

CITY OF BILLINGS

CITY OF BILLINGS VISION STATEMENT:

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

AGENDA

COUNCIL CHAMBERS

December 21, 2009

6:30 P.M.

CALL TO ORDER – Mayor Tussing
PLEDGE OF ALLEGIANCE – Mayor Tussing
INVOCATION – Councilmember Pitman
ROLL CALL
MINUTES: December 14, 2009 - pending
COURTESIES
PROCLAMATIONS
ADMINISTRATOR REPORTS - TINA VOLEK

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1 and #3 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. Mayor Tussing recommends that Council confirm the following appointments:

1.

	Name	Board/Commission	Term Begins	Term Ends
1.	Solomon Neuhardt	Animal Control Board	01/01/10	12/31/13
2.	Jim Collins	Bicycle & Pedestrian Advisory Committee	01/01/10	12/31/12
3.	Brent Roberts	Bicycle & Pedestrian Advisory Committee	01/01/10	12/31/12
4.	Paul Cox	Board of Adjustments	01/01/10	12/31/13
5.	Jeff Bollman	Board of Adjustments	01/01/10	12/31/13
6.	Daniel Eggen	Board of Adjustments	01/01/10	12/31/13
7.	Barbara Walborn	Board of Adjustments	01/01/10	12/31/13

8.	LaVerne Bass	Board of Adjustments	01/01/10	12/31/13
9.	No Applicants	Board of Adjustments	01/01/10	12/31/13
10.	No Applicants	Board of Adjustments	01/01/10	12/31/13
11.	No Applicants	Board of Appeals - Plumber	01/01/10	12/31/13
12.	No Applicants	Board of Appeals - Architect	01/01/10	12/31/13
13.	No Applicants	Board of Appeals - Electrical Contractor	01/01/10	12/31/13
14.	No Applicants	Board of Ethics	01/01/10	12/31/13
15.	Beatrice Melichar	Board of Health	01/01/10	12/31/12
16.	No Applicants	Community Development Board	01/01/10	12/31/13
17.	Jon Muessig	County Water District of Billings Heights	01/01/10	12/31/15
18.	Skip Godfrey	Emergency Medical Services Board	01/01/10	12/31/13
19.	Daniel Lewis	Emergency Medical Services Board	01/01/10	12/31/13
20.	James Knox	Emergency Medical Services Board	01/01/10	12/31/12
21.	Brad Frank	Exchange City Golf Corporation	01/01/10	12/31/11
22.	No Applicants	Exchange City Golf Corporation	01/01/10	12/31/11
23.	John Gerharz	Housing Authority	01/01/10	12/31/14
24.	Phyllis Crawford	Housing Authority-Resident Commissioner	01/01/10	12/31/14
25.	No Applicants	Housing Authority-Resident Commissioner	01/01/10	12/31/13
26.	Gwendolyn Kircher	Human Relations Board	01/01/10	12/31/13
27.	No Applicants	Human Relations Board	01/01/10	12/31/13
28.	No Applicants	Human Relations Board	01/01/10	12/31/10
29.	No Applicants	Human Relations Board	01/01/10	12/31/10
30.	Lyn McKinney	Library Board	01/01/10	12/31/13
31.	Tony Hines	Library Board	01/01/10	12/31/13
32.	Lloyd Mickelson	Library Board	01/01/10	12/31/13
33.	No Appliants	Library Board	01/01/10	12/31/13
34.	Leticia Moore	Parking Board	01/01/10	12/31/13
35.	Nick Blake	Parking Board	01/01/10	12/31/13
36.	Scott Godfrey	Parking Board	01/01/10	12/31/13
37.	Mitch Goplen	Parking Board	01/01/10	12/31/10
38.	No Applicants	Parking Board	01/01/10	12/31/10
39.	Margy Bonner	Parks/Recreation/Cemetery	01/01/10	12/31/13

40.	Gary Gray	Parks/Recreation/Cemetery	01/01/10	12/31/13
41.	Ken Kingman	Police Commission	01/01/10	12/31/12
42.	Stephen Eliason	Police Commission	01/01/10	12/31/12
43.	Patrick Dawson	Public Utilities Board	01/01/10	12/31/13
44.	Rod Wilson	Public Utilities Board	01/01/10	12/31/13
45.	No Applicants	Tourism BID Board	01/01/10	06/30/10
46.	Walt Willett	Traffic Control Board	01/01/10	12/31/13
47.	James Knox	Traffic Control Board	01/01/10	12/31/13
48.	Alex Tommerup	Yellowstone Co./City Planning Board	01/01/10	12/31/11
49.	Nancy Curriden	Yellowstone Historic Board	01/01/10	12/31/11

- 28. Unexpired term of Gregory Kohn
- 29. Unexpired term of Everall Fox
- 37. Unexpired term of Gary Temple
- 45. Unexpired term of Linda Gallagher

- B. Professional Services Agreement** (5-year) with Jacobs Consultancy for Airport Planning and Financial Consulting Services. Fees associated with each project to be negotiated depending on scope of project and approved by Council.
- C. Approval** of the purchase of thirteen (13) Replacement Police Vehicles and one (1) additional vehicle from the fifth year of mill levy funding in the FY10 Equipment Replacement Plan. Recommend purchasing patrol cars from Bison Motor Company as determined per state bid; \$335,785.38.
- D. Approval** of application for State Revolving Fund Loan for W.O. 08-22, Construction of UV disinfection system for the effluent of the Wastewater Treatment Plant (20-year amortization at 3.75%).
- E. Resolution** approving allocation of \$20,000,000 Recovery Zone Facility Bonds to Zootist Hospitality LLC for renovation of the Northern Hotel.
- F. Resolution** for proposed fee adjustments for PRPL Aquatics, Rentals, and Permits.
- G. Street Closures:**
 - 1. Martin Luther King Observance March** on Monday, January 18, 2010, from 6:25 p.m. to 6:50 p.m. originating on the courthouse lawn, walking on the sidewalk to the corner of N. 27th and 3rd Avenue N, crossing N. 27th, marching in the street to N. 29th, north on N. 29th, and disbanding at the Lincoln Center.
- H. Acceptance of Donation** from the Yellowstone County DUI Task Force for the purchase of a Drivers License and Document Guide on-line program; 80 3M Security Laminate Verifiers; and "You Drink, We Drive" decals for patrol vehicles; \$3,179.60.

- I. **Approval** of a Safe Routes to School grant application submittal to the Montana Department of Transportation, \$50,000; to include an additional \$10,000 pledge from School District No. 2.
- J. **Bills and Payroll:**
 - 1. November 30, 2009

REGULAR AGENDA:

- 2. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #859:** A zone change from Residential Manufactured Home (RMH) to Highway Commercial (HC) on the west 388 feet of Lot 10A, Holling Ranch Subdivision, located at 2100 Main Street. E & S Inc., applicant; Sanderson Stewart, agent. Zoning Commission recommends approval and adoption of the 12 criteria. (**Action:** approval or disapproval of Zoning Commission recommendation.)
- 3. **Approval** of Strategic Plan Priorities.
- 4. **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.

Regular City Council Meeting

Consent : 1.A.1.

Date: 12/21/2009

TITLE: Boards & Commissions –Appointments

Wynnette Maddox, City Hall

PRESENTED BY: Administration

Department: City Hall Administration

Information

PROBLEM/ISSUE STATEMENT

Confirmation of the appointments for Board and Commission positions that are vacant due to term expirations or resignations.

ALTERNATIVES ANALYZED

Council may:

- Approve the confirmation of appointments; or
- Not approve the confirmation of appointments.

FINANCIAL IMPACT

No financial impact involved.

RECOMMENDATION

Mayor Tussing recommends that Council confirm the following appointments:

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			Begins	Ends
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APPROVED BY CITY ADMINISTRATOR

Date: 12/21/2009

TITLE: Selection of Jacobs Consultancy to Provide Airport Planning and Financial Advisory Services

PRESENTED BY: Tom Binford

Department: Aviation & Transit

Information

PROBLEM/ISSUE STATEMENT

Over the years, the Aviation and Transit Department has entered into 5-year service agreements with Architectural and Engineering firms, as well as Airport Financial and Planning consultants, to provide the Department with advisory services on a wide range of areas. The Airport will soon embark on a number of complex projects that will require the assistance of an Airport Financial and Planning Advisory Specialist, specifically concerning the planning and conceptual design of the new Car Wash Quick Turn-a-round facility and public parking enhancements. Additionally, as these two projects have the potential to impact the current Concession and Airline Agreements, outside expertise will be very valuable regarding any changes that might need to be built into these Agreements.

On October 1 and 8, the Airport advertised a Request for Qualifications (RFQ) for Airport Planning and Financial Consulting Services both locally in the *Billings Times*, and nationally with the American Association of Airport Executives (AAAE) in their weekly newsletter and Web page. Subsequently, nine (9) firms from around the country responded to the RFQ and a selection committee was put together to review and rank each of the submittals. The selection committee was made up of Councilman Dick Clark, Aviation and Transit Commissioners Steve Tostenrud and Sterling Starr, and Airport staff. The selection committee ultimately selected Jacobs Consultancy as the successful RFQ candidate.

A copy of the agreement is on file with the City Clerk's Office for review.

ALTERNATIVES ANALYZED

The Council may:

- Approve the five year Professional Service Agreement with Jacobs Consultancy; or
- Not approve the five year Professional Service Agreement with Jacobs Consultancy.

FINANCIAL IMPACT

The base Agreement will be amended each time a project is undertaken. The fees associated with each project are negotiated with Airport staff and will subsequently be approved by Council. Over the 5-year term of the Agreement, the annual fees paid to Jacobs Consultancy could vary significantly, depending on the scope of the projects provided for the firm to work on.

RECOMMENDATION

Staff recommends that Council approve the award of the 5-year Professional Services Agreement with the selected Airport Financial and Planning Advisory Consultants, Jacobs Consultancy.

APPROVED BY CITY ADMINISTRATOR

Date: 12/21/2009

TITLE: Approval to Purchase Fourteen (14) Police Vehicles

PRESENTED BY: Rich St. John

Department: Police

Information

PROBLEM/ISSUE STATEMENT

The Police Department has thirteen (13) patrol vehicles to replace and one (1) additional unit from the fifth year of mill levy funding in the FY10 Equipment Replacement Plan (ERP). The State of Montana does an RFP for law enforcement vehicles annually. Local government agencies are allowed to use the same vendor that the State chooses for its highway patrol vehicles. Bison Ford Motor Company, Great Falls, Montana, was selected as the vendor to provide the State of Montana with the Ford Crown Victoria patrol vehicles. Therefore, staff is requesting Council approval to purchase 14 patrol vehicles from Bison Ford Motor Company of Great Falls for the price of \$23,984.67 each, or a total cost of \$335,785.38.

ALTERNATIVES ANALYZED

The City Council may:

- Approval purchase of the 14 patrol vehicles, or
- Not approve the purchase of the 14 patrol vehicles.

FINANCIAL IMPACT

The 13 replacement patrol vehicles and the 1 additional patrol vehicle are budgeted in the 2010 budget.

RECOMMENDATION

Staff is requesting Council approval to purchase 14 patrol vehicles from Bison Ford Motor Company of Great Falls for the price of \$23,984.67 each, or a total cost of \$335,785.38.

APPROVED BY CITY ADMINISTRATOR

Date: 12/21/2009

TITLE: W.O. 08-22 UV Disinfection, State Revolving Fund (SRF) Backed Loan Application

PRESENTED BY: David Mumford

Department: Public Works

Information

PROBLEM/ISSUE STATEMENT

The cost of the FY 2010 wastewater Capital Improvement Program (CIP) exceeds the amount of immediate funding available, thus a loan or revenue bond sale will be required to finance part of the wastewater CIP. The State Revolving Fund (SRF) Loan Program was established by the Montana Legislature to make at- or below-market interest rate loans to eligible Montana entities for water and wastewater improvement projects. The SRF programs are funded with capitalization grants from the U.S. Environmental Protection Agency and are matched by 20% with State-issued general obligation bonds. Combined, these two sources of funds create the State Revolving Fund, from which loans are made and borrower repayments revolve to provide loans for infrastructure projects. The Ultraviolet (UV) disinfection system improvement project, which includes construction of a UV disinfection system for the effluent of the wastewater treatment plant, is primarily intended to support existing capacity, making this project eligible for SRF funding.

The current SRF loan terms are 20 year amortization with a 3.75% interest rate. The current rate for an INTERCAP loan is 3.25% with an annual adjustment of the interest rate. The 5 year average rate for an INTERCAP loan is 4.2%. A comparative current market rate for 20 year, non-collateralized revenue bonds is 4.5%. The Uniform Environmental Checklist and Preliminary Engineering Report are both available at the City Clerk's office.

ALTERNATIVES ANALYZED

The Council may:

- Apply for SRF funding. The cost savings for the SRF loans versus INTERCAP loans is estimated to be \$355,000 over the life of the loan and the cost savings for the SRF loans versus revenue bond financing is more than \$870,000 over the life of the loan; or
- Not apply for the SRF loans. An INTERCAP loan would still need to be secured or revenue bonds would need to be sold for \$6,136,000 to complete this project.

FINANCIAL IMPACT

The total cost of this project is \$6,141,000, including \$455,000 of related loan costs for bond counsel, audit fees, and required loan reserves. Wastewater revenues will be used to fund \$5,000 of the project, and the remaining \$6,136,000 will be funded through the SRF loan. The estimated annual debt service over the next 20 years for this loan is \$440,000 and will be funded with wastewater revenues.

RECOMMENDATION

Staff recommends that Council authorize the Mayor to execute the application for a State Revolving Fund backed wastewater loan in the amount of \$6,136,000.

APPROVED BY CITY ADMINISTRATOR

Attachments

Link: [SRF Application](#)

**UNIFORM APPLICATION FORM
FOR MONTANA PUBLIC FACILITY PROJECTS**

(Please type or print legibly)

SECTION A - CERTIFICATION

To the best of my knowledge and belief, the information provided in this application and in the attached documents is true and correct.

Name (printed): Ron Tussing

Title (printed): Mayor, City of Billings
Chief Elected Official or Authorized Representative

Signature: _____

Date: _____

SECTION B - SUMMARY INFORMATION

1. NAME OF APPLICANT(S): City of Billings

2. TYPE OF ENTITY: Municipality

3. FEDERAL TAX ID NUMBER: 81-6001237

4. TYPE OF PROJECT: Wastewater

5. SENATE AND HOUSE DISTRICTS: Senate=24,25,26,27,28; House=46,47,48,49,50,51,52,53

6. POPULATION SERVED BY PROJECT: 118,140

7. NUMBER OF HOUSEHOLDS SERVED BY PROJECT: 51,365

8. CHIEF ELECTED OFFICIAL OR AUTHORIZED REPRESENTATIVE:

Ron Tussing
(Name)
Mayor
(Title)
P.O. Box 1178
(Street/PO Box)
Billings, MT 59103
(City/State/Zip)
406-657-8296
(Telephone) (FAX No)
tussingr@ci.billings.mt.us
(E Mail address)

10. PROJECT ENGINEER/ARCHITECT:

Mark A. Seip, P.E.
(Name of Engineer)
HDR Inc.
(Name of Firm)
2913 Millenium Circle
(Street/PO Box)
Billings, MT 59102
(City/State/Zip)
406-651-6993
(Telephone) (FAX No)
Mark.Seip@hdrinc.com
(E Mail address)

12. LEGAL COUNSEL:

Brent Brooks, J.D.
(Name)
City Attorney
(Title)
210 N 27th Street
(Street/PO Box)
Billings, MT 59101
(City/State/Zip)
406-657-8205
(Telephone) (FAX No)
brooksrb@ci.billings.mt.us
(E Mail address)

14. CLERK/CHIEF FINANCIAL OFFICER:

Pat Weber
(Name)
Financial Services Manager
(Title)
210 N. 27th Street
(Street/PO Box)
Billings, MT 59101
(City/State/Zip)
406-657-8209
(Telephone) (FAX No)
weberp@ci.billings.mt.us
(E Mail address)

9. PRIMARY ENTITY CONTACT PERSON:

Will Robbins
(Name)
Staff Engineer
(Title)
2224 Montana Avenue
(Street/PO Box)
Billings, MT 59101
(City/State/Zip)
406-657-8237
(Telephone) (FAX No)
robbins@ci.billings.mt.us
(E Mail address)

11. GRANT/LOAN ADMINISTRATOR:

Jennifer Duray, CPA
(Name)
Senior Financial Analyst
(Title)
2224 Montana Avenue
(Street/PO Box)
Billings, MT 59101
(City/State/Zip)
406-657-8239 406-657-8252
(Telephone) (FAX No)
durayj@ci.billings.mt.us
(E Mail address)

13. BOND COUNSEL:

Mae Nan Ellingson
(Name)
Dorsey & Whitney, LLP
(Title)
125 Bank St., Suite 600
(Street/PO Box)
Missoula, MT 59802
(City/State/Zip)
406-721-6025
(Telephone) (FAX No)
ellingson.mae.nan@dorseylaw.com
(E Mail address)

15. ACCOUNTANT:

(Name of Accountant)
Eide Bailly
(Name of Firm)
401 N 31st St.
(Street/PO Box)
Billings, MT 59101
(City/State/Zip)
406-896-2400
(Telephone) (FAX No)
(E Mail address)

16. BRIEF PROJECT SUMMARY: (Refer to instructions and example on page 13)

Historical Information -

The wastewater treatment plant treats approximately 15.4 MGD. The current discharge permit expires in April 2011. To meet new permit requirements

the current disinfection system needs to be upgraded to meet new standards.

Problem -

In addition to meeting the new chlorine treatment limits, E. Coli limits will be stricter as well. Additionally, monitoring requirements will increase.

Proposed Solution -

The construction of the UV disinfection system will alleviate the need for a dechlorination facility and will enable the plant to meet the E. Coli and

sampling requirements.

SECTION C - FINANCIAL INFORMATION

1. **ESTIMATED TOTAL PROJECT COST:** \$ 6,141,000

2. **PROPOSED FUNDING SOURCES** (List loans and grants from same funding source separately) (Refer to the instructions on page 15 and example on page 16):

Source	Type of Funds	Amount	Status of Commitment	Loan Rates and Terms
SRF	Loan	\$6,136,000	Discussed	3.75%, 20 years
City of Billings	Wastewater Revenues	\$5,000		

3. FUNDING STRATEGY NARRATIVE

☛ Funding Strategy Narrative (**Complete and attach**)

(Refer to the instructions on page 16 and example on page 17. Answer each question individually.)

- a. What are the conditions on the use of each source of funds?
- b. When will each source of funds listed be available (month and year)?
- c. Is there any additional information on the level of commitment for each source of funds listed?
- d. How will funding sources be coordinated with each other?
- e. Will interim-loan funds be required as part of the project? If yes, how will they be used and coordinated with other funding sources?
- f. What other sources of funds from public and private sources have been considered for this project? Explain why they are not being pursued or used for this project.
- g. If a particular source of funding is not obtained, how will the applicant proceed? Explain how the funding strategy will change if a particular source of funding is not received.
- h. What is the level of local financial participation in the project and is that level the maximum that the applicant can reasonably provide?

4. PROJECT BUDGET FORM

☛ Project Budget Form (**Complete form on next page**)

(Refer to the instructions on page 17 and 18, and example on page 20)

☛ Project Budget Narrative (**Complete and attach**)

(Refer to the instructions on page 18 and example on pages 21 and 22)

FUNDING STRATEGY NARRATIVE

a. What are the conditions on the use of each source of funds?

The City of Billings will need an SRF Loan for \$6,136,000. The loan will be at 3.75% interest for 20 years. This funding is needed to complete the Wastewater Treatment Plant Disinfection System Project.

b. When will each source of funds listed be available (month and year)?

The rate increase to pay for the SRF Loan was available July 1, 2009. This was approved by City Council as a 3 year incremental rate increase. On 7/1/09, the second year of the rate increase went into effect. The construction contract is scheduled to be awarded January 2010. Presumably, the SRF loan will close shortly after the construction contract is awarded. The project will go forward using cash reserves from the City of Billings and a reimbursement resolution (already in place), until the loan is available for use.

c. Is there any additional information on the level of commitment for each source of funds listed?

No.

d. How will funding sources be coordinated with each other?

The project will go forward with cash reserves from the City of Billings and a reimbursement resolution until the loan is available for use.

e. Will interim-loan funds be required as part of the project? If yes, how will they be used and coordinated with other funding sources?

No.

f. What other sources of funds from public and private sources have been considered for this project? Explain why they are not being pursued or used for this project.

The City of Billings will use wastewater revenues to pay for all related audit fees; however, all other revenues are allocated to other projects. This project will not go forward without a loan.

g. If a particular source of funding is not obtained, how will the applicant proceed? Explain how the funding strategy will change if a particular source of funding is not received.

If the funding was not obtained, the City of Billings would look at the Open Bond Market or Intercap Funds to fund the project.

h. What is the level of local financial participation in the project and is that level the maximum that the applicant can reasonably provide?

The City of Billings will use wastewater revenues of \$5,000 to fund the project. This is the maximum amount of funding the City can provide without cancelling other locally funded projects.

ADMINISTRATIVE AND FINANCIAL COSTS

Audit Fees **\$5,000**

\$5,000 of wastewater revenues is budgeted to meet the portion of the organizational audit that can be attributed to the project in accordance with the Single Audit Act.

Loan Reserves **\$440,000**

\$440,000 has been budgeted for loan reserves. Funds for this budget item will be provided from the SRF loan.

Bond Counsel and Related Costs **\$10,000**

\$10,000 has been budgeted for the City's bond counsel costs.

TOTAL ADMINISTRATIVE AND FINANCIAL COSTS **\$455,000**

Administrative and financial costs represent 7.4% of the total project costs.

ACTIVITY COSTS

Preliminary Engineering **\$166,900**

Preliminary engineering is estimated at \$166,900.

Engineering/Architectural Design **\$388,380**

Based on engineering cost estimates, the total cost of preparing the final design and bidding is estimated at \$388,380.

Construction Engineering Services **\$312,200**

Based on engineering cost estimates, the total cost of construction engineering, including inspecting the construction of the project, is estimated at \$312,200.

Construction **\$4,380,520**

Based on engineering cost estimates, the total cost of construction of the project is estimated at \$4,380,520.

Contingency **\$438,000**

Contingency funds are 10% of the construction costs because the project could encounter unknowns during construction. These unknowns usually cannot be predicted and are discovered once construction has commenced.

TOTAL ACTIVITY COSTS **\$5,686,000**

TOTAL PROJECT COSTS **\$6,141,000**

Completed by: Jennifer Duray, CPA		For: City of Billings			Date: 11/18/09	
ADMINISTRATIVE and FINANCIAL COSTS:						
	SRF Loan	City			SOURCE:	TOTAL
Personnel Costs						\$ -
Office Costs						\$ -
Professional Services						\$ -
Legal Costs						\$ -
Audit Fees		\$ 5,000				\$ 5,000
Travel & Training						\$ -
Loan Fees						\$ -
Loan Reserves	\$ 440,000					\$ 440,000
Interim Interest						\$ -
Bond Counsel and Related Costs	\$ 10,000					\$ 10,000
TOTAL ADMINISTRATIVE/FINANCIAL COSTS	\$ 450,000	\$ 5,000				\$ 455,000
ACTIVITY COSTS:						
Land Acquisition						\$ -
Preliminary Engineering	\$ 166,900	\$ -				\$ 166,900
Engineering/Architectural Design	\$ 388,380	\$ -				\$ 388,380
Construction Engineering Services	\$ 312,200					\$ 312,200
Construction	\$ 4,380,520					\$ 4,380,520
Contingency	\$ 438,000					\$ 438,000
TOTAL ACTIVITY COSTS	\$ 5,686,000	\$ -				\$ 5,686,000
TOTAL PROJECT COSTS	\$ 6,136,000	\$ 5,000				\$ 6,141,000

5. CURRENT DEBT (Refer to the instructions and example on page 23)

Year Issued	Purpose	Type of Bond/ Security	Amount	Maturity Date (mo/yr)	Debt Holder	Coverage Requirement	Avg. Annual Payment Amount	Outstanding Balance
2005	Wastewater	Revenue	4,515,000	7-2025	DNRC	125%	402,306	3,859,000
2008	Wastewater	Revenue	7,400,000	7-2028	DNRC	125%	527,028	6,062,956
2009	Wastewater	Revenue	359,300	7-2029	DNRC	125%	21,363	359,300
2009	Wastewater	Revenue	5,387,000	7-2029	DNRC	125%	385,295	3,229,828

6. CURRENT ASSETS (Indicate if assets are obligated.) (Refer to the instructions on page 23.)

Cash \$ 1,418,367
 (Details) (as of 6/30/09) SRF loan reserves - \$717,530; restricted for 7/1/09 loan payments - \$357,499

Investments \$ 3,557,203
 (Details) _____

Certificates of Deposit \$ _____
 (Details) _____

Accounts Receivable \$ 1,487,257
 (Details) _____

Any other current assets not specifically indicated above \$ 29,680
 (Details) Accrued Interest

7. BALANCE SHEET (Submit if applying to RD; contact the other programs to determine if or when this information is needed.)

Balance Sheet (Check if attached)

8. INCOME AND EXPENSE STATEMENT (Submit if applying to RD; contact the other programs to determine if or when this information is needed.)

Income and Expense Statement (Check if attached)

SECTION D - CENSUS INFORMATION

Do not fill in this section. The following information will be completed by the receiving agency using data supplied by the U.S. Bureau of the Census and the U.S. Department of Housing and Urban Development based on Census data.

- 1. **MEDIAN HOUSEHOLD INCOME** \$ _____
- 2. **LOW TO MODERATE INCOME PERSONS:** The percent of the population at or below the level designated as low to moderate income. % _____
- 3. **POVERTY:** The percent of the population characterized as at or below the level designated as poverty. % _____

SECTION E - SYSTEM INFORMATION (Refer to instructions on pages 23 and 24)

Number of unimproved properties in jurisdiction: 4,150 (Billings wide)

☛ **Complete and attach the "System Information Worksheet."** The figures required for the items listed below that are denoted with an "☛" are computed using the "System Information Worksheet." The letter in parenthesis following the "☛" denotes the location in the worksheet to find the figure to be inserted.

	<u>Current</u>	<u>Projected</u>
1. Total System Annual Revenue	\$ <u>8,782,974</u>	\$ <u>8,957,000</u>
2. Total System Annual Operation and Maintenance Costs	\$ <u>6,100,445</u>	\$ <u>6,666,000</u>
3. Total System Equivalent Dwelling Units* ☛(e) for current and (k) for projected	<u>39,545</u>	<u>39,656</u>
4. Total Residential Equivalent Dwelling Units* ☛(f) for current and (m) for projected	<u>28,669</u>	<u>28,739</u>
5. Annual Revenue from Residential Hookups	\$ <u>5,011,726</u>	<u>5,150,000</u>
6. Percent of Total Annual Revenue from Residential Hookups	<u>57%</u>	
7. Average Monthly Residential Rate	\$ <u>14.56</u>	\$ <u>14.93</u>
	<input type="checkbox"/> Check box if this is a flat rate.	Projected Average Monthly Residential Rate ☛ (w) or (x)
8. <u>Other System</u> Average Monthly Residential Rate	\$ <u>29.40</u>	\$ <u>31.72</u>

* If this application is for a solid waste project, see instructions.

SYSTEM INFORMATION WORKSHEET
(Refer to instructions on pages 25 through 30)

SUBSECTION 1 – EQUIVALENT DWELLING UNIT COMPUTATION

Applicants with either a water and wastewater project must complete Section I, regardless of whether the applicant is served by a central water system or is planning to charge residential users a flat user fee. If the applicant is not served by a central water system, or it has water connections that provide service to multiple mixed uses, such as commercial and residential, refer to the instructions on page 30 for information on computing the number of EDU's. Applicants with solid waste projects are not required to complete Section I. Service connection diameters will be converted to EDU's according to the following table, with the exception of those situations noted on page 25:

<u>Service connection inside diameter (inches)</u>	<u>EDU's</u>
3/4" or smaller	1.00
1"	1.79
1-1/2"	4.00
2"	7.14
2-1/2"	11.16
3"	16.00
4"	28.57
5"	44.64
6"	64.29
7"	87.11
8"	113.78
9"	144.00
10"	177.78

PART A. CURRENT WATER HOOKUP SUMMARY

<u>Diameter (inches)</u>	<u>Current Total Hookups*</u>			<u>Diameter (inches)</u>	<u>Current Residential Hookups</u>		
	<u>(a) Total Number of Hookups</u>	<u>(b) EDU's per Hookup (from table)</u>	<u>Total EDU's [(a) x (b)]</u>		<u>(c) Number of Residential Hookups</u>	<u>(d) EDU's Per Hookup (from table)</u>	<u>Total Residential EDU's [(c) x (d)]</u>
3/4	29,563	1.00	29,563	3/4	27,844	1.00	27,844
1	1,007	1.79	1,803	1	363	1.79	650
1.5	400	4.00	1600	1.5	26	4.00	104
2	197	7.14	1,407	2	1	7.14	7
3	123	16.00	1,968	6	1	64.29	64
4	36	28.57	1,028				
6	25	64.29	1,607				
8	5	113.78	569				
Totals	31,356		39,545 (e)		28,235		28,669 (f)

* Includes both residential and non-residential hookups

- 3. Monthly debt service for new loan, including coverage: (line i, 12) \$ 45,833 (ii)
- 4. Total number of projected EDU's after completion of project: 39,656 (iii)
- 5. Average (per total projected EDU's) monthly debt service for new loan: (line ii, line iii) \$ 1.16 (iv)

PART B. GENERAL OBLIGATION BOND SECURING DEBT OBLIGATION:

- 1. Debt election held? Yes No If no, when will election be held (date): _____
- 2. Amount of outstanding General Obligation Bonds \$ _____
- 3. Debt limitations of entity _____
- 4. Estimated average (per property) monthly assessment needed to repay debt (divide the annual assessment by 12 to obtain a monthly figure): \$ _____

PART C. RURAL OR SPECIAL IMPROVEMENT DISTRICT BOND SECURING DEBT OBLIGATION:

- 1. Type of special assessment:
 - a. SID _____
 - b. RID _____
 - c. Other (specify) _____
- 2. Proposed method of assessment:
 - a. Assessable Area _____
 - b. Area _____
 - c. Ad Valorem Tax _____
 - d. Lineal Front Footage _____
 - e. Combination of a. through d. above (explain) _____
- 3. Number of parcels in the district _____
- 4. What percentage of the property (based on the methods of assessment) within the district fits these descriptions?

TYPE OF PROPERTY	PERCENT DEVELOPED	PERCENT UNDEVELOPED
Commercial		
Industrial		
Single-Family Residential		
Multi-Family Residential		

Agricultural		
--------------	--	--

- Number of property owners in district _____
- Estimated average (per property) monthly assessment needed to repay debt (divide the annual assessment by 12 to obtain a monthly figure): \$ _____

PART D. OTHER TYPE OF DEBT INSTRUMENT SECURING DEBT OBLIGATION THAT IS NOT INDICATED ABOVE

- Explain how debt will be secured: _____

- Estimated average (per property) monthly cost to repay debt: \$ _____

PART E. CALCULATION OF THE PROJECTED AVERAGE MONTHLY RESIDENTIAL USER RATE:

- Estimated increase in average monthly debt service (per projected EDU, monthly assessment per property for General Obligation Bond or SID, or per customer for solid waste projects) as the result of this project. Enter \$0 if no increase is projected:

\$ 1.16 (o)
[From Part A, B, C, or D]
- Estimated increase or decrease in total monthly operation and maintenance (O&M) costs (including depreciation and replacement reserves) as the result of this project:

\$ 5,000 (p)
- List and explain estimated increases or decreases in O&M costs, including depreciation and replacement reserves (Provide a reasonably detailed explanation regarding the reason for the increase or decrease):
Chlorine costs will decrease by approximately \$60,000 annually. However, the new disinfection system will have an annual cost of approximately \$120,000 for a net increase of \$60,000 annually. The costs associated with disinfection by ultraviolet are for bulb replacement, cleaning the system, and polymer system costs.
- Estimated increase or decrease in monthly O&M costs (including depreciation and replacement reserves) (per projected EDU, monthly assessment per property for General Obligation Bond or SID, or per customer for solid waste projects) as the result of this project:

\$.13 (q)
[(p) / (k)]
- Estimated increase or decrease in total monthly costs (per projected EDU, monthly assessment per property for General Obligation Bond or SID, or per customer for solid waste projects) as the result of this project:

\$ 1.29 (r)
[(o) + (q)]
- Projected average EDU's per residential hookup:

\$ 1.015 (s)
[(n)]
- Estimated increase or decrease in total monthly costs per average residential hookup/customer as the result of this project:

\$ 1.31 (t)
[(r) x (s)]
- Existing average monthly residential debt service, including coverage and bond reserve (subtract any existing debt service if the loan will expire before the completion of the project):

\$ 4.85 (u)

9. Existing average monthly residential O&M costs and replacement and depreciation reserves: \$ 9.71 (v)

Note: (u) plus (v) should equal the current average monthly residential rate as stated on page 43, Section E, Line 7. If these amounts do not equal, provide an explanation of why the numbers differ.

10. Projected average monthly residential user rate after completion of this project:
$$\frac{\$ 15.87}{[(t) + (u) + (v)]} (w)$$

11. Projected flat user rate: \$ _____ (x)

Date: 12/21/2009

TITLE: Zootist Hospitality LLC's Recovery Zone Facility Bond Application and Inducement Resolution

PRESENTED BY: Patrick M. Weber

Department: City Hall Administration

Information

PROBLEM/ISSUE STATEMENT

Pursuant to Internal Revenue Service Notice 2009-50, the City was allocated \$26,831,000 of Recovery Zone Facility Bond authority and Yellowstone County has allocated its \$9,973,000 of Recovery Zone Facility Bond authority to the City for a total of \$36,804,000. Zootist Hospitality LLC has submitted an application for \$20,000,000 to renovate the Northern Hotel. The application meets the requirements of the City's Resolution NO. 09-18890, establishing the criteria for financing as Recovery Zone Facility Bonds.

ALTERNATIVES ANALYZED

The Council may:

- Approve the application and inducement resolution; or
- Not approve the application and inducement resolution.

FINANCIAL IMPACT

The City received \$1,000 with the application and will receive another \$4,000 after bond closing. Zootist Hospitality LLC will also be responsible for all costs incurred by the City's Bond Counsel. 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 financial 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.

RECOMMENDATION

Staff recommends approval of the application and inducement resolution and set a public hearing for January 11, 2010.

APPROVED BY CITY ADMINISTRATOR

Attachments

Link: [Recovery Zone Facility Bond Application Form](#)

Link: [Resolution](#)

City of Billings, Montana
(the "City")

Recovery Zone Facility Bond Application Form

A. Applicant Information

- 1. Applicant name Zootist Hotel, LLC
- 2. Address 19 N. Broadway, Billings, MT 59101
- 3. Phone 406-867-6767
- 4. Email zootist@zootist.com
- 5. Taxpayer I.D. number 26-4269938
- 6. Contact person Leesa W. Gregory

Contact information if different from applicant information above:
555 Zoot Enterprises Lane, Bozeman, MT 59718; 406-556-8886;
leesa.gregory@zootweb.com

- 7. Type of entity Corporation Limited liability company
 Partnership Individual

State of organization Montana

Date of organization February 17, 2009

- 8. Nature of business Hotel and restaurant ownership and management

9. Ownership

<u>Name of each owner</u>	<u>% owned</u>	<u>Address</u>
Michael L. Nelson	10%	19 N. Broadway Billings, MT 59101
Christopher T. Nelson	90%	555 Zoot Enterprises Lane Bozeman, MT 59718

B. Project Information

1. Description of Project :

Zootist Hotel, LLC is in the process of renovating the Northern Hotel in downtown Billings, Montana. Zootist Hospitality, LLC will be the entity that operates the day to day functions of the Northern Hotel. The Northern Hotel will be the principal meeting place of western conferences, district conventions, social gatherings and operate with a service-driven organizational structure. It will have 160 hotel rooms and approximately 10,000 square feet of meeting space, complete with a full-service restaurant, lounge and casual diner. Given its prime downtown location, the Northern Hotel will bring energy and life to downtown Billings, likely sparking more businesses who want to serve the patrons of the hotel. The Northern Hotel plans to hire approximately 100 employees when fully staffed. This brings multiple benefits to Billings, including high paying jobs, tax revenue to the city and state, potential housing needs (and thus stimulus) for employees who relocate, and more money spent in Billings. Additionally, the renovation of the Northern Hotel will generate jobs in the Billings area for the vendors necessary to complete the renovation. Zoot Construction, Inc., is the general contractor for the renovation of the Northern Hotel. To date, it has hired 9 employees. Zootist Hospitality, LLC has 3 full time employees. The Hotel has hired A&E Architects to design the renovation, AD Creative to help with brand name, Mitch Thompson Interiors to decorate the property, a local asbestos abatement company, and purchased material from several local vendors. Additionally, a local law firm has helped with various aspects of the contracts of these vendors. Already, the renovations of the Hotel have created additional jobs, income and tax revenue for Downtown Billings.

2. Components of Project* (check all that apply):

- Acquisition of property
- New construction
- Reconstruction, renovation or improvements

*Refinancing of existing facilities not available under recovery zone facility bond rules

3. Size of facility to be constructed or renovated (sq. ft., number of rooms, floors, etc) 10 floors, 160 guest rooms, more than 10,000 square feet of meeting space, 1 restaurant, 1 café, lobby/gathering area, retail shop

4. Location of Project (incl. street address and legal description) 19 N. Broadway, Billings, MT 59101
Billings Original Townsite 613, S03, T01 S, R26, E,Block 109; LOT 013-018

5. Project commencement date Summer 2009

6. Estimated Project costs:

Land acquisition	\$ 2.45 million
Site development	\$
New construction	\$
Acquisition of building	\$ included in \$2.45 million
Reconstruction/renovation	\$ 15 million
Equipment and machinery	\$ (included in \$15 million)
Furniture and fixtures	\$ 4 million
Professional fees	\$ (included in \$15 million)
Other (specify): FF&E	\$
	\$
	\$
	\$
	\$
Total Project cost	\$21.45 million

7. Proposed amount of Recovery Zone Bond issue \$20 million

8. Does Applicant have a written commitment from the lender to make a loan or to underwrite or purchase bonds? No.

Name of proposed lender or underwriter of bonds and contact person to be determined

9. Public and economic benefit of Project:

Number of expected jobs created during construction 20-30

Level of pay \$15-\$30/hr.

Benefits Sick leave, vacation, insurance

Number of expected long-term jobs created 100

Level of pay \$10-\$50/hr

Benefits sick leave, vacation, insurance, meals during work

Describe the Project's benefits to the city or neighborhood:

Our research indicates that more than 90% of our hotel patrons will come from outside of Montana. In addition, this project will create a significant positive economic impact to the region and state beyond the job creation involved by revitalizing a valuable and important piece of real estate in Downtown Billings.

The Northern Hotel has, for 117 years, occupied one-half block of prime real estate in Downtown Billings, and served as a historic landmark and travelers' oasis until its closing in September of 2007. Since this unceremonious shutdown, propelled by bankruptcy, this once majestic and vital building has sat vacant, attracting blight and creating a widening donut-hole in a Downtown that has been struggling, despite

setbacks, to revitalize. Many community leaders in Billings strongly believe that the success of the Northern Hotel is a prerequisite to the overall success of Downtown Billings, and ultimately, will greatly contribute to the economic vitality of the region and the state. These leaders understand the importance of vibrant urban centers to attracting a skilled workforce to the region, and envision that the Northern Hotel's economic impact will extend far beyond the primary effects of its employment and direct contributions of its guests. Members of the community of the city of Billings are behind our effort.

C. City's Note to Applicant

Upon receipt of a signed application and confirmation with Bond Counsel that the Project described in the Application is eligible for financing under the American Recovery and Reinvestment Act of 2009 as provided in Section 1400U-3 of the Internal Revenue Code of 1986, as amended, (the "Act") and meets the requirements of the City's Resolution NO. 09-18890 Establishing the Criteria for Financing as Recovery Zone Facility Bonds (the "City Resolution"), the City will proceed with the Application by having the City Council adopt a preliminary resolution calling for a public hearing on the Project and the issuance of the Bonds therefore (the "Project Resolution"). The Project Resolution will enable the Applicant to use proceeds of Bonds, when and if issued, to pay costs of the Project incurred after such date. Applicant should be aware that there are provisions of the Internal Revenue Code in addition to the Act that will affect the tax exemption on the proposed Project financing. Applicant should consult with Bond Counsel early and often in the process.

After the public hearing, if the City Commission determines that it the Project is in the public's best interest and satisfies the requirements of the City Resolution, it will adopt a resolution allocating authority for Recovery Zone Facility Bonds, which may be revoked if it appears that the Bond cannot be issued by December 31, 2010.

The City makes no representations that the financing provided under the Act would be in the Applicant's best interests.

D. Applicant Certification

I, the undersigned, certify to the City that I am authorized to execute and submit this application on behalf of the Applicant named above (the "Applicant"), and I further certify on behalf of the applicant as follows:

1. The Applicant has sufficient resources to obtain the necessary financing and undertake the Project described above (the "Project") and complete the closing of the Recovery Zone Facility Bond financing by December 31, 2010.
2. The Applicant believes that the Project is eligible for financing under the Act.
3. The Applicant acknowledges that it shall be responsible for all fees of the City and all fees and charges associated with the sale and issuance of the Bonds, as required by the City's Administrative Order No 111, a copy of which is attached to this Application.
4. The City shall not be responsible for, and the Applicant agrees to defend, indemnify and hold the City harmless from any losses or damage, liabilities, claims, settlements costs and expenses arising out of or related (i) to unavailability or loss of tax exempt status in respect of any bonds issued by the City pursuant to allocation of recovery zone facility bonding authority, (ii) the unavailability of financing for the Project, (iii) the creditworthiness of the Applicant, or (iv) any failure to complete the Project.

Signed this 9th day of December, 2009.



Signature

MICHAEL L. NELSON

Name

PRESIDENT

Title

CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of the City of Billings, Montana (the "City"), hereby certify that the attached resolution is a true copy of Resolution No. _____, entitled: "RESOLUTION RELATING TO A PROJECT ON BEHALF OF ZOOTIST HOSPITALITY, LLC AND THE ISSUANCE OF A REVENUE BOND TO FINANCE THE COSTS THEREOF UNDER MONTANA CODE ANNOTATED, TITLE 90, CHAPTER 5, PART 1, AS AMENDED; GRANTING PRELIMINARY APPROVAL THERETO AND CALLING A PUBLIC HEARING THEREON AND ESTABLISHING COMPLIANCE WITH CERTAIN REIMBURSEMENT REGULATIONS UNDER THE INTERNAL REVENUE CODE" (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 December 21, 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 December, 2009.

City Clerk

RESOLUTION NO. _____

RESOLUTION RELATING TO A PROJECT ON BEHALF OF ZOOTIST HOSPITALITY, LLC AND THE ISSUANCE OF A REVENUE BOND TO FINANCE THE COSTS THEREOF UNDER MONTANA CODE ANNOTATED, TITLE 90, CHAPTER 5, PART 1, AS AMENDED; GRANTING PRELIMINARY APPROVAL THERETO AND CALLING A PUBLIC HEARING THEREON AND ESTABLISHING COMPLIANCE WITH CERTAIN REIMBURSEMENT REGULATIONS UNDER THE INTERNAL REVENUE CODE

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

Section 1. Recitals.

1.01 Pursuant to Montana Code Annotated, Title 90, Chapter 5, Part 1, as amended (the “Act”), the City is authorized to enter into agreements upon terms the governing body considers advantageous and not in conflict with the provisions of the Act to issue its revenue bonds and sell such bonds at public or private sale in such manner and at such times as may be determined by this body to be most advantageous; and to loan the proceeds of its revenue bonds to others for the purpose of defraying the cost of acquiring or improving any land, any building or other improvement, and any other real or personal property considered necessary in connection with the improvement, whether or not now in existence, that is suitable for use for commercial enterprises. Such revenue bonds may be secured by a pledge of the revenues to be derived by the City from a loan agreement with the borrower, by a mortgage on the project and by such other security devices as may be deemed advantageous. Under the provisions of the Act, any bonds so issued by the City shall be special, limited obligations of the City and the notes shall not constitute nor give rise to a pecuniary liability of the City or a charge against its general credit or taxing powers.

1.02 Under Section 1401 of the American Recovery and Reinvestment Act of 2009 (the “ARRA”), as codified at Sections 1400U-1 through 1400U-3 of the Internal Revenue Code of 1986, as amended (the “Code”), gross income does not include interest on any bond designated by an eligible issuer thereof as a “recovery zone facility bond.”

1.03 Under Internal Revenue Service Notice 2009-50, the City has been allocated authority to issue \$26,831,000 of bonds designated as recovery zone facility bonds, and pursuant to Section 1400U-1(a)(3) of the Code, Montana Code Annotated Section 17-5-116 and the Montana Department of Administration’s Recovery Zone Bond Allocation Policy, the City has been reallocated authority from Yellowstone County to issue an additional \$9,973,000 of bonds designated as recovery zone facility bonds, such that the City has \$36,804,000 total authority to issue recovery zone facility bonds.

1.04 The City is authorized under the Act to issue economic development revenue bonds and to designate them as recovery zone facility bonds within the meaning of the Code under M.C.A. 7-7-140.

1.05 The City, pursuant to Resolution 09-18866 has designated the area within the City as a recovery zone suffering from significant poverty, unemployment, rate of home foreclosures, or general distress.

1.06 Zootist Hospitality, LLC, a Montana limited liability company (the “Company”), has proposed that the City, pursuant to the Act, issue limited obligation bonds in the approximate aggregate principal amount of \$20,000,000, in one or more series at one time or from time to time (the “Bonds”), the proceeds of which will be loaned by the City to the Company to finance a portion of the costs of renovating, restoring and furnishing the Northern Hotel located at 19 North 28th Street in the City (the “Project”) and to pay certain costs of issuance of the Bonds. The Project is expected to cost approximately \$21,000,000. When finished, it is anticipated that the Northern Hotel will have 160 hotel rooms, approximately 10,000 square feet of meeting space, a full-service restaurant, lounge, casual diner and parking. The Project will be owned by the Company.

Section 2. Preliminary Findings. Based on representations made by the Company to the City to date, the Council hereby makes preliminary findings, determinations and declarations, subject to final findings, determinations and declarations following the public hearing called pursuant to Section 4, as follows:

(a) The Project, as proposed, will be suitable for use as a commercial enterprise eligible for financing under the Act and in accordance with Sections 1400U-1 and 1400U-3 of the Code, and the City is authorized to issue revenue bonds to defray the costs of making a loan to the Company, the proceeds of which will be used to finance a portion or all of the costs of constructing, equipping and improving the Project and expenses incident to the issuance of the Bonds, including any security for the Bonds, and to enter into a Loan Agreement with the Company requiring loan repayments from the Company in amounts sufficient to repay the loan when due and requiring the Company to pay all costs of maintaining and insuring the Project.

(b) The Project is located in one of the City’s downtown Urban Renewal Districts (the “District”) and will further the goals and objectives of the District.

(c) The loan repayments to be made by the Company under the Loan Agreement, shall be established at a level and payable in installments at times sufficient to pay all principal of, premium, if any, and interest on the Bonds when due.

(d) In preliminarily authorizing the Project and the issuance of the Bonds, the City’s purpose is and the effect thereof will be to promote the public welfare of the City and its residents by preserving and creating jobs and promoting economic recovery and assisting those most impacted by the recession in a recovery zone.

(e) The undertaking of the Project and the issuance of the Bonds to finance all or a portion of the costs thereof will be in the public interest.

(f) The City is authorized to designate the Bonds as a recovery zone facility bond under the Act and Section 1400U-3 of the Code and Section 90-5-103(6) of the Act.

(g) The Project complies with the requirements of Resolution No. 09-18890.

Section 3. Preliminary Approval. This Council hereby gives preliminary approval to the Project and the issuance of the Bonds in the approximate aggregate principal amount of \$20,000,000 to finance a portion of the costs thereof and the designation of the Bonds as a recovery zone facility bond under Section 1400U-3 of the Code, subject to final approval following the public hearing provided for in Section 4, and subject to final determination by this Council that the financing of the Project and the issuance of the Bonds are in the best interest of the City.

Section 4. Public Hearing. Section 90-5-104 of the Act and Section 147(f) of the Code require that, prior to the issuance of the Bonds, a public hearing duly noticed shall be held by this Council on the proposed Project and the issuance of the Bonds to finance the costs thereof. Pursuant to such authority, a public hearing is hereby called and shall be held on January 11, 2010 at 6:30 p.m. in the Council Chambers on the second floor of the Police Facility, 220 N. 27th Street, Billings, Montana, on the proposed Project and the issuance of Bonds to finance a portion of the costs thereof. The notice shall be published in substantially the following form:

CITY OF BILLINGS, MONTANA

NOTICE IS HEREBY GIVEN that the City Council (the "Council") of the City of Billings, Montana (the "City") will hold a public hearing on January 11, 2010, at 6:30 p.m., M.T., at Council Chambers on the second floor of the Police Facility, 220 N. 27th Street, Billings, Montana, for the purpose of conducting a public hearing on a proposal that the City issue revenue bonds (the "Bonds") under Montana Code Annotated Title 90, Chapter 5, Part 1, as amended (the "Act"), and designate them as recovery zone facility bonds under the Internal Revenue Code, on behalf of Zootist Hospitality, LLC, a Montana limited liability company (the "Company").

The Bonds would be issued in order to finance a portion of the costs of designing, constructing and furnishing a hotel complex (the "Project") and to pay certain costs of issuance of the Bonds. The Project will consist of renovating and restoring the Northern Hotel at 19 North 28th Street in the City. The Project will include asbestos abatement, demolition, design, construction and furnishing, which is expected to cost approximately \$21,000,000. When finished, the Northern Hotel will have 160 hotel rooms, approximately 10,000 square feet of meeting space, a full-service restaurant, lounge, casual diner and parking. The Project will be owned by the Company. The maximum aggregate principal amount of the proposed Bonds issuance is \$20,000,000.

The Bonds will be secured by a pledge of the revenues to be derived by the City from a loan agreement with the Company and by such other security devices, if any, as may be deemed advantageous, including a mortgage or trust indenture on the Project. The Bonds will be a special, limited obligation of the City, and the Bonds and interest thereon will be payable solely from the revenues of the Company pledged to the payment thereof. The holder of the Bonds will never have the right to compel any exercise of the taxing power of the City to pay the Bonds or the interest thereon, nor to enforce payment thereof against any property of the City except money payable by the Company to the City and pledged to the payment of the Bonds.

Any interested persons may appear and will be heard at the public hearing at the time and place stated above or may file written comments with the City Clerk prior to the date of such hearing. Further information regarding the proposal is on file and available for public inspection in the office of the City Clerk at City Hall.

For additional information on the proposed resolution, contact: Bruce McCandless, Assistant City Administrator or Patrick M. Weber, Financial Services Manager, City of Billings, 210 N 27th Street, Billings, Montana, 59103 or by calling 657-8207.

Dated:

BY ORDER OF THE CITY COUNCIL
OF THE CITY OF BILLINGS,
MONTANA

Publication Dates: December 24, 2009
 December 31, 2009
 January 7, 2010

Section 5. Costs. The Company will pay, or upon demand reimburse the City for payment of, any and all costs incurred by the City in connection with the Project and the issuance of the Bonds, whether or not the Project is carried to completion and whether or not the Bonds is issued.

Section 6. Commitment Conditional. The adoption of this resolution does not constitute a guarantee or a firm commitment that the City will issue the Bonds as requested by the Company. If, based on comments received at the public hearing to be held pursuant to this resolution, or other information made available to or obtained by the City during its review of the Project, it appears that the Project or the issuance of the Bonds to finance the costs thereof is not in the public interest or inconsistent with the purposes of the Act, the City reserves the right not to give final approval to the issuance of the Bonds. The City also retains the right, in its sole discretion, to withdraw from participation and accordingly not issue the Bonds should the Council, at any time prior to the issuance thereof, determine that it is in the best interests of the City not to issue the Bonds or should the parties to the transaction be unable to reach agreement as to the terms and conditions of any of the documents for the transaction.

Section 7. Effective Date. This Resolution shall become effective upon passage.

PASSED AND ADOPTED by the Billings City Council on December 21, 2009.

THE CITY OF BILLINGS

(SEAL)

Ron Tussing, Mayor

ATTEST:

Cari Martin, City Clerk

Date: 12/21/2009

TITLE: Proposed 2010 Service Fee Adjustments

PRESENTED BY: Mike Whitaker

Department: Parks/Rec/Public Lands

Information

PROBLEM/ISSUE STATEMENT

All PRPL service fees have been reviewed and staff is making recommendations (see Attachment A) for adjustments for the 2010 calendar year. It has been at least two years or more since most of these fees have changed, and rising costs to provide services has prompted this review and recommendation.

ALTERNATIVES ANALYZED

The Council may:

- Leave fees at current levels;
- Adjust fees based from those in the attached staff recommendation; or
- Approve the recommendation as submitted.

FINANCIAL IMPACT

Adoption of the service fees as recommended should increase annual revenue by approximately \$48,500 above current levels. This will allow PRPL to recover more of its actual costs in providing these services and possibly prevent some services from being scaled back or eliminated.

RECOMMENDATION

Staff recommends approval of fee adjustments as presented in Attachment A

APPROVED BY CITY ADMINISTRATOR

Attachments

Link: [Resolution](#)

RESOLUTION NO.

A RESOLUTION OF THE CITY OF BILLINGS ESTABLISHING NEW FEES TO BE CHARGED BY THE CITY FOR SERVICES PROVIDED BY THE PARKS, RECREATION AND PUBLIC LANDS DEPARTMENT WITHIN THE RECREATION DIVISION, AND ESTABLISHING AN EFFECTIVE DATE. REPEALS RESOLUTION NO. 08-18693

WHEREAS, The City of Billings provides certain services to the public within the Recreation Division through the Department of Parks, Recreation and Public Lands; and

WHEREAS, it is in the best interest of the citizens of the City that the City continue to be able to provide said services in a prudent fiscal manner and that the City Council establish new fee schedules to provide for said services;

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

- 1. Fees for Recreation Division Aquatic Services The new fees to be charged by the City for Recreation Division aquatic services provided by the Department of Parks, Recreation and Public Lands, are hereby established as set forth below:

DAILY POOL ADMISSION FEES

Table with 3 columns: Pool Name, Age Group, and Fee. Rows include South Park Pool (Youth 7-17: \$2.00, Adult 18 & Up: \$4.00) and Rose Park Pool (Youth 7-17: \$2.50, Adult 18 & Up: \$5.00). Includes note: Ages 6 & Under admitted free when accompanied by an adult.

POOL SEASON PASSES (Non-Transferable)

Table with 3 columns: Pool Name, Pass Type, and Price. Rows include South Park Pool (Youth 7-17 Pass: \$25.00, Adult 18 & Up Pass: \$60.00, Family (Up to 5) Pass: \$75.00) and Rose Park Pool (Youth 7-17 Pass: \$50.00, Adult 18 & Up Pass: \$100.00, Family (Up to 5) Pass: \$150.00). Includes note: Family Pass for more than 5 members in same household add \$10 for each additional member.

ROSE PARK POOL WATERSLIDE FEES (In addition to admission fee)

Single Slide	\$1.00
All Day Youth (17 & Under)	\$3.00
All Day Adult (18 & Up)	\$4.00
Waterslide Punch Card (25 punches)	\$55.00
For ages 17 & Under non-replaceable/non-refundable	

SWIMMING POOL RENTAL FEES (Limited hours available)

Swim Team Pool Rentals	\$ 75/Day
Rose Pool Rental	\$175/Hour
Rose Waterslide Rental	\$125/Hour
Entire Rose Pool Complex Rental	\$250/Hour
South Park Pool Rental	\$100/Hour

2. Fees for Park Shelter Rentals The new fees to be charged by the City for Park Shelter rentals, are hereby established as set forth below:

Rental Times are from 8:00AM – 10:00PM Daily for the following Craft Houses and Park Shelters: Gorham; Optimist; Sacajawea; and Veterans Craft Houses. Arrowhead; Central; Edgerton; Hawthorne; Rosebud; Riverfront #2; Riverfront #3; South Gazebo; and South Shelters.

All shelters without electricity available	\$40/Day
All shelters with electricity available	\$50/Day
All Park Shelters with enclosed service kitchen areas	\$100/Day
All Park Craft Houses	\$100/Day

Rental Times are from 8:00AM – 2:00PM and/or 3:00PM – 10:00PM Daily for the following Park Shelters: North #1; North #2; Rose; Riverfront #1; and Veterans.

All shelters without electricity available	\$40/Rental Time
All shelters with electricity available	\$50/Rental Time

3. Fees for Picnic and Volleyball Kit Rentals The new fees to be charged by the City for Picnic and Volleyball Kit Rentals are hereby established as set forth below:

Picnic Kit Rentals	\$25.00
Volleyball Kit Rentals	\$30.00
Both Kits	\$40.00

4. Fees for Recreation Center Building Rentals The new fees to be charged by the City for Recreation Center Building Rentals are hereby established as set forth below:

North Park Recreation Center - Hourly	\$ 35
North Park Recreation Center - ½ Day	\$125
North Park Recreation Center - All Day	\$250
Zimmerman Recreation Center - Hourly	\$ 30
Zimmerman Recreation Center - ½ Day	\$100
Zimmerman Recreation Center - All Day	\$200
All Rentals – Damage Deposit Required (Refundable)	\$250

5. Fees for Portable Community Soundstage Rentals The new fees to be charged by the City for Portable Community Soundstage Rentals are hereby established as set forth below:

Non-Profit Organization Event without Alcohol Served:

Basic Soundstage Rental	\$350/Day	\$450/2 Days*
Sound System Rental (additional)	\$ 75/Day	\$100/2 Days*
Nighttime Colored Can Spot		
Lighting Rental (additional)	\$100/Day	\$150/2 Days*
*Same Location		

For-Profit Business Event and/or Alcohol Served:

Basic Soundstage Rental	\$550/Day	\$650/2 Days*
Sound System Rental (additional)	\$ 75/Day	\$100/2 Days*
Nighttime Colored Can Spot		
Lighting Rental (additional)	\$100/Day	\$150/2 Days*
*Same Location		

Delay in take down fee – after a 15 minute grace period, event organizer will be charged \$50 per ½ hour until the stage crew can begin take down of stage

6. Fees for the Issuance of Park Alcohol Permits (possession/serving only – no sales)
The new fees to be charged by the City for Park Alcohol Permits are hereby established as set forth below:

City Park Alcohol Permits* for possession/serving	\$75/Day
*Not available for all parks	

7. Fees for the Issuance of Park Use Permits for Non-Profit Organizations The new fees to be charged by the City for Park Use Permits are hereby established as set forth below:

General Park Use Permits	\$100.00*
Primary User Athletic Park Use Permits	\$50/field/season
Secondary User Athletic Park Use Permits	\$25/field/season
*Plus Cost Recovery for Services provided per employee @ \$38.20/Hr	

8. Miscellaneous fees for services The new fees to be charged by the City for miscellaneous services are hereby established as set forth below:

Service Charge for Refund Processing	\$20.00
Non-Resident Fee per Activity Registration	\$10.00

9. Term of Fees Said fees shall take effect immediately and continue in full force and effect until changed by the City Council by subsequent resolution.
10. Repealer of Previous Fees Any fees previously established which are inconsistent herewith are hereby repealed.

APPROVED this ____ day of _____, 2009

THE CITY OF BILLINGS

BY: _____
Ron Tussing MAYOR

ATTEST:

BY: _____
Cari Martin CITY CLERK

Date: 12/21/2009

TITLE: Martin Luther King Day Pedestrian March

PRESENTED BY: Dave Mumford

Department: Public Works

Information

PROBLEM/ISSUE STATEMENT

Paul Reeder of the Black Heritage Foundation requests temporary street closures along the following route for the annual pedestrian march in observance of the Martin Luther King Day on Monday January 18, 2010. Marchers assemble on the Courthouse lawn at 6:25 p.m., walk on the sidewalk to the corner of N. 27th Street and 3rd Ave. N., cross N. 27th Street, march in 3rd Avenue North to N. 29th Street, then north on N. 29th Street to the Lincoln Center at 415 N. 29th Street at approximately 6:50 p.m.

Recommended conditions of approval include the Black Heritage Foundation:

1. Have no alcohol consumption in the public right of way
2. Contact all businesses and make them aware of the event
3. Coordinate with Police Department to ensure proper assistance is provided
4. Clean the area to be used following the event and provide and empty waste cans
5. Notify all emergency facilities, bus lines and media as soon as possible
6. Provide a certificate of insurance with required liability amounts naming City of Billings as additional insured

ALTERNATIVES ANALYZED

The Council may:

- Approve request to close streets for the event; or
- Deny the street closure

FINANCIAL IMPACT

There are no costs to the City of Billings other than administrative time to process the permit. Traffic control and litter removal are to be paid for by the event coordinators.

RECOMMENDATION

Staff recommends that Council approve the closures named above for the annual Martin Luther King Day March.

APPROVED BY CITY ADMINISTRATOR

Attachments

Link: [Martin Luther King Day March](#)

BLACK HERITAGE FOUNDATION
P O Box 31001 **Billings, MT 59107**

November 30, 2009

City of Billings:

**Enclosed is our application for the annual Martin Luther King Jr - Day of Celebration -
March, on Monday, January 18, 2010.**

A map of the 4-block walk route is enclosed, along with the certificate of insurance.

Respectfully,

Paul J. Reeder, Secretary
Black Heritage Foundation



**City of Billings
RIGHT-OF-WAY ACTIVITY
PERMIT**

Please check the type of activity you are applying for:

Parade Run/Walk/Procession Street/Alley Closure Block Party

Submit this application with attachments to either the: Public Works office, 2224 Montana Ave., Billings, MT 59101 or Downtown Billings office, 2815 2nd Ave North, Billings, MT 59101. Application packet should be turned in at least 60 days prior to the date of the proposed event for approval.

PERSON MAKING APPLICATION PAUL J. REEDER

ORGANIZATION MAKING APPLICATION BLACK HERITAGE FOUNDATION

PHONE 406-252-7458

ADDRESS PO Box 31001 Billings MT 59107
CITY STATE ZIP

EMAIL ADDRESS _____

APPROXIMATE TIME EVENT WILL:

Assemble 6:00 to 6:25 p.m. Start 6:30 p.m. Disband 6:50 p.m.

DATE OF EVENT Monday, January 18, 2010

PURPOSE/DESCRIPTION OF EVENT: (Description and detail of the event.)

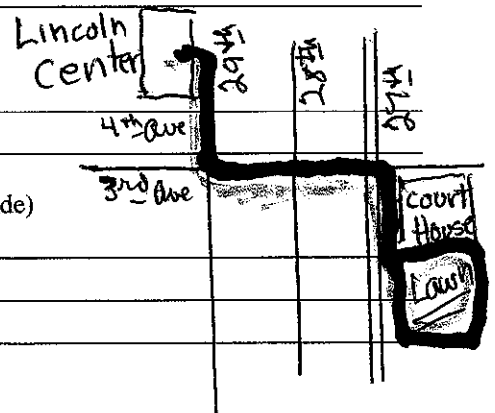
Pedestrian march/procession, possibly up to 200 persons, marching together, honoring the memory of Martin Luther King Jr.
No motor vehicles. We ask for Police escort to facilitate at intersections, and use of street

EVENT ROUTE DESIRED (IF APPLICABLE): (Please attach map.)

Assemble on Court House Lawn; walk on sidewalk to and through intersection of N. 27th St. and 3rd Ave N. Walk in street on 3rd Avenue to 29th St, north on 29th, across 4th Ave N, to Lincoln Center, to enter Lincoln Center Auditorium.

BLOCK PARTY STREET LOCATION (IF APPLICABLE):

CLEAN UP IMPLEMENTATION: (Company contracted or services you will provide)



CERTIFICATION OF INSURANCE WHICH MUST SHOW: (1) The limits of liability coverage for the period of this agreement as a minimum of \$750,000 per claim/ \$1.5 million per occurrence general liability, and (2) the City of Billings named on the Certificate of Insurance as the additional insured. (Refer to the sample insurance copy. Please note a certificate of insurance *is not required* for Block Parties)

NOTICE: ANY MARKINGS (NO PAINT ALLOWED) TO BE PLACED ON PUBLIC RIGHT-OF-WAY MUST BE APPROVED BY THE CITY TRAFFIC/ENGINEERING DEPARTMENT PRIOR TO PLACEMENT, BE ENVIRONMENTALLY SAFE, AND NOT CONFLICT WITH EXISTING MARKINGS.

FOR DOWNTOWN EVENTS: YOU OR THE ORGANIZATION YOU REPRESENT MUST "ASSIGN" THE FIRST TWO BLOCKS OF THE DOWNTOWN EVENT ROUTE FOR NO PARKING TWO HOURS PRIOR TO YOUR EVENT USING THE ROUTE SIGNS PROVIDED BY THE CITY. IT IS YOUR RESPONSIBILITY TO PROVIDE THE APPROPRIATE BARRICADES FOR THE STREET CLOSURE.

IF USING THE ESTABLISHED EVENT ROUTE, THE CITY WILL PROVIDE TWO POLICE OFFICERS WITH VEHICLES TO START THE EVENT, AND A STREET SWEEPER, IF NECESSARY, TO FOLLOW THE EVENT.

COORDINATOR OF EVENTS AT WHICH ALCOHOL WILL BE CONSUMED IN PUBLIC RIGHT-OF-WAY ARE REQUIRED TO OBTAIN AN OPEN-CONTAINER PERMIT FROM THE POLICE DEPARTMENT

UPON SIGNING OF THIS APPLICATION, THE APPLICANT AGREES NOT TO VIOLATE ANY STATE OR CITY CODES IN THE PRESENTATION OF THE REQUESTED SPECIAL ACTIVITY.

In consideration for permission to conduct its activity as requested, applicant agrees to indemnify, defend and hold harmless the City of Billings, its officers, agents, employees and volunteers from damage to property and for injury to or death of any person and from all liability claims, actions or judgments which may arise from the activity.

Applicants also agree to obtain valid "save or hold harmless agreements" from all participants in its activity, protecting the City of Billings from all losses arising out of its activity, including damages of any kind or nature.

APPLICANT SIGNATURE Paul J Reeder DATE Nov. 30, 2009

APPLICATION APPROVED _____ DATE _____

APPLICATION DENIED _____ DATE _____

ADDITIONAL RESTRICTIONS OR SPECIAL CONDITIONS: YES [] NO []
(IF YES, ATTACH COPY)

FOR CITY USE ONLY

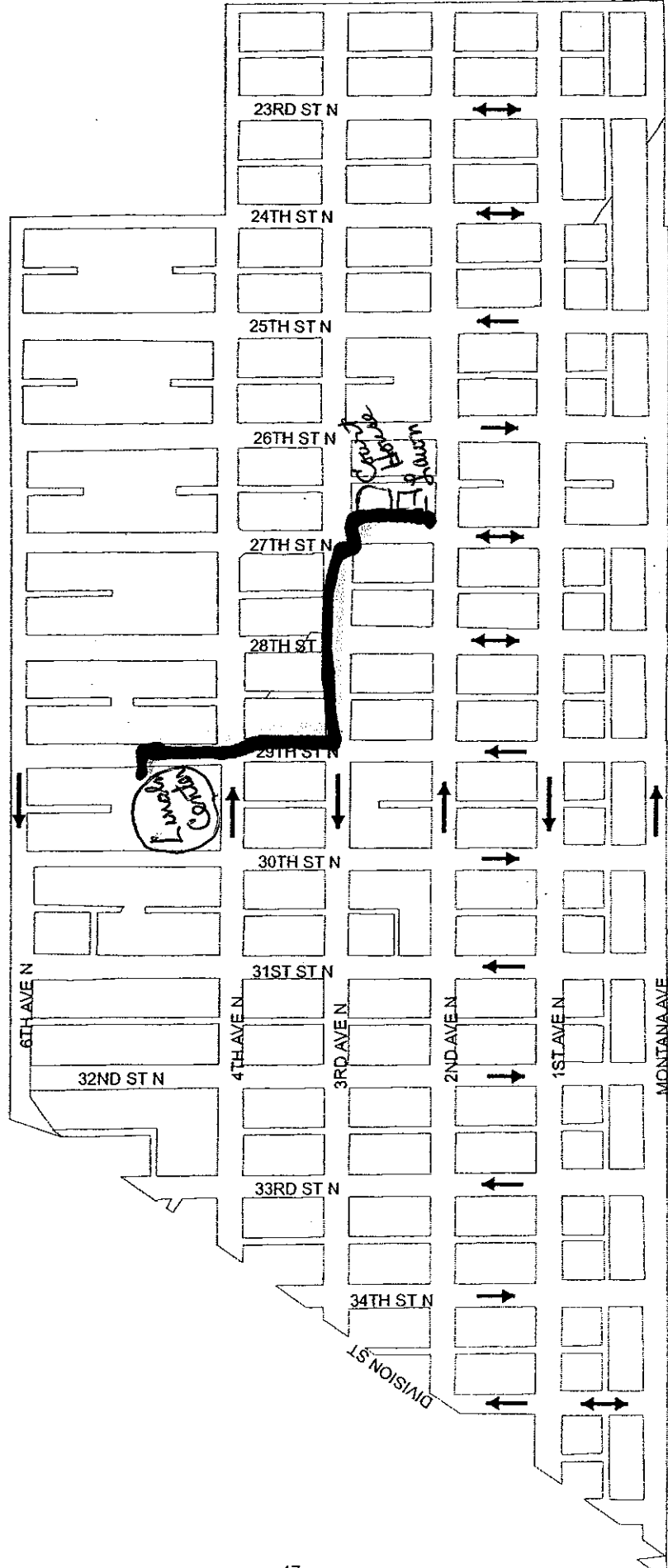
FEE: _____

APPLICANT NOTIFIED BY: _____

DATE: _____

- COPIES TO:**
CITY ADMINISTRATOR
DEPUTY CITY ADMINISTRATOR
POLICE CHIEF
FIRE CHIEF
FIRE MARSHALL
MET TRANSIT MANAGER
STREET/TRAFFIC SUPERINTENDANT
TRAFFIC ENGINEER
PRPL DIRECTOR
PARKING SUPERVISOR
CITY ATTORNEY

Downtown Billings Street Direction Map



Martin Luther King Jr. Day - March
Mon. Jan. 18, 2010



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
10/28/2009

PRODUCER (406)252-0551 FAX: (406)252-4532
 ISU Streeter Brothers Insurance
 2823 6th Ave N
 P.O. Box 1416
 Billings MT 59103

INSURED
 Black Heritage Foundation Of Billings & Yell
 PO Box 31001
 Billings MT 59107

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURERS AFFORDING COVERAGE	NAIC #
INSURER A: Zurich American Ins Co Of IL	27855
INSURER B:	
INSURER C:	
INSURER D:	
INSURER E:	

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR ADD'L LTR. INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YYYY)	POLICY EXPIRATION DATE (MM/DD/YYYY)	LIMITS
A X	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	PPS02048777	11/22/2009	11/22/2010	EACH OCCURRENCE \$ 2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 2,000,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 2,000,000 GENERAL AGGREGATE \$ 4,000,000 PRODUCTS - COMP/OP AGG \$ 4,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS				COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN EA ACC \$ AUTO ONLY: AGG \$
	EXCESS / UMBRELLA LIABILITY <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE DEDUCTIBLE \$ RETENTION \$				EACH OCCURRENCE \$ AGGREGATE \$ \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? <input type="checkbox"/> Y/N (Mandatory in NH) If yes, describe under SPECIAL PROVISIONS below				WC STATU-TORY LIMITS: OTH-ER \$ E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
	OTHER				

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

CERTIFICATE HOLDER
 (406) 247-8641
 City of Billings
 PO Box 1178
 Billings, MT 59103

CANCELLATION
 SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.
 AUTHORIZED REPRESENTATIVE
 Richard Hall/TERI

IMPORTANT

If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

DISCLAIMER

This Certificate of Insurance does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.

Date: 12/21/2009

TITLE: \$3,179.60 Donation from Yellowstone County DUI Task Force

PRESENTED BY: Rich St. John

Department: Police

Information

PROBLEM/ISSUE STATEMENT

The Yellowstone County DUI Task Force will donate \$600 for the purchase of an on-line Drivers License and Document Guide Program; \$764.60 for the purchase of 80 3M Security Laminate Verifiers; and \$1,815 for the "You Drink, We Drive" decals on the patrol vehicles, for a total of \$3,179.60. The Drivers License and Document Guide is a software program that every officer can use in his or her vehicle via the internet on the MDT's. This program provides authenticity of a variety of state license plates and government issued ID's. The on-line program costs much less than the purchase of printed books and is constantly updated. The 3M Security Laminate Verifier provides physical and visual authentication of drivers licenses and identification cards with enhanced security features. The Verifier is a small handheld viewer that projects a focused light that allows the observer to detect any tampering to the retroreflective designs incorporated into the ID. When the patrol vehicle graphic transition took place several months ago, the DUI Task Force agreed to pay for the decal "You Drink, We Drive" which was placed on each patrol vehicle. The donor verification form from the DUI Task Force is on file in the City Clerk's Office.

ALTERNATIVES ANALYZED

The City Council may:

- Approve acceptance of the \$3,179.60 donation from the Yellowstone County DUI Task Force; or
- Not approve acceptance of the \$3,179.60 donation from the Yellowstone County DUI Task Force.

FINANCIAL IMPACT

The donation from the Yellowstone County DUI Task Force will supplement the public safety budget and allow the Police Department to purchase items that would not be able to be purchased otherwise. As, in the past, the Department will purchase these items and submit invoices to the Yellowstone County DUI Task Force for reimbursement.

RECOMMENDATION

City Council is being asked to approve acceptance of the \$3,179.60 donation from the Yellowstone County DUI Task Force for the purchase of a Drivers License and Document Guide on-line program, 80 3M Security Laminate Verifiers, and the "You Drink, We Drive" decals on the patrol vehicles.

APPROVED BY CITY ADMINISTRATOR

Date: 12/21/2009

TITLE: Safe Routes to School Program Grant Application for Elementary School Traffic Plan

PRESENTED BY: Candi Beaudry

Department: Planning & Community Services

Information

PROBLEM/ISSUE STATEMENT

The City of Billings is seeking Safe Routes to School (SRTS) grant monies to provide a traffic assessment of the existing conditions in the vicinity of 11 public elementary schools in Billings. The City is currently in the process of administering an SRTS grant to evaluate 11 elementary schools but needs an additional grant to complete analysis of the total 22 elementary schools in Billings. This information can be utilized so traffic engineering principles and non-motorized planning practices can be applied to develop short, medium and long term solutions to create a safe and efficient school related traffic plan for pedestrian, vehicle and bus traffic. The deadline for the grant application is December 31, 2009.

Safe Routes to School grants are made available through the Montana Department of Transportation to ultimately help encourage walking and biking to and from school. Applying for this grant would give the community an opportunity to assess the traffic conditions around 11 public elementary school sites and offer solutions to create a safer and more efficient environment for pedestrian, vehicle and bus traffic. This second grant would compliment, and complete, the first one the City is in the process of administering now to assess 11 of 22 elementary school sites in Billings. If the City does not submit a grant application to the Safe Routes to School Program, the City will not be able to do the school traffic assessment plan unless other funding is sought from another source.

ALTERNATIVES ANALYZED

The Council may:

- Approve the grant application submittal; or
- Not approve the grant application submittal.

FINANCIAL IMPACT

The Safe Routes to School grant requires no local match. It is a reimbursable funding program. The grant application is for \$50,000. As with the previous SRTS application, an additional \$10,000 has been pledged from School District #2 to have enough funds to complete the study for the remaining 11 elementary schools.

RECOMMENDATION

Staff recommends that the City Council approve the grant application submittal to the Safe Routes to School program to complete elementary school traffic plans for all 22 elementary schools in Billings.

APPROVED BY CITY ADMINISTRATOR

Attachments

Link: [SRTS CC Approval Document](#)

Item C (SRTS Application FY11)

a. Reimbursement

The Safe Routes to School Program is a reimbursable funding program, meaning that recipients of the funds will front the cost of the project and will be reimbursed during the course of the project. All costs submitted for reimbursement are subject to eligibility requirements. Any costs incurred before a project's authorization in writing are not eligible for reimbursement.

Funding for the SRTS Program is flexible to encourage innovative solutions; however, applicants are advised that certain projects are ineligible. Ineligible projects include the following:

- Projects that do not specifically serve the stated purposes of the SRTS Program.
- Recurring costs such as crossing guard salaries unless there are plans in place for alternative sources of funding to perpetuate the program in the future.
- Projects that reorganize pick-up and drop-off primarily for the convenience of drives rather than to improve the safety of walking and bicycling for students.
- Education programs that are primarily focused on bus safety.
- Improvements to bus stops.

b. Certifications and Assurances

We, the undersigned:

- Submit this project to the Montana Department of Transportation (MDT) for approval of the project concept.
- Assure MDT that the local government(s) or school district will maintain (or cause to be maintained) this project in a safe and serviceable condition and that the MDT will not be responsible for maintenance of this project.
- Assure that all minority groups, as well as the general public within the appropriate jurisdiction, have been provided adequate opportunity to participate in the process of identifying and selecting this project for SRTS funding.
- Understand the project costs in this proposal are preliminary estimates only and that actual final costs may be more than or less than those reflected herein. If there is any variance from the proposed cost, we are prepared to accommodate any additional SRTS requirements.
- Understand SRTS payments will be reimbursed by MDT on a work-progress basis; i.e., no payments will be made for any work until it has been completed and proper documentation submitted to MDT.

- Understand because this is a Federal-aid project, it must conform to all federal and state laws and regulations pertaining to procedures for design, the National Environmental Policy Act (NEPA), Americans with Disabilities Act (ADA), rights-of-way, contract letting, and construction standards, including the proper and applicable payment of Federal-aid prevailing wage rates, Disadvantaged Business Enterprise (DBE) regulations, and Equal Employment Opportunity (EEO) contract compliance. We understand failure to meet these requirements may, by law or policy, render this project ineligible for SRTS funding.
- SRTS is a Federal-aid program. The entire SRTS project must meet federal requirements regardless of funding source.
- Understand the information contained herein indicates the general concepts of the project and does not constitute in any way a final plan for project implementation.
- Understand there will be written agreements between MDT and the sponsor to complete certain activities, and the sponsor may not proceed with any activity to be funded with SRTS funds prior to written MDT approval.
- Understand the sponsor is responsible for completing all phases of project development and implementation (except in some cases where SRTS projects may be included with a planned MDT highway project).
- Understand that the sponsor will complete and submit quarterly progress reports.
- Understand that the sponsor will establish a regular (monthly or quarterly) reimbursement request schedule with the SRTS coordinator.

c. Required Signatures

Project Sponsor/Title	Date
Project Manager/Title	Date
Local Government/CTEP Administrator (if applicable)	Date
Additional Partners/Title	

At any point in the application process, when questions or comments arise, contact the Montana SRTS Coordinator or the Montana Bicycle/Pedestrian Coordinator at (406) 444-9273.

End of Item C (SRTS Application FY11)

Regular City Council Meeting

Consent : 1.J.1.

Date: 12/21/2009

TITLE: Payment of Claims 11/30/2009.

Pat M. Weber, Financial

PRESENTED BY: Services Manager

Department: City Hall Administration

Information

PROBLEM/ISSUE STATEMENT

Claims in the amount of \$1,443,451.90 have been audited and are presented for approval for payment. A complete listing of the claims dated November 30, 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

Attachments

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

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
11/30/2009 630-1753-485.73-10	726974 11/20/2009	ACE ELECTRIC INC	40 MISC SERVICES	22685	270774 05/2010	5,012.92 5,012.92	
11/30/2009 240-4301-419.72-14	726976 11/23/2009	ACTIVE TRANSPORTATION ALTERNAT	20644 ALT MODES 11-09	ALT MODES 11-09	270795 05/2010	5,667.00 5,667.00	
11/30/2009 260-5513-455.35-81 260-5513-455.35-81 260-5513-455.35-81	726977 11/24/2009 11/24/2009 11/24/2009	ADECCO	14567 INVOICE 64859377 INVOICE 64868160 INVOICE 64876936	64859377 64859377 64859377	F10144 05/2010 F10144 05/2010 F10144 05/2010	3,170.63 1,118.63 1,140.00 912.00	
11/30/2009 502-7211-601.33-50	726985 11/24/2009	AMERICAN WATER WORKS ASSOCIATI	16380 MISC SERVICES	7000149805	270829 05/2010	4,850.00 4,850.00	
11/30/2009 544-3123-435.93-90	726989 11/24/2009	AZTEC CONCRETE INC	11376 WO0827 LANDFILL SCALE	1 - FINAL	270804 05/2010	38,099.16 38,099.16	
11/30/2009 789-1514-415.72-74	727001 11/23/2009	BILLINGS SYMPHONY SOCIETY	448 MISC SERVICES	1109	270847 05/2010	3,945.00 3,945.00	
11/30/2009 211-3134-433.47-20 211-3134-433.47-21	727006 11/24/2009 11/24/2009	BRENNTAG PACIFIC INC	17236 ROAD/HIGHWAY MATERIAL ROAD/HIGHWAY MATERIAL	BPI941968 BPI941970	270855 05/2010 270855 05/2010	10,421.54 5,815.84 4,605.70	
11/30/2009 503-7491-603.93-90	727007 11/24/2009	BROWN AND CALDWELL	18626 WO0816 SCADA REPLACEMENT	7	265225 05/2010	2,859.46 2,859.46	
11/30/2009 513-0000-201.10-00 503-0000-201.10-00 421-0000-201.10-00 405-0000-201.10-00 405-0000-201.10-00 405-0000-201.10-00 405-0000-201.10-00 503-7591-609.93-40 503-7591-609.93-40 503-7591-609.93-40 513-8591-625.93-40 544-3123-435.93-90 405-7125-711.96-77 405-7125-711.96-87 405-7125-711.96-91 405-7125-711.96-92 405-7125-711.96-91 405-7125-711.96-92 405-7125-711.96-91 405-7125-711.96-92 405-7125-711.96-92 407-7128-711.94-97	727011 11/24/2009 11/24/2009 11/24/2009 11/24/2009 11/24/2009 11/24/2009 11/24/2009 11/24/2009 11/24/2009 11/24/2009 11/24/2009 11/24/2009 11/25/2009 11/25/2009 11/25/2009 11/25/2009 11/25/2009 11/25/2009 11/25/2009 11/25/2009 11/25/2009 11/25/2009 11/25/2009	BUSINESS TAX SECTION	2449 WO0801 2008 WTR/SWR REHAB WO0801 2008 WTR/SWR REHAB WO0811 WWTP ADMIN BLDG Taxilane Improvements Taxiway "A" Realignment Taxiway "F" Taxiway "F" WO0801 2008 WTR/SWR REHAB WO0801 2008 WTR/SWR REHAB WO0801 2008 WTR/SWR REHAB WO0801 2008 WTR/SWR REHAB WO0827 LANDFILL SCALE MISC SERVICES MISC SERVICES MISC SERVICES MISC SERVICES MISC SERVICES MISC SERVICES MISC SERVICES MISC SERVICES MISC SERVICES MISC SERVICES MISC SERVICES MISC SERVICES MISC SERVICES	RET RELEASE RET RELEASE RET RELEASE JTL PAY REQ #4 JTL PAY REQ #6 RS&G PAY REQ #6 RS&G PAY REQ #6 FUND CORRECTION FUND CORRECTION 5 5 1- FINAL 257363-10 257363-10 264666-6 264666-6 264668-6 264668-6 264668-6 264668-8 264668-8 267113-2	265601 05/2010 265601 05/2010 265598 05/2010 267134 05/2010 264666 05/2010 264668 05/2010 264668 05/2010 265601 05/2010 265601 05/2010 265601 05/2010 265601 05/2010 270805 05/2010 257363 05/2010 257363 05/2010 264666 05/2010 264666 05/2010 264668 05/2010 264668 05/2010 264668 05/2010 264668 05/2010 264668 05/2010 264668 05/2010 264668 05/2010 267113 05/2010	8,164.49 282.46 724.08 30.74 334.31 758.28 96.37 397.82 214.59- 214.59 1,760.43 203.86 384.84 7.00 .37 593.58 31.24 209.75 11.05 491.82 25.86 702.34	

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	DESCRIPTION	INVOICE	PO #	PER/YEAR	CHECK AMOUNT
405-7125-711.96-91				MISC SERVICES	267134-6	267134	05/2010	99.70
405-7125-711.96-92				MISC SERVICES	267134-6	267134	05/2010	5.25
563-7122-711.93-90				MISC SERVICES	269241-2	269241	05/2010	1,013.34
11/30/2009	727012	BVAC INC	20054					5,930.23
710-2133-421.22-70				MISC SERVICES	6383	269820	05/2010	4,515.05
150-2115-421.21-20				MISC SERVICES	6382	269821	05/2010	1,415.18
11/30/2009	727014	CAPITAL ENTERPRISE &	7301					4,108.53
211-3136-433.24-30				MISC SERVICES	2009056	270520	05/2010	4,108.53
11/30/2009	727018	CONTAINER COMPONENTS INC	14476					3,210.52
541-3122-435.42-70				LIDS	77194	270486	05/2010	2,062.50
541-3122-435.42-70				DUMPSTER LIDS	77203	270486	05/2010	1,148.02
11/30/2009	727020	COP CONSTRUCTION CO	865					294,111.85
513-0000-201.10-00				WO0801 2008 WTR/SWR REHAB	RET RELEASE	265600	05/2010	27,963.89
503-0000-201.10-00				WO0801 2008 WTR/SWR REHAB	RET RELEASE	265600	05/2010	71,683.60
503-7591-609.93-40				WO0801 2008 STR/SWR REHAB	FUND CORRECTION	265600	05/2010	21,244.33
503-7591-609.93-40				WO0801 2008 WTR/SWR REHAB	FUND CORRECTION	265600	05/2010	21,244.33
503-7591-609.93-40				WO0801 2008 WTR/SWR REHAB	5	265600	05/2010	174,282.34
513-8591-625.93-40				WO0801 2008 WTR/SWR REHAB	5	265600	05/2010	20,182.02
11/30/2009	727021	CTA ARCHITECTS	920					52,608.95
412-7155-713.92-10				MISC SERVICES	79746	240441	05/2010	42,113.00
411-7151-713.92-90				MISC SERVICES	79829	269247	05/2010	7,696.43
150-2111-421.92-91				MISC SERVICES	79752	270882	05/2010	2,799.52
11/30/2009	727030	ED BARTLETT LLC	20308					3,515.29
10-1411-414.39-50				MISC SERVICES	174	270623	05/2010	2,167.55
10-1411-414.39-50				MISC SERVICES	173	270712	05/2010	1,347.74
11/30/2009	727038	FIRST INTERSTATE BANK	1303					7,465.31
723-6595-465.62-00				MISC SERVICES	1100216095	270885	05/2010	7,465.31
11/30/2009	727048	GENERAL CONTRACTORS CONSTR	1415					69,531.16
407-7128-711.94-97				MISC SERVICES	266985-1	266985	05/2010	69,531.16
11/30/2009	727049	GENERAL ELECTRIC CAPITAL CORP	19598					9,370.42
150-2150-421.61-00				MISC SERVICES	70691205	270771	05/2010	4,214.98
150-2150-421.62-00				MISC SERVICES	70691205	270771	05/2010	470.23
150-2150-421.61-00				MISC SERVICES	70728846	270771	05/2010	4,214.98
150-2150-421.62-00				MISC SERVICES	70728846	270771	05/2010	470.23
11/30/2009	727055	GRAPHIC-IMPRINTS	17779					3,200.00
10-5124-451.22-50				T-SHIRTS	17606	270662	05/2010	3,200.00
11/30/2009	727061	HDR INC	1544					6,048.44
432-3110-431.93-10				WO0722 KING AVE EAST	21	254108	05/2010	3,022.70
513-8491-623.93-90				WO0808 WWTP 2008 ELECTRIC	21	255506	05/2010	484.14

PROGRAM: GM350L
 CITY OF BILLINGS

BANK CODE 00

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
503-7491-603.93-90	11/24/2009	WO0907 CHEM BLDG MMC REPL	9	264913	05/2010	510.28	
513-8491-623.93-90	11/24/2009	WO0908 WWTP WTR LINE	5	266958	05/2010	655.33	
502-7211-601.35-40	11/24/2009	WO0916 WTP/WWTP ELECTRIC	4	267012	05/2010	643.42	
512-8211-621.35-40	11/24/2009	WO0916 WTP/WWTP ELECTRIC	4	267012	05/2010	643.41	
502-7211-601.35-40	11/24/2009	WO0923 ELEC MASTER PLAN	2	269621	05/2010	44.58	
512-8211-621.35-40	11/24/2009	WO0923 ELEC MASTER PLAN	2	269621	05/2010	44.58	
11/30/2009	727062	HKM ENGINEERING INC	10883			12,874.97	
205-3131-433.93-10	11/24/2009	WO0520 ARONSON AVENUE	27	254738	05/2010	1,993.77	
845-3186-431.93-10	11/24/2009	WO0520 ARONSON AVENUE	27	254738	05/2010	10,881.20	
11/30/2009	727066	INTERFAITH HOSPITALITY NETWORK	18280			10,136.83	
270-6711-464.72-75	11/23/2009	MISC SERVICES	HOUSING FIRST	270752	05/2010	2,446.83	
270-6713-464.72-75	11/23/2009	MISC SERVICES	HOUSING FIRST	270752	05/2010	7,690.00	
11/30/2009	727073	JOHNSON LANE MATERIALS	15449			2,893.25	
541-3123-435.22-90	11/23/2009	PEA GRAVEL AT LANDFILL	12620	270485	05/2010	2,893.25	
11/30/2009	727074	JTL GROUP INC DBA KNIFE RIVER	2417			280,789.44	
405-0000-201.10-00	11/24/2009	Taxilane Improvements	JTL PAY REQ #4	267131	05/2010	33,095.19	
405-0000-201.10-00	11/24/2009	Taxiway "A" Realignment	JTL PAY REQ #6	264665	05/2010	75,069.13	
211-3132-433.45-20	11/24/2009	ROAD/HIGHWAY MATERIAL	193059	270865	05/2010	27.65	
211-3132-433.45-20	11/24/2009	ROAD/HIGHWAY MATERIAL	194014	270865	05/2010	26.77	
405-7125-711.96-91	11/25/2009	MISC SERVICES	264665-6	264665	05/2010	58,765.27	
405-7125-711.96-92	11/25/2009	MISC SERVICES	264665-6	264665	05/2010	3,092.91	
405-7125-711.96-91	11/25/2009	MISC SERVICES	267131-6	267131	05/2010	9,871.97	
405-7125-711.96-92	11/25/2009	MISC SERVICES	267131-6	267131	05/2010	519.58	
563-7122-711.93-90	11/25/2009	MISC SERVICES	269240-2	269240	05/2010	100,320.97	
11/30/2009	727075	KADRMAS LEE & JACKSON	14850			22,028.64	
845-3186-431.93-10	11/24/2009	WO0412 ALKALI CR ROAD	4	259114	05/2010	22,028.64	
11/30/2009	727081	KOIS BROTHERS EQUIPMENT CO	6452			7,693.89	
541-3122-435.23-20	09/28/2009	MP	83602	266712	03/2010	823.96	
541-3122-435.23-20	09/28/2009	MP	83606	266712	03/2010	672.46	
541-3122-435.23-20	10/14/2009	MP	83727	269079	04/2010	374.31	
211-3132-433.23-20	10/16/2009	MP	83520	266712	04/2010	662.08	
541-3122-435.23-20	10/16/2009	MP	83583	269079	04/2010	926.34	
541-3122-435.23-20	10/26/2009	MP	83765	269079	04/2010	1,365.56	
211-3132-433.23-20	10/29/2009	MP	83825	269079	04/2010	907.89	
601-0000-141.00-00	11/03/2009	MP	83560		05/2010	997.04	
211-3134-433.23-20	11/04/2009	MP	83887	269079	05/2010	599.40	
211-3134-433.23-20	11/04/2009	MP	83887	269079	05/2010	6.05	
541-3122-435.23-20	11/16/2009	MP	83723	269079	05/2010	38.40	
541-3122-435.23-20	11/20/2009	MP	83705	269079	05/2010	320.40	
11/30/2009	727086	MAILING TECHNICAL SERVICES	12577			9,558.27	
502-7311-602.31-10	11/24/2009	MISC SERVICES	IVC09830	270867	05/2010	2,194.17	
502-7311-602.31-11	11/24/2009	MISC SERVICES	IVC09830	270867	05/2010	453.24	
512-8311-622.31-10	11/24/2009	MISC SERVICES	IVC09830	270867	05/2010	2,194.18	

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
512-8311-622.31-11	11/24/2009	MISC SERVICES	IVC09830	270867	05/2010	453.24	
502-7311-602.31-10	11/24/2009	MISC SERVICES	IVC09836	270867	05/2010	96.09	
502-7311-602.31-11	11/24/2009	MISC SERVICES	IVC09836	270867	05/2010	15.65	
512-8311-622.31-10	11/24/2009	MISC SERVICES	IVC09836	270867	05/2010	96.11	
512-8311-622.31-11	11/24/2009	MISC SERVICES	IVC09836	270867	05/2010	15.65	
502-7311-602.31-10	11/24/2009	MISC SERVICES	IVC09852	270867	05/2010	956.33	
502-7311-602.31-11	11/24/2009	MISC SERVICES	IVC09852	270867	05/2010	195.88	
512-8311-622.31-10	11/24/2009	MISC SERVICES	IVC09852	270867	05/2010	956.34	
512-8311-622.31-11	11/24/2009	MISC SERVICES	IVC09852	270867	05/2010	195.88	
502-7311-602.31-10	11/24/2009	MISC SERVICES	IVC09861	270867	05/2010	81.47	
502-7311-602.31-11	11/24/2009	MISC SERVICES	IVC09861	270867	05/2010	13.27	
512-8311-622.31-10	11/24/2009	MISC SERVICES	IVC09861	270867	05/2010	81.49	
512-8311-622.31-11	11/24/2009	MISC SERVICES	IVC09861	270867	05/2010	13.27	
260-5511-455.31-10	11/24/2009	MAILING SERVICES	LIBR ACCOUNT	F10159	05/2010	1,546.01	
11/30/2009	727090	MONTANA DAKOTA UTILITIES CO	2492			22,388.85	
502-7400-603.34-40	11/30/2009	PUD	07162021		05/2010	25.85	
502-7400-603.34-40	11/30/2009	PUD	07342023		05/2010	22.05	
502-7400-603.34-40	11/30/2009	PUD	07365822	50%	05/2010	5.78	
502-7400-603.34-40	11/30/2009	PUD	07365822	50%	05/2010	5.78	
561-7113-711.34-40	11/30/2009	AIRPORT	07385922		05/2010	699.57	
561-7112-711.34-40	11/30/2009	AIRPORT	07387221		05/2010	6,736.17	
561-7117-711.34-40	11/30/2009	AIRPORT	07388722		05/2010	656.41	
561-7117-711.34-40	11/30/2009	AIRPORT	07388824		05/2010	60.45	
512-8400-623.34-40	11/30/2009	PUD	07555321	25%	05/2010	1,974.16	
512-8400-623.34-40	11/30/2009	PUD	07555321	50%	05/2010	3,948.32	
512-8400-623.34-40	11/30/2009	PUD	07555321	25%	05/2010	1,974.16	
660-3110-431.34-40	11/30/2009		07585726	45%	05/2010	82.03	
670-3141-489.34-40	11/30/2009		07585726	55%	05/2010	100.27	
10-5127-451.34-40	11/30/2009	REC	07586821		05/2010	266.60	
650-1567-487.34-40	11/30/2009	FACILITIES	07610421		05/2010	1,189.53	
521-1595-493.34-40	11/30/2009	PARK 1 LEASE	07624823		05/2010	18.58	
571-7143-713.34-40	11/30/2009	TRANSIT	07647023		05/2010	838.00	
150-2221-422.34-40	11/30/2009	FIRE	07676421		05/2010	581.22	
512-8500-625.34-40	11/30/2009	PUD	32739201		05/2010	26.16	
512-8500-625.34-40	11/30/2009	PUD LIFT STATION	33154101		05/2010	23.21	
521-1592-493.34-40	11/30/2009	PARK II	34941902		05/2010	12.74	
561-7113-711.34-40	11/30/2009		31454301		05/2010	270.35	
561-7113-711.34-40	11/30/2009		31454401		05/2010	10.40	
561-7113-711.34-40	11/30/2009		31454601		05/2010	276.83	
561-7113-711.34-40	11/30/2009		31454701		05/2010	363.11	
561-7113-711.34-40	11/30/2009		31454801		05/2010	420.47	
561-7113-711.34-40	11/30/2009		31454902		05/2010	328.59	
260-5512-455.34-40	11/30/2009	LIBRARY	07617521		05/2010	57.42	
150-2171-441.34-40	11/30/2009	ANIMAL SHELTER	32062801		05/2010	928.08	
512-8500-625.34-40	11/30/2009	PUD	35059801		05/2010	22.65	
150-2221-422.34-40	11/30/2009	FIRE STATION #7	35322001		05/2010	231.44	
561-7117-711.34-40	11/23/2009		073869 28	F10141	05/2010	83.46	
561-7117-711.34-40	11/23/2009		073858 25	F10141	05/2010	149.01	
11/30/2009	727092	MORRISON MAIERLE INC	2572			46,262.70	
405-7125-711.96-77	11/25/2009	MISC SERVICES	91688	257361	05/2010	468.53	

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
405-7125-711.96-87	11/25/2009	MISC SERVICES	91688	257361	05/2010	24.66	
405-7125-711.96-77	11/25/2009	MISC SERVICES	91689	257361	05/2010	2,079.35	
405-7125-711.96-87	11/25/2009	MISC SERVICES	91689	257361	05/2010	109.44	
405-7125-711.96-91	11/25/2009	MISC SERVICES	91886	265209	05/2010	5,467.75	
405-7125-711.96-92	11/25/2009	MISC SERVICES	91886	265209	05/2010	287.78	
405-7125-711.96-91	11/25/2009	MISC SERVICES	91887	265209	05/2010	3,383.79	
405-7125-711.96-92	11/25/2009	MISC SERVICES	91887	265209	05/2010	178.09	
405-7125-711.96-91	11/25/2009	MISC SERVICES	91913	265209	05/2010	18,449.42	
405-7125-711.96-92	11/25/2009	MISC SERVICES	91913	265209	05/2010	971.02	
563-7122-711.93-90	11/25/2009	MISC SERVICES	91888	268161	05/2010	14,842.87	
11/30/2009	727097	NORMONT EQUIPMENT COMPANY	2738			16,791.66	
211-3134-433.23-20	11/24/2009	MISC SERVICES	19110080	270857	05/2010	489.06	
211-3134-433.23-20	11/24/2009	MISC SERVICES	19110127	270857	05/2010	844.60	
561-7113-711.23-20	11/25/2009	MISC SERVICES	19100205	269226	05/2010	15,458.00	
11/30/2009	727098	NORPAC SHEET METAL INC	16371			3,042.90	
421-0000-201.10-00	11/24/2009	WO0811 WWTP ADMIN BLDG	RET RELEASE	265596	05/2010	3,042.90	
11/30/2009	727103	NORTHWESTERN ENERGY	15771			160,573.22	
521-1595-493.34-10	11/19/2009	CORRECTION P.O.270736	1724723 0	270747	05/2010	422.18-	
521-1594-493.34-10	11/23/2009	PARK 4 ELEC.	1569619 8	270809	05/2010	1,440.55	
521-1591-493.34-10	11/23/2009	PARK 1 ELEC.	1569636 2	270809	05/2010	2,315.91	
521-1595-493.34-10	11/23/2009	NEW DAY SPACE ELEC.	1381527 9	270826	05/2010	72.03	
150-2221-422.34-10	11/24/2009	FIRE1/ELE/26,280KWH	0100476-1 09NOV		05/2010	2,031.38	
650-1567-487.34-10	11/24/2009	FACILITIES MANAGEMENT	01005073		05/2010	6,554.86	
561-7117-711.34-10	11/24/2009	NW AVIATION/TRAN	07127921		05/2010	375.47	
561-7117-711.34-10	11/24/2009	NW AVIATION/TRAN	07127996		05/2010	27.39	
561-7117-711.34-10	11/24/2009	NW AVIATION/TRAN	07128002		05/2010	1,088.83	
561-7113-711.34-10	11/24/2009	NW AVIATION/TRAN	07128093		05/2010	7.10	
561-7117-711.34-10	11/24/2009	NW AVIATION/TRAN	07128176		05/2010	75.37	
561-7113-711.34-10	11/24/2009	NW AVIATION/TRAN	07196165		05/2010	51.09	
521-1592-493.34-10	11/24/2009	NW FINANCE	07208341		05/2010	3,616.51	
607-2235-486.34-10	11/24/2009	NW FIRE	07215809		05/2010	203.81	
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10-5112-452.34-10	11/24/2009	NW PARK/REC/PL	07222557		05/2010	81.02	
10-5112-452.34-10	11/24/2009	NW PARK/REC/PL	07222573		05/2010	182.79	
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10-5112-452.34-10	11/24/2009	NW PARK/REC/PL	07222698		05/2010	7.10	
10-5112-452.34-10	11/24/2009	NW PARK/REC/PL	07222920		05/2010	10.33	
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10-5112-452.34-10	11/24/2009	NW PARK/REC/PL	07229339		05/2010	95.52	
10-5112-452.34-10	11/24/2009	NW PARK/REC/PL	07230352		05/2010	88.61	
10-5112-452.34-10	11/24/2009	NW PARK/REC/PL	07230360		05/2010	8.72	
10-5112-452.34-10	11/24/2009	NW PARK/REC/PL	07230378		05/2010	157.65	

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10-5112-452.34-10	11/24/2009	NW PARK/REC/PL	07230576		05/2010	7.10
10-5112-452.34-10	11/24/2009	NW PARK/REC/PL	07230584		05/2010	7.29
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10-5112-452.34-10	11/24/2009	NW PARK/REC/PL	07231624		05/2010	7.10
10-5112-452.34-10	11/24/2009	NW PARK/REC/PL	07231707		05/2010	89.29
10-5112-452.34-10	11/24/2009	NW PARK/REC/PL	07236441		05/2010	7.10
10-5112-452.34-10	11/24/2009	NW PARK/REC/PL	07236458		05/2010	7.10
211-3137-433.34-10	11/24/2009	NW PUBLIC WORKS	07240575		05/2010	144.57
10-5112-452.34-10	11/24/2009	NW PARK/REC/PL	07894371		05/2010	17.41
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211-3133-433.34-10	11/24/2009	NW PUBLIC WORKS	08554040		05/2010	8.30
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650-1566-487.34-10	11/24/2009		09758087		05/2010	407.06
872-5198-452.34-10	11/24/2009	NW PARK/REC/PL	10590933		05/2010	186.94
561-7117-711.34-10	11/24/2009	1341288-7	111609		05/2010	275.38
561-7117-711.34-10	11/24/2009	1341289-5	111609		05/2010	33.56
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561-7117-711.34-10	11/24/2009	1341295-2	111609		05/2010	329.85
561-7113-711.34-10	11/24/2009	1647695-4	111609		05/2010	30.09
561-7117-711.34-10	11/24/2009	1669567-8	111609		05/2010	486.39
561-7117-711.34-10	11/24/2009	1264299-7	111609		05/2010	523.31
561-7113-711.34-10	11/24/2009	0100483-7	111609		05/2010	2,490.88
561-7113-711.34-10	11/24/2009	0100484-5	111609		05/2010	1,855.06
10-5112-452.34-10	11/24/2009	NW	15220957		05/2010	247.81
521-1592-493.34-10	11/24/2009	PARK 2 GARAGE	15942824		05/2010	1,649.44
521-1595-493.34-10	11/24/2009	DWNTWN SUBS	1724723 0		05/2010	648.32
150-2221-422.34-10	11/30/2009	NW FIRE	07125370		05/2010	511.81
10-5122-451.34-10	11/30/2009	NW PARK/REC/PL	07126832		05/2010	83.58
571-7148-713.34-10	11/30/2009	NW AVIATION/TRAN	07127640		05/2010	21.34
521-1595-493.34-10	11/30/2009	NW FINANCE	07208291		05/2010	307.57
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260-5512-455.34-10	11/30/2009	NW LIBRARY	07244643		05/2010	79.76
10-5112-452.34-10	11/30/2009	NW PARK/REC/PL	08317026		05/2010	7.25
660-3110-431.34-10	11/24/2009	2224 MONTANA AVENUE	ACCT# 1741314-7	270791	05/2010	375.45
670-3141-489.34-10	11/24/2009	2224 MONTANA AVENUE	ACCT# 1741314-7	270791	05/2010	458.88
502-7400-603.34-10	11/24/2009	MISC SERVICES	01004852 NOV09	270814	05/2010	470.35
502-7400-603.34-10	11/24/2009	MISC SERVICES	01005404 NOV09	270814	05/2010	2,503.22
502-7400-603.34-10	11/24/2009	MISC SERVICES	01005404 NOV09	270814	05/2010	2,503.23
512-8400-623.34-10	11/24/2009	MISC SERVICES	01005917 NOV09	270814	05/2010	45,804.95
502-7314-602.34-10	11/24/2009	MISC SERVICES	01006063 NOV09	270814	05/2010	1,723.59
502-7400-603.34-10	11/24/2009	MISC SERVICES	01006063 NOV09	270814	05/2010	51,707.67
502-7400-603.34-10	11/24/2009	MISC SERVICES	01006063 NOV09	270814	05/2010	13,788.71
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	561-7112-711.24-50			INVOICE #33248	33248/33247	F10138	05/2010	205.00
	561-7112-711.24-50			INVOICE #33247	33248/33247	F10138	05/2010	3,585.00
11/30/2009	727112	PROTECH MECHANICAL INC	7475					2,900.31
	260-5512-455.36-70			REPAIR TO BOILERS	47725	F10150	05/2010	2,900.31
11/30/2009	727117	RIVERSIDE SAND & GRAVEL INC	19447					122,034.65
	405-0000-201.10-00			Taxiway "F"	RS&G PAY REQ #6	264667	05/2010	9,541.16
	405-0000-201.10-00			Taxiway "F"	RS&G PAY REQ #6	264667	05/2010	39,378.76
	405-7125-711.96-91			MISC SERVICES	264667-6	264667	05/2010	20,766.01
	405-7125-711.96-92			MISC SERVICES	264667-6	264667	05/2010	1,092.95
	405-7125-711.96-91			MISC SERVICES	264667-8	264667	05/2010	48,692.98
	405-7125-711.96-92			MISC SERVICES	264667-8	264667	05/2010	2,562.79
11/30/2009	727120	SANDERSON STEWART	20446					75,180.68
	416-7493-603.93-40			WO0913 STAPLES REDUN WTR	4	267598	05/2010	18,626.75
	840-3184-431.93-10			WO0912 INNER BELT LOOP	4	267730	05/2010	7,352.01
	845-3186-431.93-10			WO0912 INNER BELT LOOP	4	267730	05/2010	49,201.92
11/30/2009	727130	SPROCKETS MACHINE & WELDING	12153					3,459.35
	561-7113-711.23-20			INVOICE #29658	29658	F10134	05/2010	3,459.35
11/30/2009	727135	SUNSET EXCAVATION	11477					6,500.00
	505-7515-609.36-71			MISC SERVICES	060246	270840	05/2010	5,000.00
	505-7515-609.36-71			MISC SERVICES	060247	270840	05/2010	1,500.00
11/30/2009	727139	TETRA TECH, INC.	19346					3,516.50
	541-3123-435.35-90			LF GAS MONITORING	50306962	270488	05/2010	3,516.50
11/30/2009	727141	TOLEDO TICKET COMPANY	3758					3,944.84
	521-1591-493.21-90			SPITTER TICKETS	123056	270808	05/2010	1,314.95
	521-1592-493.21-90			SPITTER TICKETS	123056	270808	05/2010	1,314.95
	521-1593-493.21-90			SPITTER TICKETS	123056	270808	05/2010	1,314.94
11/30/2009	727142	TOTAL ASPHALT REPAIR INC	13249					4,695.00
	505-7515-609.36-71			MISC SERVICES	3495	270856	05/2010	4,695.00
11/30/2009	727148	US BANK-REVOLVING LOAN FUND	16715					7,465.31
	723-6595-465.62-00			MISC SERVICES	53-7240483306	270887	05/2010	7,465.31
11/30/2009	727152	WELLS FARGO BANK-LOAN PAYMENT	16716					7,465.31
	723-6595-465.62-00			MISC SERVICES	1609108243	270886	05/2010	7,465.31
11/30/2009	727153	WESTERN SECURITY BANK	16462					7,555.56
	723-6595-465.62-00			MISC SERVICES	100022110	270884	05/2010	3,777.78
	723-6595-465.62-00			MISC SERVICES	157011874	270884	05/2010	3,777.78

DATE RANGE TOTAL * 1,384,833.03 *

Date: 12/21/2009

TITLE: Zone Change #859 - Public Hearing and 1st Reading - 2100 Main Street

PRESENTED BY: Candi Beaudry

Department: Planning & Community
Services

Information

PROBLEM/ISSUE STATEMENT

This is a zone change request from Residential Manufactured Home (RMH) to Highway Commercial (HC) on the west 388 feet of Lot 10A, Holling Ranch Subdivision, located at 2100 Main Street. The east half of Lot 10A is already zoned HC. The property is vacant and the north west corner of the parcel has frontage on Sharron Lane. The applicant is E & S, Incorporated, and is represented by Sanderson Stewart. The applicant conducted a pre-application neighborhood meeting on October 22, 2009. The Zoning Commission conducted a public hearing on December 1, 2009, and is forwarding a recommendation of approval on a 5-0 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 must hold a public hearing and then may:

- Approve the zone change request;
- Deny the zone change request;
- Allow withdrawal of the application; or
- Delay action for up to thirty (30) days

FINANCIAL IMPACT

If approved by the City Council, the proposed zone change should increase the City's tax base when the property is developed for commercial uses.

BACKGROUND

The applicant is requesting to rezone a 0.9 acre parcel of land on the east 388 feet of Lot 10A in Holling Ranch Subdivision. The land is currently vacant but used to have a gas station and retail building on the Main Street frontage. The east half of the parcel is already zoned HC and could support commercial and limited industrial uses. The parcel directly north has the same "split" zoning of HC on the Main Street frontage and RMH on the west half of the parcel. That parcel, C/S 451, is in separate ownership and is not part of this rezoning request. E & S, Inc. purchased Lot 10A in 2006 and demolished the structures along the Main Street frontage. The applicant intends to develop the parcel for self storage and a concept plan showing potential development was presented at the pre-application neighborhood meeting held on October 22, 2009. The attendance list and meeting notes are included as Attachment D.

Main Street is a principal arterial street that carries approximately 18,000 vehicle trips per day as a 5-lane, two way street with periodic openings for center turn movements. Two-and-half miles south of this location, Main Street carries nearly 50,000 vehicle trips per day, making Main Street the highest traffic volume road in Billings. There is no on-street parking and a curb sidewalk that gets little pedestrian traffic. There is a raised median so traffic wanting to access this site needs to be traveling in the south bound lanes of Main Street. There is a dedicated left turn bay for north bound traffic to turn on to Sharron Lane and drivers could make a u-turn to the south bound lanes to access the property. Access to the site is provided through one existing drive approach off Main Street. Sharron Lane, to the north and west, is designated as a local residential street and is paved. However, Sharron Lane is not fully developed and

lacks curb, gutter, and sidewalks. Commercial access would not be allowed from Sharron Lane. An emergency access from Sharron Lane for fire, police and other public safety personnel may be necessary at the time of lot development.

The lots to the north and west are zoned RMH and HC and have not been fully developed for commercial or residential purposes. Tract D of the directly adjacent C/S 451 is still an open field but residential dwellings have been developed on the north side of Sharron Lane and residences have been built on the south side of Sharron Lane west of the subject property. The lots to the south and east are zoned HC and have been developed for various commercial uses. The proposed HC zoning allows offices, retail uses, service industries and some very limited industrial uses. Some of these uses may or may not be appropriate for this location. The proposed use at this time is for self storage mini-warehousing as well as field storage for boats, RVs and similar items.

The 2008 Growth Policy and the Heights Neighborhood Plan support predictable land uses in existing neighborhoods and encourages compact commercial development where arterial streets exist to handle traffic. Main Street is designed and constructed to large volumes of traffic. The property will not have commercial access to Sharron Lane, although an emergency access may be required. The applicant will provide adequate screening, buffering and shielded lighting so any development of the property should not negatively affect residential property on Sharron Lane.

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

The Zoning Commission conducted a public hearing on December 1, 2009, and concurred with the Planning Division recommendation.

STAKEHOLDERS

The Zoning Commission conducted a public hearing on December 1, 2009, and the applicant, Jeff Engel, and agent, Will Ralph, P.E. of Sanderson Stewart, attended the hearing. Mr. Engel and Mr. Ralph explained the application to the commission. Myles Egan, Best Realty, and Mike Oliver, NAI Business Properties, also testified in favor of the application. No other persons testified either in favor or opposition to 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 a vacant parcel to be used for commercial purposes 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 Main Street 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?

Main Street is a principal arterial that carries approximately 18,000 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 any development of the property will be controlled by the city and Montana Department of Transportation if new or relocated drive approaches area required.

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 RMH zoning allows residential uses and limited home-based businesses. The lot was placed in this zoning configuration when the County adopted zoning in 1973 and it has not changed since that time. Originally a gas station and retail store was located on the Main Street frontage that is currently zoned HC. An irrigation drainage ditch runs through the frontage along Main Street and defines the western boundary of the parcel. It appears the re-zoning of the parcel will lead to in-fill development that will be beneficial to the health and general welfare of the area.

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 RMH zoning allows up to 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 allows residential uses but must use the same lot area, lot coverage and setbacks as required by RMF-R zoning. Single family, two-family and multi-family would be allowed. The current zoning allows single family homes and manufactured homes on lots of at least 6,000 square feet per dwelling unit. The area zoned RMH could accommodate up to 7 dwelling units. The proposed zoning could allow a 25-unit apartment building, however, building setbacks, lot coverage and off-street parking requirements would limit the maximum number of apartments to less than 25. 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 and might need to be upgraded when development occurs.

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 east and south and limited access on the west. Any development of the parcel will have to meet minimum standards for landscaping, buffering of adjacent residences to the west and north 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 east and south of the subject property along Main Street are zoned 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.

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 Billings Heights.

RECOMMENDATION

The Zoning Commission recommends approval of Zone Change #859 and adoption of the 12 criteria on a 5-0 vote.

APPROVED BY CITY ADMINISTRATOR

Attachments

Link: [Attachment A ZC 859 Ordinance](#)

Link: [Attachment B ZC 859 Site Photos](#)

Link: [Attachment C ZC 859 Zoning Map](#)

Link: [Attachment D ZC 859 Pre-app meeting](#)

ORDINANCE NO. 09-_____
AN ORDINANCE AMENDING THE ZONE
CLASSIFICATION FOR the West 388
feet of Lot 10A, Holling Ranch
Subdivision containing .984 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 the west 388 feet of Lot 10A of Holling Ranch Subdivision .984 acres and is presently zoned **Residential Manufactured Home (RMH)** 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 parcel** is hereby changed from **Residential Manufactured Home (RMH)** to **Highway Commercial (HC)** and from the effective date of this ordinance, shall be subject to all the rules and regulations pertaining to **Highway Commercial (HC)** 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 December 21, 2009.

PASSED, ADOPTED AND APPROVED on second reading January 11,
2010.

CITY OF BILLINGS:

BY: _____
Ron Tussing, Mayor

ATTEST:

BY: Cari Martin, City Clerk

Zone Change #859- 2100 Main Street

Attachment B
Site Photographs, Zone Change #859 – 2100 Main Street



Subject Property from Sharron Lane

Attachment B, continued
Site Photographs, Zone Change #859 – 2100 Main Street

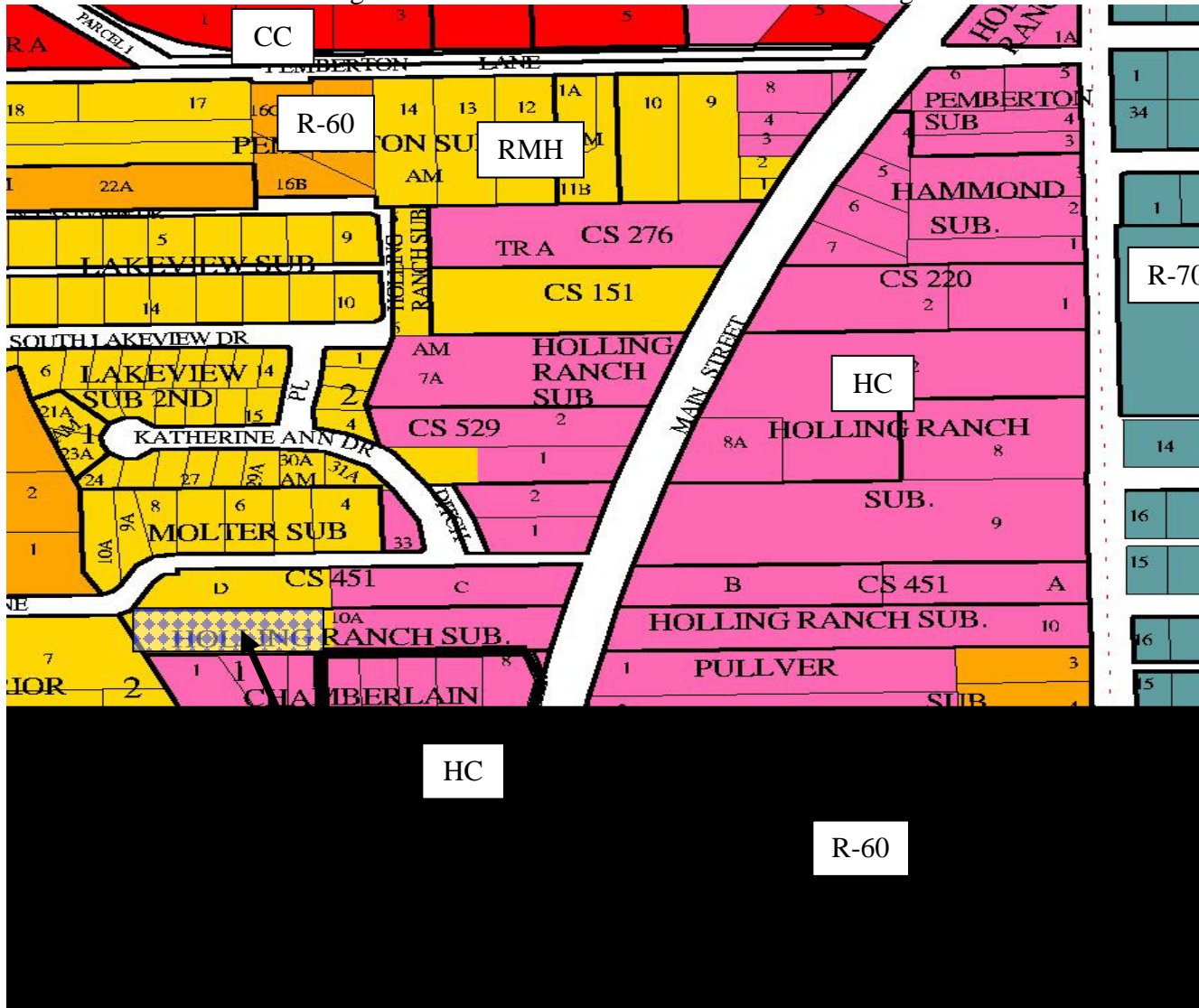


View east from Sharron Lane



View west on Sharron Lane from west end of subject property

Attachment C: Surrounding Zoning
 Zone Change #859 – 2100 Main Street 415 & 431 S Billings Blvd



Subject Property – 2100 Main Street

Attachment D –ZC \$859 – 2100 Main Street
Pre-application meeting notes

LOT 10A, HOLLING RANCH SUBDIVISION MEETING MINUTES

DATE: October 22, 2009

TIME: 6:30 PM

LOCATION: Fuddruckers, Billings Heights

-At approximately 6:30 PM, Will Ralph called the meeting to order. Will invited the attendees to order food. Will gave a brief overview of the project, including project location, the potential zone change, density, and project owners.

-Will discussed the process of the zone change and let the attendees know the dates of the public hearings associated with the project.

-Will further discussed that storage units were proposed for the project and showed the three attendees the proposed site plan for the project. Will opened the floor up to questions.

-Mel Moats asked will if his property, which is located north of the project, would be included in the zone change. Will responded that only Lot 10a would be included in the zone change.

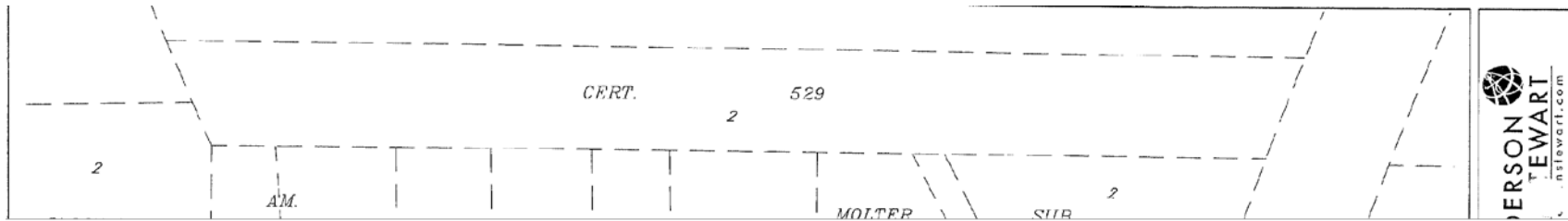
-Vic Reichenbach asked what the façade of the storage units would be like. Jeff Engel, the property owner, responded that buildings would be steel and that there would be a fence surrounding the property to provide security.

-Leo Detling asked what the developer planned on doing for fire protection. Will responded that we would work with the fire department on hydrant locations and access at the site development stage to ensure adequate fire protection

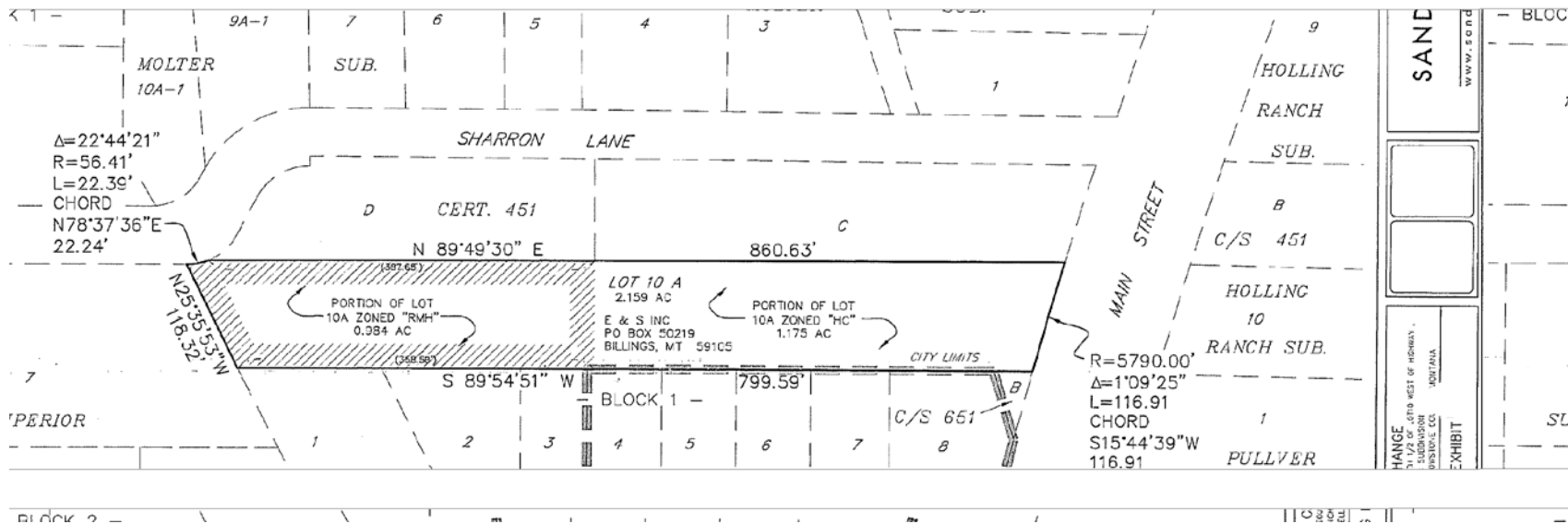
-Will asked if there were any further questions or comments and no one responded. Will, Jeff, and Myles Egan thanked everyone for coming and adjourned the meeting at approximately 7:10 PM.

LOT 10A, HOLLING RANCH SUBDIVISION
NEIGHBORHOOD MEETING
 OCTOBER 22, 2009
 6:30 P.M.

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE NUMBER</u>
WILL RANCH	1300 N. Transtech Way	(406) 656-5255
McI MOATS JR	2112 MAIN ST.	(406) 252-5049
Vic Reichenbach	2135 HARMON LAKE	259-3973
Leo Datling	2200 MAIN	248-8848 248-9955
Crystal Bilinskiy	2200 MAIN	248-8848 248-9955
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Date: 12/21/2009

TITLE: Approval of Strategic Plan Priorities

PRESENTED BY: Tina Volek

Department: City Hall Administration

Information

PROBLEM/ISSUE STATEMENT

The City Council is being asked to approve 2010 priorities within the six major focal points for the Strategic Plan. Those focal points are Honest, Responsive Government; Comprehensive, Orderly Growth; Improving Transportation Linkages; Preservation of Resources; Economic Development; and Involved, United Community.

The priorities were developed by the Council and Leadership Team, which met Nov. 28, 2009, to combine notes from previous, separate sessions. Once a list of priorities is approved by the Council, staff will come back in 2010 with recommendations for specific steps and timelines for implementation.

ALTERNATIVES ANALYZED

The Council may:

- Approve the priorities as presented;
- Amend the priorities; or
- Defer action.

FINANCIAL IMPACT

There is no immediate financial impact from approving the priorities.

RECOMMENDATION

Staff recommends that the Council approve the priorities as presented.

APPROVED BY CITY ADMINISTRATOR
