	NORTHWESTERN ENERGY	15771			221,289.98
502-7400-603.34-10	09/23/2009	MISC SERVICES	01004852	SEP09	269183	897.34
512-8400-623.34-10	09/23/2009	MISC SERVICES	01005917	SEP09	269183	36,575.06
502-7314-602.34-10	09/23/2009	MISC SERVICES	01006063	SEP09	269183	3,532.90
502-7400-603.34-10	09/23/2009	MISC SERVICES	01006063	SEP09	269183	105,987.08
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ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT
512-8314-622.34-10	09/23/2009	MISC SERVICES	01006063 SEP09	269183	03/2010	3,532.90
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502-7400-603.34-10	09/28/2009	MISC SERVICES	01005404 SEP09	269363	03/2010	6,231.42
502-7400-603.34-10	09/28/2009	MISC SERVICES	01005404 SEP09	269363	03/2010	6,231.42
561-7112-711.34-10	09/29/2009	0100482-9	092909	F09829	03/2010	24,188.62
150-2221-422.34-10	09/30/2009	FIRE6/ELEC/3120 KWH	0100477-9 09SEP	267864	03/2010	397.42
660-3110-431.34-10	09/30/2009	MONTHLY CHARGES	17413147 SEP09	269437	03/2010	483.35
670-3141-489.34-10	09/30/2009	MONTHLY CHARGES	17413147 SEP09	269437	03/2010	590.76
10-5141-436.34-10	10/01/2009	NW PARK/REC/PL	07125396		04/2010	46.64
10-5126-451.34-10	10/01/2009	NW PARK/REC/PL	07208416		04/2010	739.45
10-5112-452.34-10	10/01/2009	NW PARK/REC/PL	07222532		04/2010	14.35
10-5112-452.34-10	10/01/2009	NW PARK/REC/PL	07222565		04/2010	181.00
10-5112-452.34-10	10/01/2009	NW PARK/REC/PL	07222581		04/2010	1.52
10-5112-452.34-10	10/01/2009	NW PARK/REC/PL	07222599		04/2010	14.37
10-5112-452.34-10	10/01/2009	NW PARK/REC/PL	07222722	50%	04/2010	8.12
872-5198-452.34-10	10/01/2009	NW PARK/REC/PL	07222722	40%	04/2010	5.41
10-5112-452.34-10	10/01/2009	NW PARK/REC/PL	07222730		04/2010	28.87
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10-5112-452.34-10	10/01/2009	NW PARK/REC/PL	07222789		04/2010	27.03
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10-5112-452.34-10	10/01/2009	NW PARK/REC/PL	07222813		04/2010	14.35
10-5112-452.34-10	10/01/2009	NW PARK/REC/PL	07222839		04/2010	14.35
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10-5112-452.34-10	10/01/2009	NW PARK/REC/PL	07228521		04/2010	9.48
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10-5112-452.34-10	10/01/2009	NW PARK/REC/PL	07229768		04/2010	8.33
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872-5198-452.34-10	10/01/2009	NW PARK/REC/PL	07233851		04/2010	1.27
872-5198-452.34-10	10/01/2009	NW PARK/REC/PL	07233869		04/2010	1.27
872-5198-452.34-10	10/01/2009	NW PARK/REC/PL	07233877		04/2010	1.27
872-5198-452.34-10	10/01/2009	NW PARK/REC/PL	07233885		04/2010	1.27
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872-5198-452.34-10	10/01/2009	NW PARK/REC/PL	07233935		04/2010	7.59
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872-5198-452.34-10	10/01/2009	NW PARK/REC/PL	07233984	04/2010 14.35	
872-5198-452.34-10	10/01/2009	NW PARK/REC/PL	07238355	04/2010 14.35	
872-5198-452.34-10	10/01/2009	NW PARK/REC/PL	07238363	04/2010 16.11	
872-5198-452.34-10	10/01/2009	NW PARK/REC/PL	07238405	04/2010 7.10	
872-5198-452.34-10	10/01/2009	NW PARK/REC/PL	07238793	04/2010 235.47	
872-5198-452.34-10	10/01/2009	NW PARK/REC/PL	07238835	04/2010 7.68	
10-5112-452.34-10	10/01/2009	NW PARK/REC/PL	07238843	04/2010 67.92	
872-5198-452.34-10	10/01/2009	NW PARK/REC/PL	07238850	04/2010 7.86	
10-5112-452.34-10	10/01/2009	NW PARK/REC/PL	07238876	04/2010 23.72	
10-5112-452.34-10	10/01/2009	NW PARK/REC/PL	09208018	04/2010 7.20	
872-5198-452.34-10	10/01/2009	NW PARK/REC/PL	09718248	04/2010 .75	
607-2235-486.34-10	10/01/2009	NW FIRE	10069151	04/2010 169.40	
10-5112-452.34-10	10/01/2009	NW Parks	11412848	04/2010 175.05	
10-5112-452.34-10	10/01/2009	NW Parks	11565272	04/2010 7.38	
10-5112-452.34-10	10/01/2009	NW Parks	11607801	04/2010 854.42	
10-5112-452.34-10	10/01/2009	NW	12300661	04/2010 12.05	
872-5198-452.34-10	10/01/2009	NW	13127071	04/2010 .49	
10-5112-452.34-10	10/01/2009	NW	14093942	04/2010 .32	
872-5198-452.34-10	10/01/2009	PARKS	15642093	04/2010 7.86	
10-5141-436.34-10	10/01/2009	CEMETERY	16352890	04/2010 14.90	
10-5112-452.34-10	10/01/2009	PARKS 1	16926669	04/2010 20.70	
512-8552-626.34-10	10/01/2009	SEWER LIFTSTATION C	17040254	04/2010 11.28	
211-3136-433.34-10	10/01/2009	STREETS/TRAFFIC	17389891	04/2010 13.85	
10/02/2009	724972	OSTERMILLER CONST	2839		69,940.09
205-3131-433.93-10	09/30/2009	WO0304 JACKSON ST SDWLKS	1	268420	03/2010 18,024.49
210-3110-431.93-11	09/30/2009	WO0304 JACKSON ST SDWLKS	1	268420	03/2010 47,025.00
840-3184-431.93-10	09/30/2009	WO0304 JACKSON ST SDWLKS	1	268420	03/2010 4,890.60
10/02/2009	724976	PHILIP SERVICES CORPORATION	14411		3,080.00
541-3123-435.35-90	09/22/2009	HHW REMOVAL	22000110567	265436	03/2010 3,080.00
10/02/2009	724979	PUBLIC UTILITIES	5022		134,160.51
872-5198-452.34-20	08/07/2009	PARKS	13592722571		03/2010 1,508.28
872-5198-452.34-20	08/07/2009	PARKS	13592722571		08/2010 1,508.28
512-8400-623.34-20	10/01/2009	PUD - WATER BILLS	187212152		04/2010 745.94
872-5198-452.34-20	10/01/2009	PUD - WATER BILLS	11498915890		04/2010 2,017.12
872-5198-452.34-20	10/01/2009	PUD - WATER BILLS	11498915891		04/2010 3,626.83
872-5198-452.34-20	10/01/2009	PUD - WATER BILLS	676333936 40%		04/2010 280.41
10-5112-452.34-20	10/01/2009	PUD - WATER BILLS	676333936 60%		04/2010 420.61
872-5198-452.34-20	10/01/2009	PUD - WATER BILLS	11828118660		04/2010 2,392.34
872-5198-452.34-20	10/01/2009	PARK FALCON RIDGE	13019519760		04/2010 386.54
872-5198-452.34-20	10/01/2009	PARK FALCON RIDGE	13019521993		04/2010 289.22
872-5198-452.34-20	10/01/2009	PARKS	13592722571		04/2010 737.29
872-5198-452.34-20	10/01/2009	PARK AMELIA CIR	13592526964		04/2010 236.01
805-1570-425.53-50	10/01/2009	4430 HI-LINE DR	6712510003200		04/2010 122,445.55
512-8500-625.34-20	10/01/2009	4430 HI-LINE DR	671274846		04/2010 445.52

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10/02/2009	724980	QWEST COMMUNICATIONS	6319			13,518.78	
225-2232-422.34-50	09/17/2009	QWEST SEPT 2009 3RD PAY	252-1190		03/2010	9,147.60	
521-1592-493.34-50	09/17/2009	QWEST SEPT 2009 3RD PAY	252-2041		03/2010	42.98	
10-5140-436.34-50	09/17/2009	QWEST SEPT 2009 3RD PAY	652-0269		03/2010	42.98	
10-5112-452.34-50	09/17/2009	QWEST SEPT 2009 3RD PAY	652-5507		03/2010	44.03	
211-3136-433.34-50	09/17/2009	QWEST SEPT 2009 3RD PAY	652-8104		03/2010	29.16	
10-5121-451.34-50	09/17/2009	QWEST SEPT 2009 3RD PAY	652-8403		03/2010	33.58	
561-7118-711.34-50	09/24/2009	QWEST SEPT 2009 4TH PAY	245-0093		03/2010	44.20	
561-7110-711.34-50	09/24/2009	QWEST SEPT 2009 4TH PAY	245-1044		03/2010	28.36	
571-7147-713.34-50	09/24/2009	QWEST SEPT 2009 4TH PAY	245-1789		03/2010	44.20	
541-3123-435.34-50	09/24/2009	QWEST SEPT 2009 4TH PAY	245-7193		03/2010	52.98	
541-3123-435.34-50	09/24/2009	QWEST SEPT 2009 4TH PAY	245-9820		03/2010	91.49	
211-3136-433.34-50	09/24/2009	QWEST SEPT 2009 4TH PAY	245-9906		03/2010	28.36	
561-7110-711.34-50	09/24/2009	QWEST SEPT 2009 4TH PAY	248-3068		03/2010	42.98	
561-7110-711.34-50	09/24/2009	QWEST SEPT 2009 4TH PAY	252-9412		03/2010	85.96	
571-7141-713.34-50	09/24/2009	QWEST SEPT 2009 4TH PAY	254-7038		03/2010	44.20	
150-2225-422.34-50	09/24/2009	QWEST SEPT 2009 4TH PAY	655-0728		03/2010	42.98	
10-5112-452.34-50	09/24/2009	QWEST SEPT 2009 4TH PAY	657-3014		03/2010	28.36	
606-1931-484.34-50	09/24/2009	QWEST SEPT 2009 4TH PAY	657-8377		03/2010	3,644.38	
10/02/2009	724984	REPORTER BIG SKY OFFICE INC	3175			3,723.35	
150-2221-422.21-90	09/24/2009	RE-PAYMENT/FIRE	273404 FIRE	269299	03/2010	43.01	
150-2221-422.36-30	09/24/2009	RE-PAYMENT/FIRE	273404 FIRE	269299	03/2010	89.00	
150-2221-422.32-40	09/24/2009	REPAYMENT OF INVOICE	275465 FIRE	269299	03/2010	50.00	
620-1911-482.22-90	09/25/2009	MISC SERVICES	273687	266344	03/2010	3,541.34	
10/02/2009	724989	SANDERSON STEWART	20446			5,463.00	
416-7493-603.93-40	09/30/2009	WO0913 STAPLES WATER MAIN	30024	267598	03/2010	5,463.00	
10/02/2009	724996	STANDARD INSURANCE COMPANY	20399			9,298.56	
900-0000-209.99-61	09/29/2009	LTD			04/2010	2,078.26	
627-1752-417.14-80	09/29/2009	LIFE INSURANCE			04/2010	7,220.30	
10/02/2009	724998	STAR SERVICE INC	3553			418,697.12	
503-7391-602.93-40	09/28/2009	NONSTOCKING ITEMS-P.U.D.	42119	266988	03/2010	5,750.00	
416-7493-603.92-20	09/30/2009	WO0426 ZONE 4 RESERVOIR	1	267993	03/2010	412,947.12	
10/02/2009	725001	STRATEGY 5 LLC	19989			2,520.00	
521-1594-493.35-90	09/30/2009	PRIOR YEAR ENCUMBRANCES	92809	257199	03/2010	2,520.00	
10/02/2009	725004	SYMPRO INC	18323			3,202.50	
10-1512-415.35-53	09/30/2009	MISC SERVICES	91409	269417	03/2010	3,202.50	
10/02/2009	725006	THE BABCOCK LLC	20214			171,764.44	
202-1503-466.79-73	09/30/2009	PRIOR YEAR ENCUMBRANCES	12	260372	03/2010	171,764.44	
10/02/2009	725007	THE OMEGA GROUP, INC.	19398			22,734.00	
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10/02/2009	725012	TOWN & COUNTRY SUPPLY ASSOCIAT	18295			27,481.76	
601-0000-141.71-41	09/24/2009	MP	67268		03/2010	14,296.10	
601-0000-141.71-41	09/24/2009	MP	67402		03/2010	4,754.66	
561-7118-711.23-13	09/28/2009	INVOICE #66122	66122	F09823	03/2010	7,549.20	
150-2226-422.23-10	09/28/2009	FIRE1/UNLEADED/400 GALLNS	68671 FIRE1	267496	03/2010	881.80	
10/02/2009	725013	TRACTOR & EQUIPMENT	3775			20,627.46	
541-3123-435.23-20	09/24/2009	MP	BLW00111658	269298	03/2010	2,352.54	
541-3123-435.23-20	09/24/2009	MP	BLW00111658	269298	03/2010	4.82	
541-3123-435.23-20	09/24/2009	MP	BLW00111668	269300	03/2010	1,319.04	
541-3123-435.23-20	09/24/2009	MP	BLW00111655	269302	03/2010	6,601.32	
541-3123-435.23-20	09/24/2009	MP	BLB00009498	269311	03/2010	6,601.32-	
541-3123-435.23-20	09/24/2009	MP	BLW00111805	269312	03/2010	6,590.51	
541-3122-435.23-20	09/24/2009	MP	BLW00111753	269318	03/2010	3,518.56	
541-3122-435.23-20	09/24/2009	MP	BLW00111753	269318	03/2010	147.00	
541-3122-435.23-20	09/25/2009	MP	BLCS0442487	269348	03/2010	266.56	
541-3123-435.23-20	09/28/2009	MP	BLW00111868	269359	03/2010	268.11	
541-3123-435.23-20	09/29/2009	MP	BLW00111858	269400	03/2010	6,160.32	
10/02/2009	725021	VERMEER ROCKY MOUNTAIN INC.	17710			10,129.60	
503-7591-609.93-40	09/28/2009	MISC SERVICES	P05230	269256	03/2010	4,738.50	
503-7591-609.93-40	09/28/2009	MISC SERVICES	P05374	269256	03/2010	5,391.10	
10/02/2009	725024	WESTERN MUNICIPAL CONSTRUCTION	11742			107,437.86	
503-0000-201.10-00	09/30/2009	PARTIAL RETAINGE RELEASE	RET RELEASE	265602	03/2010	49,500.00	
503-7591-609.93-40	09/30/2009	WO0801 WATER/SEWER REHAB	4	265602	03/2010	57,937.86	
503-7591-609.93-40	10/01/2009	WO0801 WATER/SEWER REHAB	CO #3	265602	04/2010	23,778.81-	
503-7591-609.93-40	10/01/2009	WO0801 WATER/SEWER REHAB	CO #3	265602	04/2010	23,778.81	
10/02/2009	725025	WESTERN SUGAR	9999999			5,920.40	
541-0000-115.01-00	09/30/2009	WESTERN SUGAR-attn Susan	Refund-PD TWICE		03/2010	5,920.40	
10/02/2009	725031	YELLOWSTONE ELECTRIC CO	4162			7,073.97	
561-7112-711.24-50	09/28/2009	INVOICE #BIL2020	BIL2020	F09825	03/2010	7,073.97	
10/02/2009	725032	YELLOWSTONE VALLEY ELEC	4174			5,064.89	
512-8400-623.34-10	09/23/2009	MISC SERVICES	4179006 SEP09	269264	03/2010	3,114.40	
512-8500-625.34-10	09/23/2009	MISC SERVICES	4179010 SEP09	269264	03/2010	113.69	
512-8500-625.34-10	09/23/2009	MISC SERVICES	4179011 SEP09	269264	03/2010	19.00	
512-8500-625.34-10	09/23/2009	MISC SERVICES	4179015 SEP09	269264	03/2010	119.35	
150-2221-422.34-10	09/25/2009	FIRE7/ELEC/5498 KWH USED	4179013 09AUG	267472	03/2010	531.40	
607-2235-486.34-10	09/25/2009	LANDFILL TWR/ELEC 2460KWH	4179002 09AUG	267490	03/2010	217.98	
541-3123-435.34-10	09/29/2009	ELEC AT LANDFILL	4179000	268568	03/2010	584.40	
810-3183-431.34-10	09/30/2009	SID 299	4179014 SEP09	269435	03/2010	364.67	

DATE RANGE TOTAL \* 1,784,191.15 \*

Date: 10/26/2009

**TITLE: Adoption: Welcome Home Billings, 10-Year Plan to Impact Homelessness and Mayor's Committee on Homelessness' FY2009-2011 Two-Year Action Plan**

**PRESENTED BY:** Brenda Beckett

**Department:** Planning & Community  
Services

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### Information

#### **PROBLEM/ISSUE STATEMENT**

The City of Billings - Community Development Division has facilitated the Mayor's Committee on Homelessness' efforts to develop a 10-year plan to impact homelessness since April, 2006, when the City Council adopted Resolution 06-18409. City staff has completed the draft plan, Welcome Home Billings, and the Mayor's Committee on Homelessness' FY2009-2011 Action Plan. The Action Plan identifies comprehensive action steps and commitments made by members of the Mayor's Committee on Homelessness to implement Welcome Home Billings.

In addition, the Billings Area Resource Network (BARN), consisting of 33 social service organizations, is being given the opportunity to participate in two-year plan development to identify commitments to implementing Welcome Home Billings. The latest draft of the BARN's FY2009-2011 Action Plan is included with this memo.

Staff has solicited public comment through various community meetings and a City Council public hearing. The public comment period extended from September 18 through October 19, 2009. The plan is available for review in hard copy / color format in the City Clerk's office and is also available online: [www.ci.billings.mt.us/homelessplan](http://www.ci.billings.mt.us/homelessplan). A more concise version of plan goals is also available online: [www.ci.billings.mt.us/homeless-strategicframework](http://www.ci.billings.mt.us/homeless-strategicframework). The plan is now presented to the City Council for adoption.

#### **ALTERNATIVES ANALYZED**

Council may:

- 1) Adopt Welcome Home Billings and the two-year action plan as presented by the Mayor's Committee on Homelessness as submitted.
- 2) Adopt Welcome Home Billings and the two-year action plan as presented by the Mayor's Committee on Homelessness with corrections.
- 3) Do not adopt Welcome Home Billings and the two-year action plan as presented by the Mayor's Committee on Homelessness.

#### **FINANCIAL IMPACT**

Additional City financial resources have not been allocated in this community plan to impact homelessness. Community Development staff time to facilitate the project has already been allocated via Resolution 06-18409. Goals and action items identified by the Mayor's Committee on Homelessness on the two-year action plan do not commit the City of Billings to allocate or expend funding.

#### **BACKGROUND**

##### ***National Initiative***

The United States Interagency Council on Homelessness (USICH) has challenged states and cities nationwide to create 10-year plans to end chronic homelessness. USICH is primarily responsible for providing leadership and facilitation of efforts which are targeted to assist homeless individuals and families. USICH provides planning for federal activities, monitoring assistance for the homeless through federal and local channels, technical assistance for communities, and delivers information on federal

federal and local channels, technical assistance for communities, and convey information on federal resources for the homeless. Three hundred fifty cities across the nation have dedicated resources to develop and implement plans to impact homelessness.

### ***Montana Initiative***

The Montana Council on Homelessness is a state-level council appointed by the Governor of Montana under Executive Order. The initial council was appointed in 2004, by Governor Judy Martz after a team of stakeholders attended a 2003 Policy Academy on Chronic Homelessness. The initial Council enlisted over 100 volunteers and crafted a draft ten-year plan to end chronic homelessness and to reduce homelessness overall by 2014. Governor Brian Schweitzer amended the Executive Order and appointed new members in 2007. The 2007 Council has reviewed, revised and adopted the state's 10-year plan. The goals of the Council have included prioritizing and enhancing access to mainstream services and to permanent affordable housing for persons who are homeless, as well as preventing homelessness and strengthening political will. One of the Council's strategies was initiating a relationship with a city, through which state-level technical assistance and resources could work in concert with community-level efforts to address homelessness.

### ***City of Billings Initiative***

The City of Billings was chosen as a pilot project by the Montana Council on Homelessness to begin a 10-year planning process, with the ultimate goal of creating a replicable plan to end chronic homelessness in Billings. The initiative was dubbed Welcome Home Billings. Strategic planning sessions were facilitated in Billings by the Montana Council on Homelessness in November, 2005, and March, 2006, to coordinate the efforts of over 80 individuals interested in addressing homelessness on a local level.

Staff from the City of Billings' Community Development Division approached Mayor Ron Tussing regarding city support for the initiative and acceptance of the "pilot project" challenge. Mayor Tussing responded with strong support. A resolution was drafted to support the initiative and the Billings City Council appointed 20 committee members to spearhead efforts to develop a 10-year plan in April 2006. The Mayor's Committee on Homelessness (the Committee) has been meeting monthly since June, 2006, and has been successful in efforts to gather data, implement national best practices, and involve the community in planning efforts.

The Committee's purpose is to review results from strategic planning sessions held in November, 2005, and March, 2006, written by the Montana Council on Homelessness and to establish a 10-year plan for City Council review as a pilot project in order to impact chronic homelessness in Billings. The Committee also acts as a conduit to the Montana Council on Homelessness regarding the City of Billings as a pilot project to address chronic homelessness.

The Committee has been dedicated to inclusive community participation. Membership of the Committee represent broad stakeholder groups including housing and service providers, civic and business leaders, economic and work force agencies, faith-based organizations, philanthropy groups, homeless individuals (participants), and other interested parties.

### ***Mayor's Committee on Homelessness Accomplishments***

- Creation of the Billings Area Resource Network – a group of homeless service providers working together to increase service and grant coordination, 2006.
- Billings Addendum to the Continuum of Care point-in-time survey in January, 2007.
- Understanding Homelessness in the American Indian Population: Roundtable Discussion in February, 2007, the first of its kind in the nation.
- Cultural Competency Training: Understanding the American Indian Perspective – June, 2007, attended by 78 individuals.
- Creation of the Committee's 10-year planning priorities.
- Social Enterprise Conference featuring Pioneer Human Services, February 13 & 14, 2008, attended by 132 individuals.
- Continuum of Care Discussion - March 10, 2009, attended by 35 individuals.

- Project Homeless Connect events – March 31, 2007, March 28, 2008, January 30, 2009, generating nearly \$259,948 in donations and in-kind services. In 2009, 47 service providers assisted 438 participants.
- Compilation and comprehensive analysis of homeless data from the Montana Continuum of Care point-in-time surveys for 2005, 2006, 2007 and 2008.
- Garnering \$562,640 in grants to support the efforts of the Mayor’s Committee on Homelessness and the Housing First Project.
- Billings Metro VISTA Project, seven AmeriCorps VISTA members working on capacity-building to address poverty and homeless issues in Billings, July 2009, valued at \$247,525.
- Housing First Project, four units to house homeless families in Billings, opening November 2009.

## **STAKEHOLDERS**

- Homeless Individuals and Families - An average of 600 homeless individuals have been counted in Billings during the point-in-time survey. Nearly 2,400 homeless individuals are estimated to reside in Billings annually.
- City of Billings Residents and Visitors - Residents and visitors to our city see homeless individuals and panhandlers daily. It also costs tax payers an estimated \$54 million per year to serve the homeless, including the chronically homeless.
- Community Neighborhoods and Businesses - Efforts to impact homelessness are expected to benefit neighborhoods and businesses.
- Mayor’s Committee on Homelessness Appointees - Each member of the Committee has made commitments to implementing Welcome Home Billings.
- Billings Area Resource Network (BARN) Members - Organizations participating in the BARN serve the homeless and those experiencing poverty. BARN members, representing 33 local agencies, will be given an opportunity to commit via two-year planning processes to implement Welcome Home Billings.
- Montana Continuum of Care Coalition - Welcome Home Billings includes policy recommendations regarding the allocation of federal homeless funding (Continuum of Care) and more objective, inclusive processes. Recommendations also include geographic considerations for eastern Montana.
- Montana Council on Homelessness - The Governor’s council has chosen Billings as a pilot project to develop a replicable 10-year plan to impact homelessness. The City of Billings has met this obligation by developing Welcome Home Billings with a replicable “Strategic Framework” that can be used to develop action plans to impact homelessness across Montana. The City of Billings is also implementing the “Housing First” project to obtain local cost-benefit data to compare the costs of serving homeless families prior to and post housing placement.
- State Department of Health and Human Services - Contract administrator and grantor for a \$300,000 allocation in Food Stamp Bonus funding for the homeless initiative to be used for deliverables such as a replicable plan and demonstration project (Housing First).
- Corporation for National and Community Service, Montana Field Office - AmeriCorps Grant administrator and grantor for the Billings Metro VISTA Project (MVP), which has placed seven VISTA (Volunteers in Service to America) members in Billings. Members are tasked with comprehensive capacity-building assignments to support poverty and homelessness initiatives.
- United States Interagency Council on Homelessness - Federal agency responsible for coordinating national response to homelessness and to create partnerships to reduce and end homelessness.

## **CONSISTENCY WITH ADOPTED POLICIES OR PLANS**

Welcome Home Billings is consistent with strategies identified in the Community Development Division’s Consolidated Plan for Community Development Block Grant and HOME Investment Partnership Program funding:

- Strategy #1 - Promote the preservation of the existing supply of affordable housing in the community.
- Strategy #2 - Promote the preservation and revitalization of the community’s older neighborhoods where the affordable housing stock is located.
- Strategy #3 - Promote new affordable housing opportunities.
- Strategy #4 - Work as an active partner with non-profits, neighborhood groups, and others to address housing, community, and neighborhood needs.
- Strategy #5 - Improve the economic conditions of lower income households in the community.

**SUMMARY**

The Mayor's Committee on Homelessness' plan to impact homelessness, Welcome Home Billings, has been designed to increase overall collaborative efforts and resources to assist the most vulnerable population in our community.

**RECOMMENDATION**

Staff recommends that Council adopt Welcome Home Billings and the Mayor's Committee on Homelessness' FY2009-2011 Action Plan as submitted.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

Link: [Welcome Home Billings: Exerpts](#)

Link: [Strategic Framework](#)

Link: [FY2009-2011 Action Plan - Mayor's Committee](#)

Link: [Welcome Home Billings - FY09-11 Action Plan - BARN](#)

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## EXECUTIVE SUMMARY

The Mayor’s Committee on Homelessness’ plan to impact homelessness, *Welcome Home Billings*, has been designed to increase overall collaborative efforts and resources to assist the most vulnerable population in our community.

There are at least 600 homeless individuals in Billings on any given day; some are veterans, many are disabled, and most are challenged with addictions. Almost 80 families are currently experiencing homelessness locally, and 42% of these families are American Indian. Many of the homeless in Billings are working either part or full time, but cannot maintain housing. Most of the homeless individuals in Billings have lived here at least two years; many have lived here their whole lives.

The costs to serve the homeless are exorbitant. Each homeless person costs over \$15,000 per year in public services. Each chronically homeless individual costs an estimated \$115,000 to serve in a year. **With nearly 2,400 people experiencing homelessness in Billings each year, the costs exceed \$54 million annually.** It is less expensive to house the homeless than to leave them on the streets. *Welcome Home Billings* includes recommendations for cross-cutting strategic goals and outlines programmatic strategic goals and priorities.

CROSS-CUTTING STRATEGIC GOALS			
<b>COLLABORATION</b>			
Join community partners with resources to address homelessness intervention and prevention efforts and facilitate partnerships to improve collaboration, service array, leveraging and capacity.			
<b>AWARENESS</b>			
Increase advocacy and public knowledge on behalf of the homeless.			
<b>ACCOUNTABILITY</b>			
Ensure innovation, fiscal responsibility and long-term effectiveness for projects and programs.			
<b>SUSTAINABILITY</b>			
Ensure high standards for management, accountability and performance measurement.			
PROGRAMMATIC STRATEGIC GOALS & PRIORITIES			
HOUSING	PREVENTION	SERVICES	ASSETS
Increase the city’s supply of affordable housing.	Provide adequate emergency homeless prevention programs.	Expand treatment / service capacity and linkage to essential services.	Increase personal income levels and economic opportunities.

*Welcome Home Billings* is a plan for our community. Impacting homelessness will require a community-wide effort and must involve: individuals experiencing homelessness, social service providers, community leaders, professionals and business owners. The plan does not report on every service designed to impact homelessness in our community, nor does it attempt to provide direction for all poverty impact services in Billings. This plan has been designed to provide information, data and recommendations to guide overall efforts.

To impact homelessness in Billings over the next ten years, the Mayor’s Committee on Homelessness supports enhancing housing and service solutions that actually work and are sustainable over time. We need more housing, better service coordination, additional work opportunities and responsible discharge planning. We need the community to assist in efforts to serve our neighbors in specific community initiatives, including: the expansion of the social enterprise model; involving businesses in community impact efforts; supporting workforce development and assisting in analyzing the cost-benefits of current services. Collectively, we can make a difference.

## INTRODUCTION

Homelessness is an issue that affects everyone in our community. From the emotional and physical toll homelessness takes on an individual experiencing it, to the financial toll it takes on everyone else; not one of us is truly sheltered from the effects of homelessness. We may not recognize the face of homelessness in our city, which not only affects chronically homeless individuals making their home on the streets – the most visible members of the homeless population – but it also makes its appearance in our schools, amongst our veterans, working parents and neighbors who are stretched just a little too far by daily expenses or overwhelming circumstances. The need for supportive and preventative services is diverse and growing, and the responsibility rests with the community.

The United States Interagency Council on Homelessness (USICH) has challenged states and cities nationwide to create ten-year plans to end chronic homelessness. USICH is primarily responsible for providing leadership and facilitation of efforts which are targeted to assist homeless individuals and families. USICH provides planning for federal activities, monitoring assistance for the homeless through federal and local channels, technical assistance for communities, and delivers information on federal resources for the homeless.

The Montana Council on Homelessness is a state-level council appointed by the Governor of Montana under Executive Order. The initial council was appointed in 2004 by Governor Judy Martz after a team of stakeholders attended a 2003 Policy Academy on Chronic Homelessness. The initial Council enlisted over 100 volunteers and crafted a draft ten-year plan to end chronic homelessness and to reduce homelessness overall by 2014. Governor Brian Schweitzer amended the Executive Order and appointed new members in 2007. The 2007 Council has reviewed, revised and adopted the state's ten-year plan. The goals of the Council have included prioritizing and enhancing access to mainstream services and to permanent affordable housing for persons who are homeless, as well as preventing homelessness and strengthening political will. One of the Council's strategies was initiating a relationship with a city, through which state-level technical assistance and resources could work in concert with community-level efforts to address homelessness.

The City of Billings was chosen as a pilot project by the Montana Council on Homelessness to begin a ten-year planning process, with the ultimate goal of creating a replicable plan to end chronic homelessness in Billings. The initiative was dubbed *Welcome Home Billings*. Strategic planning sessions were facilitated in Billings by the Montana Council on Homelessness in November 2005 and March 2006 to coordinate the efforts of over 80 individuals interested in addressing homelessness on a local level.

Staff from the City of Billings' Community Development Division approached Mayor Ron Tussing regarding city support for the initiative and acceptance of the "pilot project" challenge. Mayor Tussing responded with strong support. A resolution was drafted to support the initiative and the Billings City Council appointed twenty committee members to spearhead efforts to develop a ten-year plan in April 2006. The Mayor's Committee on Homelessness has been meeting monthly since June 2006 and has been successful in efforts to gather data, implement national best practices, and involve the community in planning efforts.

The Mayor's Committee on Homelessness is dedicated to inclusive community participation. Membership of the Committee represent broad stakeholder groups including housing and service providers, civic and business leaders, economic and work force agencies, faith-based organizations, philanthropy groups, homeless individuals (participants), and other interested parties.

## Facts about Homelessness

Researching available data brought to light many interesting demographic and characteristic points:

- Almost **one-third of the homeless in Billings are employed** either part-time or full-time.
- Based on service utilization, the **estimated cost for serving one homeless person for one year in Billings is \$15,534.**
- If 2,000 homeless people lived in Billings for one full year, the cost would exceed **\$31 million annually.**
- **Families with children** are among the fastest growing homeless sub-populations in Montana.
- In 2008-2009, Billings School District #2 identified **413 homeless children in Billings**, and the majority were 5 - 8 years old.
- The Billings *Healthcare for the Homeless* program served over **1,000 homeless individuals per year** on average from 2006 through 2008.
- Service providers conservatively estimate over 2,000 homeless individuals and families move through Billings during the course of one year.
- Being homeless can decrease a person's life expectancy by up to **40 years.**
- The death rate for homeless men is **four times** that of the general population.
- Death amongst homeless women aged 18 - 44 is **ten times** more likely than among women in the general population.
- In Billings, **half of the homeless are actively seeking a place to live** and permanent housing is their first choice of housing options.



Photo by Brenda Beckett



Photo courtesy of Interfaith Hospitality Network



Photo by Miranda Dye

### Estimating the Number of Homeless Individuals in Billings

The point-in-time survey conducted in Billings documented an average of 600 homeless individuals in the city during the course of a single day. Sixty-three percent of the individuals surveyed met the HUD definition of homelessness, which excludes those living with others or in motels. Although survey data suggests a downward trend in the number of homeless people surveyed through recent years, Healthcare for the Homeless staff report over a thousand different people received services on average over the past three years (2006 through 2008) and conservatively estimate 2,000 homeless individuals are in Billings each year. Staff members at a local drop-in center, The HUB, agree with this estimate.

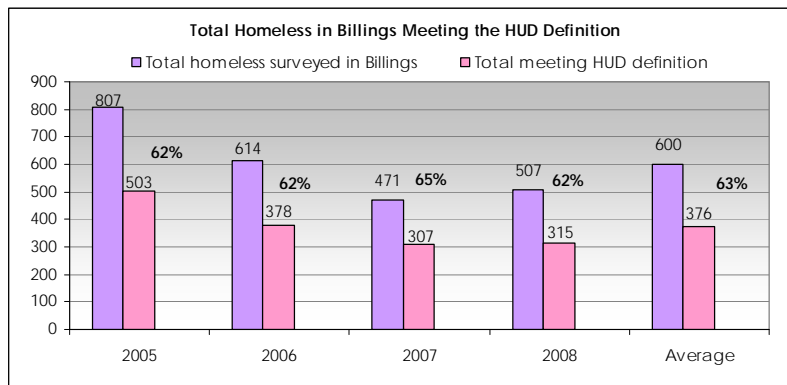
The Corporation for Supportive Housing has issued a tool to assist communities in estimating the need for supportive housing units utilizing point-in-time estimates. As the count in Billings is conducted in January, inclement weather plays a factor in the ability to gain an accurate count throughout Montana. To estimate the number of homeless individuals in Billings for the purposes of ten-year planning, projecting to an annual estimate sans personal information is a viable estimating tool. Multipliers for point-in-time survey to annual projections range from 2.39 to 6.12. In the example below, Billings is utilizing 3.99, which is in the lower range for projections.

Identifier	Definitions	Number
A	PIT count of currently homeless people, including adults and children	600*
B	Number of adults and children who were counted in shelters	172*
C	Average LOS for emergency shelter	28**
D	Correction factor, more than 1 shelter stay in 12 month period	0.20*
Formula: $A + ((B * 365 / C) * (1 - D)) = \text{Annual Estimate}$		
<b><math>600 + ((172 * 365 / 28) * (1 - 0.20)) = 2,394</math> Homeless Individuals in Billings in One Year</b>		

\*Point-In-Time Survey, averaged over the past four years  
 \*\*As reported by the homeless, 2007 Billings Addendum

The average multiplier for point-in-time to annual calculations noted in the Corporation for Supportive Housing study is 4.16, which would indicate Billings has an estimated 2,496 homeless individuals per year. For the purposes of this ten-year plan, the more conservative 2,394 figure will be utilized to estimate the costs and impact of homelessness in Billings.

Roughly 63% of the individuals identified in the survey meet the HUD definition of homelessness. Using the more conservative estimate above, this would equate to 1,508 individuals meeting the HUD homeless definition in Billings per year, making them eligible for HUD-funded housing and service opportunities.



**Cost to Serve the Homeless:  
Billings Addendum to the Survey of the Homeless - 2007**

The cost of homelessness can be quite high for those experiencing homelessness and for taxpayers subsidizing public systems. During the course of a year, a chronically homeless individual often cycles through public systems including shelters, jail, addiction/mental health treatment facilities, and emergency medical centers.

The *Billings Addendum*, a supplemental survey administered in tandem with the Montana Continuum of Care point-in-time survey (January 2007, see appendices), gave respondents an opportunity to report on service usage for the year 2006. The survey asked homeless individuals the number of days services were utilized, including transitional shelter, emergency shelter, chemical dependency treatment, mental health treatment, medical treatment and jail/prison.

Homelessness takes a great physical, emotional, and financial toll on the community.

It costs over **\$15,000** to serve a homeless individual for one year.

According to the individuals surveyed, it costs an average of \$15,534 to serve one individual experiencing homelessness in Billings for one year. Estimated annual costs reported via the *Billings Addendum* are exorbitant. If 2,394 individuals stayed in Billings for the average length of residency (as determined by the overall population), the costs to serve these individuals exceeds \$26 million.

The *Billings Addendum* was completed by homeless individuals who may not be able to provide accurate data regarding length of stay and services utilized. Discrepancies in length of stay and utilization frequency exist between what the homeless report and the experience of social service providers.

The Community Crisis Center, a service provider created to provide an alternative to emergency room admission for those suffering from mental health or substance abuse related crises, recently concluded data analysis on several individuals who have been identified as chronically homeless. Public costs to serve the chronically homeless are roughly seven times the costs of serving the overall homeless population.

<i>Estimated Costs to Serve the Chronically Homeless in 2008</i>			
Service	Cost	Client A	Client B
Crisis Center Visit	\$294 / Visit	44 Visits = \$12,936	54 Visits = \$15,876
Ambulance	\$900 / Ride	15 Rides = \$13,500	20 Rides = \$18,000
Emergency Room	\$1,500 / Visit	35 Visits = \$52,500	40 Visits = \$60,000
Psychiatric Hospital	\$2,200 / Day	18 Days = \$39,600	N / A
Jail & Psychotropic Medications	\$80 / Day	85 Days = \$6,800	N / A
Jail Without Psychotropic Medications	\$60 / Day	N / A	30 Days = \$1,800
Chemical Dependency - Outpatient	\$70 / Day	N / A	3 Days = \$210
Shelter Care	\$38 / Day	N / A	241 Days = \$9,158
<b>TOTAL ANNUAL PUBLIC COST:</b>		<b>\$126,336</b>	<b>\$105,044</b>

Averaging the above estimates, it costs the taxpayers \$115,690 to serve one chronically homeless person for one year. The Mayor's Committee on Homelessness conservatively estimates there are 2,394 homeless people in Billings over the course of a year, and if 12% are chronically homeless, there are an estimated 287 chronically homeless people in Billings utilizing

\$33,203,030 in public services each year. Since the majority of the chronically homeless have resided in the Billings area for more than a year (87%), pro-rating the costs to serve the chronically homeless only reduce the total amount by a small amount (\$30,946,784).

The estimated cost to serve the chronically homeless with public services in Billings is nearly **\$31 million**

To obtain a more accurate cost to serve the homeless in Billings, the population should be adjusted by both "overall" and "chronically homeless" categories. The overall annual homeless population, not including the chronically homeless, is estimated at 2,107 individuals. This figure should be multiplied by \$15,534, the average cost of serving one homeless person for a year. The totals are then adjusted by length of stay, which would total \$23,345,185. Adding this figure to the total cost to serve the chronically homeless, adjusted for length of stay, totals \$54,291,969. If the population in Billings is 102,000, each citizen in Billings is contributing an estimated \$532 each year to support the needs of the homeless in our community.

The annual cost to serve the homeless in Billings is estimated to exceed **\$54 million**

What may be true for Billings is evident across the nation. The Wichita / Sedgwick County Task Force to End Chronic Homelessness reports the cost of serving the homeless is from \$28,045 to \$42,075. The National Alliance to End Homelessness reports homeless individuals with serious mental illness utilized over \$40,000 annually in publicly-funded services.

Recent studies suggest homeless families cost as much in public services as the chronically homeless. Many national studies have demonstrated the cost effectiveness of housing individuals and families in lieu of expensive public systems. Permanent housing arrangements would not only be financially beneficial to the city, and a majority (58%) of the homeless surveyed in Billings indicated that permanent or permanent supportive housing would be their first choice for living arrangements. Respondents also indicated that rental and utility assistance, employment and transportation are the services that are most needed in order to end homelessness for them.

Communities across the nation have joined forces to implement housing and service solutions and efforts have been supported by existing data regarding the cost-effectiveness of implementing ten-year plans to impact homelessness.

### *Panhandling*

There has been great concern throughout the City of Billings regarding panhandling. Some citizens give generously to panhandlers, hoping to help someone in need. Others express anger and frustration about the effect panhandling has on the city and its business owners. For many, panhandling and homelessness are equated.

The two issues are, of course, related, but perhaps not as closely as one might think. Homelessness is an extremely complex issue, and the vast majority of the homeless population are neither visible on the streets, nor are they amongst those who panhandle.



Photo by Julia Guarino

Researchers at the University of Toronto conducted a survey of the panhandling population in the downtown areas of Toronto. Individuals surveyed reported earning a median income of \$300 per month from panhandling; approximately half of their total monthly income (including other sources) reported. **Twenty-four percent of those surveyed reported that they were not homeless**, while 65% reported living in a shelter or on the street. Food was the number one reported expense, followed by tobacco, and alcohol / illicit drugs.

Researchers acknowledge that their findings differ from other sources, including the work of John Stackhouse, “a journalist who briefly lived on the street in Toronto working as a panhandler and who reported that panhandlers can earn more than \$200 per day and typically spend ‘almost all their begging money on their addictions’ and very little on food.” They conclude that this disparity may be explained by the assumption that panhandlers with higher earnings were less likely to participate in the study. It must also be acknowledged that self-reported earnings and spending may not be completely accurate.

**Table 3: Income and spending among panhandlers in Toronto**

Income or spending	Median (interquartile range), \$
Hourly income from panhandling	8 (4.25–15)
Daily income from panhandling*	30 (15–50)
Monthly income from panhandling	300 (150–600)
Monthly income from all other sources†	200 (20–568)
Total monthly income	638 (350–1179)
<b>Monthly spending</b>	
Food	200 (80–400)
Housing‡	0 (0–400)
Tobacco	112 (32–160)
Alcohol and/or illicit drugs	80 (0–600)
All other items§	120 (22–335)

\*Median time spent panhandling per day was 6.3 h (interquartile range 4.0–8.3 h).  
 †Includes welfare, disability and other government payments (n = 23), selling newspapers or other items on the street, busking and/or wages from jobs (n = 14), receiving money from friends or family (n = 13) and other sources of income (n = 3).  
 ‡Among the 24 subjects who reported any spending on rent or housing in the past month, median monthly spending for housing was \$400 (interquartile range \$183–488).  
 §Includes transportation, clothing and laundry, personal care items and money given to friends.

CMAJ. 2002 September 3; 167(5): 477–479

Michael Scott, Center for Problem-Oriented Policing, writes that reported earnings range from \$20 per day to as much as \$300 per day. Although some money panhandled is used for food and other necessities, much of money earned goes toward alcohol, drugs and tobacco. An article by John Tierney of the New York Times reporting on the work of the Times Square Consortium for the Homeless echoes this sentiment, claiming that data indicates 80% of panhandlers’ abuse drugs and alcohol, and 30% are mentally ill.

Panhandling in Billings may not primarily support food and other necessities, as there are a large number of resources in Billings for those in need. Fifteen providers make food assistance available to their clients, 13 provide sack lunches; food and assistance for other necessities are available in abundance.

The Downtown Billings Business Improvement District (BID) spearheaded a response to solicitation through city ordinance to address the panhandling situation in Billings. The Aggressive Solicitation Ordinance bans aggressive solicitation and restricts commercial solicitation, including placing limits on the locations and hours of the day in which an individual is permitted to panhandle.

Officer Shane Winden, a Billings bicycle police officer, has become familiar with the homeless and panhandling population in the downtown area. Officer Winden has been trained in crisis-intervention and works to assist people he encounters to access services. He is also responsible for ordinance enforcement in the downtown area, and reports an estimated 90% of the individuals he encounters panhandling utilize the money they receive to purchase alcohol, tobacco or drugs. He also reports that about half of the individuals panhandling in downtown Billings are not homeless, although some may have been asked to leave by family members who cannot bear their addictions. With Officer Winden's presence and the passage of a Panhandling Ordinance, incidences of panhandling downtown have reduced dramatically. Unfortunately, panhandling still takes place in the western areas of the city.

The BID has also taken the lead in implementing an effective awareness and fundraising campaign in the fall of 2005, *Spare Change for Real Change*. This program aims to provide an alternative to citizens who give to panhandlers. Donations benefit service providers and donation boxes have been distributed to local participating businesses. The BID expects to unveil a set of recycled parking meters as donation meters throughout the City of Billings in the fall of 2009.

### *One-Way Tickets Home - Floating the Homeless*

Providing transportation funding as a way to impact homelessness generates strong reactions from city governments attempting to address the countless issues that come with serving the homeless. Local social service providers note that homeless individuals and families certainly come to Billings from other cities; they provide assistance with transportation to other cities within the state and across the nation.

In Bozeman, an article written by David Nolt regarding "floating" the homeless was published in *New West Bozeman* (2007). Mr. Nolt writes in his article, *Bozeman's Lack of Homeless Shelter Strains Nearby Cities*, "It is not often a discussed fact that Bozeman has a history of escorting - or 'floating' - transients and the homeless out-of-town, most commonly via the Greyhound bus to proxy shelters in the nearby cities of Butte and Helena". Since this article was published, a shelter was opened in Bozeman to serve the homeless. Local service providers report the "traveling homeless" know what cities in Montana, and across the nation, provide the best services.

Other cities have implemented the "one way ticket home" model. The City of New York has paid for over 500 families to leave the city since 2007. This program sends people all over the world, offering assistance in obtaining passports, visas and other legal paperwork. The State of Hawaii recently responded to the mainland "floating" of the homeless to the islands with proposed legislation, H.B. 1187 in early 2009. The intent of the bill was supported by the Hawaii Public Housing Authority for this "return-to-home" program. This legislation was not passed in primarily due to cost.

While returning individuals and families to their home communities may provide relief for some cities, supporting "floating" practices without providing necessary resources and supports for individual and family success is counter-productive to resolving the homeless crisis across the nation.

***Recommendations***

The Mayor's Committee on Homelessness supports assisting individuals return to their home communities if they so desire, but only if adequate supports and planning are completed to provide needed services upon their arrival.

The Mayor's Committee on Homelessness recommends the expansion of the *Spare Change for Real Change* program as an effective marketing and fundraising campaign directly impacting panhandling across the city. Target areas include King Avenue and 24<sup>th</sup> Street West. The campaign should include signage that can be viewed by vehicle and should be located in front of businesses experiencing high solicitation traffic. This largely commercialized area is frequented by travelers from neighboring states who may not have experience witnessing repeated claims made by panhandlers "trying to get to Oklahoma" for several consecutive years.

## SECTION FOUR: RECOMMENDATIONS

### *Introduction*

The Ten-Year Plan to Impact Homelessness is an overarching framework that outlines community progress required to achieve the ultimate goal of ending homelessness in our community. This framework will serve to guide the development of bi-annual (two-year) Action Plans, in which the responsible parties and funding sources for each goal will be identified, and more detailed action steps will be developed.

### *Performance Measurements*

The ten-year plan is based on data gathering, research and analysis to determine the types of homeless services needed in the community in addition to facilitation of plan implementation. A completed housing project at the end of the three-year period would also be a mid-term goal. Long term goals can be measured by the decreasing number of homeless individuals in our community.

Impact will be measured by the number of initiative participants and organizations, amount of secured and leveraged funding to support various initiatives, the number of grants obtained to secure housing and other homeless services, and the number of homeless individuals and families served with projects. Addressing homelessness in a large-scale, cooperative, and inclusive manner furthers the mission of the Community Development Division and the Billings community. This mission includes reducing service duplication, increasing service coordination, identifying and prioritizing gaps in services, and increasing leveraging opportunities for funding.

### *Plan Development*

According to the National Alliance to End Homelessness' report, *A New Vision: What is in Community Plans to End Homelessness?*, most plans target all homeless people including high-cost cohorts such as the chronically homeless and families. Only one-third of plans exclusively target the chronically homeless.

The Mayor's Committee on Homelessness has completed data analysis on a wide range of cohorts to better understand the different populations utilizing services in Billings. Strategies identified, including the development of specific housing types, can be generally applied to most cohorts.

The ten essential strategies published by the National Alliance to End Homelessness (*Ten Essentials to Ending Homelessness*) include:

- Creating a ten-year plan
- Creating a data system to monitor trends
- Emergency Prevention Programs
- Streamlining mainstream programs to prevent homelessness
- Street Outreach

## EXCERPTS FROM WELCOME HOME BILLINGS FOR CITY COUNCIL REVIEW

- Shortening the time people spend homeless and decreasing the number of times they are homeless
- Rapid re-housing strategies
- Treatment and supportive services
- Ensuring an adequate supply of permanent housing
- Assisting the homeless in securing employment and/or benefits

The Mayor's Committee on Homelessness' ten-year plan includes the above strategies, based on the needs of the community as identified through data gathering and participation efforts. Concepts may require additional planning efforts in the future, especially for Safe Haven housing or other types of "low-demand" housing.

### *Strategic Framework Overview*

The Mayor's Committee on Homelessness has developed a set of overarching strategic goals that will guide the Committee and its partners in designing and implementing two-year action plans and related initiatives. These *cross-cutting strategic goals* were developed in consideration for the committee's vision; no one in Billings has to be homeless:

- **Collaboration:** Join community partners with resources to address homelessness intervention and prevention efforts and facilitate partnerships to improve collaboration, service array, leveraging and capacity.
- **Awareness:** Increase advocacy and public knowledge on behalf of the homeless.
- **Accountability:** Ensure high standards for management, accountability and performance measurement.
- **Sustainability:** Ensure innovation, fiscal responsibility and long-term effectiveness for projects and programs.

The Committee has also developed a set up *programmatic strategic goals and priorities*, for the further development of resources and programs to address the needs of the homeless / near-homeless. These goals / priorities are:

- **Housing:** Increase the city's supply of decent, affordable housing.
- **Prevention:** Provide adequate emergency homeless prevention programs.
- **Services:** Expand treatment / service capacity and linkage to essential services.
- **Assets:** Increase personal income levels and economic opportunities.

# WELCOME HOME BILLINGS

## Strategic Framework

### Ten-year Plan to Impact Homelessness

**Vision:** No one in Billings has to be homeless. Everyone in Billings has access to tools and opportunities for safe, appropriate and affordable housing.

**Mission:** The Mayor’s Committee on Homelessness has partnered with local organizations and community members to develop and implement a comprehensive ten-year plan in the pursuit of ending chronic homelessness in the Billings community.

## CROSS-CUTTING STRATEGIC GOALS

COLLABORATION	<b>A: Join community partners with resources to address homelessness intervention and prevention efforts and facilitate partnerships to improve collaboration, service array, leveraging and capacity.</b>	
	A1:	Develop resources for funding homeless initiatives and coordinate grant efforts.
	A2:	Support Project Homeless Connect as an annual event.
	A3:	Support the Billings Area Resource Network as a working homeless services / advisory body for the Mayor’s Committee on Homelessness.
	A4:	Support the Business Consortium for Social Change to involve businesses in impacting the homeless / near-homeless.
	A5:	Create modes of communication between partnering organizations to facilitate coordination, avoid duplication, and increase collaboration to maximize resources.
AWARENESS	<b>B: Increase advocacy and public knowledge on behalf of the homeless.</b>	
	B1:	Utilize the ten-year plan to provide guidance regarding homeless policy for local, state, and federal entities.
	B2:	Increase understanding of the causes and economic realities of homelessness through targeted public awareness campaigns for homeless projects and service events.
	B3:	Promote understanding and respect for all people experiencing homelessness.
	B4:	Provide venues for those experiencing homelessness to have their ideas and concerns heard.
ACCOUNTABILITY	<b>C: Ensure innovation, fiscal responsibility and long-term effectiveness for projects and programs.</b>	
	C1:	Support both prevention and intervention modalities for projects and programs.
	C2:	Closely monitor trends in the needs of the homeless and near-homeless in Billings in order to respond to community need.
	C3:	Research innovation in homeless services and facilitate capacity-building with local service providers and community organizations to implement improved services.
	C4:	Support education efforts for case management, mentoring and services.
SUSTAINABILITY	<b>D: Ensure high standards for management, accountability and performance measurement.</b>	
	D1:	Embrace public involvement, comment and input for ten-year planning and project development efforts.
	D2:	Ensure performance measurements are implemented with each project and data is gathered and analyzed on a routine basis.
	D3:	Evaluate projects for long-term sustainability as part of the routine processes prior to endorsement or facilitation.
	D4:	Evaluate cost-effectiveness, essential services, and long-term business resource planning for all projects.
	D5:	Embrace public involvement, comment and input for ten-year planning and project development efforts.

## Cross-Cutting Strategic Goals

**GOAL A: COLLABORATION** - *Join community partners with resources to address homelessness intervention and prevention efforts and facilitate partnerships to improve collaboration, service array, leveraging and capacity.*

The Mayor's Committee on Homelessness has successfully implemented and supported several initiatives it considers essential to effectively addressing homelessness in the Billings community. Project Homeless Connect, a national best practice, is a one-stop one-day event where providers from across the city come together in one location. The committee successfully implemented this event for three consecutive years, and has now decided to support the BARN in taking on the event.

The BARN was successfully established by the Mayor's Committee on Homelessness and now functions independently to address direct needs and take action on behalf of service providers in the city, while communication between the two entities is maintained through duplicated membership.

The Mayor's Committee on Homelessness has additionally identified the need to involve local businesses interested in social impact, and is planning to support the development of a Business Consortium for Social Change through capacity building efforts facilitated by the Billings Metro VISTA Project (MVP).

**GOAL B: AWARENESS** - *Increase advocacy and public knowledge on behalf of the homeless.*

As an essential component to successful implementation of projects and initiatives taken on by the Mayor's Committee on Homelessness, the committee acknowledges the need for a concerted effort to educate the public in order to garner support for the work of the committee and for the end goal, of ending homelessness in our community. This will be the special work of the Public Relations sub-committee, but will be considered in the entire committee's every effort.

**GOAL C: ACCOUNTABILITY** - *Ensure high standards for management, accountability and performance measurement.*

The Mayor's Committee on Homelessness is dedicated to responsible, transparent development and implementation of all initiatives undertaken and supported by the group. To this end, the committee holds public meetings and continually researches best practices nationwide as measures for evaluation and suggestion for project development.

**GOAL D: SUSTAINABILITY** - *Ensure innovation, fiscal responsibility and long-term effectiveness for projects and programs.*

The Mayor's Committee on Homelessness undertakes all efforts with the expectation that they will act as a catalyst for long-term change in the community; therefore, the committee has organized conferences and discussions, and members continue to research and inform one another about best practices developed across the nation for addressing homelessness. The Mayor's Committee on Homelessness will continue to incorporate knowledge gained into projects and initiatives they undertake, while sharing knowledge with the rest of the community. Additionally, the Mayor's Committee on Homelessness is determined to ensure effectiveness of every initiative in addressing the specific needs of the Billings community being served.

# WELCOME HOME BILLINGS

## Strategic Framework

Ten-year Plan to Impact Homelessness

### PROGRAMMATIC STRATEGIC GOALS & PRIORITIES

HOUSING		PREVENTION		SERVICES		ASSETS	
<b>E: Increase the city's supply of decent, affordable housing.</b>		<b>F: Provide adequate emergency homeless prevention programs.</b>		<b>G: Expand treatment /service capacity and linkage to essential services.</b>		<b>H: Increase personal income levels and economic opportunities.</b>	
<b>E1:</b>	Increase supportive housing units, permanent rentals, transitional housing units, veterans housing, emergency shelter beds, housing for those returning from prison and those in recovery.	<b>F1:</b>	Increase funding dedicated to rent, utilities and mortgage assistance.	<b>G1:</b>	Expand coordinated intensive case management and street outreach services for the homeless.	<b>H1:</b>	Increase access to social service and income benefits by ensuring assistance is provided to complete applications.
<b>E2:</b>	Seek federal, state and local funding sources to support affordable housing development for households with very low income (0 - 30% Area Median Income).	<b>F2:</b>	Support incentive programs for landlords to rent to the homeless or those at risk for homelessness, and increase service provider capacity to engage in long-term leasing and / or rental ownership.	<b>G2:</b>	Increase assistance to complete applications and facilitate application streamlining to access services, transportation, employment and housing.	<b>H2:</b>	Support asset development, education, job training, and employment opportunities serving the homeless (and those at risk of homelessness) throughout the community.
<b>E3:</b>	Build local service provider capacity for affordable housing development, management and housing rehabilitation.	<b>F3:</b>	Support pre-release / discharge planning education and intervention for all institutional services including foster care, prison, jail and behavioral health facilities.	<b>G3:</b>	Increase availability and capacity of health care, mental health, substance abuse services, medication assistance and access to legal assistance to the very low income / uninsured.	<b>H3:</b>	Establish mentoring support systems, life skills training, and childcare assistance to the homeless (and those at risk of homelessness) currently in the workforce.
<b>E4:</b>	Provide Community Housing Development Organization (CHDO) capacity-building opportunities through the City's Community Development Division.	<b>F4:</b>	Utilize <i>housing first</i> and <i>rapid re-housing</i> philosophies in developing housing options to shorten homelessness.	<b>G4:</b>	Support increases in capacity for day center operations across the city.	<b>H4:</b>	Support the expansion of financial fitness and credit assistance programs.
<b>E5:</b>	Decrease barriers to obtaining existing housing units and refine housing placement services and coordination.	<b>F5:</b>	Support case management efforts to transition occupants from shelter care to permanent supportive housing.	<b>G5:</b>	Support expansion of community-based, criminal justice diversion programs.	<b>H5:</b>	Promote fair wage rates and competitive bidding through the expansion of social enterprise efforts.
<b>E6:</b>	Facilitate collaborative grant and loan applications for affordable housing development to serve the homeless.	<b>F6:</b>	Support landlord-tenant intervention to prevent eviction.	<b>G6:</b>	Establish one-stop shop to access all services for the homeless.	<b>H6:</b>	Increase financial management services for those in need.

## Programmatic Strategic Goals & Priorities

**GOAL E: HOUSING** - Expand available decent, affordable housing.

The Mayor's Committee on Homelessness has identified housing as the greatest need and the most powerful tool for ending homelessness in the Billings community. Housing is needed to serve all homeless sub-populations including individuals and families with varying degrees of case management and services. Barriers preventing housing access must be addressed, and local service provider capacity and resources to build housing can be increased to expand housing options.

**GOAL F: PREVENTION** - Provide adequate emergency homeless prevention programs.

Assisting individuals and families with rent, utilities and mortgage assistance is less expensive than assisting them through emergency services after they become homeless. Welcome Home Billings proposes to strengthen prevention efforts that prevent homelessness in an immediate manner.

**GOAL G: SERVICES** - Expand treatment / service capacity and linkage to ensure essential services are readily available for those in need.

Many individuals require differing levels of support and case management. Mental health and substance abuse were identified by Billings Addendum survey participants as the most common disabilities faced by the homeless community. Supporting the expansion of treatment and social services is crucial to the success of Welcome Home Billings.

**GOAL H: ASSETS** - Increase personal income levels and economic opportunities for individuals at risk of homelessness and currently experiencing homelessness.

Increasing access to mainstream resources such as food stamps, veteran's benefits and general financial assistance will ultimately result in more available resources to sustain housing and stability. Financial management services, financial fitness, credit repair assistance and access to education and employment will improve success rates for those assisted.

## Policy Recommendations

- Local data on the homeless gathered through the Montana Continuum of Care's Survey of the Homeless, while helpful for general inquiries, should be made available in comprehensive spreadsheet form for local manipulation in order to better determine the local demographics of the population in ongoing demographic analyses efforts. Current downloads should not be linked to specific queries, which eliminate possible cross-referencing and further examination of data.
- Include the following questions on the Montana Continuum of Care Survey:
  - Panhandling as a possible source of income
  - Previously placed in foster care
  - Suffered abuse / neglect
  - What brought people to their current location? A large percentage of the people experiencing temporary homelessness are not from Billings.
- Create an authoritative governing body with standard operating policies, procedures, and values in order to ensure long-term consistency during the Continuum of Care process.

*EXCERPTS FROM WELCOME HOME BILLINGS FOR CITY COUNCIL REVIEW*

- A more objective state-wide Continuum of Care process should be developed with applicants presenting projects for funding and decisions being made by another group.
- Include consideration for new projects in the state-wide Continuum of Care process, geographic considerations for funding equality and a provision for capacity-building funding to build new facilities and programs. Programs receiving funding for operations year after year should be expected to become more self-sustaining in order to make funding available for new programs.
- Include provisions and technical assistance / coordination for eastern Montana communities that have never received Continuum of Care funding as a way to generate or support ongoing projects.
- Facilitate all Continuum of Care meetings through a video-conferencing system to ensure open participation in communities across Montana.
- Local service providers would benefit from additional community support and facilitation to adequately survey the number of homeless individuals and families in Billings.
- Service providers report a critical need for psychiatrists and therapists. Reciprocal licensing agreements to support mental health professionals from other states working in Montana would be beneficial.
- Student loan reimbursement programs for mental health / substance abuse professionals choosing to work with the homeless would assist in recruitment / retention efforts.
- Case management and service rates should meet the costs of providing services through health care plans supported by the State of Montana.



# MAYOR'S COMMITTEE ON HOMELESSNESS

The Mayor's Committee on Homelessness has developed a set of overarching strategic goals that will guide the Committee and its partners in designing and implementing two-year action plans and related initiatives. The entire plan can be viewed online: [www.ci.billings.mt.us/homelessplan](http://www.ci.billings.mt.us/homelessplan).

## WELCOME HOME BILLINGS

### Strategic Framework

#### Ten-year Plan to Impact Homelessness

**Vision:** No one in Billings has to be homeless. Everyone in Billings has access to tools and opportunities for safe, appropriate and affordable housing.

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	A4:	Support the Business Consortium for Social Change to involve businesses in impacting the homeless / near-homeless.
	A5:	Create modes of communication between partnering organizations to facilitate coordination, avoid duplication, and increase collaboration to maximize resources.
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SUSTAINABILITY	<b>D: Ensure high standards for management, accountability and performance measurement.</b>	
	D1:	Embrace public involvement, comment and input for ten-year planning and project development efforts.
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	D3:	Evaluate projects for long-term sustainability as part of the routine processes prior to endorsement or facilitation.
	D4:	Evaluate cost-effectiveness, essential services, and long-term business resource planning for all projects.
	D5:	Embrace public involvement, comment and input for ten-year planning and project development efforts.

# WELCOME HOME BILLINGS

## Strategic Framework

Ten-year Plan to Impact Homelessness

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<b>E2:</b>	Seek federal, state and local funding sources to support affordable housing development for households with very low income (0 - 30% Area Median Income).	<b>F2:</b>	Support incentive programs for landlords to rent to the homeless or those at risk for homelessness, and increase service provider capacity to engage in long-term leasing and / or rental ownership.	<b>G2:</b>	Increase assistance to complete applications and facilitate application streamlining to access services, transportation, employment and housing.	<b>H2:</b>	Support asset development, education, job training, and employment opportunities serving the homeless (and those at risk of homelessness) throughout the community.
<b>E3:</b>	Build local service provider capacity for affordable housing development, management and housing rehabilitation.	<b>F3:</b>	Support pre-release / discharge planning education and intervention for all institutional services including foster care, prison, jail and behavioral health facilities.	<b>G3:</b>	Increase availability and capacity of health care, mental health, substance abuse services, medication assistance and access to legal assistance to the very low income / uninsured.	<b>H3:</b>	Establish mentoring support systems, life skills training, and childcare assistance to the homeless (and those at risk of homelessness) currently in the workforce.
<b>E4:</b>	Provide Community Housing Development Organization (CHDO) capacity-building opportunities through the City's Community Development Division.	<b>F4:</b>	Utilize <i>housing first</i> and <i>rapid re-housing</i> philosophies in developing housing options to shorten homelessness.	<b>G4:</b>	Support increases in capacity for day center operations across the city.	<b>H4:</b>	Support the expansion of financial fitness and credit assistance programs.
<b>E5:</b>	Decrease barriers to obtaining existing housing units and refine housing placement services and coordination.	<b>F5:</b>	Support case management efforts to transition occupants from shelter care to permanent supportive housing.	<b>G5:</b>	Support expansion of community-based, criminal justice diversion programs.	<b>H5:</b>	Promote fair wage rates and competitive bidding through the expansion of social enterprise efforts.
<b>E6:</b>	Facilitate collaborative grant and loan applications for affordable housing development to serve the homeless.	<b>F6:</b>	Support landlord-tenant intervention to prevent eviction.	<b>G6:</b>	Establish one-stop shop to access all services for the homeless.	<b>H6:</b>	Increase financial management services for those in need.

# Welcome Home Billings, Two Year Action Plan FY2009-2011, Mayor's Committee on Homelessness



Goal One: Solicit stakeholder feedback on Welcome Home Billings and increase advocacy and public knowledge on behalf of the homeless.					
Objective	Action Steps	Team Lead	Outcome Goals & Outputs	Resources Required	Timeline
Review plan with stakeholder groups to facilitate public input.	Complete list of presentations to be completed during the public comment period.	Brenda Beckett City of Billings	Completed stakeholder meetings	Member attendance at meetings	<i>Public Comment period:</i> September 18 - October 19, 2009
	Prepare Powerpoint presentation, copies of plan / plan summaries.	Brenda Beckett Julia Guarino Jessica Mowry City of Billings	Completed press packets for members	City staff time (16 hours) Printing, CDs, materials	By September 24, 2009
	Place plan on City website for review / downloading.	Doris Cole City of Billings Joanna Culver	Plan on City Website	City staff time	By September 18, 2009
	Update Mayor's Committee on Homelessness Website.	Future Billings Metro VISTA Project (MVP) for FY2010-2011	Data Resources, Minutes, Agendas, etc. on City Website	8 Hours City staff time	By September 24, 2009
Develop a group of speakers to respond to public education requests.	Members choose presentation topics and how to be contacted, forward to team lead.	Judy Stewart RiverStone Health	Completed speaker's bureau	RiverStone Health staff time	By December 31, 2009
Create multimedia presentations to inform various audiences, including placement of media stories to illustrate personal experiences.	Develop marketing plan, identifying multimedia presentations to be completed for the <i>Illuminate Poverty</i> project, highlighting <i>Welcome Home Billings</i> .	Jessica Mowry Future MVP for FY2010-2011 City of Billings	Completed marketing plan, and multimedia presentations and stories	Billings MVP position	July 16, 2009 through July 16, 2010 July 16, 2010 through July 16, 2011
Investigate the possibility of holding bi-annual conferences on best practices to share knowledge gained regarding housing and treatment modalities for the homeless.	Determine feasibility of a homeless conference in Billings.	Mayor's Committee on Homelessness	Decision regarding homeless conference in Billings	Member review	Conference would be held in Fall 2010 Decision to be made by February 2010
	Investigate the feasibility of bringing the concept of "Haven for Hope" to present at a conference.	Lisa Harmon Downtown Billings Alliance	Decision regarding bringing Robert Marbut, Jr. to Billings for a conference	Sponsors DBA staff time	Decision to be made by June 30, 2010
Increase advocacy and public knowledge on behalf of the homeless.	Engage in public speaking forums and events to provide information on school aged homeless children.	Sue Runkle Billings Public Schools	30 total completed public speaking engagements for the two year period	Liaison staff time	June 30, 2011
	Offer at least one public program on an aspect of homelessness each of the two years.	Bill Cochran Parmly Billings Library City of Billings	Two completed public programs	Parmly Billings Library space and staff time	June 30, 2011
	Develop an annotated resource list on books, movies, websites and other materials on homelessness available at the Library.	Bill Cochran Parmly Billings Library City of Billings	Completed resource list at the Parmly Billings Library	Parmly Billings Library space and staff time	June 30, 2011

**Goal Two: Join community partners with resources to address homelessness intervention and prevention efforts and facilitate partnerships to improve collaboration, service array, leveraging and capacity.**

Objective	Action Steps	Team Lead	Outcome Goals & Outputs	Resources Required	Timeline
Develop resources for funding homeless initiatives and coordinate grant efforts.	Continue applying for project status from the Center for National Community Service (CNCS) to further the Billings Metro VISTA Project (MVP) and work on homeless initiatives.	Brenda Beckett City of Billings	Approved AmeriCorps VISTA Application	City staff time CNCS	July 2010 July 2011
	Continue to host VISTA volunteers in unassigned 4 <sup>th</sup> floor office space for the two years, provided the Library doesn't move or receive other direction from City Administration.	Bill Cochran Parmly Billings Library City of Billings	Space to support capacity building efforts for the City and non-profit organizations	Parmly Billings Library space and staff time	June 30, 2011
Develop resources for funding homeless initiatives and coordinate grant efforts, continued.	Coordinate VISTA Assignment Descriptions (VAD), offices, supervision and program funding for on-site capacity-building and program development.	Brenda Beckett City of Billings	Completed VADs	Member staff time	January 2010 January 2011
	Explore capacity-building grants to support administrative functions.		Grants applications and increased funding for administration	City staff time	June 30, 2011
	Engage the faith-based community in coordinating and developing efforts to impact homelessness.	Future MVP City of Billings	Increased collaboration in faith-based community for homeless efforts	Billings MVP position	June 30, 2011
Support Project Homeless Connect (PHC) as an annual event.	Facilitate and develop capacity for the annual PHC event.	Joanna Culver Joe Chalupa for FY2010-2011 Future MVP Future PHC Chair for 2011	Two Completed PHC events	BARN Billings MVP position	January 2010 January 2011
	Establish outcomes for PHC to demonstrate effectiveness.	Claire Coleman	Post-event statistics measuring impact of PHC	Partial Billings MVP position	January 2010 January 2011
	Continue to provide a child services / support area at the annual PHC event.	Sue Runkle Billings Public Schools	Provide services and support to 30 children total for two PHC events	Liaison staff time Supplies donations	January 2010 January 2011
	Continue to coordinate PHC as a co-chair.	Joe Chalupa The HUB - Mental Health Center (MHC)	One completed PHC event	BARN support MHC staff time 100 hours	January 2010
	Continue to host PHC at the Parmly Billings Library, provided the library does not move.	Bill Cochran Parmly Billings Library	Two completed PHC events	Library space and staff time	January 2010 January 2011
Support the Billings Area Resource Network (BARN) as a working homeless services / advisory body for the Mayor's Committee on Homelessness to ensure providers are aware of the changing service opportunities available in the community for the clients they serve.	Facilitate the BARN's capacity to collaborate and address homeless service needs in the community.	Joe Chalupa Joanna Culver Future BARN Chair for 2010 Future MVP for FY2010-2011	BARN meeting successfully on a quarterly basis, 8 full-sessions	Billings MVP position	June 30, 2010

<p>Support the Billings Area Resource Network (BARN) as a working homeless services / advisory body for the Mayor's Committee on Homelessness to ensure providers are aware of the changing service opportunities available in the community for the clients they serve, continued.</p>	<p>Facilitate the integration of the annual Continuum of Care survey in the PHC event.</p>	<p>Carmen Gonzales Joe Chalupa PATH – The HUB Joanna Culver Future BARN Chair for 2010 Future MVP for FY2010-2011</p>	<p>Two Completed Surveys</p>	<p>The HUB staff Billings MVP position</p>	<p>January 2010 January 2011</p>
<p>Support the Business Consortium for Social Change and similar concepts to involve businesses in impacting the homeless / near-homeless and to increase service provider capacity.</p>	<p>Support the formation of a consortium of business owners who have an interest in community impact.</p>	<p>Lisa Harmon Downtown Billings Alliance Mike Dummeyer Julia Guarino Future MVP for FY2010-2011</p>	<p>Completed Consortium Roster Eight completed Consortium meetings</p>	<p>Billings MVP position</p>	<p>June 30, 2011</p>
	<p>Increase the number of social enterprise employers in Billings.</p>	<p>Business Consortium for Social Change</p>	<p>Two additional businesses in Billings utilizing social enterprise model</p>	<p>Billings MVP position</p>	<p>June 30, 2011</p>
	<p>Provide information / data gathering efforts from local businesses regarding economic and social initiatives utilizing online / email tools for survey completion.</p>	<p>Bruce MacIntyre Chamber of Commerce</p>	<p>Two completed survey initiatives to the business community</p>	<p>Subject / Questions 2 weeks in advance</p>	<p>June 30, 2011</p>
	<p>Increase the number of social service providers in the membership pool for the Chamber of Commerce.</p>	<p>Bruce MacIntyre Chamber of Commerce</p>	<p>10 social service providers are new members of the Chamber of Commerce</p>	<p>Chamber staff time Current BARN distribution lists</p>	<p>June 30, 2011</p>
	<p>Sponsor workshops through the Chamber of Commerce with specific programming to support social service providers with the following goals: increase capacity, self-sustainability, networking, and economic opportunity in social enterprise.</p>	<p>Bruce MacIntyre Chamber of Commerce</p>	<p>Two completed workshops</p>	<p>Chamber staff time Current BARN distribution lists</p>	<p>June 30, 2011</p>
	<p>Provide "Indianpreneurship" classes to American Indians from eastern Montana, targeting those experiencing homelessness.</p>	<p>Taffy Lafferty NADC</p>	<p>Six completed classes</p>	<p>CDFI - Department of Treasury Funding</p>	<p>June 30, 2011</p>
	<p>Provide capital resources for micro-business development to American Indians experiencing homelessness.</p>	<p>Taffy Lafferty NADC</p>	<p>Five new businesses developed by American Indians</p>	<p>Montana State Department of Commerce</p>	<p>June 30, 2011</p>
	<p>Provide accounting and management trainings to assist American Indians to obtain certification for disadvantaged business classification.</p>	<p>Leonard Smith NADC</p>	<p>Four completed classes</p>	<p>Indian Energy and Economic Development Office – Bureau of Indian Affairs Funding</p>	<p>June 30, 2011</p>
	<p>Conduct a market needs assessment / American Indian needs analysis to determine business needs for action plan development.</p>	<p>Leonard Smith NADC</p>	<p>One completed market needs assessment</p>	<p>CDFI – Department of Treasury Funding</p>	<p>June 30, 2011</p>

Support the Business Consortium for Social Change and similar concepts to involve businesses in impacting the homeless / near-homeless and to increase service provider capacity, continued.	Continue to expand Nu-Start business in order to provide employment opportunities for previously homeless people in recovery.	Mona Sumner Rimrock Foundation	Provide employment and skills training to 20 people	Case management funding Rimrock Foundation staff time	June 30, 2011
	Create a self-sustaining, social enterprise business in order to employ people experiencing homelessness, those at risk of homelessness and those who have been recently discharged from prison / jail.	Paul Chinberg Family Service, Inc.	Completed business plan Provide employment opportunities for 10 individuals for year one Increase employment opportunities to 20 individuals for year two	Family Service, Inc. staff time	June 30, 2010 June 30, 2011
Support the development of an American Indian Cultural Center to provide collaboration and referral linkage to social and business services, and also to provide a venue for cultural education, access and exchange.	Continue fund development, collaboration, and partnership efforts to build capacity for the development of an Indian Cultural Center.	Leonard Smith NADC MT / WY Tribal Leaders Council	American Indian Cultural Center open and operating	Loan guarantee program New Markets Tax Credits Private financing	June 30, 2011
Support the Spare Change for Real Change campaign as a city-wide alternative to panhandling.	Complete marketing plan for Spare Change for Real Change.	Julia Guarino Business Improvement District Future MVP	Completed and implemented marketing plan with two west end locations	Business Improvement District commitment Billings MVP Position	June 30, 2011

**Goal Three: Increase the city's supply of decent, affordable housing.**

<b>Objective</b>	<b>Action Steps</b>	<b>Team Lead</b>	<b>Outcome Goals &amp; Outputs</b>	<b>Resources Required</b>	<b>Timeline</b>
Increase supportive housing units, permanent rentals, transitional housing units, veterans housing, emergency shelter beds, housing for those returning from prison and those in recovery.	Support collaboration for housing development and funding applications for projects supported by Welcome Home Billings.	Brenda Beckett City of Billings	Two completed applications for funding	City staff time	June 30, 2011
	Track member involvement and units generated for reporting purposes.	Brenda Beckett City of Billings	Number of units generated during implementation of Welcome Home Billings	City staff time Member reporting	Bi-Annually June 30, 2011
	Support the City's Consolidated Plan, including affordable housing development and housing rehabilitation programs (10-year goals): - 100 Housing Rehab Units - 200 Minor Home Repair Units - 60 Accessibility Units (ramps) - 40 Special Assessment Grants - 300 New Affordable Housing Units - 350 First Time Homebuyers	Brenda Beckett City of Billings	<i>Two Year Goals:</i> - 20 Housing Rehab Units - 40 Minor Home Repair Units - 12 Accessibility Units (ramps) - 16 Special Assessment Grants - 68 New Affordable Housing Units - 70 First Time Homebuyers	City staff time CDBG / HOME allocations	June 30, 2011
	Support ongoing efforts to stabilize / maintain the current affordable housing stock in Billings: - Weatherization activities - Minor housing rehabilitation - Major housing rehabilitation	Sheri Boelter District 7 HRDC  Mary Lou Affleck Rebuilding Together	HRDC District 7 Goals: - 600 units weatherized in Yellowstone County per year, 1200 units for two year period  Rebuilding Together Goals: - 15 units rehabilitation in Yellowstone County	MT Department of Energy funding ARRA Stimulus funding District 7 HRDC staff time Rebuilding Together volunteer time Private funding CDBG applications	June 30, 2011
	Build transitional living facility to house and coordinate services to homeless veterans.	Patrick Chapel Volunteers of America Wyoming and Montana	Independence Hall facility opened and serving 20 veterans  Provide housing and coordination of services for 50 veterans over a two year period	VA Capital Grant & Per Diem Program CDBG allocation Yellowstone County Commissioners funding	October 1, 2009  June 30, 2011
	Support the Housing Authority of Billings' Whitetail Run and subdivision development.	Lucy Brown Housing Authority of Billings	40 new low- to moderate-income housing units	HOME TCAP CDBG allocation	June 30, 2011
	Develop new housing units for people who have experienced or are at risk of homelessness.	Mona Sumner Rimrock Foundation	Housing units developed to support 16 individuals	CDBG / HOME applications Private funding	June 30, 2011
	If approved by SAMHSA: Provide treatment and housing services for 20-25 chronically homeless individuals.	Mona Sumner Rimrock Foundation	Housing units and services provided to 20 chronically homeless individuals	SAMHSA	June 30, 2011

Increase supportive housing units, permanent rentals, transitional housing units, veterans housing, emergency shelter beds, housing for those returning from prison and those in recovery, continued.	Continue to administer Section 8 Housing Choice Voucher programs to provide housing assistance payments to the very low and extremely low income. Continue to administer the Section 8 Home Ownership program.	Lucy Brown Housing Authority of Billings (HAB)	Maintain 950 vouchers per year Place 240 individuals and families in two years Six households achieving homeownership in two years	HAB and MDOC Housing Choice Voucher programs, HUD funding HAB staff time	June 30, 2011
	Implement HUD homeless VASH voucher program to coordinate case management and housing assistance for veterans who have experienced homelessness.	Lucy Brown Housing Authority of Billings	35 veterans placed in housing with case management services	VASH Vouchers HAB staff time	June 30, 2011
	Continue to administer Shelter Plus Care program to provide housing and case management services to disabled homeless individuals.	Lucy Brown Housing Authority of Billings	Maintain 15 participants in housing and service coordination annually	McKinney-Vento Homeless Act funding Continuum of Care funding	June 30, 2011
	Continue to own and maintain 274 public housing units to provide housing to low and extremely low income households.	Lucy Brown Housing Authority of Billings	Maintained affordability of 274 housing units, occupied by low and extremely low income households	HAB staff time HUD Public Housing Program	June 30, 2011
	Continue to own and maintain Section 8 Project-Based housing units to serve 102 low and extremely low income elderly and disabled households.	Lucy Brown Housing Authority of Billings	Maintained affordability of 102 housing units, occupied by low and extremely low income elderly / disabled households	HAB staff time HUD Multi-Family Housing	June 30, 2011
	Continue to own and maintain 27 HOME housing units to serve very low income households.	Lucy Brown HAB Development Corporation	Maintained affordability of 27 housing units, occupied by very low income households	HAB staff time	June 30, 2011
	Support the development of the Housing First model for housing.	Brenda Beckett Adela Awner Interfaith Hospitality Network	Four new units of housing, following the Housing First model	Food Stamp Bonus Funding - DPHHS HUD EDI federal appropriation City staff time IHN Staff time Private financing	December 30, 2009
Create a plan to develop additional housing (and case management) with partners and the faith community.	Adela Awner Interfaith Hospitality Network	Completed collaborative business plan for the development of 12 affordable housing units with both funding and partners identified	Faith Community Housing funding Partnerships	June 30, 2011	
Seek federal, state and local funding sources to support affordable housing development for households with very low income (0 - 30% Area Median Income).	Request CDBG / HOME funding applications targeting the very low income and / or serving the homeless receive funding priority.	Brenda Beckett Community Development Board	Priority given to projects supporting the very low income for CDBG / HOME funding by 2011 allocation cycle	City staff time	June 30, 2011
	Assess Continuum of Care funding resource availability for Billings.	Mayor's Committee on Homelessness BARN	One new Continuum of Care funded project in Billings each year	Agency proposing program	June 30, 2010 June 30, 2011
Build local service provider capacity for affordable housing development, management and housing rehabilitation.	Ensure funding generated through the City will be allocated through a Request for Proposals (RFP) process to ensure local provider capacity-building.	Brenda Beckett City of Billings	Open RFP processes for City-funded projects Increased # of service providers sponsoring housing units	City staff time Service provider commitment	June 30, 2011

Provide Community Housing Development Organization (CHDO) capacity-building opportunities through the City's Community Development Division.	Provide opportunities for local agencies to become CHDO certified by the City of Billings.	Dina Billington City of Billings	Two active CHDOs developing housing in Billings	City staff time	June 30, 2011
Facilitate collaborative grant and loan applications for affordable housing development to serve the homeless.	Ensure applications for affordable housing development are circulated among the Homeless Committee and BARN membership.	Mayor's Committee on Homeless BARN	Applications circulated and collaboration generated two completed grant applications	Member commitment	June 30, 2011

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**Goal Four: Provide adequate emergency homeless prevention programs.**

<b>Objective</b>	<b>Action Steps</b>	<b>Team Lead</b>	<b>Outcome Goals &amp; Outputs</b>	<b>Resources Required</b>	<b>Timeline</b>
Increase funding dedicated to rent, utilities and mortgage assistance.	Ensure CDBG and HOME applications are completed by January deadline to meet needs.	BARN	Two completed applications for HOME TBRA per year, two completed applications for CDBG Public Services per year	Member applications	January 2010 January 2011
		Paul Chinberg Family Service, Inc.	One completed application for rent, utilities, and mortgage assistance per year	CDBG application Family Service, Inc. staff time	January 2010 January 2011
	Provide emergency housing program assistance for rent, utilities, and deposits in the following prevention programs: - Short-term rental, up to 3 months - Utility payments - Moving costs - Case management / housing counseling	Sheri Boelter District 7 HRDC	Provide heating bill assistance payments to 6,000 households in Yellowstone County.  Provide prevention assistance: - Short-term rental, 100 households - Utility payments, 15 households - Moving costs, 16 households - Case management / counseling, 140 households	LIEAP funding  Homeless Prevention Rapid Re-Housing funding  CSBG funding  HRDC 7 staff time	June 30, 2011
	Provide rapid re-housing program assistance for the following programs: - Short-term rental, up to 3 months - Security / utility deposits - Case management / housing counseling		Provide rapid re-housing assistance: - Short-term rental, 135 households - Security / utility deposits, 50 households - Case management / counseling, 185 households		
	Support efforts to increase Section 8 vouchers when made available.	Lucy Brown Housing Authority of Billings	Increased Section 8 Voucher availability	HUD funding programs	June 30, 2011
	Implement housing assistance through the Access to Recovery / Recovery Support Services for American Indians in recovery.	Stephanie Iron Shooter MT / WY Tribal Leader's Council	200 total clients in Billings will be served through Access to Recovery / Recovery Support Services	Access to Recovery / SAMHSA Funding	June 30, 2011
Support incentive programs for landlords to rent to the homeless or those at risk for homelessness, and increase service provider capacity to engage in long-term leasing and / or rental ownership.	Explore faith-community for landlord options.  Consider programs for landlords to: • reduce / waive application fees • reduce / waive deposits	Adela Awner Interfaith Hospitality Network	Three families placed with landlords through Interfaith Hospitality Network	Landlord participation IHN Staff Time	June 30, 2011
Support pre-release / discharge planning education and intervention for all institutional services including foster care, prison, jail and psychiatric facilities.	Support statewide discharge planning education for case workers in mental health, jails / prison systems and social services agencies to prevent homelessness.	Mayor's Committee on Homelessness	Complete one statewide discharge planning effort	Coordination with the State Department of Health and Human Services	June 30, 2011
	Implement Access to Recovery / Recovery Support Services for American Indians transitioning from corrections and behavioral health facilities to support long-term recovery from addictions.	Stephanie Iron Shooter MT / WY Tribal Leaders Council	200 total clients in Billings will be served through Access to Recovery / Recovery Support Services	Access to Recovery / SAMHSA Funding	June 30, 2011

Utilize <i>housing first</i> and <i>rapid re-housing</i> philosophies in developing housing options to shorten homelessness.	Ensure Housing First pilot program is opened and has complete data reporting system in place.	Brenda Beckett Adela Awner Interfaith Hospitality Network	Four new units, housing first model	Food Stamp Bonus Funding - MT Department of Health and Human Services Federal Appropriation City staff time IHN Staff time Private financing	December 31, 2009
	See rapid re-housing goals listed above in Goal Four, increasing funding dedicated to rent, utilities and mortgage assistance.				
	Continue to operate and expand Harmony House in order to provide housing and support services to homeless pregnant / parenting young adults.	Sheri Boelter District 7 HRDC	Provide housing and services to 16 individuals with children  Baseline: 8 individuals	Administration of Children and Families MT Continuum of Care TANF Emergency Funds District 7 HRDC staff time	June 30, 2011
Support case management efforts to transition occupants from shelter care to permanent supportive housing.	Support policy change in shelters through collaboration and linkage to housing.	BARN	Increased number of individuals placed in housing	Member Commitment & Reporting	June 30, 2011
Support landlord-tenant intervention to prevent eviction.	Continue housing counseling programs to landlords, tenants and prospective homeowners.	Sheri Boelter District 7 HRDC	Outcomes, reported by households: - 35 pre-purchase counseling - 3 purchased a home - 140 budget counseling - 270 tenants, fair housing counseling - 100 landlords, fair housing counseling - 50 in the Delinquent Mortgage Counseling program	MT Board of Housing District 7 HRDC staff time	June 30, 2011

**Goal Five: Expand treatment / service capacity and linkage to essential services.**

<b>Objective</b>	<b>Action Steps</b>	<b>Team Lead</b>	<b>Outcome Goals &amp; Outputs</b>	<b>Resources Required</b>	<b>Timeline</b>
Expand coordinated intensive case management and street outreach services for the homeless.	Continued support of PATH program to provide outreach at the Mental Health Center (MHC).	Carmen Gonzales PATH - MHC	PATH – 900 clients	MT Department of Health and Human Services funding	June 30, 2011
Increase assistance to complete applications and facilitate application streamlining to access services, transportation, employment and housing.	Continue Project Homeless Connect 2010 & 2011, see objectives and action steps for Goal Two.				
	Coordinate mobile clinic and faith-based efforts throughout the city to increase access to enrollment and services.	Future MVP for FY2010-2011	Increased coordination between mobile clinics and faith-based efforts Increased access to enrollment for benefits and services	Billings MVP position	VAD Developed January 2010
	Continue to work towards enhancing the availability of transportation, pro-bono ridership and general Met Transit ridership.	Claire Coleman Billings League of Women Voters	Enhanced availability of transportation and ridership Met Transit BASELINES FY2008-2009: - Operating 5:50am - 6:40pm, M-F - Operating 8:10am - 5:42pm, Sat. - 2,125 donated rides - 12,980 discount passes - 675,340 riders	MET Transit Leadership through Billings League of Women Voters	June 30, 2011
	Continue to provide intensive case management and outreach services to homeless individuals and families to access services.	Joe Chalupa The HUB	The HUB – 2,000 clients	MT Department of Health and Human Services funding	June 30, 2011
	Continue to provide assistance to disabled individuals during their application to Social Security for Disabled Benefits.	Sheri Boelter District 7 HRDC	50 disabled individuals receive emergency assistance (housing, transportation, hygiene assistance and medical resources) to prevent homelessness	Social Security funding CSBG HRDC 7 staff time	June 30, 2011
	Provide transportation assistance including funding for car repairs, fuel vouchers, cab vouchers and bus passes for those experiencing poverty to maintain / obtain employment.	Sheri Boelter District 7 HRDC	Provide: - 75 completed car repairs - 25 fuel vouchers - 60 cab vouchers - 30 bus passes	ARRA CSBG funding District 7 HRDC	October 31, 2010
Increase availability and capacity of health care, mental health, substance abuse services, medication assistance and access to legal assistance to the very low income / uninsured.	Continue Project Homeless Connect 2010 & 2011, see objectives and action steps for Goal Two.				
	Continue to provide primary health care, dental care, immunizations, patient assistance, medication assistance, healthcare outreach, and coordination of available medical and social resources for homeless prevention and intervention efforts.	Judy Stewart RiverStone Health	Provide: Healthcare for the Homeless - 2,000 Community Health Access Partnership - 400 homeless individuals	Health Resources Services Administration Public Health Service Funding Coordinator Funding	June 30, 2011
	Implement the Access to Recovery / Recovery Support Services grant to increase the success rate of American Indian sobriety, including (but not limited to) case management, dental services, transportation, housing support, childcare, sober activities, etc.	Stephanie Iron Shooter MT / WY Tribal Leader's Council	200 total clients in Billings will be served through Access to Recovery / Recovery Support Services	Access to Recovery / SAMHSA Funding	June 30, 2011
Continue to provide referral services to families of school aged children experiencing homelessness.	Sue Runkle Billings Public Schools	800 identified children received referral services to increase success in education	McKinney-Vento Homeless Education Act Funding Federal Title 1 Funding	June 30, 2011	

Increase availability and capacity of health care, mental health, substance abuse services, medication assistance and access to legal assistance to the very low income / uninsured, continued.	Continue to provide psychiatric nurse practitioner to the Mental Health Treatment Court to serve mentally ill people in housing and out of jail.	Mona Sumner Rimrock Foundation	Services provided to 40 individuals	Medicaid Funding Grant Funding	June 30, 2011	
	Continue to provide vision care, clothing, food, prescription drug vouchers, gasoline vouchers, bus vouchers, and dental hygiene kits to the homeless and those at risk of homelessness.  Implement new program to provide diabetes education classes and diabetes testing on-site to those experiencing poverty.	Paul Chinberg Family Service, Inc. RiverStone Health	Provide: - 240 exams and services - 480,000 clothing items - 26,000 food boxes - 520 prescription drug vouchers - 2,600 gasoline vouchers - 600 bus vouchers - 10,400 dental hygiene kits  Provide 48 diabetes education classes / materials Provide diabetes education classes and materials to 9,000 clients	Family Service, Inc. staff time Private contributions  Store sales Grants Fundraising RiverStone Health staff time		June 30, 2011
	Continue to provide the substance abuse / mental health continuum of services to the near-homeless, homeless, and chronically homeless population.	Mona Sumner Rimrock Foundation	3,000 people	Private funding Insurance funding		June 30, 2011
	Support expanding partnerships to continue the Stand Down to connect veterans to resources, including dental work, haircuts, military supplies in this one-day, one-stop event.	Ken Chase Mayor's Committee on Homelessness	Stand Down held in 2009 and 2010	Department of Labor Stand Down grant Department of Veterans Affairs funding		June 30, 2011
	Support funding increases and capacity building activities for day centers.	Joe Chalupa The HUB	Expand The HUB operating hours from 40 hours per week to 50 hours Serve an additional 10%  Benchmark is 1,000 unduplicated clients / year at The HUB	MT Department of Health and Human Services funding Mental Health Center - Development Department		June 30, 2011
Support increases in capacity for day center operations across the city.	Create partnerships to increase day center capacity to provide shower / bathing facilities to the homeless.	Joe Chalupa The HUB Billings MVP	Two additional facilities providing shower / bathing services	Future Billings MVP Identified funding sources	June 30, 2011	
	Develop a plan to acquire a new and expanded space to accommodate the day center.	Adela Awner Interfaith Hospitality Network	Completed plan to acquire day center	Acquisition / Rehabilitation funding	June 30, 2011	
	Support grant initiatives expanding community-based, criminal justice diversion programs.	Mayor's Committee on Homelessness	One grant supported and completed	City staff time	June 30, 2011	
Support expansion of community-based, criminal justice diversion programs.	Continue community-based jail diversion program for misdemeanor, non-violent offenders to minimize placement in jail.	Mona Sumner Rimrock Foundation	240 people served	Montana Board of Crime Control funding	June 30, 2011	
Establish one-stop shop to access all services for the homeless.	Continue Project Homeless Connect 2010 & 2011, see objectives and action steps for Goal Two.					
Provide "Cost-Benefit" form to social services agencies to begin tracking impact of services provided.	Review Cost-Benefit form with stakeholders for utilization and commitment.	Julia Guarino Future MVP	3 new service providers utilizing cost-benefit form	City staff time Billings MVP position	June 30, 2011	
Research the possibility of creating an Assertive Community Treatment (ACT) Team to coordinate services for the chronically homeless.	Consider for implementation by 2013.	BARN	Decision on the feasibility for the ACT team	BARN	June 30, 2013	

**Goal Six: Increase personal income levels and economic opportunities.**

<b>Objective</b>	<b>Action Steps</b>	<b>Team Lead</b>	<b>Outcome Goals &amp; Outputs</b>	<b>Resources Required</b>	<b>Timeline</b>	
Increase access to mainstream benefits by ensuring assistance is provided to complete applications.	Continue Project Homeless Connect 2010 & 2011, see objectives and action steps for Goal Two.					
Support asset development, education, job training, and employment opportunities serving the homeless (and those at risk of homelessness) throughout the community.	Support Earned Income Tax Credit and Free Income Tax Preparation Awareness through VITA sites.	Liz Jung Kathie Shandera United Way	Established VITA sites # of households assisted	Billings MVP Position	June 30, 2010	
	Support Fund Raising for Financial Stability Partnership of Yellowstone County.	Liz Jung Kathie Shandera United Way Future MVP for FY2010-2011	Completed grant application	Billings MVP Position	June 30, 2010	
	Continue to provide Skills for Success class to enhancing marketable employment skills to clients.	Joe Chalupa The HUB	Provide Skills for Success to 75 clients	Case Management Staff Position / The HUB	June 30, 2010	
	Provide referrals and linkage to American Indians in poverty to access Individual Development Accounts to create savings for first time homeownership.	Darrell LaMere NADC homeWORD	Eight IDAs created	NeighborWorks Montana Montana funding / staff support Montana Board of Housing match funding	June 30, 2011	
	Continue to provide case management services to gain and support employment and volunteerism, and provide referrals for potential employees / volunteers.	Joe Chalupa The HUB	PATH – 900 clients The HUB – 2,000 clients	Clients identified The HUB staff time	June 30, 2011	
	Continue to expand Nu-Start business in order to provide employment opportunities for previously homeless people in recovery, as outlined in Goal Two.					
	Continue to pursue GED education assistance centers across the city.	Paul Chinberg Family Service, Inc.	One GED education assistance center established	Identified location Funding	June 30, 2011	
	Continue to employ one person, full time, who had previously experienced homelessness.	Lisa Harmon Business Improvement District	One person, per year, employed full time in the Clean and Safe Program	Private funding	June 30, 2011	
	Create a self-sustaining, social enterprise business in order to employ people experiencing homelessness, those at risk of homelessness and those who have been recently discharged from prison / jail, as identified in Goal Two.					
	Implement Homeless Veteran Reintegration Program (HVRP) to provide resources for homeless veterans to re-enter the workforce. Program would provide on-site intensive case management, training, linkage to employment and resources to support employment success including: clothing, tools, education, and job counseling.	Patrick Chapel Volunteers of America Wyoming and Montana	For year one, provide: - 105 completed assessments - 80 enrolled participants - 61 employment placements  Completed application to continue HVRP for FY2010-2011	Department of Labor funding VOA WY/MT staff time	June 30, 2010  May 2010	

Support asset development, education, job training, and employment opportunities serving the homeless (and those at risk of homelessness) throughout the community, continued.	Continue to serve individuals referred from the Office of Public Assistance with employment / job readiness activities.	Sheri Boelter District 7 HRDC	Outcomes based on individuals served in Yellowstone County: - 18 earning certificates for pre-employment skills training - 300 obtaining employment - 18 receiving on the job training through work experience training - 45 receiving work clothing - 15 receiving tools and other employment support - 550 receiving transportation assistance - 10 receiving birth certificates, driver's licenses, etc. - 3 receiving GED certificates - 1 receiving post secondary certificates - 2,250 completed assessments and employability plans	MT Department of Health and Human Services funding CSBG funding District 7 HRDC staff time	June 30, 2011
Establish mentoring support systems, life skills training, and childcare assistance to the homeless (and those at risk of homelessness) currently in the workforce.	Create program to establish mentoring support on-site for social enterprise employers.	Mike Dummeyer Pam Makara RSVP Yellowstone County Future MVP for FY2010-2011	Self-sustaining mentoring support system created	Billings MVP Position RSVP Yellowstone County staff time	June 30, 2011
	Expand support for concise service publications to be utilized by businesses to access social services to retain employees.	Linda Price Mike Dummeyer Future MVP for FY2010-2011	Increased # brochures created and distributed to employers / businesses	Billings MVP position	June 30, 2011
	Continue to administer childcare assistance programs so parents can maintain employment or training.	Sheri Boelter District 7 HRDC	1,800 households receiving childcare assistance in Yellowstone County	Child Care and Development Block Grant CSBG District 7 HRDC staff time	June 30, 2011
Support the expansion of financial fitness and credit assistance programs.	Encourage applications for CDBG Public Service applications to meet the needs of financial fitness education.	Brenda Beckett City of Billings		CDBG	June 30, 2011
	Continue to provide financial literacy classes to the Women's Prison, High Schools, Crow Nation.	Darrell LaMere homeWORD NADC	Complete ## financial fitness classes, targeting ## American Indians experiencing poverty	Funding source? AmeriCorps homeWORD CDFI Department of Treasury Funding	June 30, 2011
Support the expansion of financial fitness and credit assistance programs, continued.	Continue to administer the Family Self Sufficiency program to assist eligible public housing and Section 8 individuals become economically self-sufficient.	Patti Webster Teddi Shorten Housing Authority of Billings	Maintain 79 service slots for the 5-year program  Serve 10 new clients per year	Public Housing & Section 8 Program HAB staff time	June 30, 2011

	Continue to provide financial asset building / financial skills training.	Sheri Boelter District 7 HRDC	Outcomes, reported by individuals in Yellowstone County: - 24 new enrollees for savings accounts - 70 enrollees increasing savings - 24 attendees to financial management workshops to qualify for Individual Development Accounts - 1 meeting goals toward capitalization of a small business - 8 will pursue educational goals - 6 will meet savings goals for home purchase - 35 will complete classes to receive scholarships	Asset for Development Program CSBG Funding District 7 HRDC staff time	June 30, 2011
	Continue to provide stable housing and supportive services to homeless youth to maintain or obtain employment.	Sheri Boelter District 7 HRDC	75 homeless young adults receiving housing and services to maintain / obtain employment	ARRA CSBG funding District 7 HRDC staff time	June 30, 2011
	Continue to assist individuals and families to increase financial assets and skills to complete federal and state tax returns.	Sheri Boelter District 7 HRDC	825 total completed returns	Internal Revenue Service CDBG applications United Way funding Sheri Boelter District 7 HRDC	June 30, 2011
Promote fair wage rates and competitive bidding through the expansion of social enterprise efforts.	Continue to expand Nu-Start business in order to provide employment opportunities for previously homeless people in recovery, as outlined in Goal Two.				
	Create a self-sustaining, social enterprise business in order to employ people experiencing homelessness, those at risk of homelessness and those who have been recently discharged from prison / jail as outlined in Goal Two.				

# Welcome Home Billings, Two Year Action Plan FY2009-2011, Billings Area Resource Network



## Goal One: Solicit stakeholder feedback on Welcome Home Billings and increase advocacy and public knowledge on behalf of the homeless.

Objective	Action Steps	Team Lead	Outcome Goals & Outputs	Resources Required	Timeline
Investigate the possibility of holding bi-annual conferences on best practices to share knowledge gained regarding housing and treatment modalities for the homeless.	Consider presentation for evidenced-based practices at a bi-annual conference.	MarCee Neary Community Crisis Center	Decision on presentation / conference	Community Crisis Center staff time Travel funding Supplies funding	June 30, 2011
Increase advocacy and public knowledge on behalf of the homeless.	Schedule meetings with city, county, state, and federal officials to provide information and advocacy to strengthen policy in support of families in recovery, homelessness and poverty.	Donna Huston Second Chance Homes	25 total completed meetings for the two year period	Second Chance Homes staff time	June 30, 2011
	Engage in public speaking forums and events to provide information on families in recovery, homelessness and poverty.	Donna Huston Second Chance Homes	50 total completed public speaking engagements for the two year period	Second Chance Homes staff time	June 30, 2011
	Utilize national media resources locally to heighten awareness regarding homelessness and poverty.	Major Kevin Jackson The Salvation Army	1,200 television media spots in two years	The Salvation Army funding	June 30, 2011
	Engage in public speaking forums and events to provide information on homelessness and the work of The Salvation Army.	Major Kevin Jackson The Salvation Army	100 speaking engagements in two years	The Salvation Army funding	June 30, 2011
	Engage in public speaking forums and events to provide information on homelessness and Community Crisis Center programs.	MarCee Neary Community Crisis Center	100 total completed public speaking engagements for the two year period	Community Crisis Center staff time	June 30, 2011
	Continue to provide Crisis Intervention Team (CIT) training to Billings Police Department, emergency first responders and the Yellowstone County Sheriff's Department.	MarCee Neary Community Crisis Center	Provide trainings for up to 45 individuals each year (90 for two year period): March 2010 March 2011	Private funding	June 30, 2011

**Goal Two: Join community partners with resources to address homelessness intervention and prevention efforts and facilitate partnerships to improve collaboration, service array, leveraging and capacity.**

Objective	Action Steps	Team Lead	Outcome Goals & Outputs	Resources Required	Timeline
Support Project Homeless Connect (PHC) as an annual event.	Act as Co-Chair for Project Homeless Connect for 2010, one year commitment.	Major Kevin Jackson The Salvation Army	One year committed to Co-Chair position for 2010 event	The Salvation Army staff time	January 29, 2010
	Facilitate an art / economic development project for the 2010 event.	Major Kevin Jackson The Salvation Army	50 completed art pieces	The Salvation Army staff time & funding	January 29, 2010
	Continue to provide team leadership for Employment and Government Services.	Kathleen Hanley Billings Job Service Workforce Center	Team lead provided for events in 2010 and 2011	Workforce Center staff time	January 2010 and 2011
	Act as team lead for event in 2010.	Ellen Gartner Addictive & Mental Disorders Division	Team lead provided for event in 2010	Addictive & Mental Disorders Division staff time	January 2010
	Act as team lead / assistant lead for event in 2010 for Health Care Services.	MarCee Neary Community Crisis Center Glenda Romey Head Start, Inc.	Team lead provided for event in 2010	Community Crisis Center staff	January 2010
	Act as assistant to Sue Runkle for child care area for 2010 event.	Dylan Adair Friendship House Kathy Kelker Head Start, Inc.	Team lead assistant for event in 2010	Friendship House staff time	January 2010
	Provide opportunity for Second Chance Homes clients to volunteer at Project Homeless Connect as a community impact initiative.	Donna Huston Second Chance Homes	5 participants in 2010 7 participants in 2011	Second Chance Homes staff and client time	January 2010 January 2011
Support the Billings Area Resource Network (BARN) as a working homeless services / advisory body for the Mayor's Committee on Homelessness to ensure providers are aware of the changing service opportunities available in the community for the clients they serve.	Continue to provide co-chair leadership to the BARN.	Donna Huston Second Chance Homes	Co-Chair position for 2010 and 2011	Second Chance Homes staff time	June 30, 2011
	Provide leadership assistance to the BARN.	Major Kevin Jackson The Salvation Army	Leadership assistance provided	The Salvation Army staff time	January 29, 2010
Support the Business Consortium for Social Change and similar concepts to involve businesses in impacting the homeless / near-homeless and to increase service provider capacity.	Present Work Opportunity Tax Credit (WOTC) program to the Business Consortium for Social Change.	Tom Frisby Montana Department of Labor	Completed conference	Presenter	June 30, 2010
	Present the Workforce Investment Act On-the-Job Training program to provide training opportunities for low income adults.	Kathleen Hanley Montana Job Service	Completed conference	Presenter	June 30, 2010

**Goal Three: Increase the city's supply of decent, affordable housing.**

<b>Objective</b>	<b>Action Steps</b>	<b>Team Lead</b>	<b>Outcome Goals &amp; Outputs</b>	<b>Resources Required</b>	<b>Timeline</b>
Increase supportive housing units, permanent rentals, transitional housing units, veterans housing, emergency shelter beds, housing for those returning from prison and those in recovery.	Implement the Recovery and Renewal Center to provide housing for those returning from prison and addiction treatment.	Larry Gaalswyk Montana Rescue Mission	40 individuals served and placed in permanent housing	MRM staff time Grant funding Supplies	June 30, 2011
	Implement a mentoring program to augment the Recovery and Renewal Center to support those in program and facilitate aftercare.	Larry Gaalswyk Montana Rescue Mission	40 individuals matched with mentors	MRM staff time Grant funding Supplies	June 30, 2011
	Continue to provide temporary shelter for men, women and children experiencing homelessness in our community. Continue the Recreation Education Arts Culture and Health program (REACH OUT) outside the shelter.	Gary Drake Montana Rescue Mission	Provide temporary shelter for: - 2,000 men - 1,600 women and children  Provide REACH OUT programming for: - 45 outings for a two year period, serving 10 - 15 youth each outing	Private funding Grant funding MRM staff time	June 30, 2011
	Consider non-sober living housing unit development.	MarCee Neary Community Crisis Center	Completed application to support project development, as funding becomes available.	Community Crisis Center staff time	June 30, 2011
	Continue to provide supportive housing, basic needs, case management, life skills training, education, child care, employment opportunities, etc. for parents and their children.	Donna Huston Second Chance Homes	Provide service to 75 households over a two year period	Administration for Children and Families funding	June 30, 2011

**Goal Four: Provide adequate emergency homeless prevention programs.**

<b>Objective</b>	<b>Action Steps</b>	<b>Team Lead</b>	<b>Outcome Goals &amp; Outputs</b>	<b>Resources Required</b>	<b>Timeline</b>
Increase funding dedicated to rent, utilities and mortgage assistance.	Continue to provide rent, utilities, mortgage assistance to those self-identifying needs, targeting the homeless and near-homeless.	Major Kevin Jackson The Salvation Army	\$400,000 over two year period	The Salvation Army funding	June 30, 2011
	Continue to provide rent / utilities assistance to those in jeopardy of homelessness.	Harry Merchant St. Vincent de Paul	\$250,000 over two year period 800 households received rent / utilities assistance	Private funding	June 30, 2011
	Continue to provide aftercare assistance to program graduates from Second Chance Homes to assist in long-term family recovery success.	Donna Huston Second Chance Homes	10 households served with aftercare support in two year period	Administration for Children and Families funding Private funding	June 30, 2011
Support basic necessities for those in need with intervention and prevention services.	Implementing the food voucher and Senior Nutrition Programs for food distribution, which will increase collaboration, make use of effective distribution and avoid duplication.	Sheryle Shandy Billings Food Bank	1,000,000 on-site meals served over a two year period through service providers 130,000 food boxes provided	40 Local Partnering Agencies Billings Food Bank staff time Private funding	June 30, 2011
	Continue to provide clothing, furnishings, and household items to those in need.	Harry Merchant St. Vincent de Paul	3,500 individuals served over two year period	Private funding	June 30, 2011
	Continue to provide coffee and doughnuts, Monday through Friday.	Harry Merchant St. Vincent de Paul	15,000 individuals served	Private funding	June 30, 2011
	Provide meals daily to those in need, at the Men's Shelter and the Women's & Family Shelter.	Scott Strzempek Montana Rescue Mission	Up to 600 meals per day 438,000 meals served over a two year period	Private funding Billings Food Bank Faith & Business Partners State funding	June 30, 2011
	Continue to provide layoff mitigation and intervention efforts to businesses considering reduction in force.	John Harper Judy Towleron Billings Job Service Workforce Center	100 businesses served per year	Workforce Investment Act funding Wagner-Peyser funding Workforce Center staff time ARRA funding	June 30, 2011
	Continue to provide services through the Dislocated Worker Program to facilitate retraining, supports, interview clothing, fuel costs, etc.	Community Crisis Center	1,200 individuals served per year, and 1,000 placed per year in employment		
	Continue to facilitate granting process for available funding to support programs such as the Community Crisis Center, which provides intervention and prevention services.	Ellen Gartner Addictive & Mental Disorders Division	Facilitated annual granting processes	Addictive & Mental Disorders Division funding and staff time	June 30, 2011
	Continue to provide food, clothing, furnishings and household items to those in need.	Major Kevin Jackson The Salvation Army	7,000 served over the next two years	The Salvation Army staff time & funding	June 30, 2011
	Implement the Creative Arts Program for Disadvantaged Youth to provide at risk youth opportunities to create art for sale and to receive case management, life skills training, fund medical care, and to fund family supportive resources such as utility / rent / mortgage assistance.	Major Kevin Jackson The Salvation Army	100 households over the next two years	The Salvation Army funding	June 30, 2011

Support basic necessities for those in need with intervention and prevention services, continued.	Continue to provide crisis services for individuals needing social services, mental health services, and substance abuse assessment and groups for co-occurring disorders.	MarCee Neary Community Crisis Center	Services provided for 6,500 individuals	Hospital funding support Medicaid MHSP funding HB130 funding Addictive & Mental Disorders Division funding	June 30, 2011
	Continue to provide child care and coordinate social services for very low-income, low income households and families experiencing homelessness.	Jeromy Emerling Friendship House	Child care and supportive services provided to 300 children for a two year period	Grant funding 21 <sup>st</sup> Century Grant CDBG application	June 30, 2011
	Continue to provide services for low-income children and families. Homeless families are automatically eligible.	Glenda Romey Head Start, Inc.	Provide services to 60 homeless families in the Billings Area over the next two years	Federal funding	June 30, 2011
	Continue to provide intensive programming for high-risk children to prevent future homelessness, addiction and problem behaviors.	Donna Huston Second Chance Homes	Provide services to 150 children	Administration for Children and Families	June 30, 2011
Support pre-release / discharge planning education and intervention for all institutional services including foster care, prison, jail and psychiatric facilities.	Consider assisting with a statewide education conference on discharge planning and intervention to prevent homelessness from institutional and social service discharges.	Ellen Gartner Addictive & Mental Disorders Division MarCee Neary Community Crisis Center Donna Huston Second Chance Homes Kristin Lundgren Roots of Promise	Decision on assisting with conference	Addictive & Mental Disorders Division staff time	June 30, 2010
Utilize <i>housing first</i> and <i>rapid re-housing</i> philosophies in developing housing options to shorten homelessness.	See non-sober living units action step identified in Goal Three.				
Support case management efforts to transition occupants from shelter care to permanent supportive housing.	Continue to provide intensive case management to shelter residents to access services, assets and housing.	Larry Gaalswyk Montana Rescue Mission	100 individuals / households placed in housing over a two year period	Private funding	June 30, 2011
	Continually to assist those beginning life again from institutional settings in setting up a simple living arrangement with their furnishings and household items.	Major Kevin Jackson The Salvation Army	50 households established over the next two years	The Salvation Army staff time & funding	June 30, 2011

**Goal Five: Expand treatment / service capacity and linkage to essential services.**

<b>Objective</b>	<b>Action Steps</b>	<b>Team Lead</b>	<b>Outcome Goals &amp; Outputs</b>	<b>Resources Required</b>	<b>Timeline</b>
Expand coordinated intensive case management and street outreach services for the homeless.	Coordinate and expand the mobile outreach initiative, Community Table, in partnership with the faith community to provide hot meals and supplies to those in need in the Billings area.	Major Kevin Jackson The Salvation Army	180,000 meals served over two years	The Salvation Army funding Montana Rescue Mission	June 30, 2011
	See intensive case management goal for the Montana Rescue Mission in Goal Four.				
Increase assistance to complete applications and facilitate application streamlining to access services, transportation, employment and housing.	Continue to purchase and provide bus passes to those in need.	Harry Merchant St. Vincent de Paul	Provide 9,600 bus passes over two years	Private funding	June 30, 2011
	Continue to provide one-ride bus tickets to qualified social service agencies.	Ron Wenger MET Transit	Increase the number of one-ride tickets distributed to exceed current baseline level 2008-2009 baseline: 2,125	MET Transit	June 30, 2011
	Continue to purchase and provide bus passes to those in need, particularly for employment and / or health-related needs.	Major Kevin Jackson The Salvation Army	Provide 2,400 bus passes over two years	The Salvation Army funding and staff time	June 30, 2011
Increase availability and capacity of health care, mental health, substance abuse services, medication assistance and access to legal assistance to the very low income / uninsured.	Continue to provide funding to facilitate Project ID at The HUB, which supports obtaining legal documentation for clients.	Major Kevin Jackson The Salvation Army	1,000 individuals served	The Salvation Army funding	June 30, 2011
	If approved by SAMHSA: Provide treatment services for 20-25 chronically homeless individuals.	MarCee Neary Community Crisis Center	Service provision to 25 chronically homeless individuals	SAMHSA	June 30, 2011
	Continue to provide medication (excluding narcotics and psychotropics), dental and optometry assistance on an emergency basis.	Major Kevin Jackson The Salvation Army	\$150,000 over the next two years	The Salvation Army funding and staff time	June 30, 2011
Support increases in capacity for day center operations across the city.	Continue to provide (and possibly expand) laundry facilities to those in need, Monday through Friday.	Harry Merchant St. Vincent de Paul	1,000 individuals served over two year period	Private funding	June 30, 2011
	Consider expanding laundry services to include shower / bathing facility.	Harry Merchant St. Vincent de Paul	Decision made on expansion of laundry services to include shower / bathing facility	Private Funding	July 1, 2010
	Consider developing an off-site day center room including showers, laundry, and case management services.	Gary Drake Montana Rescue Mission	Decision made on expansion of day center	Private funding Grant funding	July 1, 2010
	Continue to provide funding to support the HUB and PATH programming in Billings.	Ellen Gartner Addictive & Mental Disorders Division	Continue current level of services and consider possible expansion of program funding to support programs	Department of Public Health & Human Services	June 30, 2011
Support expansion of community-based, criminal justice diversion and re-entry programs.	Continue to assist former inmates and their families to find employment, housing, transportation, furnishings, clothing, and food through comprehensive case management services.	Marian Pappan Montana Dads Incarcerated	Provide assistance to 25 individuals	Volunteer time	June 30, 2011

**Goal Six: Increase personal income levels and economic opportunities.**

<b>Objective</b>	<b>Action Steps</b>	<b>Team Lead</b>	<b>Outcome Goals &amp; Outputs</b>	<b>Resources Required</b>	<b>Timeline</b>
Support asset development, education, job training, and employment opportunities serving the homeless (and those at risk of homelessness) throughout the community.	Continue to provide employment and volunteer opportunities and on-the-job training.	Harry Merchant St. Vincent de Paul	120 individuals over a two year period	HRDC District 7 Experience Works St. Vincent de Paul staff time	June 30, 2011
	Continue to facilitate and apply for opportunities through the Workforce Investment Act program, including training and the supports needed for employment success.	Judy Towleron Billings Job Service Workforce Center	Adult program: 50 for FY09-10 Application completed for FY10-11	Workforce Investment Act funding Workforce Center staff time	June 30, 2010
	Continue to provide outreach services to facilitate job opportunities at local service provider locations: Passages, St. Vincent de Paul, Alpha House, Garfield Community Resource Center, Volunteers of America's Independence Hall, etc.	Judy Towleron Billings Job Service Workforce Center	Provide job service opportunities to at least six providers in the community	Wagner-Peyser funding Workforce Center staff time	June 30, 2011
	Continue to provide social enterprise opportunities through the Montana Harvest Kitchen and gift shop, including classes in marketing, financing and business development. Expansion of the Montana Harvest Kitchen square footage and programming for food, nutrition and culinary training for grade school through post-secondary education levels.	Sheryle Shandy Billings Food Bank	Provide business class curriculum six times in the next two years, serving 200 participants, resulting in 100 businesses utilizing the kitchen  Increase square footage of the Montana Harvest Kitchen from 3,000 to 9,000 square feet. Increase store capacity from 500 to 1,000 square feet Provide programming to 120 students	Billings Food Bank staff time Private funding Grant funding Partner involvement	June 30, 2011
	Establish the CENTER FOR SOCIAL ENTERPRISE to support new social enterprise projects.	Sheryle Shandy Billings Food Bank	Finish development of 9,000 square foot facility	Billings Food Bank staff time Private & grant funding CDBG application	June 30, 2011
	Continue to provide on-the-job employment and volunteer opportunities for the homeless and near homeless (and those who work with the homeless and near homeless).	Major Kevin Jackson The Salvation Army	200 individuals over a two year period	RSVP Experience Works The Salvation Army temporary employment and funding	June 30, 2011
Establish mentoring support systems, life skills training, and childcare assistance to the homeless (and those at risk of homelessness) currently in the workforce.	See Creative Arts program listed under Goal Four by the Salvation Army.				
	Consider expanding the Creative Arts Program for homeless adults for visual arts.	Major Kevin Jackson The Salvation Army	Decision on expansion of program	The Salvation Army funding	June 30, 2010
Support the expansion of financial fitness and credit assistance programs.	Continue to implement Financial Literacy classes for homeless children, teenagers and adults residing at the Women's & Family Shelter.	Gary Drake Montana Rescue Mission (MRM)	Number of families served over a two year period	Grant & private funding MRM staff time	June 30, 2011
	Creation of a financial fitness mentoring program to support long-term program effectiveness.	Larry Gaalswyk Montana Rescue Mission	Number of families served over a two year period	Grant & private funding MRM staff time	June 30, 2011
Increase financial management services for those in need.	Continue to provide and expand the Representative Payee Program to support financial management for those with disabilities.	Harry Merchant St. Vincent de Paul	Currently providing services for 80 individuals. Expansion may include an additional 70 individuals, totaling 150	Social Security Administration St. Vincent de Paul staff time	June 30, 2011

DRAFT

**Regular City Council Meeting**

**Regular : 3.**

**Date: 10/26/2009**

**TITLE: Public Hearing and Resolution for Emergency Abatement of Property Located at 314 S. 26th Street**

Patrick M. Weber - Financial

**PRESENTED BY:** Services Manager

**Department:** City Hall Administration

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**Information**

**PROBLEM/ISSUE STATEMENT**

An emergency abatement assessment for Charles Albert's property at 314 S. 26th St. has been completed by the Finance Division and is ready to be spread on the tax rolls, as outlined below.

**Emergency Abatement** – Pursuant to BMCC 18-304 through 18-308, an enforcement officer may order the abatement of a public nuisance which constitutes an emergency presenting imminent danger of serious injury to persons or property. Nonpayment of fees associated with the emergency abatement shall constitute a lien on the non complying real property and will be taxed as a special assessment against the real property.

Mr. Albert was given notice to remove a partial structure remaining on his property after a July fire. When he did not respond, the City made arrangements to abate the nuisance by removing the remaining structure from the property on Aug. 6, 2009. Mr. Albert was billed through his attorney on Aug. 21, 2009, and given 30 days to respond. He did not do so, leading to the need to place the abatement on his property taxes.

**ALTERNATIVES ANALYZED**

The Council must hold a public hearing, and then may:

- Approve the resolution; or
- Not approve the resolution. If so, the tax payer will not be assessed, and the General Fund will be responsible for paying for the emergency abatement.

**FINANCIAL IMPACT**

The expenses for the emergency abatement totalled \$8,863.00. This includes removal of debris, temporary fencing, and asbestos abatement monitoring.

**RECOMMENDATION**

Staff recommends that a public hearing be held and that Council pass the resolution on October 26, 2009.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

Link: [Abatement Resolution](#)

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RESOLUTION NO. 09 \_\_\_\_\_

A RESOLUTION LEVYING A SPECIAL TAX UPON PROPERTY WITHIN  
THE CITY OF BILLINGS, MONTANA, TO DEFRAY THE COST OF  
ABATEMENT OF DANGEROUS BUILDINGS.

WHEREAS, Billings, Montana City Code, Section 18-301, et seq. sets forth the procedures to be followed (a) to designate property within the City of Billings as a nuisance, and (b) to abate such a nuisance when it constitutes an emergency.

WHEREAS, Section 18-308 provides that the property owner will be sent an abatement expense report for the subject property and will be given notice that any assessment that is not paid shall become a lien upon the property and is enforceable in the same manner as the nonpayment of property taxes. The owner of the property described on Exhibit A has been sent an assessment notice for abatement expenses incurred pursuant to Section 18-301, et seq., but the property owner has not reimbursed the City for its expenses set forth in the report or any part thereof. Further, City policy dictates that the City Clerk shall prepare and present a Resolution containing a list of the properties to be assessed, the recorded owners, and the amount of the cost for abatement and demolition.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA, AS FOLLOWS:

1. LEVYING OF SPECIAL TAX. That for the purpose of collecting funds to defray the cost of abatement and demolition of dangerous structures, there is hereby levied and assessed a special tax upon the owners and the lots or parcels described on the list attached hereto.

2. ASSESSMENT AND COLLECTION. Said tax shall be placed upon the assessment rolls and collected in the same manner as other taxes.

3. DISPOSITION OF COLLECTIONS. Pursuant to Section 18-308(7)(g) BMCC, monies collected from taxes shall be paid into a special abatement fund established to account for costs, collections, and transactions necessary to the efficient operation of the Nuisance Abatement program. Assessment funds collected will be returned to the designated abatement account for future use on other involuntary property abatements or for transfer back to the city general fund.

4. NOTICE OF HEARING. On Monday, **October 26, 2009**, at 6:30 o'clock p.m., or as soon thereafter as the matter may be considered on the agenda in the Council Chambers of the City Hall, Billings, Montana, the City

Council will hear objections to the final adoption of this resolution. The City Clerk published notice hereof twice, on October 8<sup>th</sup> and October 15<sup>th</sup>, 2009 in the Billings Times.

5. EFFECTIVE DATE. This resolution shall be effective upon adoption.

ADOPTED and APPROVED by the City Council on the **26<sup>th</sup>** day of **October, 2009**

CITY OF BILLINGS:

BY: \_\_\_\_\_  
Ron Tussing, MAYOR

ATTEST:

BY: \_\_\_\_\_  
Cari Martin, CITY CLERK

*Exhibit A*

Last Name	First Name	Address	Tax Code	Assessed Amount
Albert	Charles	314 South 26 <sup>th</sup>	A01135	\$8,863.00

Legal Description: Billings Original Townsite, S03, T01, S, R26 E, Block 170, Lot 007

Date: 10/26/2009

**TITLE: Public Hearing and Resolution Authorizing Filing of Federal Transit Administration Section 5309 Grant**

**PRESENTED BY:** Tom Binford

**Department:** Aviation & Transit

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**Information**

**PROBLEM/ISSUE STATEMENT**

The 2009 Omnibus Appropriations Act appropriated funds to the Federal Transit Administration (FTA), Section 5309, Bus and Bus-Related Facilities program. These funds are issued to eligible sponsors on a discretionary basis and can be used to purchase new and replacement buses. The City of Billings was able to secure \$247,000 of the Section 5309 funds to replace four vans in the MET Special Transit fleet. These vans have reached, or will soon reach, their useful life and are eligible for replacement in accordance with the City's Equipment Replacement program. Two of the vans will be replaced in Fiscal Year 2009/10 and two during Fiscal Year 2010/11.

In order to apply for this grant, it is necessary to include with the grant application a resolution formally authorizing the Mayor to execute the grant agreement with the Department of Transportation (DOT). There is also a requirement for a public hearing for this grant application. Public hearing notices were published in the *Billings Times* on September 24, 2009, and October 8, 2009, advertising a public hearing on October 26, 2009.

**ALTERNATIVES ANALYZED**

The Council may:

- Approve the filing of a grant application in the amount of \$247,000 for the purchase of four paratransit vans to continue the fleet replacement program; or
- Not approve the filing of the grant application in the amount of \$247,000 for the purchase of four paratransit vans to continue the fleet replacement program.

**FINANCIAL IMPACT**

The grant is funded 80% Federal (\$247,000) and 20% local share (\$61,750) for the total amount of \$308,750. Since the grant funding will cover van replacement purchases in two fiscal years, one-half of the grant and local share amounts will be utilized in FY 2009/10 and the balance of these funds in FY 2010/11. Local share funding is available in Transit's capital fund.

**RECOMMENDATION**

Staff recommends that following the required public hearing, Council approve a resolution authorizing the filing of a grant application, and the subsequent execution by the Mayor of a grant agreement with the DOT, FTA, upon receipt of the grant offer provided for under the Omnibus Appropriations Act, 2009. A copy of the resolution is available for review in the City Clerk's office.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

Link: [Resolution](#)

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AUTHORIZING RESOLUTION

RESOLUTION NO. 09-

A RESOLUTION AUTHORIZING THE FILING OF ALL APPLICATIONS WITH THE FEDERAL TRANSIT ADMINISTRATION, AN OPERATING ADMINISTRATION OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION, FOR FEDERAL TRANSPORTATION PLANNING, CAPITAL, TRAINING, DEMONSTRATION, AND/OR OPERATING ASSISTANCE GRANTS AUTHORIZED BY 49 U.S.C. CHAPTER 53, TITLE 23 UNITED STATES CODE, AND OTHER FEDERAL STATUTES ADMINISTERED BY THE FEDERAL TRANSIT ADMINISTRATION

WHEREAS, the City of Billings (Applicant) has the power to enter into agreements with the Federal Transit Administration for the benefit of the City's MET Transit operation; and

WHEREAS, the Federal Transportation Administration has been delegated authority to award Federal financial assistance for mass transportation projects; and

WHEREAS, all contracts for financial assistance will impose certain obligations upon the Applicant, including the provision by said contracts for the City to provide the local share of project costs; and

WHEREAS, the Applicant has or will provide all annual certifications and assurances to the Federal Transit Administration required for the project.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF BILLINGS, MONTANA:

1. That the City of Billings Mayor is authorized to execute and file all applications on behalf of the City of Billings as Applicant, with the U.S. Department of Transportation, Federal Transit Administration to aid in the financing of all planning, capital, training, demonstration and/or operating assistance projects authorized by 49 U.S.C. Chapter 53, Title 23, United States Code, or other Federal statutes authorizing a project administered by the Federal Transit Administration.
2. That the City of Billings Mayor is authorized to execute and file with such applications the annual certifications and assurances, and any other documents required by the U.S. Department of Transportation, Federal Transit Administration effectuating the purpose of the proposed projects, including the local share.
3. That the City of Billings Mayor is authorized to execute grant and cooperative agreements with the U.S. Department of Transportation, Federal Transit Administration, on behalf of the City of Billings.

4. That the Transit Manager of the City's MET Transit operation is designated to furnish such additional information as the U.S. Department of Transportation, Federal Transit Administration may require in connection with all applications submitted.

APPROVED this 26th day of October 2009.

THE CITY OF BILLINGS:

BY: \_\_\_\_\_  
Ron Tussing, Mayor

ATTEST:

BY: \_\_\_\_\_  
Cari Martin, CITY CLERK

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CERTIFICATE

The undersigned duly qualified and acting City Clerk of the City of Billings certifies that the foregoing is a true and correct copy of a Resolution, adopted at a legally convened meeting of the Billings City Council held on October 26, 2009.

If Applicant has an Official Seal, impress here.

(Seal)

\_\_\_\_\_  
Signature of Recording Officer

\_\_\_\_\_  
Title of Recording Clerk

\_\_\_\_\_  
Date

Date: 10/26/2009

**TITLE: Public Hearing and Resolution Authorizing Installation of Permanent Speed Humps on 38th Street West**

**PRESENTED BY:** David Mumford

**Department:** Public Works

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### Information

#### **PROBLEM/ISSUE STATEMENT**

At the request of a portion of the Poly Vista residential subdivision adjacent to 38th Street West, temporary speed humps were installed last April and have been in place over the summer. A detailed traffic analysis was performed to determine the efficiency of the humps and their impact to the surrounding neighborhood. The analysis showed that the speed humps were effective in reducing speeds and had little impact to the surrounding neighborhood. A permanent installation of the humps should have a similar outcome. The neighborhood desires to construct permanent speed humps along 38th Street West. The speed humps will be located on 38th Street West between Colin Drive and Poly Drive. In order to proceed with the construction of Neighborhood Traffic Control, the Council must conduct a public hearing (as outlined in the attached Resolution 13854). If opposition is greater than 20% of the impacted homeowners (in this case more than 3 landowners), the proposal shall be denied.

#### **ALTERNATIVES ANALYZED**

After conducting a public hearing, the Council may:

- Approve the installation of permanent speed humps; or
- Deny the installation of permanent speed humps.

#### **FINANCIAL IMPACT**

The construction of the speed humps will be entirely paid for by the neighborhood and will have no financial impacts to the City.

#### **RECOMMENDATION**

Staff recommends approval of the installation of the speed humps.

#### **APPROVED BY CITY ADMINISTRATOR**

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### Attachments

Link: [Neighborhood Traffic Control Resolution](#)

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# Resolution 13854

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## RESOLUTION 13854

A RESOLUTION DECLARING THE CITY POLICY TO PRESERVE RESIDENTIAL NEIGHBORHOOD INTEGRITY BY DISCOURAGING THROUGH TRAFFIC IN THESE AREAS.

WHEREAS, the City of Billings has established an arterial and collector street system; and

WHEREAS, this street system occasionally experiences congestion; and

WHEREAS, this congestion causes some traffic to divert through neighborhood areas; and

WHEREAS, in the planning process the newer areas are being designed to either back up on arterial and collector streets or to otherwise discourage traffic through the neighborhood; and

WHEREAS, the older portion of the City of Billings is established basically on a grid system which can encourage through traffic intrusion into the neighborhood.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, as follows:

1. POLICY: The City hereby recognizes the desirability of discouraging through traffic in neighborhood areas and will discourage this traffic under the following circumstances:
  - a. Wherever possible the arterial or collector street system will be designed and maintained to assure smooth flow.

- b. When a majority of the property owners and residents of the affected area request a neighborhood traffic plan. Said plan shall be considered and may be adopted provided that said plan:
  - i. can be accomplished without major disruption to public safety needs.
  - ii. meets design standards.
  - iii. will be paid for by the residents in this area.
  - iv. public hearing is convened and conducted by the City Council.
  - v. is not protested in writing by more than 20 percent of the property owners.
  - vi. joint owners including husband and wife shall be considered one property owner for the 20 percent protest.
- c. When an arterial or collector street reconstruction or construction project is designed, the possibility of side street closures will be incorporated into the design as much as possible to accommodate the smooth traffic flow on the arterial or collector.
- d. The impact of land use change decisions such as zone changes and variances will be evaluated in terms of potential traffic generation through neighborhood areas.

2. MAJOR DEVELOPERS: The impacts of major developments will address mitigating measures to avoid adverse neighborhood traffic impacts and the mitigating measures shall be implemented and paid for by the developer after public hearing with the approval of the property owners and residents of the affected area and of the City Council.

PASSED by the City Council and  
APPROVED

21 June, 1982  
THE CITY OF BILLINGS

By, ss. Lucille R. Mills  
MAYOR

Deputy Mayor in the absence of the Mayor

ATTEST:

ss. Bonnie J. Stark  
CITY CLERK

©1999 - 2007 City of Billings Engineering Office

Date: 10/26/2009

TITLE: Public Hearing and Resolution to Vacate a Portion of North 26th Street

PRESENTED BY: David Mumford

Department: Public Works

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### Information

#### PROBLEM/ISSUE STATEMENT

Yellowstone County owns the land along the north half of North 26th Street between 2nd Avenue North and 3rd Avenue North, and the Board of County Commissioners has petitioned to vacate the north half of North 26th Street. The south half of North 26th Street was vacated at the May 12, 2008, City Council Meeting to accommodate the Federal Courthouse site. An additional, 50-foot easement now is required to provide the increased building footprint that will be needed for the Federally owned building. If the Federal government acquires the road easement, it would only be able to pay nominal value for the right of way. However, if the land is acquired as part of an overall parcel from the County, it would be worth an appraised value of \$80,000. The City of Billings will be paid the \$80,000 by the County in exchange for the 50-foot strip and the rest of the right-of-way. The site will be used for access to the County's existing parking lots and for parking in the future.

#### ALTERNATIVES ANALYZED

Council must hold a public hearing and then may:

- Approve the vacation of the above-mentioned right-of-way; or
- Not approve the vacation of the right-of-way.

#### FINANCIAL IMPACT

There is no financial impact to setting the public hearing. If the the vacation ultimately is approved, however, the City will be paid \$80,000 for the right of way proposed to be vacated. Also, the City will no longer have to pay to maintain the north half of 26th St. between 2nd Avenue North and 3rd Avenue North.

#### RECOMMENDATION

Staff recommends that Council approve the vacation of a portion of the North 26th Street between 2nd Avenue North and 3rd Avenue North.

#### APPROVED BY CITY ADMINISTRATOR

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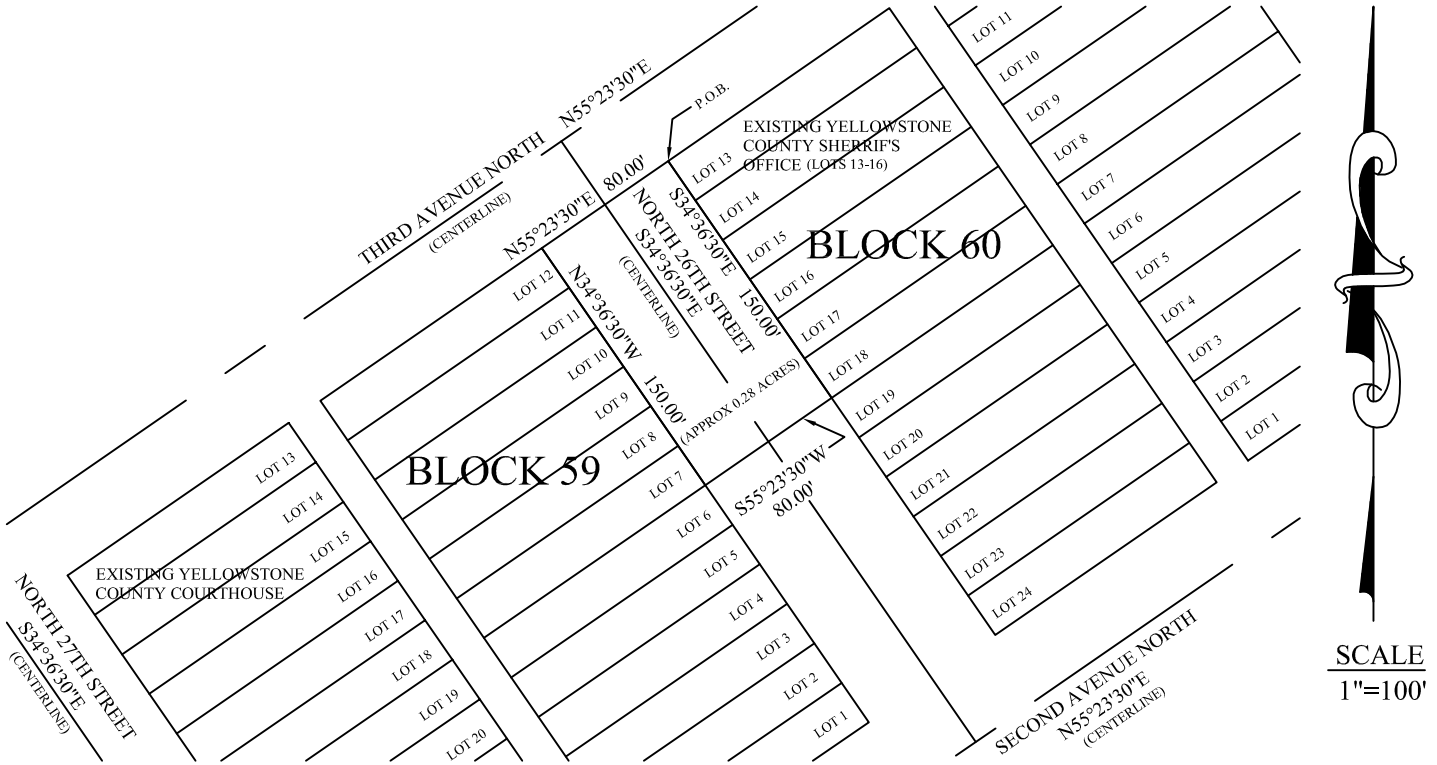
### Attachments

Link: [Exhibit of ROW to be Vacated](#)

Link: [Resolution to Vacate](#)

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# EXHIBIT 1



## NORTH 26TH STREET ABANDONMENT

BEGINNING AT THE NORTHWEST CORNER OF LOT 13 BLOCK 60, BILLINGS TOWNSITE THENCE ALONG THE WESTERLY BOUNDARIES OF LOTS 13, 14, 15, 16, 17 AND 18 TO THE SOUTHWEST CORNER OF LOT 18 BLOCK 60 (SOUTH 34°36'30" EAST, A DISTANCE OF 150.00 FEET); THENCE SOUTHWESTERLY TO THE SOUTHEAST CORNER OF LOT 7 BLOCK 59 OF SAID TOWNSITE (SOUTH 55°23'30" WEST, A DISTANCE OF 80.00 FEET); THENCE ALONG THE EASTERLY BOUNDARIES OF LOTS 7, 8, 9, 10, 11 AND 12 TO THE NORTHEAST CORNER OF LOT 12 BLOCK 59 (NORTH 34°36'30" WEST, A DISTANCE OF 150.00 FEET); THENCE NORTHEASTERLY TO THE NORTHWEST CORNER OF LOT 13 BLOCK 60 (NORTH 55°23'30" EAST, A DISTANCE OF 80.00 FEET) TO THE **POINT OF BEGINNING**.

AREA OF ABOVE STATED BOUNDARY CONTAINS APPROXIMATELY 0.28 ACRES MORE OR LESS.

RESOLUTION NO. 09-\_\_\_\_\_

A RESOLUTION OF THE CITY OF BILLINGS,  
MONTANA, DISCONTINUING AND VACATING **portion  
of North 26<sup>th</sup> Street.**

WHEREAS, a proper petition was filed with the City Council of the City of Billings, Montana, as per Section 22-601 BMCC, requesting discontinuance and vacation of **portion of North 26<sup>th</sup> Street** as described hereinafter; and WHEREAS, a public hearing was properly noticed and held as required by law.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA, AS FOLLOWS:

1. **DISCONTINUANCE AND VACATION.** Pursuant to Sections 7-14-4114 and 7-14-4115, M.C.A., **portion of North 26<sup>th</sup> Street** more particularly described as follows:

BEGINNING AT THE NORTHWEST CORNER OF LOT 13 BLOCK 60, BILLINGS TOWNSITE THENCE ALONG THE WESTERLY BOUNDARIES OF LOTS 13, 14, 15, 16, 17 AND 18 TO THE SOUTHWEST CORNER OF LOT 18 BLOCK 60 (SOUTH 34°36'30" EAST, A DISTANCE OF 150.00 FEET); THENCE SOUTHWESTERLY TO THE SOUTHEAST CORNER OF LOT 7 BLOCK 59 OF SAID TOWNSITE (SOUTH 55°23'30" WEST, A DISTANCE OF 80.00 FEET); THENCE ALONG THE EASTERLY BOUNDARIES OF LOTS 7, 8, 9, 10, 11 AND 12 TO THE NORTHEAST CORNER OF LOT 12 BLOCK 59 (NORTH 34°36'30" WEST, A DISTANCE OF 150.00 FEET); THENCE NORTHEASTERLY TO THE NORTHWEST CORNER OF LOT 13 BLOCK 60 (NORTH 55°23'30" EAST, A DISTANCE OF 80.00 FEET) TO THE **POINT OF BEGINNING**. AREA OF ABOVE STATED BOUNDARY CONTAINS APPROXIMATELY 0.28 ACRES MORE OR LESS.

Is hereby discontinued, abandoned and vacated and shall revert to adjacent property owners.

- 2. PUBLIC INTEREST. The discontinuance, vacation and abandonment of the above described **portion of North 26<sup>th</sup> Street** is in the best interest of the public and can be done without any public detriment.  
PASSED by the City Council and APPROVED this 26<sup>th</sup> day of October

2009.

THE CITY OF BILLINGS:

BY: \_\_\_\_\_  
Ron Tussing MAYOR

ATTEST:

BY: \_\_\_\_\_  
Cari Martin CITY CLERK

Date: 10/26/2009

TITLE: Public Hearing and Site Development Ordinance Variance # OP-09-04

PRESENTED BY: David Mumford

Department: Public Works

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### Information

#### PROBLEM/ISSUE STATEMENT

Cenex Petroleum, Inc., is proposing to remove the existing building and build a Cenex ZipTrip Convenience Store at 1201 Central Avenue on Lot 1, Block 2 and Lots 1 – 4, Block 7, and adjacent vacated 15 feet of Plainview Street, being generally on the north side of Central Avenue, west of 12th Street West. The owner of the property is the Cenex Petroleum, Inc., 5500 Cenex drive, Inver Grove Heights, Minnesota, 55077.

Cenex is seeking a variance from the Site Development Ordinance, Section 6-1203(r), which prohibits customer access to alleys from commercial sites that abut a residential zone.

BMCC Section 6-1203(r) reads as follows:

Limited access through the alley: Customer access via an alley to any commercial use on a lot which is adjacent to an alley which abuts an "R" zone shall not be permitted over that alley.

#### ALTERNATIVES ANALYZED

The Council may:

- Approve the variance allowing a customer access through the alley. If the variance request is approved, access to new Cenex ZipTrip Convenience Store from the alley will be provided. The alley will be paved from the west end starting at Plainview Street and continuing to the east ending at 12th Street West at the expense of the Cenex Petroleum, Inc., development. There will be no direct costs to the City or property owners on the north side of the alley for the alley paving. Long-term costs to the City are indeterminate. A paved alley will save the costs of periodically blading and maintaining a gravel alley. A paved alley results in higher surface restoration costs whenever it is excavated to repair or replace underground utilities (sanitary sewer, natural gas, etc.).
- Not approve the variance allowing a customer access through the alley. If the variance request is denied, Cenex Petroleum, Inc., development will have to close off all access to the alley from the site. The alley would not be paved. Access by customers and the service and delivery vehicles may be slightly more difficult.

#### FINANCIAL IMPACT

There is no direct financial impact to the City associated with this variance.

#### BACKGROUND

Cenex Petroleum, Inc., is proposing to remove the existing building and build a Cenex ZipTrip Convenience Store at 1201 Central Avenue on Lot 1, Block 2 and Lots 1 – 4, Block 7, and adjacent vacated 15 feet of Plainview Street, being generally on the north side of Central Avenue, west of 12th Street West. The owner of the property is the Cenex Petroleum, Inc., 5500 Cenex drive, Inver Grove Heights, Minnesota, 55077. Cenex is seeking a variance from the Site Development Ordinance, Section 6-1203(r), which prohibits customer access to alleys from commercial sites that abut a residential zone.

BMCC Section 6-1203(r) reads as follows:

Limited access through the alley: Customer access via an alley to any commercial use on a lot which is adjacent to an alley which abuts an "R" zone shall not be permitted over that alley.

The applicant has requested this variance to allow customer access through the alley. It is anticipated that some delivery and service vehicles may use the alley access as it will allow them better access. The site will have one access directly on Central Avenue, one access on Plainview Street, alley access from Plainview Street, and a joint alley access from 12th Street West.

The City has consistently required Commercial developments to pave the alley when it is being used for customer access.

The developer has been in contact with the four residential property owners to the north and has included Statements of Support from three in the application. The Statements discuss the accessing and paving of the of the alley as well as constructing and maintaining a privacy fence along the south property line of residential properties. Cenex currently is working on an agreement with the fourth property owner.

**RECOMMENDATION**

Staff recommends that Council approve the variance allowing access through the alley, subject to the condition that the alley be paved from the west end at Plainview Street to the east end at 12th Street West.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

Link: [Cenex Variance](#)


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Application # OP-09-04

**APPLICATION FOR VARIANCE**

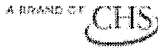
- 1. Legal description of property: Sanderson Subd. S05, T01S, R26E  
Block 002, Lot 001, LT 1-4 Blk 7 Sanderson Subd. Adj Vac 15' Plainview St.
- 2. Address (if unknown, contact the City Engineer's office) or general location: 1201 Central Ave.
- 3. Owner(s): Genex Petroleum Inc. - Central Ave.  
(Recorded Owner)  
5500 Genex Dr., Inver Grove Heights, MN 55077  
(Address)  
509-252-5465  
(Phone Number)
- 4. Agent(s): CTA Inc.  
(Name)  
13 N. 23rd Street, Billings, MT 59101  
(Address)  
406-248-7455  
(Phone Number)
- 5. Section of the Site Development Ordinance that this request for variance applies to: Alley North of Central Avenue,  
between 12th Street West & Plainview Street.
- 6. Reason for request: Improve site vehicle circulation around building.
- 7. Covenants for deed restrictions on the property: Yes \_\_\_ No  ~~Yes~~  
(if yes, please include a copy)

I understand that the filing fee accompanying this application is not refundable, and that the fee does not constitute a payment for variance requested. Also, that all the information presented is true and correct.

Signature:  Date: 9-29-09  
(Recorded Owner)

Fee: 60.00 Receipt #: \_\_\_\_\_

Hearing Date: \_\_\_\_\_



September 25, 2009

City of Billings Planning and Community Services Department  
510 North Broadway, 4<sup>th</sup> Floor  
Billings, MT. 59101

Re: New Cenex ZipTrip Convenience Store at 1201 Central Avenue, Billings, MT

Dear Sir/Madam:

My name is Tom Savas and I am the Eastern Regional Manager for Cenex ZipTrip Convenience Stores ("Cenex – ZipTrip"). Cenex – ZipTrip is in the process of evaluating a raze and rebuild of the store that is located at 1201 Central Avenue in Billings, MT (the "Store"). As a part of that project, we would like to utilize the alley that is behind the current store. We feel that by utilizing the alley, it would be safer for traffic flow and add a certain level of convenience for our customers.

As a part of our project, Cenex – ZipTrip is willing to install a new fence along the alley, if one does not already exist, or replace what is there now. The new fence would be taller and meet the requirements of the City of Billings Planning Department for proper screening of the property along the whole alley property line. We have discussed our plans with all four neighboring property owners. Three of those four have agreed to support our plan to use the alley as evidenced by the attached Statements of Support. The fourth neighbor lives in California and, although we have discussed the project with him, he has still not decided whether or not to support our plans at this point.

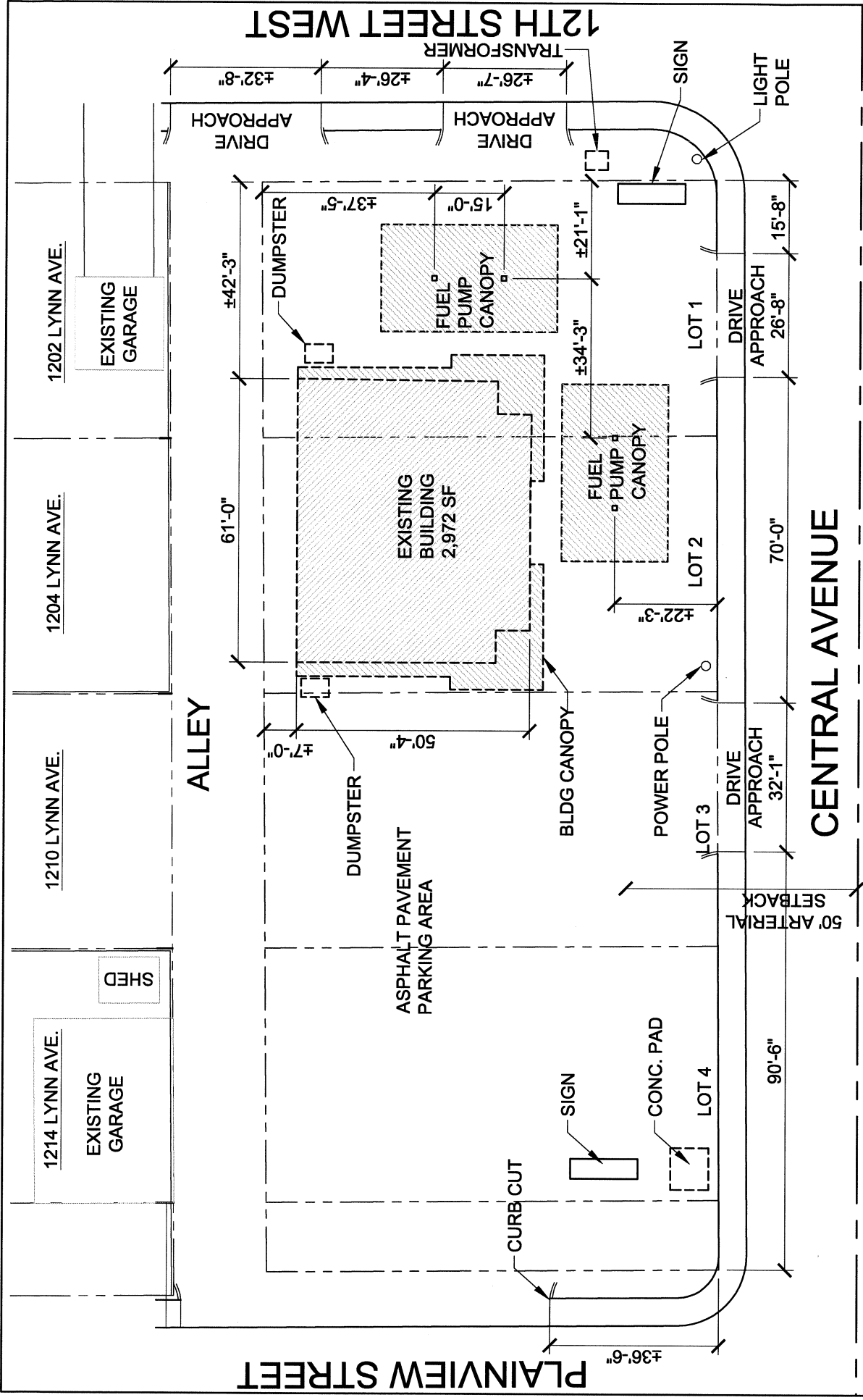
The purpose of this letter is to formally request Administrative Relief from the City of Billings Planning Department allowing Cenex – ZipTrip to install a fence on the neighbors' side of the alley rather than on the CHS side of the alley. As a part of this project, Cenex – ZipTrip agrees to pave the alley in accordance with all applicable requirements, maintain access to the neighboring properties from the alley and, further, to maintain access over and across the alley to and from the Store.

Please let me know if you have any questions or require any further information in connection with this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Savas", written over a horizontal line.

Tom Savas  
Eastern Regional Manager for Cenex – ZipTrip  
406.533.5683



SEPTEMBER 29, 2009

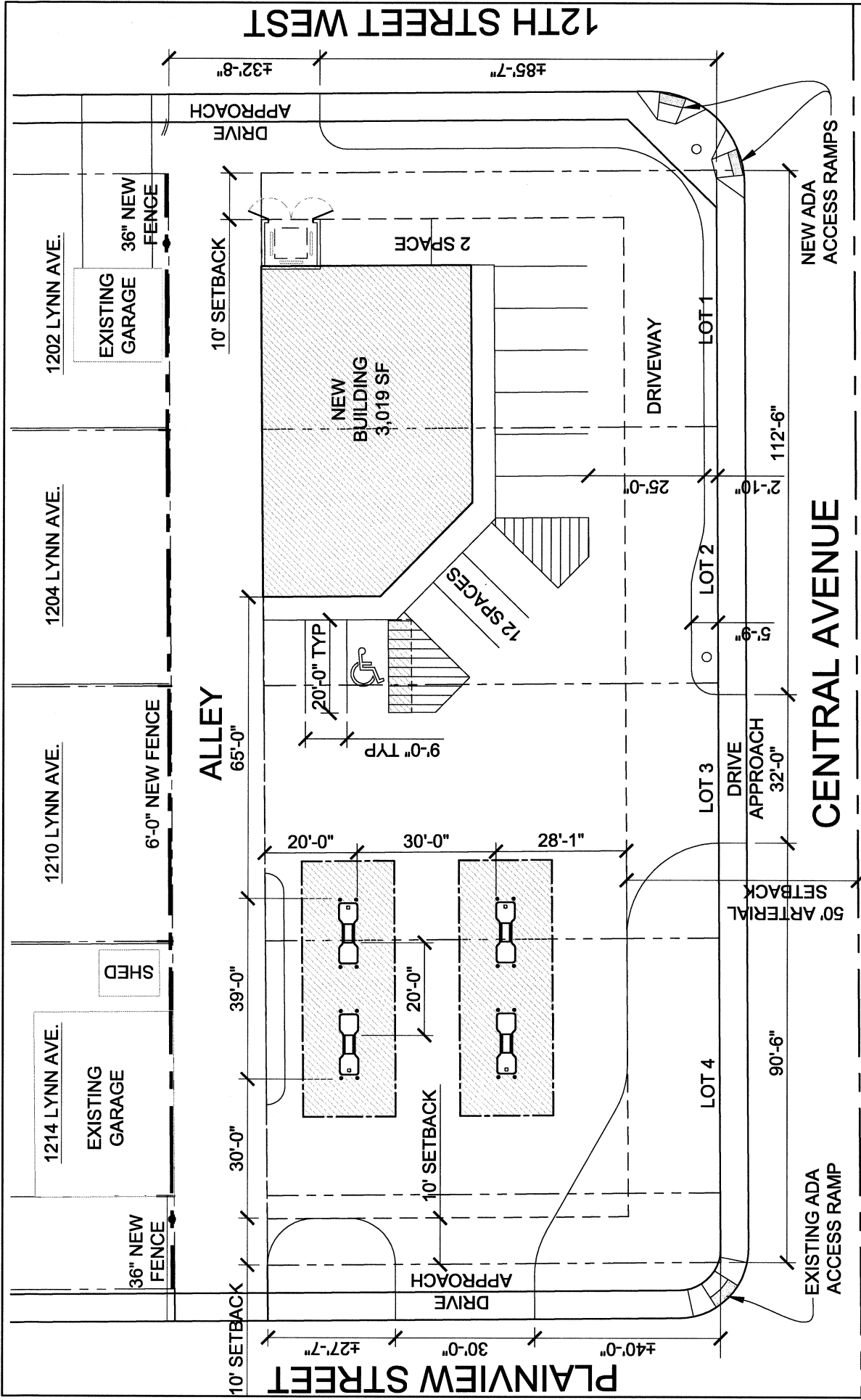
**EXISTING SITE**

CHS ZIP TRIP - CENTRAL AVENUE LOCATION



1" = 30'-0"  
NORTH REF

LOTS 1-4: 23,021 SF



12TH STREET WEST

ALLEY

CENTRAL AVENUE

PLAINVIEW STREET



SEPTEMBER 28, 2009

**PROPOSED SITE PLAN**

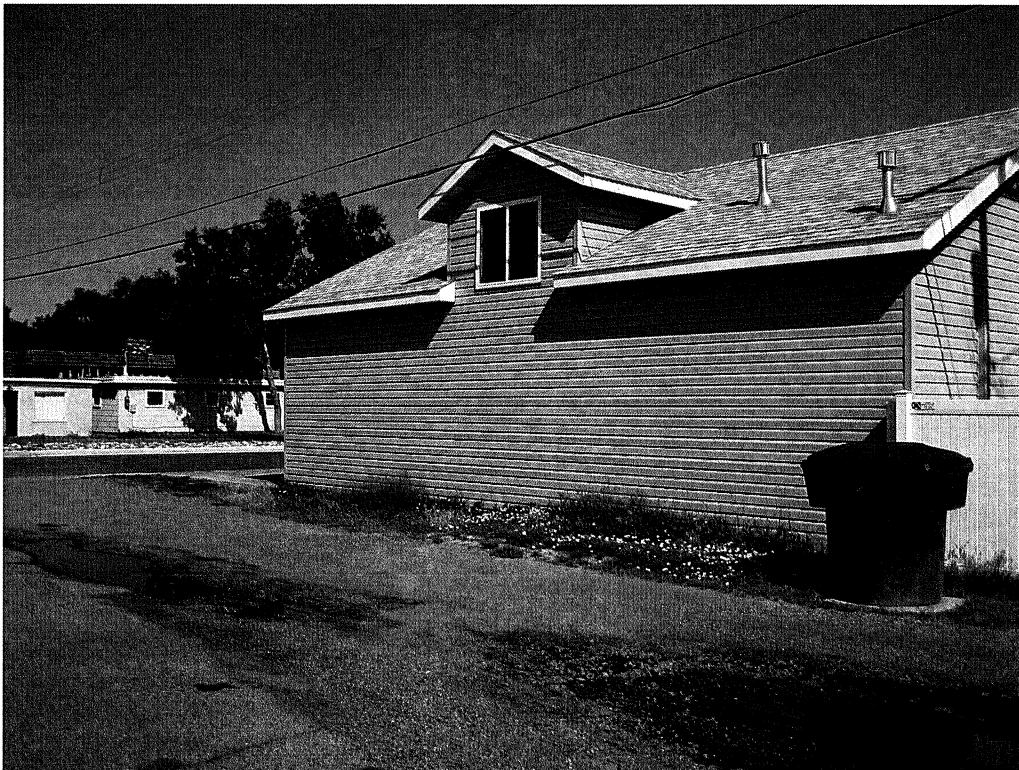
CHS ZIP TRIP - CENTRAL AVENUE LOCATION

1" = 30'-0"

CHS Zip Trip – Central Avenue Location



Existing Zip Trip

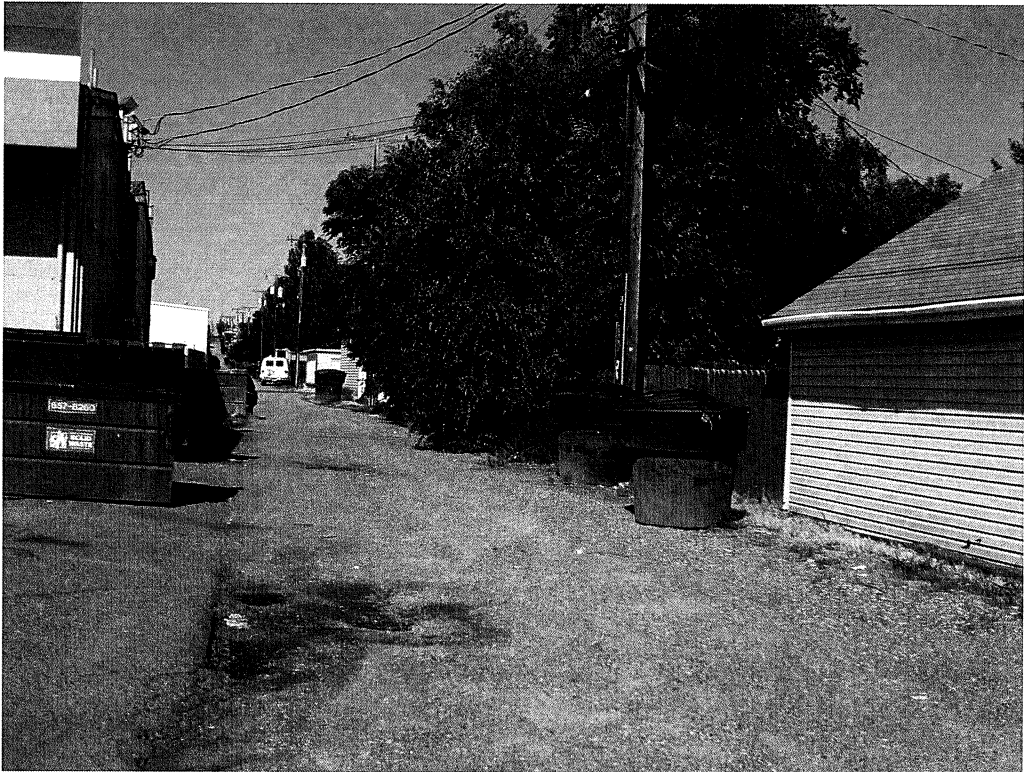


Back of 1214 Lynn Ave.

CHS Zip Trip – Central Avenue Location



Back of 1210 Lynn Ave.



Looking down Alley behind 1202 Lynn Ave.

STATEMENT OF SUPPORT

This Statement of Support is made by:

Rodney Myers  
1202 Lynn Avenue  
Billings, MT 59102

Re: New Cenex ZipTrip Convenience Store at 1201 Central Avenue, Billings, MT

I understand that:

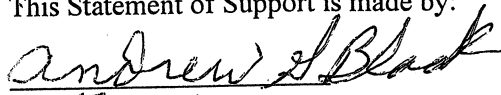
1. Cenex ZipTrip ("Cenex") is doing an evaluation for a raze and rebuild of the existing Cenex ZipTrip Convenience Store at 1201 Central Avenue, Billings, Montana.
2. As a part of that project, Cenex would like to use the existing east-west alley that separates my property from the Cenex property (the "Alley") for ingress and egress to and from the new store.
3. As a part of that project, Cenex has expressed its willingness to pave the Alley and construct and maintain a new privacy fence along our south property line (the north boundary of the Alley) in accordance with all applicable codes, regulations and ordinances.

Based on the above understandings, I wish to express my support for the new store including Cenex' proposed use of the Alley for access to the new store.

Rodney Myers  
Rodney Myers  
Date signed: 15 Sept, 2009

STATEMENT OF SUPPORT

This Statement of Support is made by:

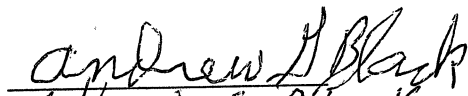
  
1210 Lynn Avenue  
Billings, MT 59102

Re: New Cenex ZipTrip Convenience Store at 1201 Central Avenue, Billings, MT

I understand that:

1. Cenex ZipTrip ("Cenex") is doing an evaluation for a raze and rebuild of the existing Cenex ZipTrip Convenience Store at 1201 Central Avenue, Billings, Montana.
2. As a part of that project, Cenex would like to use the existing east-west alley that separates my property from the Cenex property (the "Alley") for ingress and egress to and from the new store.
3. As a part of that project, Cenex has expressed its willingness to pave the Alley and construct and maintain a new privacy fence along our south property line (the north boundary of the Alley) in accordance with all applicable codes, regulations and ordinances.

Based on the above understandings, I wish to express my support for the new store including Cenex' proposed use of the Alley for access to the new store.

  
Andrew G. Black  
Date signed: 9-15, 2009

STATEMENT OF SUPPORT

This Statement of Support is made by:

DAVE WILSON  
1214 Lynn Avenue  
Billings, MT 59102

Re: New Cenex ZipTrip Convenience Store at 1201 Central Avenue, Billings, MT

I understand that:

1. Cenex ZipTrip ("Cenex") is doing an evaluation for a raze and rebuild of the existing Cenex ZipTrip Convenience Store at 1201 Central Avenue, Billings, Montana.
2. As a part of that project, Cenex would like to use the existing east-west alley that separates my property from the Cenex property (the "Alley") for ingress and egress to and from the new store.
3. As a part of that project, Cenex has expressed its willingness to pave the Alley and construct and maintain a new privacy fence along our south property line (the north boundary of the Alley) in accordance with all applicable codes, regulations and ordinances.

Based on the above understandings, I wish to express my support for the new store including Cenex' proposed use of the Alley for access to the new store.

Dave Wilson  
DAVE WILSON  
Date signed: 9-15, 2009



# Yellowstone County, Montana

Commissioners Departments Contacts Site Map Home

Disclaimer: Not all fields are currently maintained. The accuracy of the data is not guaranteed. Please notify the Appraisal/Assessment Office of any inaccuracies.

[Back to Search Form](#)

[Full Camera Detail](#)

### Owner Information

Ownership Data Last updated: 9/30/2008

Tax ID: A13785 Tax Status: Active

Primary Owner Name: HENDRY, BRIAN E &  
Additional Legal Owner: JENKINS, JOAN E

Mailing Address: HENDRY, BRIAN E &  
PO BOX 12204  
SN LUIS OBISP, CA 93406

Property Address: 1204 LYNN AVE

Township: 01. S Range: 26. E Section: 05  
Subdivision: SANDERSON SUBD Block: 002 Lot: 007

Full Legal: SANDERSON SUBD, S05, T01 S, R26 E, BLOCK 002, Lot 007, LT 7 BLK 2 SANDERSON SUBD

GeoCode: 03-0927-05-3-05-03-0000

[Show on Map](#)

### Property Assessment Information

Levy District: BILLINGS

Assessed value

Records indicate a possible change in Appraisal Value, please contact your local Department of Revenue Office @ (406)896-4000 for more information.

Taxable Market Tax

IMPS

mount  
341.00  
11.00  
2.00

\* The values shown are property tax and is not t Legislature. For question Revenue, Appraisal/Asse

*STILL IN DISCUSSION WITH THIS OWNER. HAS NOT SIGNED YET*

ue. This value is used to calculate the value is not allowed to be used by the tact the Montana Department of

		64.42
	19 P	1,045.60
	544.88 P	1,089.76
	547.08 P	1,094.16
2007	570.56 P	1,141.11
2008	778.98 P	1,557.94

(P) indicates paid taxes.  
Click on year for detail.

### Jurisdictional Information

Commissioner Dist: 3 - [Bill Kennedy \(D\)](#)  
Senate: 26 - [Lynda Moss \(D\)](#)  
House: 52 - [Arlene Becker \(D\)](#)  
Ward:

School Attendance Areas  
High: SENIOR  
Middle: LEWIS & CLARK  
Elem: WASHINGTON

3 (BILLINGS)

*424 S. Ocean Ave  
CAYUCOS CA  
93434-1234  
805-995-1541  
USED FOR PUBLIC SEARCH  
9-14-09  
COORDINATOR  
UNASSIGNED*

Date: 10/26/2009

TITLE: Zone Change #858, Public Hearing and 1st Reading - 415 and 431 South Billings Boulevard

PRESENTED BY: Candi Beaudry

Department: Planning & Community Services

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Information

**PROBLEM/ISSUE STATEMENT**

This is a zone change request from Residential 6,000 (R-60) and Residential 9,600 (R-96) to Controlled Industrial (CI) on C/S 473 (R-96) and the South 132 feet of Lot 4 in the SW1/4 of Section 9, 1 South, 26 East (R-60) located at 415 and 431 South Billings Boulevard. The property is vacant and has been recently cleared and graded. The applicant is Hanser Properties, LP and represented by Ralph Hanser. The Zoning Commission conducted a public hearing on October 6, 2009, and is forwarding a recommendation of approval on a 3-0 vote.

**ALTERNATIVES ANALYZED**

State law at MCA 76-2-304 requires that all zone changes be reviewed in accordance with 12 criteria. Using the 12 criteria to determine the appropriateness of the zone change request, the City Council may:

1. Approve the zone change request
2. Deny the zone change request
3. Allow withdrawal of the application
4. Delay action for up to thirty (30) days

**FINANCIAL IMPACT**

The proposed zone change should increase the City's tax base and contribute to the South Billings Boulevard Tax Increment Finance District.

**BACKGROUND**

The applicant is requesting to rezone a 4.87 acre parcel of land directly south of its existing automobile wrecking yard on the east side of South Billings Boulevard. Hanser Properties, LP recently purchased a property from the city that represents the south half of this proposed re-zoning. The property purchased from the city has a permanent storm water utility easement and no buildings can be constructed over the underground pipe. The easement runs along the north property boundary of the southern parcel of land (See Attachment A). The applicant held a pre-application neighborhood meeting on August 20, 2009 at its main facility on the west side of South Billings Boulevard. The attendance list and meeting notes are included as Attachment D. If the property is re-zoned, Hanser Properties intends to expand its wrecking facility to include this 4.87 acre site.

South Billings Boulevard is a principal arterial street that carries approximately 7,000 vehicle trips per day as a 3-lane, two way street. There is no on-street parking and a multi-use sidewalk was constructed on the east side of the street when it was re-built in 2006. Access to the site is provided through one existing drive approach off South Billings Boulevard. This location is in the South Billings Boulevard Urban Renewal and Tax Increment Finance District. The city has adopted an Urban Renewal Plan for this area that includes re-use of under utilized properties. The Southwest Corridor Task Force has written a letter of support for the zone change and subsequent special review to operate a vehicle wrecking facility on the site.

The lots to the north and west are zoned CI or Highway Commercial and have been fully developed for commercial purposes. The lots to the south and east are zoned residential and have been developed for residential uses. The proposed vehicle wrecking facility is an expansion of an existing facility to the north

residential uses. The proposed vehicle wrecking facility is an expansion of an existing facility to the north. The operation will include a "pick-a-part" yard that will operate from 7 am to 7 pm daily. The facility is proposed to be fenced and lighted similar to the existing facility.

The 2008 Growth Policy and the South Billings Boulevard Urban Renewal Plan support predictable land uses in existing neighborhoods and encourage compact commercial development where arterial streets exist to handle traffic. South Billings Boulevard is designed and constructed to handle large commercial vehicles such as tow trucks and delivery vehicles. The parcel will not have access to the east on Newman Lane that is a local residential street. The applicant will provide adequate screening, buffering and shielded lighting so any development of the property will not negatively affect those properties.

The Planning Division reviewed this application and recommended approval to the Zoning Commission based on the attached twelve (12) criteria for zone changes. The subject property is adjacent to an arterial street and the property is appropriate for CI uses and re-use. The zone change will not alter the character of the adjacent neighborhood because of site development requirements and because no access will be allowed to Newman Lane. The proposed zoning is compatible with the surrounding zoning and neighborhood character.

The Zoning Commission conducted a public hearing on October 6, 2009, and voted 5-0 to forward a recommendation of approval.

## **STAKEHOLDERS**

The Zoning Commission conducted a public hearing on October 6, 2009, and the applicant, Ralph Hanser, attended the hearing. Mr. Hanser explained the application to the commission. Scott Hanser testified in support of the zone change application. Tom Ruskewicz, Chairman of the Southwest Corridor Task Force, testified in favor of the application.

## **CONSISTENCY WITH ADOPTED POLICIES OR PLANS**

The City Council may approve, deny, delay or allow withdrawal of the zone change. All zone changes must be evaluated utilizing the 12 criteria set forth within Section 76-2-304, MCA. The following are the Zoning Commission's determinations.

1. Is the new zoning designed in accordance with the Growth Policy?

The proposed zone change is consistent with the following goals of the Growth Policy:

- Predictable land use decisions that are consistent with neighborhood character and land use patterns (Land Use Element Goal, page 6).

The proposed zoning would allow an expansion of an existing facility along an arterial street that can accommodate any traffic generated without impact to surrounding residences.

- New developments that are sensitive to and compatible with the character of adjacent City Neighborhoods and County Townsites (Land Use Element Goal, page 6).

The proposed zoning is consistent with the surrounding character of South Billings Boulevard and will allow re-use of property that was under utilized.

- Contiguous developed focused in and around existing population centers (Land Use Element, page 6).

The proposed zoning will provide a good in-fill and re-use of the property that has limited quality for residential uses.

2. Is the new zoning designed to lessen congestion in the streets?

South Billings Boulevard is a principal arterial that carries approximately 7,000 vehicle trips per day. No significant increase in traffic load is anticipated from this zone change although the nature of the traffic will change from daily residential traffic to commercial traffic during business hours. Access to and from the new storage yard will be controlled by the city.

3. Will the new zoning secure safety from fire, panic and other dangers?

The subject property is currently serviced by City Fire and Police. The proposed zoning will not affect the ability of these services to access the property.

4. Will the new zoning promote health and general welfare?

The current R-60 and R-96 zoning allows residential uses and limited home-based businesses. The unplatted parcel zoned R-60 was city-owned property that was acquired for the installation of an underground stormwater pipe. In 2008, the city offered the property for sale with a permanent easement for the stormwater pipe. The proposed zoning of CI would allow development of the lot for Hanser's wrecking and storage lot. The permanent easement across the north 40 feet of the southern parcel limits the ability of a developer to construct buildings on the parcel.

5. Will the new zoning provide adequate light and air?

The proposed zoning requires building setbacks and limits building height. Zoning, building and fire codes should provide assurance of adequate light and air for the property and surrounding neighborhood.

6. Will the new zoning prevent overcrowding of land?

The proposed zoning limits maximum lot coverage to 75% of the lot area. The current R-60 zoning allows up to 40% lot coverage and the R-96 zone allows 30% lot coverage. Lot coverage only includes the area of the lot covered by structures and does not include pavement. The proposed increase in lot coverage should not overcrowd the property.

7. Will the new zoning avoid undue concentration of population?

The proposed zoning does not allow residential uses by right. Single family homes may be allowed by special review approval. The proposed zoning would not unduly concentrate population.

8. Will the new zoning facilitate the adequate provisions of transportation, water, sewerage, schools, parks, fire, police, and other public requirements?

Transportation: The proposed zoning should have no impact on the arterial street.

Water and Sewer: The City provides water and sewer to the property through existing lines on the applicant's property.

Schools and Parks: There should be no impact on schools or parks from this rezoning.

Fire and Police: The subject property is currently served by the City of Billings Fire Department and Police Department.

9. Does the new zoning give reasonable consideration to the character of the district?

The proposed zoning will allow a commercial re-use of the property along a principal arterial street. The quality of residential use of this property is limited by its location and proximity to commercial and industrial uses to the west and to limited access on the east. Any development of the parcel will have to meet minimum standards for landscaping, buffering of adjacent residences to the east and south as well as access restrictions. The new zoning gives reasonable consideration to the existing character of the district.

10. Does the new zoning give consideration to peculiar suitability of the property for particular uses?

The subject property is suitable for the requested zoning district. Properties west and north of the subject property along South Billings Boulevard are zoned CI and HC.

11. Was the new zoning adopted with a view to conserving the value of buildings?

Staff cannot determine whether the proposed zoning would appreciably alter the value of structures within the area. As re-development occurs in the area, building values should increase as properties are improved. The property is within the South Billings Boulevard Tax Increment Finance District. Any incremental increase in the property taxes from these parcels will be set aside for use for public improvements within the district.

12. Will the new zoning encourage the most appropriate use of land throughout such county or municipal area?

The proposed zoning will encourage the most appropriate use of this land on a principal arterial street in the Southwest Corridor of Billings.

## **RECOMMENDATION**

The Zoning Commission is forwarding a recommendation of approval to the City Council for Zone Change #858 and adoption of the 12 Zoning Commission Determinations on a 3-0 vote.

## **APPROVED BY CITY ADMINISTRATOR**

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### **Attachments**

Link: [ZC 858 Ordinance](#)

Link: [ZC 858 Site photos](#)

Link: [ZC 858 Zoning Map](#)

Link: [ZC 858 pre-app meeting & letter](#)

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**ORDINANCE NO. 09-\_\_\_\_\_**

AN ORDINANCE AMENDING THE ZONE CLASSIFICATION FOR C/S 473 and the South 132 feet of Lot 4 in the SW1/4 of Section 9, 1 South, 26 East containing 4.87 acres

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

1. RECITALS. *Title 76, Chapter 2, Part 3, MCA, and Sections 27-302 and 27-1502, BMCC,* provide for amendment to the City Zoning Map from time to time. The City Zoning Commission and staff have reviewed the proposed zoning for the real property hereinafter described. The Zoning Commission and staff have considered the twelve (12) criteria required by Title 76, Chapter 2, Part 3, MCA. The recommendations of the Zoning Commission and staff have been submitted to the City Council, and the City Council, in due deliberation, has considered the twelve (12) criteria required by state law.

2. DESCRIPTION. A tract of land known as C/S 473 containing 2.85 acres and is presently zoned **Residential 9,600 (R-96)** and a tract of land known as the South 132 feet of Lot 4 in the SW1/4 of Section 9, 1 South, 26 East and is presently zoned **Residential 6,000 (R-60)** and is shown on the official zoning maps within this zone.

3. ZONE AMENDMENT. The official zoning map is hereby amended and the zoning for **the above described parcels** is hereby changed from **Residential 9,600 (R-96) and Residential 6,000 (R-60)** to **Controlled Industrial (CI)** and from the effective date of this ordinance, shall be subject to all the rules and regulations pertaining to **Controlled Industrial (CI)** as set out in the Billings, Montana City Code.

4. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

5. EFFECTIVE DATE. This ordinance shall be effective from and after final passage and as provided by law.

PASSED by the City Council on first reading October 26, 2009.

PASSED, ADOPTED AND APPROVED on second reading November 9, 2009.

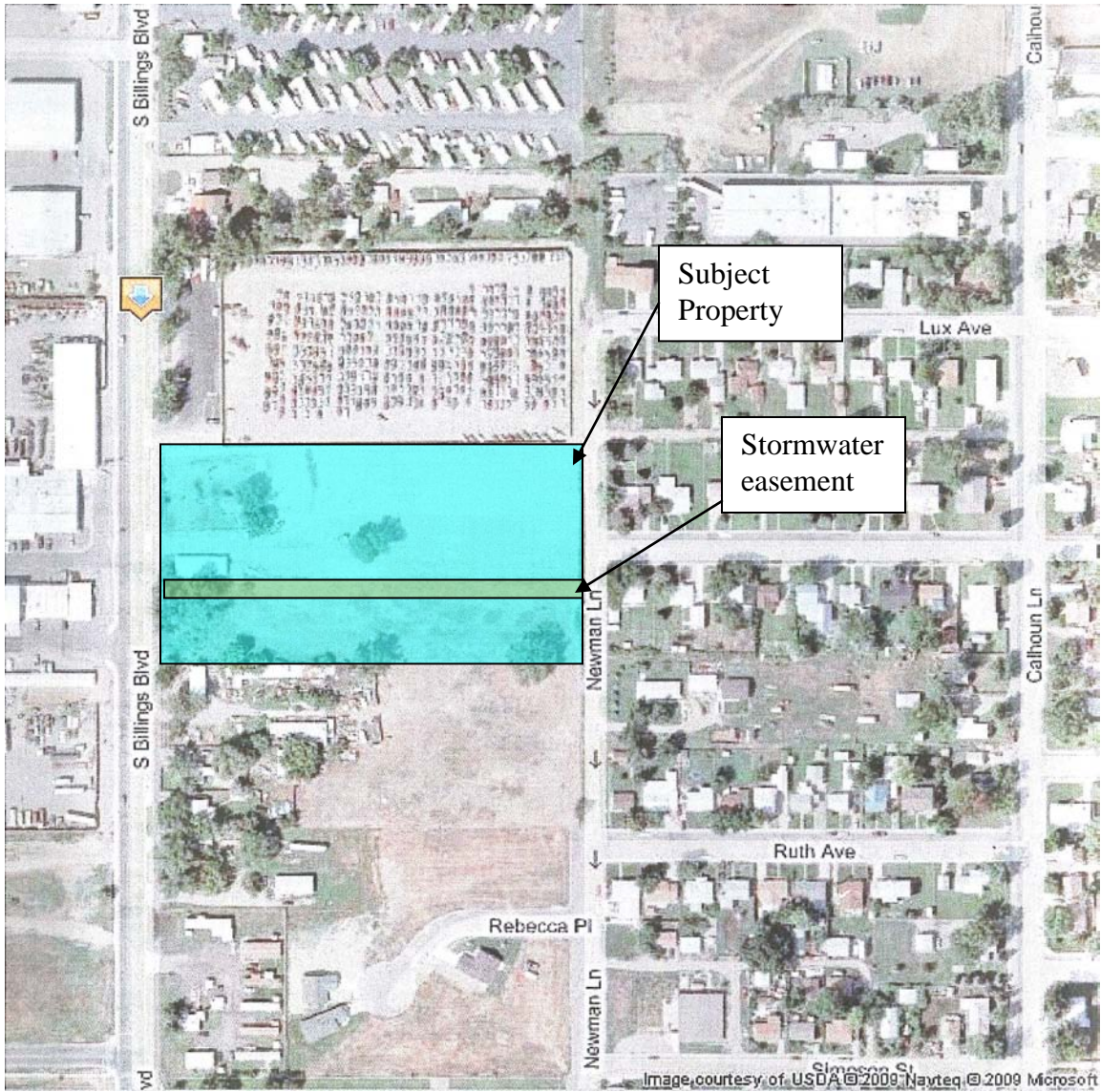
CITY OF BILLINGS:

BY: \_\_\_\_\_  
Ron Tussing, Mayor

ATTEST:

BY: Cari Martin, City Clerk

Zone Change #858- 415 & 431 South Billings Boulevard



Site Photographs, Zone Change #858 – 415 & 431 S Billings Blvd



View east from S Billings Blvd



View south and east from S Billings Blvd

Zone Change #858 – 415 & 431 S Billings Blvd



Subject Property – 415 & 431 S Billings Blvd

Applicant's letter & pre-application meeting notes – Zone Change  
#858

City of Billings  
Zone Change Application

**Hanser's Automotive  
Motor Vehicle Recycling Facility expansion**

Expansion of Motor Vehicle Facility:

2069 South Billings Blvd.  
Billings, MT 59101  
State of MT Wrecking License #347

Legal Description property for expansion:

**415 S. Billings Blvd.**  
**Billings, MT 59101**  
**S09, T01 S, R26 E, 473, PARCEL 000\*\*COS 473 IN LT 4 OF SW 4**

**431 S. Billings Blvd.**  
**S09, T01 S, R26E, S132' OF LT: 4 IN SW4 9-1S-26E2.00 AC**

**A. In what ways is your proposal consistent with the goals and polices of the adopted Growth Policy?**

**Land Use Element**

**GOAL #1: Predictable land use decisions that are consistent with neighborhood character and land use patterns:**

This proposal is in accordance with current surrounding land use, most specifically the current Hanser's Salvage Yard adjacent to the North. This proposal for Zone Change will match the current surrounding zoning to the North and the West. The current zoning of R-9600 and R-6000 does not match the current neighborhood character.

**GOAL #2: New developments that are sensitive to and compatible with the character of adjacent City neighborhoods and County townsites.**

This proposal will take two vacant, unused and untended lots and develop them with attractive fencing and landscaping which will improve the look and character of the neighborhood.

**GOAL #4: Contiguous development focused in and around existing population centers separated by open space.**

This proposal will develop two vacant infill lots to expand an existing business. Both properties have City services so no additional cost would be incurred by the City.

**Economic Development**

**GOAL #1: Coordinated economic development effort that target business recruitment, retention and expansion.**

This proposal will immediately create 5 new jobs with wages above the living wage. These jobs will be created in addition to Hanser's current 100 employees. The buying power of Billings' citizens will also be increased by providing a more comprehensive Pick-A-Part yard and an expanding salvage yard to supply needed and economical automotive parts to residents of Billings and surrounding Yellowstone County.

**GOAL #2: Increase the median income of household and individuals.**

As stated above, this proposal will immediately create 5 new jobs with wages above the living wage. It will also help to attract and retain skilled labor to the Billings area.

**Natural Resources**

**GOAL #6: Protection of groundwater, surface water, riparian areas, air quality and productive agricultural land.**

Hanser's Automotive received the Ecco Star award four times for efforts in Environmental Protection. Hanser's Automotive and Wrecker Company also received the 2001 U.S. Small Business Administration of Montana's Outstanding Achievement Award in pollution prevention for voluntarily committing to incorporate environmentally sound technologies and practices; and for efforts to advance pollution prevention and energy conservation.

All fluids are drained from wrecked vehicles and held in storage tanks located at 430 S. Billings Blvd. in accordance with EPA regulations. No fluids will be stored at the locations of this proposal and all vehicles are stored on lifts so that the undercarriage is not on the ground.

**B. Explain your need for the intended zone change and why the property cannot be used under the existing zoning. Explain how the new zoning will fit in with the existing zoning and land uses of the immediate area.**

Hanser's proposed use of the subject properties is the expansion of the current salvage yard to the North and the creation of a Pick-A-Part yard. The current zoning of R-9600 and R-6000 will not allow such a use. The new proposed zoning will fit in with the surrounding neighborhood and surrounding uses. Directly to the North of the subject properties is Hanser's existing salvage lot and across South Billings Blvd to the West is Hanser's offices, impound lot and repair shops. The frontage of South Billings Blvd in this area is dedicated to heavier commercial and industrial uses and Hanser's proposed use of the subject properties would be a good fit in this area.



**Hanser's Automotive Pre-application Neighborhood Meeting**  
**August 20, 2009**  
**6:00 p.m.**  
**430 S. Billings Blvd**

**For the properties:**  
**415 S. Billings Blvd and 431 S. Billings Blvd**

The meeting was called to order at 6:13 pm

Ralph Hanser thanked everyone for attending the meeting and introduced the members of his family in attendance and Todd with HKM.

Ralph Hanser began the company in 1965 and opened this location at 1972. This business has expanded from there. Ralph Hanser explained the expansion of the company. Hanser's has outlets in Billings, Livingston, Hardin, Columbus and Big Timber. 50% of the vehicles that are towed by Hanser's are abandoned. They began a salvage business to help make use of those abandoned vehicles. Salvage vehicles must have all fluids drained out of them before they are stored.

Hanser's is requesting the Zone Change and Special Review for the subject properties in order to expand their current salvage lot and to open a new Pick-A-Part yard. They would like to start a Pick-A-Part here on the properties subject to this Zone Change and Special Review. This Pick-A-Part would allow people to save money by pulling their own parts. This would also allow Hanser's to recoup some of the money they lose on vehicles towed in from accidents that are abandoned. They need more room to store the late model salvage they purchase. In the last 5 years the salvage industry has changed a lot. The internet allows people to purchase salvage. Hanser's needs to have more salvage in order to keep up with the demand for inventory of used parts for people in the area. Hanser's also currently rebuilds the vehicle transmissions and resell them in many states.

Jim Ronquillo asked if they get paid by insurance for all the cars they tow in. Ralph Hanser stated that they only get paid in about 50% of the tows that they bring in. After they tow in a vehicle, even without payment, once it has been abandoned to Hanser's they must drain all the fluids and store all the vehicles. Hanser's hopes that the new Pick-A-Part yard will allow them to recoup some of the money lost from these types of vehicles.

Ralph Hanser stated that this company brings a lot of money in from outside of Yellowstone County because of the nature of our business. In the recovery division of the wrecker company, the whole sale transmissions that are shipped out of state and the late model recycled parts shipped out of Billings and out of state. This money comes into the Billings area and is redistributed in the area.

Ralph Hanser has purchased the property across South Billings Blvd adjacent to the current salvage lot. They have cleaned out the property in preparation for the creation of a new lot. They saved all the trees they were able to. They will fence the property and landscape the property in the same way the current property is fenced and landscaped.

Date: 10/26/2009

TITLE: Special Review #879 – Public Hearing - Hanser's Automotive – 415 & 431 South Billings Boulevard

PRESENTED BY: Candi Beaudry

Department: Planning & Community Services

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Information

**PROBLEM/ISSUE STATEMENT**

This is a special review request to allow a vehicle wrecking facility at 415 and 431 South Billings Boulevard in a proposed Controlled Industrial (CI) zone. The parcel is approximately 4.87 acres and known as C/S 473 and the south 132 feet of Lot 4 in the NW1/4 SW1/4 of Section 9, 1 South, 26 East. The property owner is Hanser Properties, LP, and Ralph Hanser is the agent. The Zoning Commission conducted a public hearing on October 6, 2009, and is forwarding a recommendation of conditional approval on a 3-0 vote.

**ALTERNATIVES ANALYZED**

Before taking any action on an application for a Special Review use, the City Council shall first consider the findings and recommendations of the City Zoning Commission. In no case shall the City Council approve a special review use other than the one advertised. The Council shall take one of the following actions:

- Approve the application;
- Conditionally approve the application;
- Deny the application;
- Allow withdrawal of the application; or
- Delay the application for a period not to exceed thirty (30) days.

**FINANCIAL IMPACT**

The special review will have a positive impact on the City's tax base and contribute to the South Billings Boulevard Tax Increment Finance District.

**BACKGROUND**

This is a special review request to locate a vehicle wrecking facility with a pick-a-part yard for customers. The parcel is directly south of an existing 4.75 acre wrecking facility approved by the city in 2007. The current yard has experienced no problems with compatibility with the neighborhood to the east and is well-maintained. This special review request will be considered if the preceding zone change to CI is recommended for approval by the City Zoning Commission.

The property has extensive frontage along South Billings Boulevard, a principal arterial street. There is one existing drive approach just to the north of an existing garage that will be removed in the future. A new drive approach is proposed approximately 75 feet south of the existing drive approach. The applicant is proposing to screen the yard with a 9 foot tall fence identical to the existing fence to the north. The applicant will provide interior lighting with full cut-off shield so light will not spill over on to adjacent property.

Before a recommendation of approval or conditional approval can be made, each special review request must demonstrate conformance with three primary criteria; 1) the application complies with all parts of the Unified Zoning Regulations, 2) the application is consistent with the objectives and purposes of the Unified Zoning Regulations and the 2008 Growth Policy as updated, and 3) the application is compatible with surrounding land uses and is otherwise screened and separated from adjacent land to minimize adverse impacts. This application conforms to the first criteria in so far that it will be within a zoning district where

vehicle wrecking facilities may be allowed by special review approval.

The application also conforms to the second and third criteria. The zoning regulations adopted by the City Council have designated 2 zoning districts where vehicle wrecking facilities may be allowed. The CI zone is intended to “accommodate a variety of business, warehouse and light industrial uses related to wholesale plus other business and light industries not compatible with other commercial zones, but which need not be restricted in industrial or general commercial zones, and to provide locations directly accessible to arterial and other transportation systems where they can conveniently serve the business and industrial centers of the city and county.” It appears the proposed use will fit within an established commercial area and conditions can be proposed to mitigate any potential negative effects on adjacent property.

The proposed use is in a proposed zoning district that allows this use with a special review. The City Council has granted 3 previous special review requests for vehicle wrecking yards within the immediate area. The proposal is consistent with goals of the 2008 Growth Policy as updated, specifically the goal of encouraging uses that are compatible with the character of the adjacent land use patterns.

#### RECOMMENDATION

The Zoning Commission recommends conditional approval on a 3-0 vote. The conditions are as follows:

1. The special review approval shall be limited to C/S 473 and the South 132 feet of Lot 4 in the NW1/4SW1/4 of Section 9, 1 South, 26 East generally located at 415 and 431 South Billings Boulevard.
2. Development of the site shall be as shown on the submitted site plan and consist of screening fencing, sight-obscuring gates, landscaping and parking area. Modifications to the site that show additional area greater than 10% of the proposed area will require additional special review approval.
3. All outdoor lighting of the salvage yard area shall be equipped with full cut-off shields so that the lighting does not spill onto surrounding properties.
4. All inoperable vehicles shall be stored within the fenced area and shall not be stacked in such a way that they are visible above the fence line.
5. Business hours shall be limited to between 7:00 am and 7:00 pm.
6. A state Motor Vehicle Wrecking License shall be obtained within six months of the approval of this special review. A copy of the license shall be provided to the Planning Department. There will be special restrictions placed on the state licensure during the written document period of the state application process, which can take up to 120 days, specifying that there shall be no crushing of vehicles. They shall be hauled to a licensed wrecking yard when no longer needed.
7. All storm water shall be retained on-site, and not discharged into the City’s storm drain line, unless otherwise approved by the City of Billings. Approval of the storm water management plan for the site shall be received by the City and/or MDEQ, whichever is appropriate, prior to City sign-off on the state license.
8. These conditions of special review approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.
9. The proposed development shall comply with all other limitations of Section 27-613 of the Unified Zoning Regulations concerning special review uses, and all other City of Billings, regulations and ordinances that apply.

**\*\*NOTE\*\*** Approval of this Special Review does not constitute approval of a building permit, sign permit or fence permit. Compliance with all applicable local codes will be reviewed at the building permit or zoning compliance permit level. This application is for a Special Review as noted above and no other request is being considered with this application. The use and development of the property must be in accordance with the submitted site plan.

#### STAKEHOLDERS

The Zoning Commission conducted a public hearing on October 6, 2009, and the applicant, Ralph Hanser, appeared and provided testimony to the commission. Scott Hanser testified in favor of the special review and explained the operation of the vehicle wrecking yard to the Zoning Commission. Tom Ruskewicz, Chairman of the Southwest Corridor Task Force, testified in favor of the special review. The Zoning Commission voted 3-0 to recommend conditional approval to the City Council.

### **CONSISTENCY WITH ADOPTED POLICIES OR PLANS**

Section 27-1503(D) specifies that all Special Reviews shall comply with the following three (3) criteria:

1. Complies with all requirements of this Article (27-1500).

This application does comply with the requirements of the zoning regulations.

2. Is consistent with the objectives and purposes of Chapter 27 BMCC and the Growth Policy.

This application is consistent with the purposes of Chapter 27- Unified Zoning Regulations and the 2008 Growth Policy. The application is appropriate in this particular district based on all the circumstances of the location. The application does encourage predictable land use decisions that are consistent with the neighborhood character and land use patterns. The application does encourage new developments that are sensitive to and compatible with the character of the adjacent neighborhood.

3. Is compatible with surrounding land uses or is otherwise screened and separated from adjacent land in such a way as to minimize adverse effects.

The proposed location for the vehicle wrecking yard is appropriate and conditions of approval are recommended to mitigate any potential adverse impacts to the neighborhood.

Further, the City Council shall consider and may impose modifications or conditions concerning, but not limited to the following:

1. Street and road capacity;
2. Ingress and egress to adjoining streets;
3. Off-street parking;
4. Fencing, screening and landscaping;
5. Building bulk and location;
6. Usable open space;
7. Signs and lighting; and/or
8. Noise, vibration, air pollution and similar environmental influences.

Based on the above criteria, the Zoning Commission is forwarding a recommendation of conditional approval of Special Review #879 on a 3-0 vote.

### **RECOMMENDATION**

The Zoning Commission is forwarding a recommendation of conditional approval of Special Review #879 on a 3-0 vote.

### **APPROVED BY CITY ADMINISTRATOR**

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#### **Attachments**

Link: [SR 879 Site Plan](#)

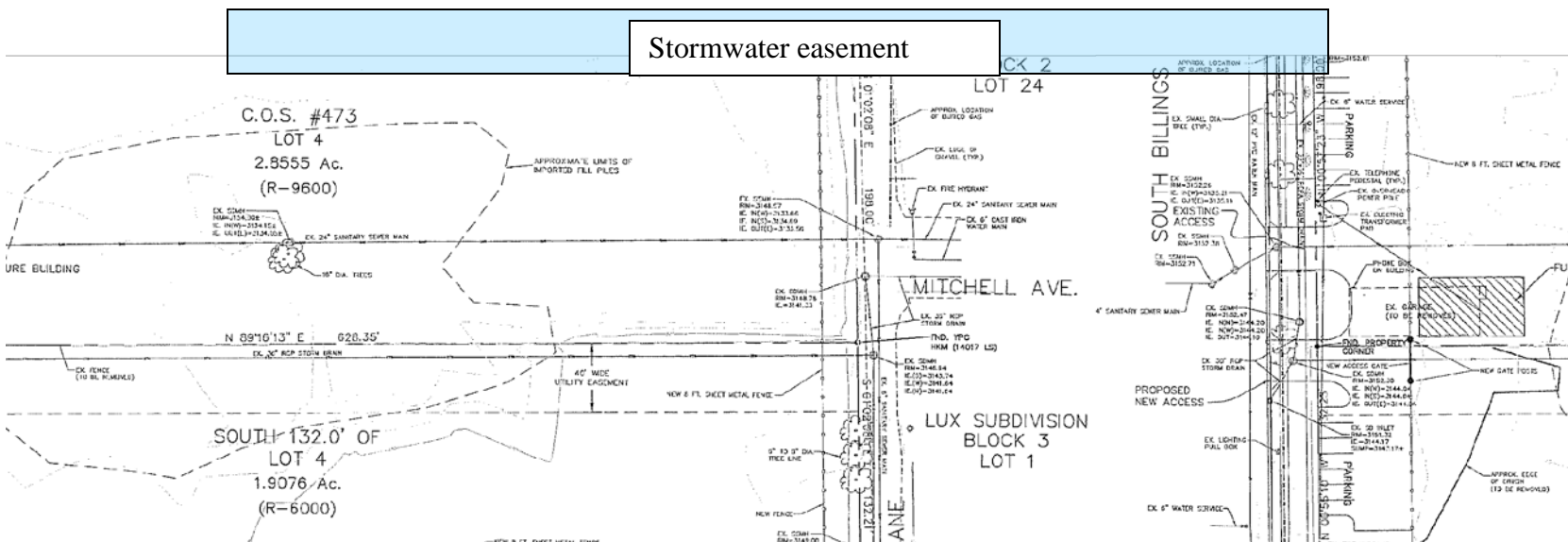
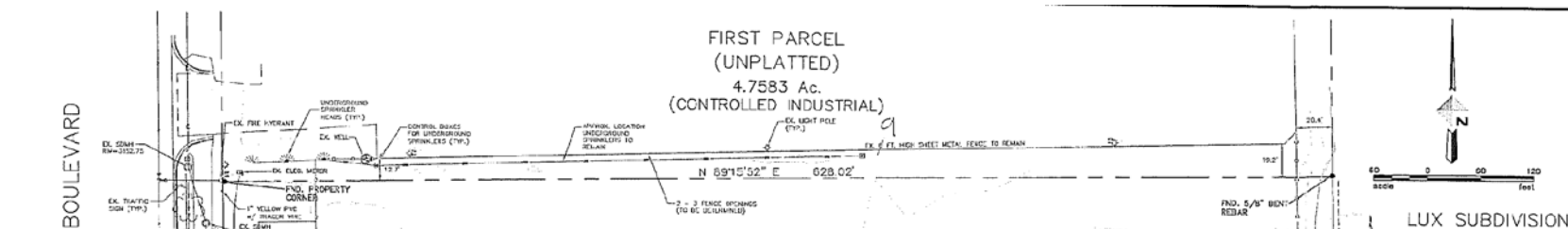
Link: [SR 879 Site Photos](#)

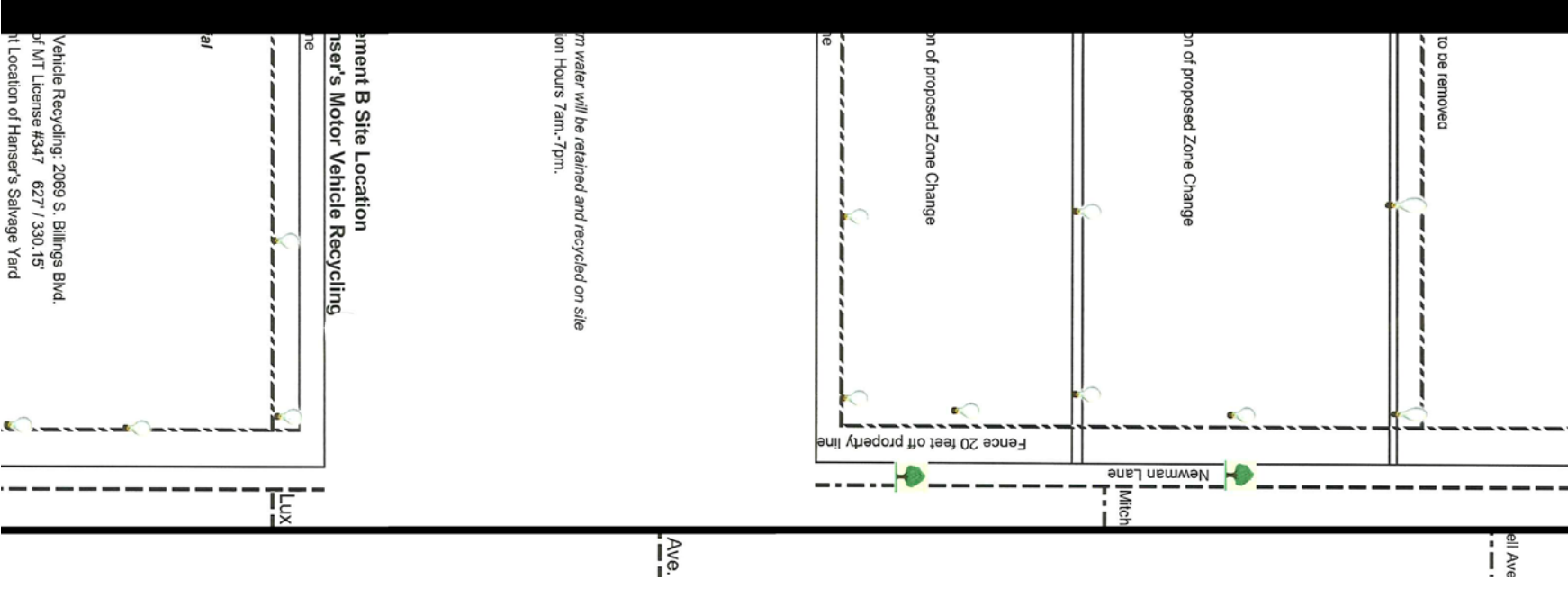
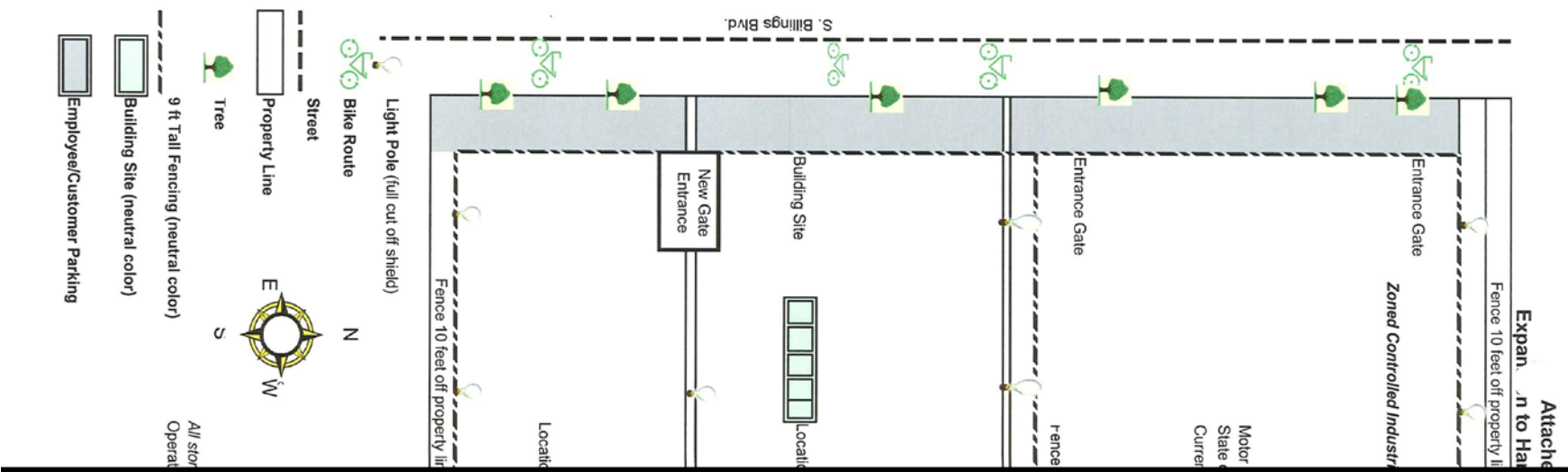
Link: [SR 879 Zoning Map](#)

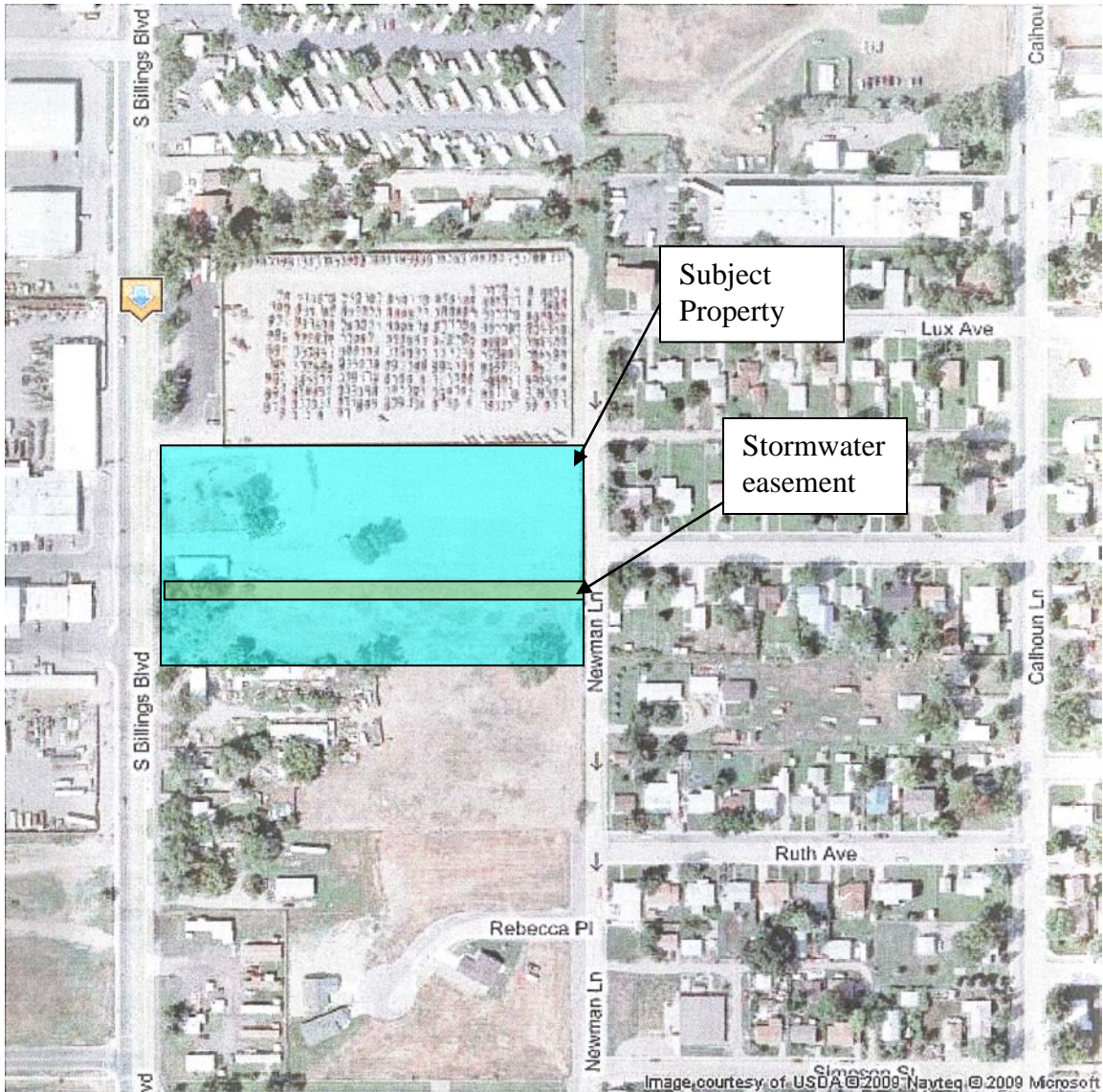
Link: [SR 879 Applicant Letter](#)

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# Attachment A Special Review #879 – Site Plan







Site Photographs, Zone Change #858 – 415 & 431 S Billings Blvd



View east from S Billings Blvd



View south and east from S Billings Blvd

Zone Change #858 – 415 & 431 S Billings Blvd



Subject Property – 415 & 431 S Billings Blvd

Attachment B Special Review #879 Applicant Letter

**City of Billings  
Special Review Application**

**Hanser's Automotive  
Motor Vehicle Recycling Facility expansion**

Expansion of Motor Vehicle Facility:

2069 South Billings Blvd.  
Billings, MT 59101  
State of MT Wrecking License #347

Legal Description property for expansion:

**415 S. Billings Blvd.**

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**Billings, MT 59101**

**S09, T01 S, R26 E, 473, PARCEL 000\*\*COS 473 IN LT 4 OF SW 4**

**431 S. Billings Blvd.**

**S09, T01 S, R26E, S132' OF LT: 4 IN SW4 9-1S-26E2.00 AC**

- A. In what ways is your proposal consistent with the goals and polices of the adopted Growth Policy?**

**Land Use Element**

**GOAL #1: Predictable land use decisions that are consistent with neighborhood character and land use patterns:**

This proposal is in accordance with current surrounding land use, most specifically the current Hanser's Salvage Yard adjacent to the North. This proposal for Zone Change will match the current surrounding zoning to the North and the West. The current zoning of R-9600 and R-6000 does not match the current neighborhood character.

**GOAL #2: New developments that are sensitive to and compatible with the character of adjacent City neighborhoods and County townsites.**

This proposal will take two vacant, unused and untended lots and develop them with attractive fencing and landscaping which will improve the look and character of the neighborhood.

**Economic Development**

**GOAL #1: Coordinated economic development effort that target business recruitment, retention and expansion.**

This proposal will immediately create 5 new jobs with wages above the living wage. These jobs will be created in addition to Hanser's current 100 employees. The buying power of Billings's citizens will also be increased by providing a more comprehensive Pick-A-Part yard, in conjunction with an expansion of the

current salvage yard, to supply needed and economical automotive parts to residents of Billings and surrounding Yellowstone County.

**GOAL #2: Increase the median income of household and individuals.**

As stated above, this proposal will immediately create 5 new jobs with wages above the living wage. It will also help to attract and retain skilled labor to the Billings area.

**Natural Resources**

**GOAL #6: Protection of groundwater, surface water, riparian areas, air quality and productive agricultural land.**

Hanser's Automotive received the Ecco Star award four times for efforts in Environmental Protection. Hanser's Automotive and Wrecker Company also received the 2001 U.S. Small Business Administration of Montana's Outstanding Achievement Award in pollution prevention for voluntarily committing to

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incorporate environmentally sound technologies and practices; and for efforts to advance pollution prevention and energy conservation.

All fluids are drained from wrecked vehicles and held in storage tanks located at 430 S. Billings Blvd. in accordance with EPA regulations. No fluids will be stored at the locations of this proposal and all vehicles are stored on lifts so that the undercarriage is not on the ground.

**B. Why is there a need for the intended use of the property at this location?**

Hanser's needs additional space to process wrecked, salvaged, and abandoned vehicles. The front of the lot will be used as parking for customers and employees. We will offer customers the option to dismantle and select their own automotive part, thus providing an economical option for vehicle repair.

**C. How will the public interest be served if this application is approved?**

Hanser's can help to maintain skilled labor and create living-wage jobs to persons in the Billings community. By providing consumers with the option to dismantle and purchase the needed automotive part allows for more cost effective vehicle repair.

**D. Prepare a written statement addressing what is intended to be done with the property, including construction or change in the use of the property, and why a special review is being sought.**

Hanser's intended use of this property is to provide customers a safe, clean, and organized space to dismantle or remove automotive parts needed for business or personal use. Using this property as a Pick-A-Part yard and additional space for salvage adjoining the current salvage yard allows the general public a place to

come and remove parts personally and save a considerable amount of money. This proposal will also allow Hanser's to purchase more late-model salvage to increase the availability of needed parts.

Hanser's intends to fence the property with an attractive, 9 foot, sight obscuring fence. The yard will be lit with full cut off shield lighting. The frontage along South Billings Blvd will be landscaped and paved for employee and customer parking. The rear property line along Newman Lane to the East will also be landscaped.

Hanser's is seeking a special review for these properties in conjunction with a zone change. The requested zone change is to Controlled Industrial. Controlled Industrial zoning requires special review approval for this type of use.

Date: 10/26/2009

TITLE: Zone Change #850 - Public Hearing & 1st Reading Sexually Oriented Businesses (SOB)

PRESENTED BY: Candi Beaudry

Department: Planning & Community  
Services

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### Information

#### PROBLEM/ISSUE STATEMENT

Section 27-611 of the Unified Zoning Regulations regulates where Sexually Oriented Businesses (SOBs) may locate within the City of Billings. The existing regulations are intended to diminish the negative secondary effects of SOBs throughout the city. In June 2008, a deficiency in the existing regulations allowed an SOB without a liquor license to locate in the Central Business District zone at 222 North Broadway. This location is within 1,000 feet of a school, a park, three churches and the Parnly Billings Public Library. In June, 2008, Section 27-611 did not regulate commercial establishments that offer or provide live adult nude or semi-nude performances on a regular basis. The City does prohibit this activity only where alcoholic beverages are served (Section 3-304 BMCC). The City Zoning Commission conducted a public hearing on this amendment on October 6, 2009, and is forwarding a recommendation of approval on a 3-0 vote.

#### ALTERNATIVES ANALYZED

The City Zoning Commission held a public hearing on the proposed text amendment on October 6, 2009. No members of the public spoke at the Zoning Commission Public Hearing. The City Zoning Commission is forwarding a recommendation of approval. The Council may:

- Approve the ordinance changes as recommended by the Zoning Commission;
- Postpone action on the ordinance amendments to seek additional information prior to the Dec. 23, 2009, deadline; or
- Not approve the ordinance changes, which would make the City vulnerable to the opening of similar clubs in the future.

#### FINANCIAL IMPACT

There should be no direct financial impact to the City as a result of the new zoning regulation.

#### BACKGROUND

On June 23, 2008, the City Council adopted an interim ordinance to eliminate this deficiency until a permanent ordinance could be drafted and submitted to the Zoning Commission and City Council for review and public hearings. Montana state law allows cities to adopt interim zoning as a matter of urgency without the review of the City Zoning Commission or the publication of several legal ads in advance of the City Council public hearing. Interim zoning regulations may only be in effect for six (6) months from the date of enactment unless extended by the City Council.

The City Zoning Commission conducted a public hearing on Zone Change #850, on October 7, 2008, and recommended approval of the adoption of amendments to the regulations. Subsequently, the City Council held a hearing on October 27, 2008, on the first reading of the ordinance. Testimony provided at the first reading indicated that two existing adult book stores would be negatively affected by the proposed changes. On November 10, 2008, the City Council voted to indefinitely postpone the 2nd reading of the ordinance and remanded the ordinance for further revisions to the Planning Division. On December 8, 2008, the City Council extended the interim zoning ordinance for 1 year and this interim ordinance will expire on December 23, 2009.

Cities throughout the state and nationally are allowed to regulate SOBs within their jurisdictions so long as the regulation does not infringe on the rights of individuals guaranteed by state law or by the U.S. Constitution. There are numerous and lengthy court decisions surrounding the local regulation of SOBs and, in particular, live entertainment that features nude or semi-nude dancing. The courts have consistently held that any local ordinance regulating live nude entertainment must not unduly impair the exercise of First Amendment rights. A city may, through zoning, provide for adequate separation from areas that are incompatible with SOBs, such as residential neighborhoods, parks, libraries, churches and schools. A city may not prohibit SOBs from locating within its jurisdiction either through excessive separation distances or through outright prohibition in the code.

Section 27-611 was drafted and adopted in April 1992, and minor amendments have occurred since that time. The original regulations allowed SOBs in 4 zoning districts including Central Business District (CBD), Highway Commercial (HC), Controlled Industrial (CI) and Heavy Industrial (HI) so long as those locations could meet minimum separation distances to incompatible uses. The revised ordinance retains these 4 zoning districts as districts where SOBs may be allowed. If an incompatible use has located within a required separation distance from an existing SOB this does not require the business to move from its location. For example, if a daycare center opened adjacent to Broadway Books on Midland Road, the regulations do not require Broadway Books to move from that location. Similarly, the skate park across the street from the Ball Book Store on S. 26th Street does not require the book store to move out of that location since the skate park was developed after Ball Book Store was established.

Other revisions in the ordinance include clarification of uses requiring separation to include trails, cemeteries, any Planned Development zone not separated from an SOB location by an interstate highway, Agriculture Open-Space zones, and any Community Residential Facility (group home). The ordinance adds Adult Cabarets where live nude or semi-nude entertainment is offered on a regular basis as a regulated SOB and defines those terms. Existing locations in the city may remain and the proposed ordinance should have no material affect on those businesses. Any new SOB must comply with the new ordinance. The new amortization period that was included in the 2008 draft ordinance has been removed from the 2009 draft because the proposed ordinance does not create any nonconforming SOB locations. The Planning Division worked with the City Attorney to ensure the revised ordinance addressed the issues of most concern to the City Council and allowed existing businesses to retain their locations. The City Attorney has reviewed the proposed ordinance for conformance with existing state law and court decisions.

## **STAKEHOLDERS**

The Zoning Commission conducted a public hearing on October 6, 2009. Greg Krueger, Development Director of the Downtown Business Partnership, spoke in favor of the proposed zone change. He stated that in 2008 a business took advantage of a loophole in the code and opened an Adult Cabaret in the downtown area. Mr. Krueger is in favor of closing this loophole so the downtown area and other commercial areas around Billings do not have to deal with this issue again. No members of the public spoke at the Zoning Commission hearing. On September 18, 2009, the Planning Division staff notified by mail interested parties including all current adult businesses within the city limits. No written testimony was received by the Planning Division.

## **RECOMMENDATION**

The Zoning Commission recommends approval of Zone Change #850 on a 3-0 vote.

## **APPROVED BY CITY ADMINISTRATOR**

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### **Attachments**

Link: [ZC 850 Ordinance](#)

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Attachment A – Draft Ordinance  
**ORDINANCE NO. 09-**

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING, SECTION 27-201, SECTION 27-611(a) THROUGH SECTION 27-611(f) REVISING DEFINITIONS FOR SEXUALLY ORIENTED BUSINESS AND ADOPT THE REVISIONS AS AN AMENDMENT TO ZONING REGULATIONS AND SET A TIME PERIOD FOR THE REGULATION TO BE EFFECTIVE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

**Section 1. RECITALS.** *Title 76, Chapter 2, Part 3, MCA, and Section 27-1502, BMCC,* provide for amendment to the City Zoning Regulations from time to time. The City Council initiated the amendment to the City Zoning Regulations and the City Zoning Commission and staff have reviewed the proposed zoning regulations hereinafter described. The recommendations of the Zoning Commission and staff have been submitted to the City Council, and the City Council, in due deliberation, has considered the proposed amendments to the City Zoning Regulations.

**Section 2. DESCRIPTION.** The zoning regulation shall apply to all land within the City of Billings.

**Section 3.** That the Billings, Montana City Code be amended by revising Section 27-201 to add new language as follows:

**SEC. 27-201. DEFINITIONS.**

**SEXUALLY ORIENTED BUSINESS:** An adult arcade, adult bookstore, adult cabaret, adult video store, adult motel or adult motion picture theater, as those terms are defined in BMCC Section 27-611.

**Section 4.** That the Billings, Montana City Code be amended by revising Section 27-611 to delete certain language and add new language to read as follows:

**SEC. 27-611. SEXUALLY ORIENTED BUSINESSES.**

(a) Purpose and Intent. It is the purpose of this section to regulate sexually oriented businesses to promote the health, safety, morals, and the general welfare of the citizens of the City of Billings ~~and Yellowstone County~~, and to establish reasonable uniform regulations to prevent the continued deleterious location and concentration of sexually oriented businesses within the City ~~and County jurisdictions~~. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly it is not the intent or

effect of these regulations to restrict or deny access by adults to distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of these regulations to condone or legitimize the distribution of obscene materials.

(b) Findings and Determinations. The Billings City Council and ~~Yellowstone County Commission~~ hereby finds and determines that:

The establishment of adult uses in business districts which are immediately adjacent to and which serve residential neighborhoods has a deleterious effect on both the business and residential segments of the neighborhood, causing or contributing to blight and a downgrading of property values.

The establishment of more than two (2) adult uses within six hundred (600) feet of each other has a deleterious effect on surrounding residential and business areas and the fostering of such businesses within a close proximity tends to create a "skid row" atmosphere.

The location of several adult uses in the same neighborhood tends to attract an undesirable quantity and quality of transients, a circumstance which adversely affects property values, causes an increase in crime and encourages residents and businesses to move elsewhere.

Concern for, and pride in, the orderly planning and development of a neighborhood should be encouraged and fostered in those persons comprising residential and business segments of that neighborhood.

(c) Definitions. Terms used in this section, that are not specifically defined below, may be found in Section 27-201 BMCC. Where other definitions are necessary and are not defined in this Section or Section 27-201, the dictionary may define such terms.

- (1) Adult Arcade means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one (1) time, and where the images so displayed are distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas."
- (2) Adult Book Store or Adult Video Store means a commercial establishment which, as one (1) of its principal business purposes, offers for sale or rental for any form of consideration any one (1) or more of the following:
  - a. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, video reproductions, slides, or other visual representations which are characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas"; or
  - b. Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities."

(3) Adult Cabaret means a commercial establishment which regularly features:

- (a) Persons who appear nude or in a state of nudity or semi-nudity; or
- (b) Live performances which are characterized by the exposure of specified anatomical areas or by the exhibition of specified sexual activities;

~~(3)(4)~~ Adult Motel means a hotel, motel, or similar commercial establishment which:

- a. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by an emphasis on the depiction or description or "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions;
- b. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
- c. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

~~(4)(5)~~ Adult Motion Picture Theater means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas."

~~(5)(6)~~ Church or Other Place of Worship means a building which is used primarily for religious worship and related religious activities, including but not limited to churches, convents, monasteries, shrines, and temples.

~~(6)(7)~~ City means the City of Billings, Montana.

~~(7)~~ County means ~~Yellowstone County, Montana.~~

(8) Establishment means and includes any of the following:

- a. The opening or commencement of any sexually oriented business as a new business;
- b. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
- c. The additions of any sexually oriented business to any other existing sexually oriented business; or
- d. The relocation of any sexually oriented business.

(9) Nudity or a state of nudity means (a) the appearance of a human bare buttock, anus, male genitals, female genitals, or areola or nipple of the female breast, or (b) a state of dress which fails to opaquely and fully cover human buttocks, anus, male or female genitals, pubic region or areola or nipple of the female breast.

~~(9)~~(10) Sexually Oriented Business means an adult arcade, adult book store, adult cabaret, adult video store, adult motel, or adult motion picture theater.

~~(10)~~(11) Specified Anatomical Area means the male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals.

~~(11)~~(12) Specified Sexual Activities means and includes any of the following:

- a. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
- b. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
- c. Masturbation, actual or simulated; or
- d. Excretory functions as part of or in connection with any of the activities set forth in above (a) through (c).

~~(12)~~(13) Transfer of Ownership or Control of sexually oriented business means and includes any of the following:

- a. The sale, lease, or sublease of the business;
- b. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means; or
- c. The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

(d) Classification. Sexually oriented businesses are classified as follows:

- (1) Adult Arcades;
- (2) Adult Book Stores or Adult Video Stores;
- (3) Adult Cabarets
- ~~(3)~~ (4) Adult Motels; and
- ~~(4)~~ (5) Adult Motion Picture Theaters.

(e) Location of Sexually Oriented Business.

- (1) No person, whether as a principal or agent, clerk or employee, either for himself or any other person, or as an officer of any corporation, or otherwise, shall place, maintain, own, or operate any sexually oriented business within one thousand (1,000) feet of the following residential zones:
  - a. Agricultural Suburban (A-S) Zone;
  - b. Agriculture Open-Space (A-1) Zone;
  - c. Residential 15,000 (R-150) Zone;
  - d. Residential 9,600 (R-96) Zone;

- e. Residential 8,000 (R-80) Zone;
  - f. Residential 7,000 Restricted (R-70R) Zone;
  - g. Residential 7,000 (R-70) Zone;
  - h. Residential 6,000 Restricted (R-60R) Zone;
  - i. Residential 6,000 (R-60) Zone;
  - j. Residential 5,000 (R-50) Zone;
  - k. Residential Multi-Family (RMF) Zone;
  - l. Residential Multi-Family - Restricted (RMF-R) Zone;
  - m. Residential Manufactured Home (RMH) Zone; ~~or~~
  - n. Entryway Mixed Use (EMU) Zone; or
  - o. Any Planned Development Zone that allows residential uses unless such zone is separated from the location of a sexually oriented business by an Interstate Highway.
- (2) No person, whether as a principal or agent, clerk or employee, either for himself or any other person, or as an officer of any corporation, or otherwise, shall place, maintain, own, or operate any sexually oriented business within one thousand (1,000) feet of the following land uses:
- a. Public library;
  - b. Public playground or park (for purposes of this section, publicly owned multiuse trails shall be deemed to be a park);
  - c. Public or private school and its grounds, from pre-school kindergarten through twelfth grade;
  - d. A state licensed community residential facility, family day care home, group day care home, or day care center; ~~or~~
  - e. Church or other place of worship; or
  - f. A cemetery.
- (3) No person, whether as a principal or agent, clerk or employee, either for himself or any other person, or as an officer of any corporation, or otherwise, shall place, maintain, own or operate any sexually oriented business within six hundred (600) feet of another sexually oriented business.
- (4) For purposes of this section, specified distances will be measured in a straight line, without regard to intervening structures, from the property line of the sexually oriented business to the property line of the preceding land uses or zoning districts.
- (5) In addition to the preceding requirements, sexually oriented businesses are permitted in the following zones only:

- a. Central Business District (CBD) Zone;
  - b. Highway Commercial (HC) Zone;
  - c. Controlled Industrial (CI) Zone; or
  - d. Heavy Industrial (HI) Zone.
- (f) Nonconforming Use - Amortization period established. (Refer to BMCC Section 27-405(G))

**Section 5. REPEALER.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 6. SEVERABILITY.** If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

**Section 7. EFFECTIVE DATE.** This ordinance shall be effective from and after final passage and as provided by law.

PASSED by the City Council on first reading October 26, 2009.

PASSED, ADOPTED AND APPROVED on second reading November 9, 2009.

CITY OF BILLINGS:

BY: \_\_\_\_\_  
Ron Tussing, Mayor

ATTEST:

BY:  
Cari Martin, City Clerk

Date: 10/26/2009

TITLE: Zone Change #853 - Public Hearing & 1st Reading - Text Amendment Clear Vision Areas

PRESENTED BY: Candi Beaudry

Department: Planning & Community  
Services

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### Information

#### PROBLEM/ISSUE STATEMENT

This is a zone change that will amend several sections of the Billings, Montana, City Code (BMCC) including section 27-604 related to fences; 27-615 related to clear vision areas; 27-618 regarding illustrations of clear vision areas; and deleting sections 22-441 through 22-448, a redundant section related to clear vision areas in the chapter on streets and sidewalks. The City Engineering Division and the Planning Division requested the City Zoning Commission initiate this amendment and on December 2, 2008, the Zoning Commission granted the request. On September 1, 2009, the Zoning Commission held a public hearing and received testimony on the zone change. The Zoning Commission voted to continue the public hearing until October 6, 2009, so revisions to the ordinance could be drafted that specifically apply to the Central Business District (CBD) zone. The Zoning Commission held the continued public hearing on October 6, 2009, and is forwarding a recommendation of approval of the revised ordinance on a 3-0 vote.

#### ALTERNATIVES ANALYZED

The City Council must hold a public hearing and then may:

- Approve the proposed text amendment to the regulations. The existing regulations may not provide the proper clear vision distances to ensure pedestrian, bicycle and vehicle safety at all intersections within the city limits but the regulations are effective for most situations. The amended regulations will provide improved safety at arterial intersections and where conditions exist that are not anticipated by current code.
- Not approve the proposed text amendments to the regulations.

#### FINANCIAL IMPACT

If adopted, the regulations should have little impact on the city budget.

#### BACKGROUND

The existing code on Visibility at Intersections (27-615 and 27-618) sets standard clear vision areas at intersections of streets, alleys and driveways. Over the past several years it has become apparent that not all street intersections or alley intersections can be generalized for the purpose of maintaining clear vision areas. For example, a residential street controlled by a stop sign that intersects an arterial street with speed limits of up to 45 mph will need more than a 25 foot by 25 foot clear vision area for drivers to safely enter the arterial traffic. In addition, elevations of intersecting streets are not considered within the existing regulations. Sloped intersections or intersections that are not perpendicular are difficult to determine for driver visibility and application of standard clear vision areas. An example of this type of intersection is at Rimrock Road and Virginia Lane. The property on the south west corner of the intersection installed a new wall that meets the clear vision standards but, due to the difference in elevation of Rimrock Road and Virginia Lane, the wall impedes visibility of eastbound traffic on Rimrock Road.

The Engineering Division has worked to develop specific amendments to the existing code that will improve pedestrian safety and traffic safety. These amendments are tailored to street types such as arterial, collector or local streets. The new regulations attempt to anticipate every possible configuration of street, driveway or alley intersection but there are some unique or special situations that may require an individual determination by the City Traffic Engineer. The new regulations will allow for this type of determination.

At the September 1, 2009, Zoning Commission hearing, Terry Smith, City Traffic Engineer, was asked to work with Randy Hafer, a downtown property owner and architect, to revise the proposed ordinance to provide special consideration of clear vision areas for the Central Business District (CBD) zone.

Mr. Smith provided the additional language and revisions adapted specifically for the CBD zoning district at the October 6, 2009, Zoning Commission public hearing.

## **STAKEHOLDERS**

The Zoning Commission conducted a public hearing on September 1, 2009, and Randy Hafer, a downtown property owner and architect, testified. He stated the clear vision areas are suitable for suburban style development but are not applicable to a downtown area where most buildings have existed well before zoning was established and are built to the property lines. The Zoning Commission concurred and asked Terry Smith, City Traffic Engineer, to work with Mr. Hafer to develop specific standards for the CBD zoning district. The Zoning Commission continued the public hearing to its next meeting on October 6, 2009.

Those revision were presented at the continued public hearing at the Zoning Commission on October 6, 2009. Randy Hafer testified in favor of the revised ordinance and suggested 2 amendments. First, Mr. Hafer suggested that any clear vision area at an intersection in the CBD that extends 2 feet or less on to private property could be reviewed by the City Engineer and waived. Second, Mr. Hafer suggested that all buildings or parts of buildings should be exempt from the proposed clear vision area at alleys and driveways in the CBD. Greg Krueger, Development Director for the Downtown Billings Partnership, testified in favor of the changes with the 2 amendments as proposed by Mr. Hafer. Mr. Krueger noted that downtown property pays on average \$5.00 per square foot in property taxes where residential property in neighborhoods outside downtown only pay 78 cents per square foot. Mr. Krueger testified that downtown is valuable both to the owner and to the city and maximizing the square footage of buildable area is imperative. Mr. Krueger testified that speeds in the CBD are much lower than other areas and the sidewalks wide enough for pedestrian safety without clear vision areas at driveways and alleys.

Terry Smith testified that he was agreeable to the proposed amendments suggested by Mr. Hafer with 2 exceptions. First, he noted that fences, walls and hedges should not be exempt from the alley and driveway clear vision areas in the CBD. He testified his own experience walking downtown has included some near misses where landscaping was too tall in these clear vision areas. Second, he suggested the building exemption at alleys and driveways should only apply to the pedestrian clear vision area (10 ft by 20 ft) but not to the proposed vehicle clear vision area at alleys and driveways.

Commission member Workman moved to recommend approval of the zone change with the 2 amendments suggested by Mr. Hafer and to not exempt landscaping, fences, walls and hedges from the building exemption for alley and driveway clear vision areas. Commission member Krivonen seconded the motion. The Zoning Commission voted 3-0 to recommend approval of the revised ordinance with the suggested changes by Mr. Hafer.

## **CONSISTENCY WITH ADOPTED POLICIES OR PLANS**

The proposed amendments meet several of the goals of the 2008 Growth Policy including:

- Improved traffic flow and reduce congestion by reducing potential harm to people and property and maintaining a safe and efficient flow of traffic (Page 11, 2008 Growth Policy, Transportation Element).
- Visually appealing rights of way that serve the needs of all modes of travel by employing smart & cost effective designs that recognize the needs of all users (Page 11, 2008 Growth Policy, Transportation Element).
- A safe and efficient transportation system characterized by convenient connections and steady traffic flow by identifying obstacles to traffic flow, minimizing impediments and managing demand (Page 11, 2008 Growth Policy, Transportation Element).
- City street maintained at safe standards (Page 11, 2008 Growth Policy, Transportation Element).

- Vehicles, pedestrians and bicycles safely and courteously sharing the roads (Page 12, 2008 Growth Policy, Transportation Element).

## **RECOMMENDATION**

The Zoning Commission is forwarding a recommendation of approval for Zone Change #853 on a 3-0 vote.

## **APPROVED BY CITY ADMINISTRATOR**

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### **Attachments**

Link: [Ordinance ZC 853](#)

Link: [ZC 853 Site photos of Clear Vision problems](#)

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Attachment A: Proposed Ordinance  
Zone Change #853  
**ORDINANCE NO. 09-**

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE (BMCC) BE AMENDED BY DELETING **Section 22-441 through 22-448**; AND REVISING **Section 27-604 (d) – Fences Walls and Hedges; Section 27-615 – Visibility at Intersections; and Section 27-618 – Illustrations**, ADOPT THE REVISIONS AS AN AMENDMENT TO THE BMCC AND THE ZONING REGULATIONS AND SET A TIME PERIOD FOR THE REGULATION TO BE EFFECTIVE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

1. RECITALS. *Title 76, Chapter 2, Part 3, MCA, and Section 27-1502, BMCC*, provide for amendment to the City Zoning Regulations from time to time. The City Council initiated the amendment to the City Zoning Regulations and the City Zoning Commission and staff have reviewed the proposed zoning regulations hereinafter described. The recommendations of the Zoning Commission and staff have been submitted to the City Council, and the City Council, in due deliberation, has considered the proposed amendments to the City Zoning Regulations.

2. DESCRIPTION. The zoning regulation shall apply to all land within the City of Billings.

3. AMENDMENT. That the Billings, Montana City Code be amended by deleting Sections 22-441 through 22-448; and revising Section 27-604, Section 27-615 and Section 27-618 as follows:

Sec. 22--441. Vision obstruction.  
*Delete section in its entirety*

Sec. 22-442. Safety hazard.  
*Delete section in its entirety*

Sec. 22-443. Unlawful obstructions.  
*Delete section in its entirety*

Sec. 22-444. Notice of vision obstruction.  
*Delete section in its entirety*

Sec. 22-445. Notice contents.  
*Delete section in its entirety*

Sec. 22-446. Notice procedure.  
*Delete section in its entirety*

Sec. 22-447. Interest.  
*Delete section in its entirety*

Sec. 22-448. Appeal to city council.  
*Delete section in its entirety*

Section 27-604 – Fences, Walls and Hedges.

(d) Setbacks for clear vision areas zones. No fence, wall or hedge greater than ~~three (3) feet~~ thirty (30) inches in height may be erected or maintained in any zoning district within a clear vision zone pursuant to Section 27-615 and as illustrated in figures 1, 2, and 3 of section 27-618.

Section 27-615 – Visibility at Intersections.

(a) On corner lots at the intersection of all streets, except those intersections which are controlled by stop signs, yield signs or traffic signals, no fence, hedge, wall, shrub, structure or vision impediment over ~~thirty-six (36)~~ thirty (30) inches in height above an established top-of-curb grade shall be located within a triangular area formed by the intersecting street centerlines and a straight line joining such intersecting lines at points ~~one hundred and ten (110) feet distant from the point of intersection measured along the centerlines of the streets~~ measured back from the point where the centerlines or the extension of the centerlines intersect a distance as shown in Table 1 (See BMCC section 27-618, ~~Figure 3~~ Figures 3a, 3b, and 3c).

**Table 1—Clear Vision Areas at Intersections**

<b><u>INTERSECTION TYPE</u></b>	<b><u>Clear Vision Area Required:</u></b>	<b><u>Reference Figure in Sec. 27- 618</u></b>
<u>Minor Street Stop</u>	<u>Entering a Local Street—10' x 55'(along property lines)</u>  <u>Entering Collector Street—10' x 75'(along property lines)</u>  <u>Entering Arterial Street—10' x 95' (along property lines)</u>	<u>Fig. 2a</u>
<u>All-Way Stop</u>	<u>20' x 20' along property lines</u>	<u>Fig. 2b</u>
<u>Yield</u>	<u>25' x 60' along property lines</u>	<u>Fig. 2c</u>
<u>Traffic Signal</u>	<u>Same as minor street stop looking toward approaching traffic in nearest travel lanes</u>  <u>Same as all-way stop looking opposite direction</u>	<u>Fig. 2d</u>

<b><u>--Open (uncontrolled)</u></b>		
<u>4-legged</u>	<u>110' x 110' along street centerline</u>	<u>Fig. 3a</u>
<u>2-legged (right angle curve with street centerline radius of 100 feet or less)</u>	<u>80' x 80' along street centerlines (extended)</u>	<u>Fig. 3b</u>
<u>"T" intersection</u>	<u>25' along stem x 60' along top of "T" measured along property lines (see Note 1)</u>	<u>Fig 3c</u>

Notes & Exceptions for Table 1:

- 1) Only applies to "permanent" T-intersections where there is no chance of the street extending through. Intersections where the property along the top of the "T" is not subdivided or is split into lots significantly larger than the majority of lots in the subdivision, or where there is a private street extending into the adjacent property opposite the stem of the "T" will be treated as a 4-legged intersection
- 2) In cases where there is a curve coming into the intersection or the street alignment near the intersection deviates by more than 5 degrees from tangent may be subject to increased (additional) restrictions based on technical review by the City Traffic Engineer.
- 3) Along arterial and collector streets where the "major" street curblines is more than 20 feet from the property line, the clear vision area may be reduced to that provided for a stop controlled local street intersection
- 4) For minor street stop (case 2a) entering a street with a posted speed limit greater than 45 MPH, the required clear vision area will be based on an engineering review subject to approval by the City Traffic Engineer.
- 5) Along private streets where there is no property line, controlled intersection areas shall be measured as though there is a property line 12 feet behind the curblines of the private street.

(b) On corner lots at intersections where one (1) or more approaches are controlled by either a stop sign, yield sign, or a traffic signal, no fence, hedge, wall, shrub, structure or vision impediment over ~~thirty-six (36)~~ thirty (30) inches in height above an established top-of-curb grade shall be located within a triangular area formed by the intersecting lines at points ~~twenty-five (25)~~ feet distant from the point of intersection as measured along the property lines as provided in Table 1 (See BMCC section 27-618, ~~Figure 2~~ Figures 2a, 2b, 2c, and 2d).

(c) On the street side of all lots where an alley or private driveway enters the street right-of-way, a triangular clear vision area zone shall be maintained. Such area zone shall be measured ~~ten (10) feet into the lot from the edge of the sidewalk nearest the property line or where no sidewalk exists, from the edge of the property line, and twenty (20) feet parallel to the street measured from the edge of any alley, away from the alley, along the edge of the sidewalk nearest the property line or, where no sidewalk exists, along the property line.~~ as defined in Table 2. No fence, hedge, wall, shrub or structure over ~~thirty-six (36)~~ thirty (30) in height above an established top-of-curb grade shall be erected or maintained within the above defined this clear vision area triangle (See BMCC section 27-618, Figure 1a). If no sidewalk exists, ~~the point of reference for all measurements shall be determined by the city engineer or county public works director.~~ all measurements shall be made from and along the property line.

**Table 2—Clear Vision Area at Driveways and Alley Approaches**

<b><u>Approach Type</u></b>	<b><u>Clear Vision Area Required</u></b>
<u>--Commercial drives and all alleys (commercial includes 3-plex and larger)</u>	<u>15' from back curb or 10' from back walk, whichever is greater, measured into the property along the edge of the driveway, then continuing to a point 5' behind walk and 30' from the edge of the driveway, then continuing along a line 5' from and parallel to the back of walk to a point located</u> <u>--- 70' from centerline drive along local streets</u> <u>--- 90' from centerline drive along collector streets</u> <u>--- 110' from centerline drive along arterial streets</u> <u>(See Note 1)</u>
<u>--Residential (Single Family or duplex)</u>	<u>12' from back of walk into property measured along the edge of the drive, to a point 5' behind sidewalk &amp; 20 feet from edge of drive, thence continuing along a line 5' behind and parallel to the back of walk to a point</u> <u>--- 70' from centerline drive on local streets</u> <u>--- 90' from centerline drive on collector streets</u> <u>--- 110' from centerline drive on arterial streets</u>

Notes for Table 2:

- 1) For commercial driveways the point of reference for "centerline" shall be the actual marked centerline when there are two (2) or more exit lanes.
- 2) For driveways entering a street with a posted speed limit greater than 45 MPH, the required clear vision area will be based on an engineering review subject to approval by the City Traffic Engineer.

(d) Central Business District. On corner lots at intersections within the Central Business District no fence, hedge, wall, shrub, structure or vision impediment over

thirty (30) inches in height above an established top-of-curb grade shall be located within a triangular area formed by the intersecting lines measured along the street centerline and the back of curblines as provided in Table 3 (See BMCC section 27-618, Figure 2 Figures 2e). In cases where the clear vision area at intersections extends 2 feet or less on to private property, the City Engineer is authorized to review and may waive the clear vision area.

On the street side of all lots within the Central Business district where an alley or driveway enters the street right-of-way, a vehicular and pedestrian clear vision area shall be maintained. Such areas shall be as defined in Table 4. No fence, hedge, wall, or shrub over thirty (30) in height above an established top-of-curb grade shall be erected or maintained within these clear vision areas (See BMCC section 27-618, Figure 1b). The clear vision area for alleys and driveways shall not apply to buildings or pertinent parts thereof within the Central Business District.

**TABLE 3 CBD Clear Vision Areas at Intersections**

<b><u>INTERSECTION TYPE</u></b>	<b><u>Clear Vision Area Required:</u></b>	<b><u>Reference Figure in Sec. 27- 618</u></b>
<u>Stop Sign or Traffic Signal</u>	<p><u>Entering 25 MPH Street—Triangle 14 feet along centerline on the stop controlled approach measured from back of curb on the intersecting street by 205 feet along the curblines or the extension of the curb on the cross street</u></p> <p><u>Entering 35 MPH Street— Triangle 14 feet along centerline on the stop controlled approach measured from back of curb on the intersecting street by 290 feet along the curblines or the extension of the curb on the cross street</u></p> <p><u><i>Entering street with speed limit above 35 mph— the required clear vision area will be based on an engineering review subject to approval by the City Traffic Engineer</i></u></p>	<u>Fig. 2e</u>
<u>Yield</u>	<u><i>The required clear vision area will be based on a site specific engineering review subject to approval by the City Traffic Engineer</i></u>	<u>none</u>
<b><u>Open (uncontrolled)</u></b>	<u><i>The required clear vision area will be based on a site specific engineering review subject to approval by the City Traffic Engineer</i></u>	<u>none</u>

**TABLE 4 CBD Clear Vision Areas at alleys and driveways**

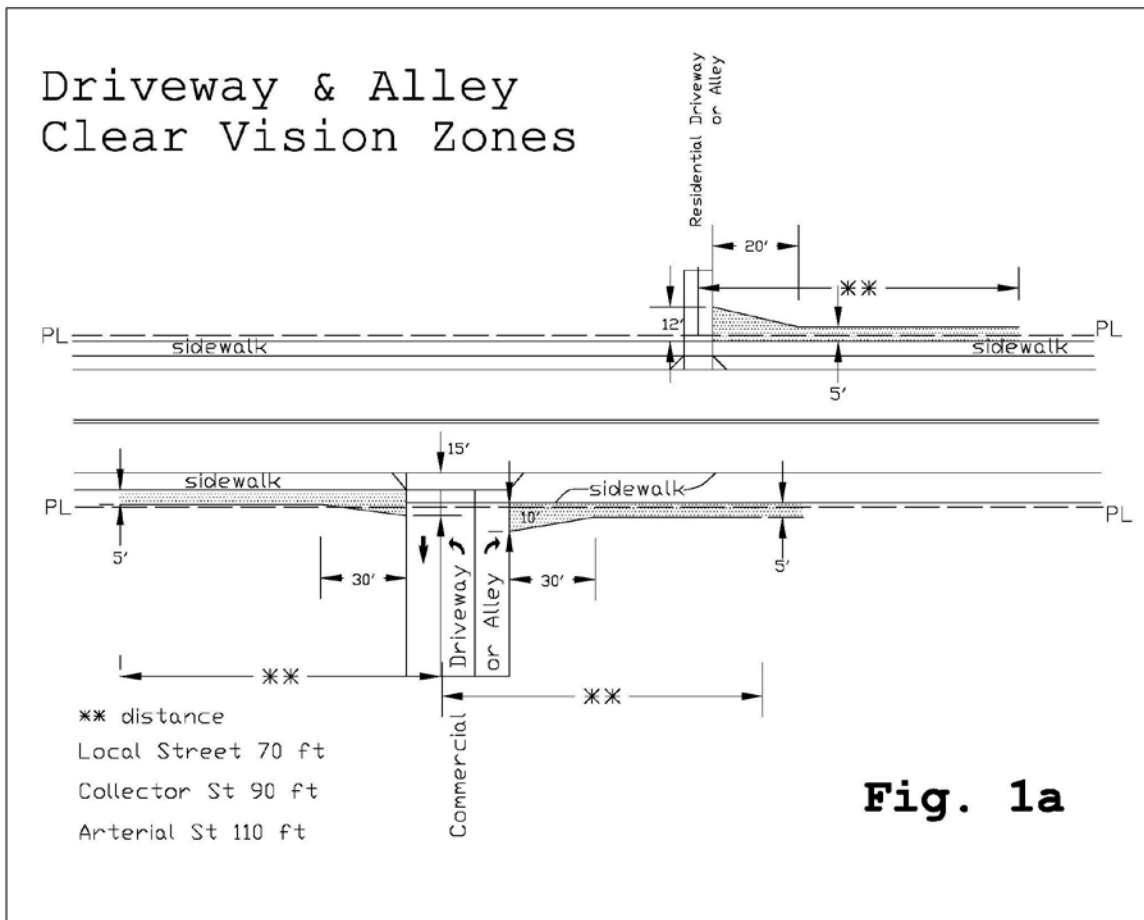
<b><u>Clear Vision area for:</u></b>	<b><u>Clear Vision Area Required: <i>The clear vision area for alleys and driveways shall not apply to buildings or pertinent parts thereof within the Central Business District.</i></u></b>	<b><u>Reference Figure in Sec. 27- 618</u></b>
<u>Vehicular traffic</u>	<p><u>Entering 25 MPH Street—Triangle measured along centerline of the driveway or alley 14 feet from back of curb by 205 feet along the curblines or the extension of the curblines on the cross street</u></p> <p><u>Entering 35 MPH Street— Triangle measured along centerline of the driveway or alley 14 feet from back of curb by 290 feet along the curblines or the extension of the curblines on the cross street</u></p> <p><u><i>Entering street with speed limit above 35 mph— the required clear vision area will be based on an engineering review subject to approval by the City Traffic Engineer</i></u></p>	<u>Fig. 1b</u>
<u>Pedestrian Traffic</u>	<u>The clear vision area is defined by a triangle 10 feet along edge of alley or driveway and 20 feet along back of sidewalk</u>	<u>Fig 1b</u>

~~(d)~~ (e) Approved advertising signs, and public use controls and systems may be permitted in this any of the above defined clear vision triangular areas. In addition, trees with a maximum trunk diameter of one (1) foot measured four (4) feet above the ground line, and trimmed of all branches between the ground line and eight (8) feet in height, may be permitted in this the above defined clear vision triangular areas.

Section 27-618 – Illustrations.

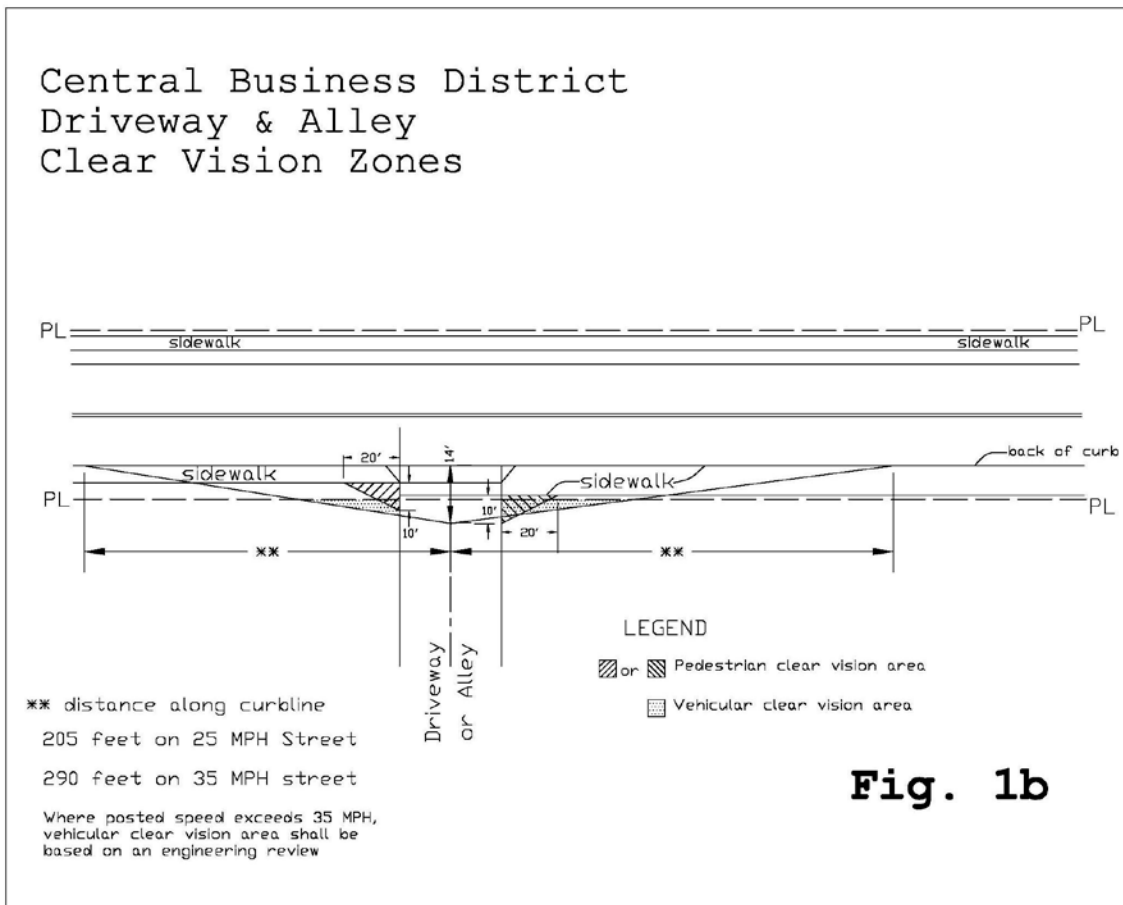
FIGURE 1a. VISIBILITY AT ALLEY AND DRIVE APPROACHES

At the intersection of any alley or any driveway in a commercial zone and a public street outside of the Central Business District, the illustrated clear vision triangle area shall be maintained.



**FIGURE 1b. VISIBILITY AT ALLEY AND DRIVE APPROACHES**

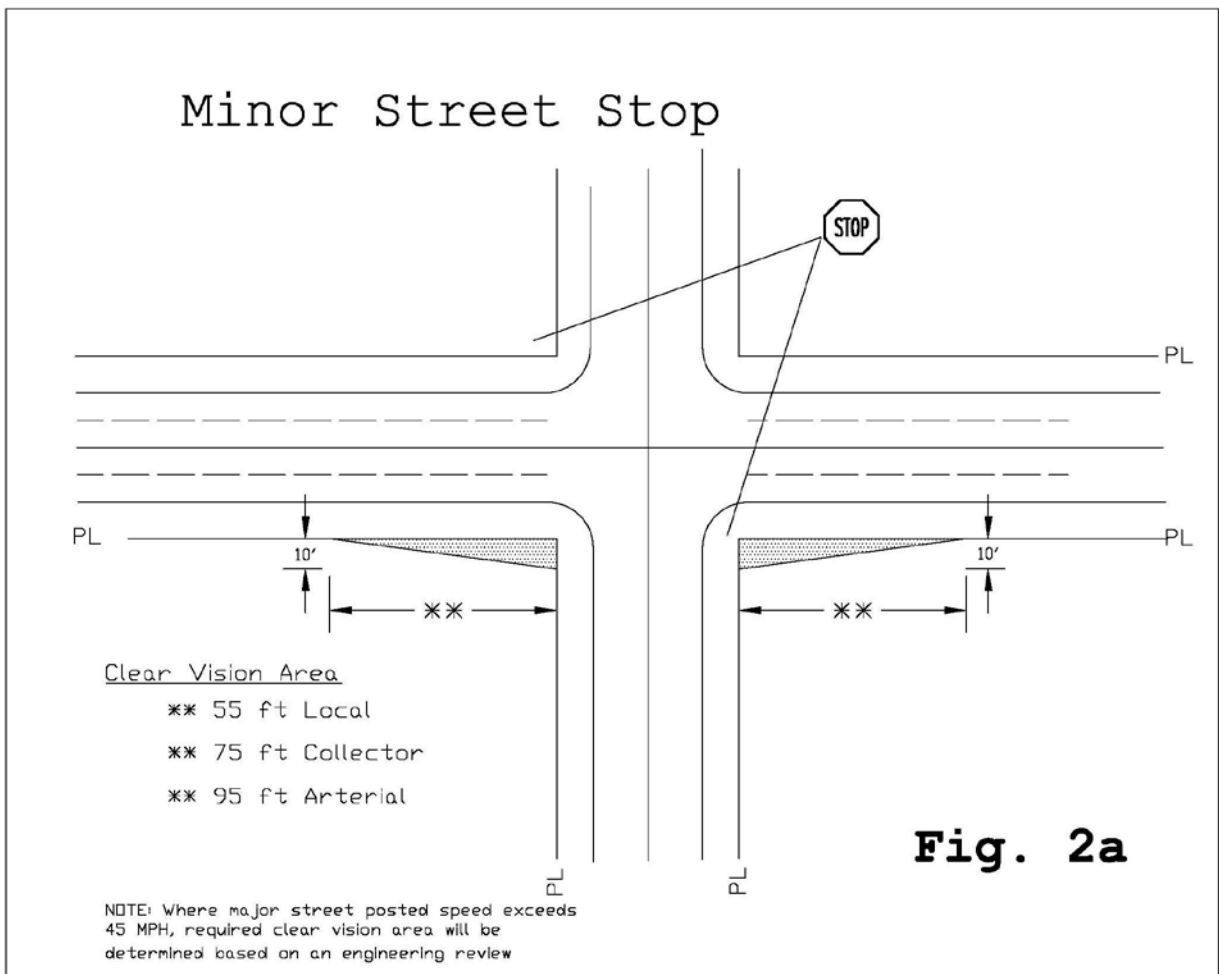
At the intersection of any alley or any driveway in a commercial zone and a public street within the Central Business District, the illustrated clear vision triangle areas shall be maintained. The clear vision area for alleys and driveways shall not apply to buildings or pertinent parts thereof within the Central Business District.



**Fig. 1b**

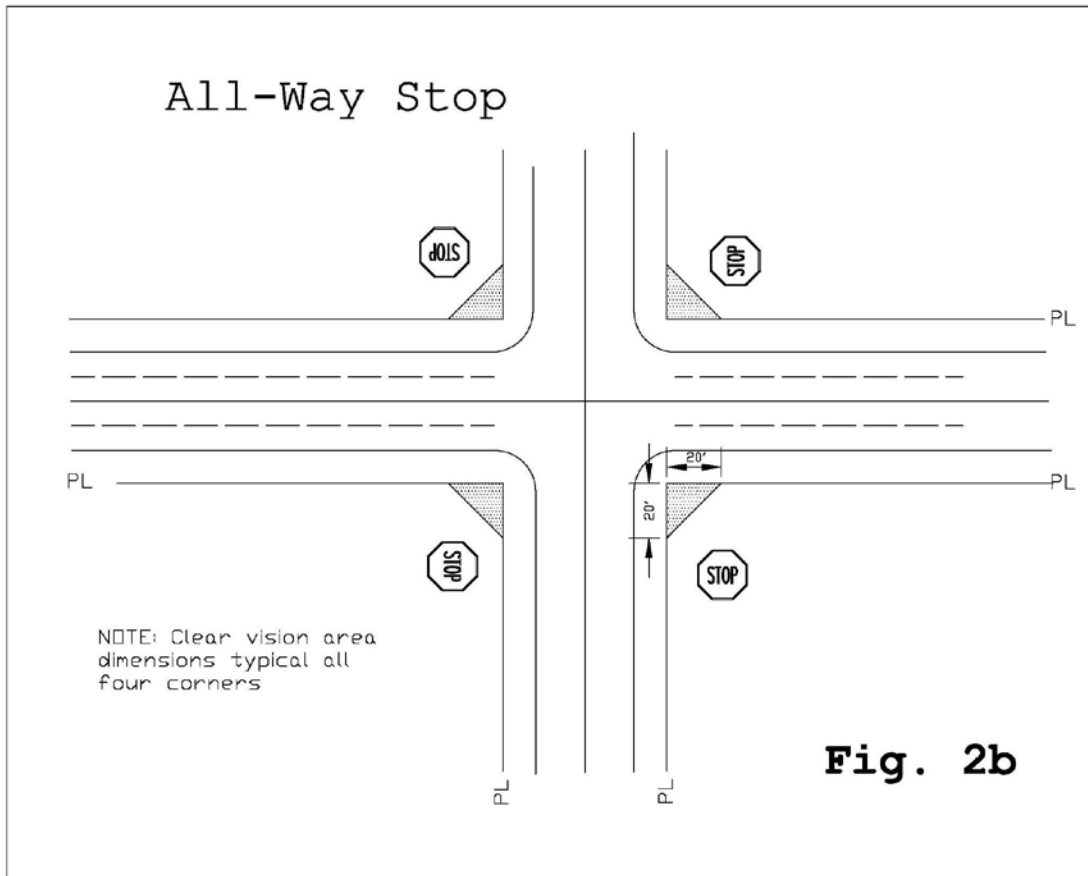
**FIGURE 2a. VISIBILITY AT INTERSECTIONS: CONTROLLED-MINOR STREET STOP CONTROL**

At any intersection where one (1) or more approaches is controlled by a stop sign or traffic signal, the illustrated clear vision triangle area shall be maintained.



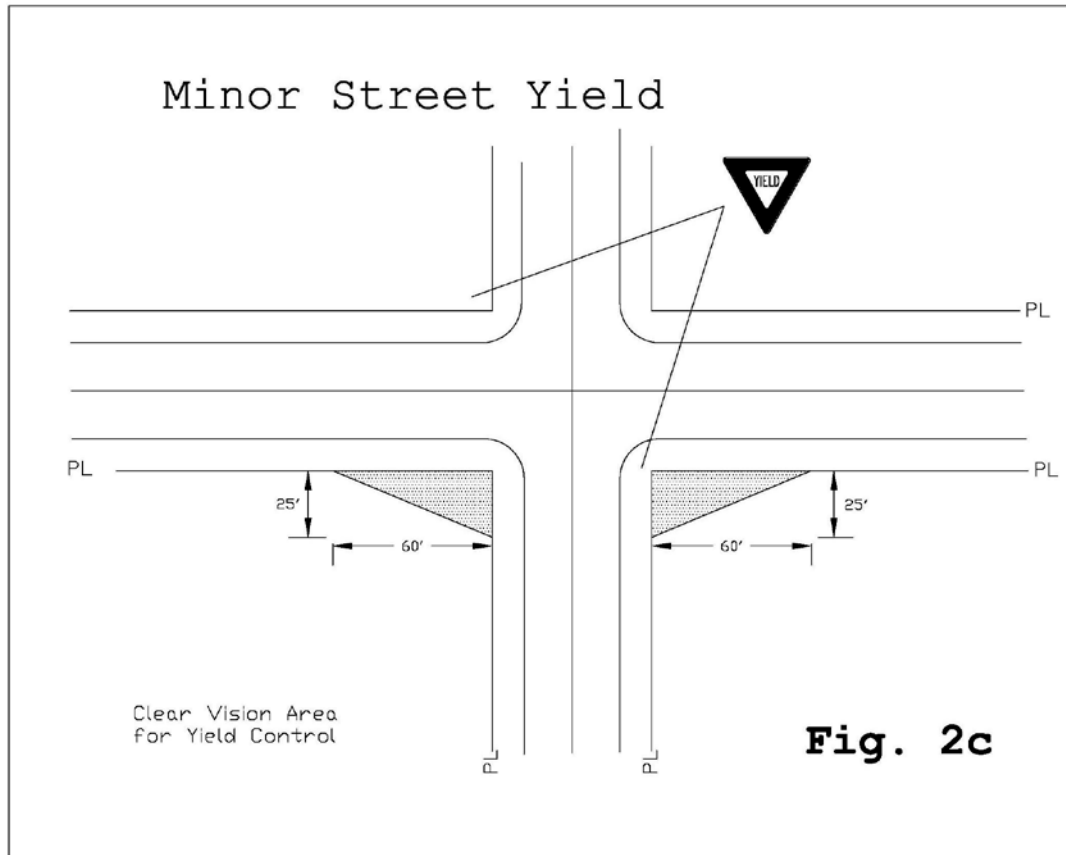
**FIGURE 2b. VISIBILITY AT INTERSECTIONS: ALL-WAY STOP CONTROL**

At any intersection where all approaches are controlled by stop signs the illustrated clear vision area shall be maintained.



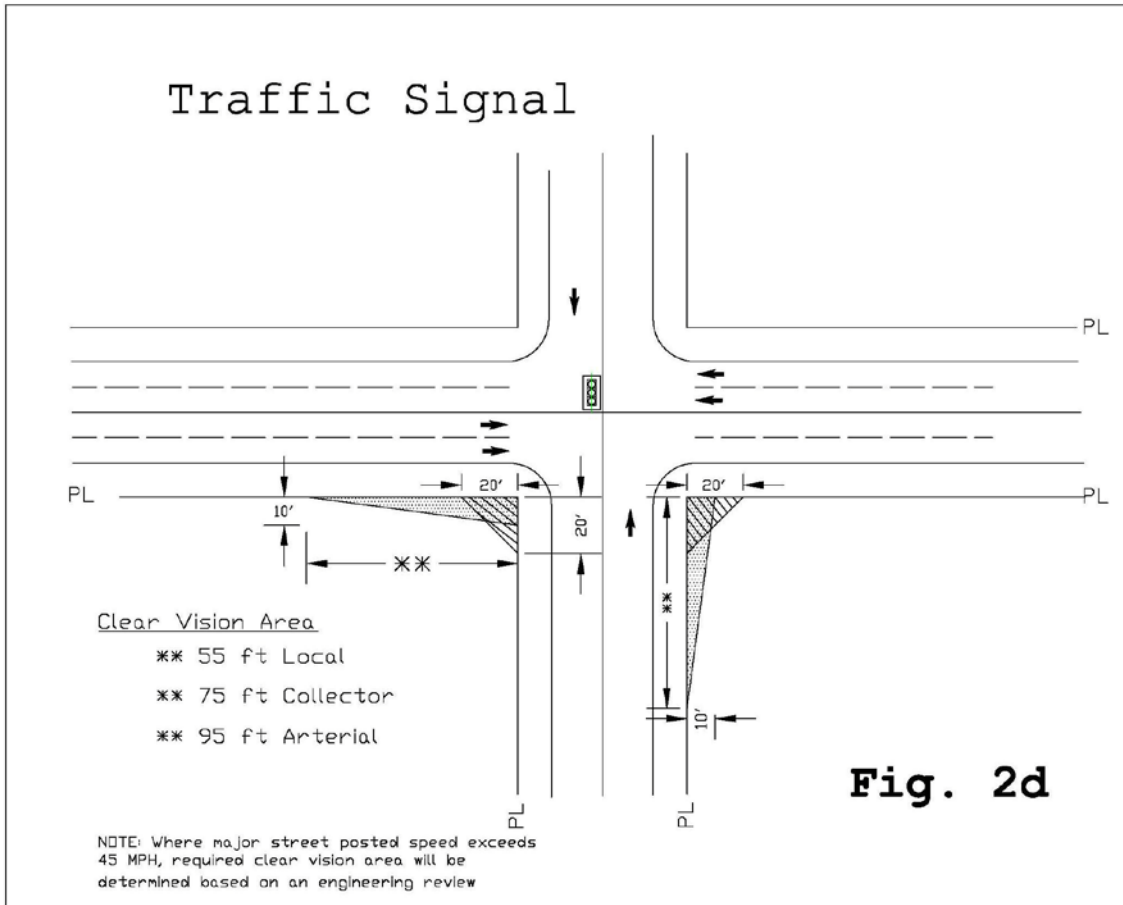
**FIGURE 2c. VISIBILITY AT INTERSECTIONS: YIELD CONTROL**

At any intersection where one (1) or more approaches is controlled by a yield sign the illustrated clear vision area shall be maintained.



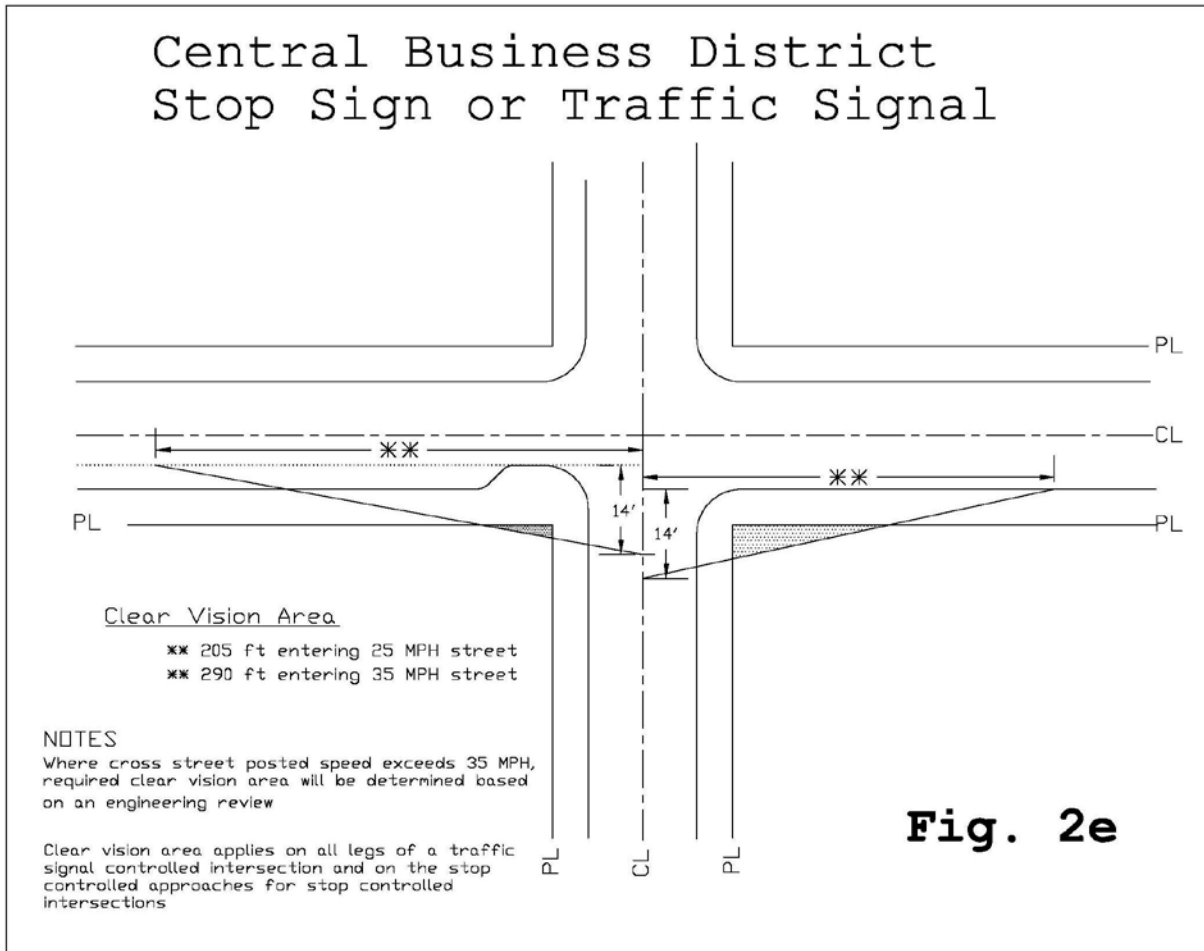
**FIGURE 2d. VISIBILITY AT INTERSECTIONS: TRAFFIC SIGNAL CONTROL**

At any intersection where traffic is controlled by traffic signals the illustrated clear vision area shall be maintained.



**FIGURE 2e. VISIBILITY AT STOP SIGN AND TRAFFIC SIGNAL CONTROLLED INTERSECTIONS IN THE CENTRAL BUSINESS DISTRICT**

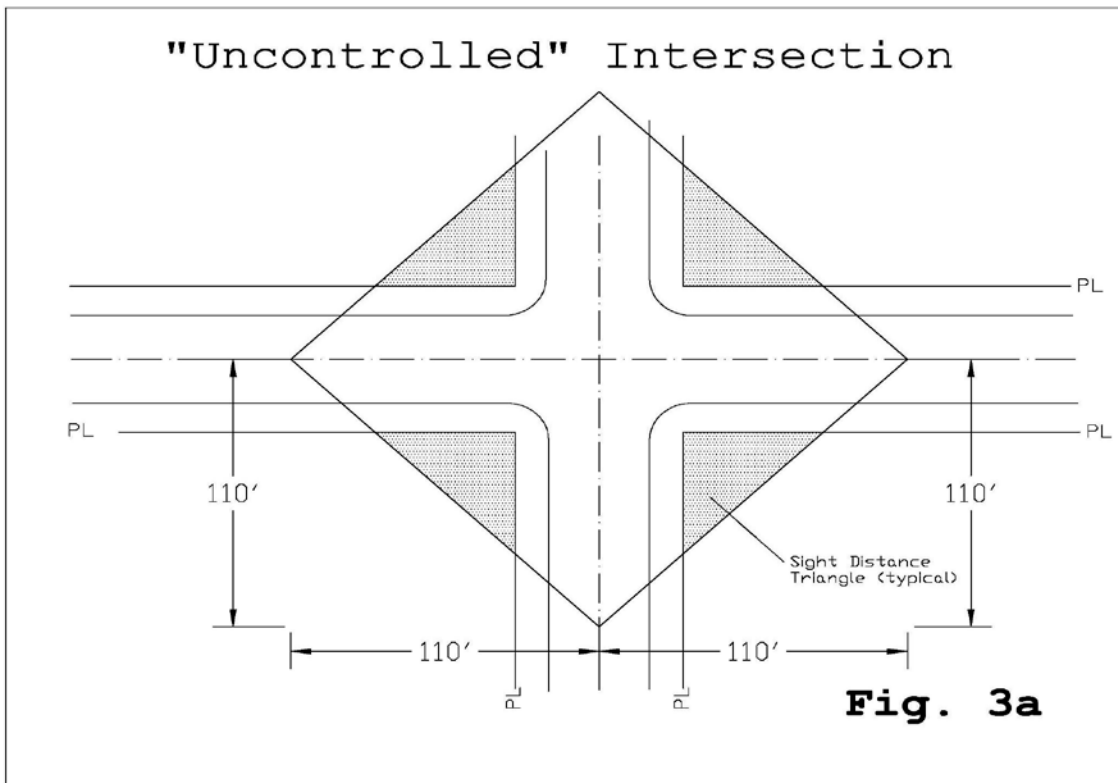
At any intersection within the Central Business District where traffic is controlled by stop signs or traffic signals the illustrated clear vision area shall be maintained.

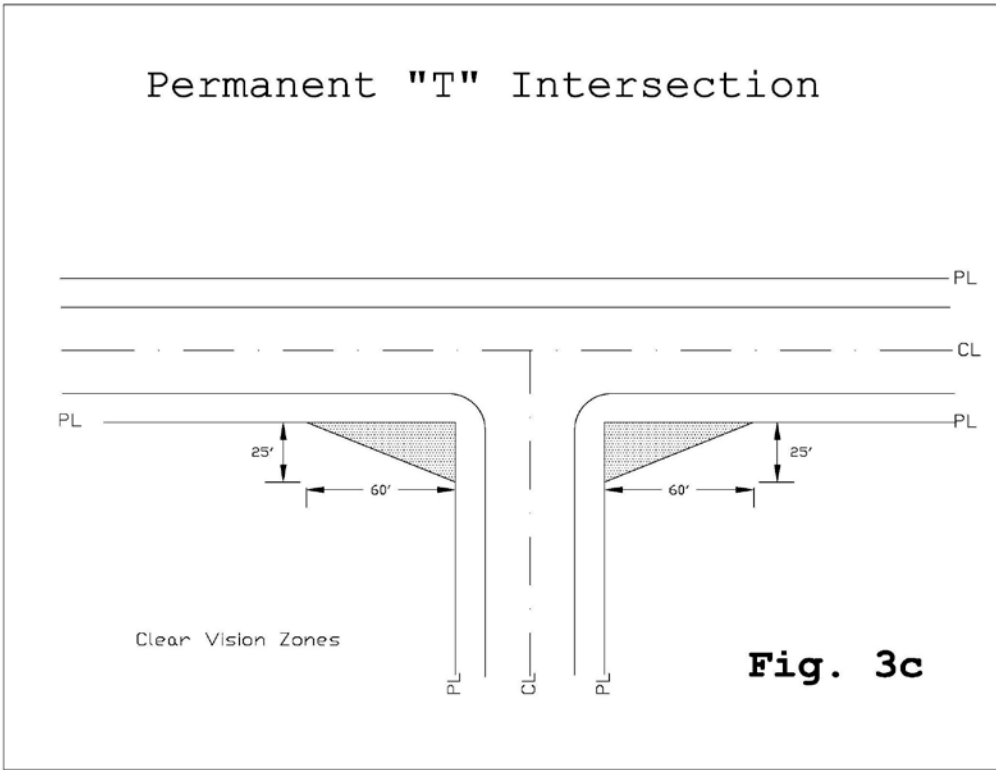
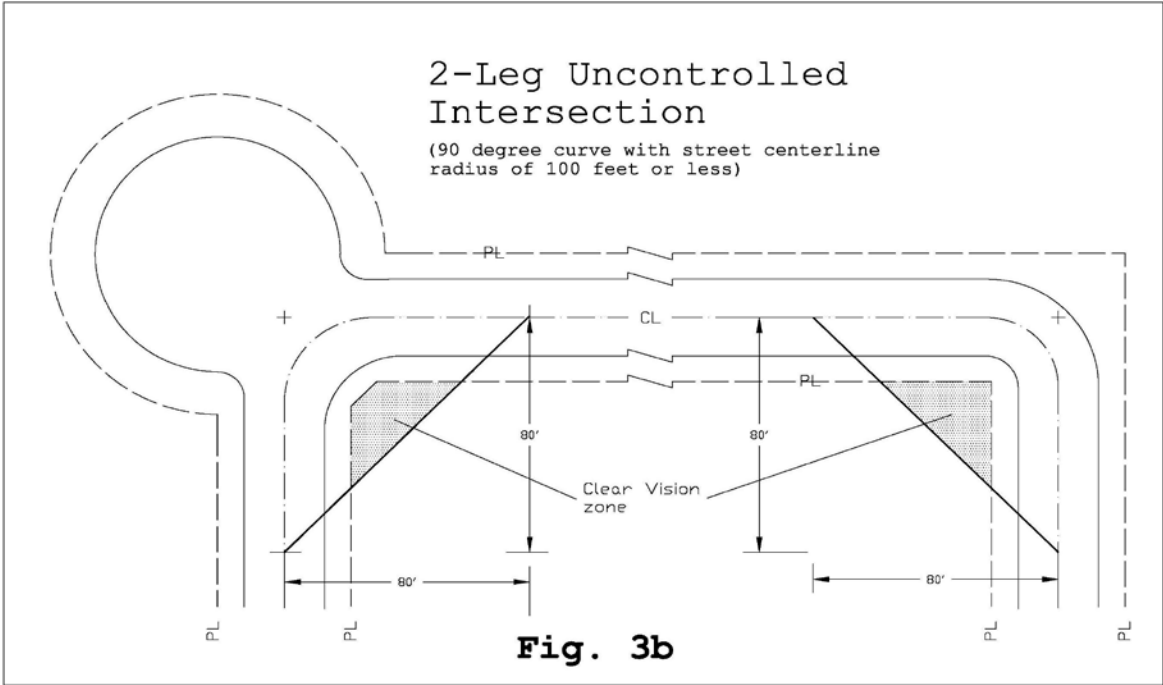


**Fig. 2e**

**FIGURES 3a, 3b, and 3c. VISIBILITY AT INTERSECTIONS: UNCONTROLLED**

At any intersection where none of the approaches is are controlled by either a stop sign, yield sign or traffic signal, the illustrated clear vision triangle areas shall be maintained.





4. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

5. EFFECTIVE DATE. This ordinance shall be effective from and after final passage and as provided by law.

PASSED by the City Council on first reading October 26, 2009.

PASSED, ADOPTED AND APPROVED on second reading November 9, 2009.

CITY OF BILLINGS:

BY: \_\_\_\_\_  
Ron Tussing, Mayor

ATTEST:

BY: \_\_\_\_\_  
Cari Martin, City Clerk

ZC#853 – Text Amendment Clear Vision Areas

Attachment B – Example of Clear Vision Problem Areas



Rimrock Road and Arvin Road



Driveway and Local Street

Attachment B, continued – Example of Clear Vision Problem Areas



Near Constitution and Governors Boulevard



Rimrock Road and Virginia Lane

Attachment B, continued – Example of Clear Vision Problem Areas



Alley Intersection with Arterial Street



Local Street & Arterial Street Intersection