

# CITY OF BILLINGS

## CITY OF BILLINGS VISION STATEMENT:

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

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### AGENDA

**COUNCIL CHAMBERS**

**January 11, 2010**

**6:30 P.M.**

**CALL TO ORDER – Mayor Hanel**

**PLEDGE OF ALLEGIANCE – Mayor Hanel**

**INVOCATION – Councilmember Cimmino**

**ROLL CALL**

**MINUTES:**

- **December 14, 2009**
- **December 21, 2009**

**ELECTION OF DEPUTY MAYOR PRO TEMPORE**

**COURTESIES**

**PROCLAMATIONS -- Martin Luther King, Jr. Day, January 18, 2010**

**ADMINISTRATOR REPORTS - TINA VOLEK**

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Item: 1 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. Agreement** with Billings Housing Authority to fund one Police Officer; 1/1/2010 through 6/30/2010.
- B. CTEP/ARRA Project Specific Agreement** for the Main Street Underpass Project with Montana Department of Transportation for project scope, funding and federal aid compliance; and **recommendation** to the Policy Coordinating Committee to amend the 2007-2011 Transportation Improvement Program (TIP) to include the use of ARRA funds for the project.
- C. Amendment #1, Automobile Parking Concession Agreement**, Standard Parking Corporation, 10/31/2009 - 10/31/2010; estimated annual revenue - \$1,804,363.

- D. Amendment #7, W.O. 04-36 - Briarwood Sanitary Sewer Main Extension Project,** Professional Services Contract, Morrison-Maierle, Inc., \$19,728.
- E. Purchase of Two (2) Heavy Duty, 12-year, Low Floor Diesel Transit Buses** from Gillig, LLC, \$760,994.
- F. Approval and acceptance** of the 2010 High Intensity Drug Traffic Area (HIDTA) Award from the Executive Office of the President, Office of National Drug Control Policy, \$180,785.16.
- G. Confirmation of Three Probationary Police Officers** - Mitchell Hillier, Seth Foster, and Garrett Peterson.
- H. Grant Application Request** to submit a Montana State Historic Preservation Office Certified Local Government Grant application for FY2010-2011; \$5,500.
- I. Approval** of settlement offers, conclusion of all agreements, and payment for W.O. 04-36, Briarwood Sanitary Sewer, condemnation actions. Johnson settlement - \$5,767.26, plus installation of a 16-foot gate and reseeded of disturbed area; Hoff settlement - \$35,000.
- J. Resolution** approving expenditure of monies related to the 2010 Annual Water Rehab Projects prior to the availability of funds from bond sale proceeds and reimbursement of the monies after the bonds are sold.
- K. Resolution** authorizing condemnation of portions of the Morningside Homes Subdivision common area totaling approximately 3.4 acres for W.O. 04-12, Alkali Creek Road Maintenance and Slope Reconstruction.
- L. Second/final 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. Approval of the zone change and adoption of the determinations of the 12 criteria.
- M. Second/final reading ordinance** decriminalizing certain minor misdemeanor offenses and classifying them as civil infractions.
- N. Final Plat** of Sunnyside Subdivision, 3rd Filing.
- O. Bills and Payroll:**
  - 1.** December 7, 2009
  - 2.** December 11, 2009
  - 3.** December 18, 2009

## **REGULAR AGENDA:**

2. **PUBLIC HEARING AND RESOLUTION ALLOCATING AUTHORITY FOR THE ISSUANCE OF RECOVERY ZONE FACILITY BONDS TO ZOOTIST HOSPITALITY, LLC, IN THE AMOUNT OF \$20,000,000 FOR RENOVATION OF THE NORTHERN HOTEL.** Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.)
  
3. **PUBLIC HEARING FOR THE REALLOCATION OF \$15,000 FROM THE HOME AFFORDABLE HOUSING DEVELOPMENT FUND TO THE HOUSING AUTHORITY OF BILLINGS' TENANT-BASED RENTAL ASSISTANCE PROGRAM.** Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.)
  
4. **SETTLEMENT AGREEMENT WITH POLICE OFFICERS AND MONTANA PUBLIC EMPLOYEES ASSOCIATION (MPEA), BILLINGS POLICE UNIT, FOR BACK PAY, OVERTIME, LONGEVITY, HOLIDAY AND OTHER TYPES OF PAY AS CALCULATED UNDER THE FAIR LABOR STANDARDS ACT FROM JANUARY 1, 2007, THROUGH JUNE 30, 2009.** Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.)

**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.**

**Date: 01/11/2010**

**TITLE: Billings Housing Authority Agreement to Fund One Officer from 1/1/2010 to 6/30/2010**

**PRESENTED BY:** Rich St. John

**Department:** Police

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### **Information**

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

Since 1991, the Billings Housing Authority has funded one police officer under an agreement with the City of Billings. The funding consists of salary, benefits, and maximum of four (4) hours of overtime per month. Due to the loss of a grant, the Housing Authority is now funding this position from its office budget for a six month period. Staff is recommending City Council approve this agreement for the funding of the officer from January 1, 2010, through June 30, 2010.

#### **ALTERNATIVES ANALYZED**

The City Council may:

- Approve the Housing Authority Agreement to fund one officer, or
- Not approve the Housing Authority Agreement to fund one officer.

#### **FINANCIAL IMPACT**

The City provides a vehicle and necessary equipment. The Billings Housing Authority pays the salary and benefits for the officer, to a maximum amount of \$40,621.00, for the 6 month period of January 1 through June 30, 2010. This amount is budgeted in the current budget. If the Housing Authority is unable to fund the officer position after June 30, 2010, the position will be absorbed through attrition.

#### **RECOMMENDATION**

Staff recommends Council approve the agreement with Billings Housing Authority to fund one Police Officer for the period of January 1, 2010, through June 30, 2010.

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

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Date: 01/11/2010

TITLE: CTEP/ARRA Project Specific Agreement – Main Street Underpass

PRESENTED BY: Candi Beaudry

Department: Planning & Community Services

Information

PROBLEM/ISSUE STATEMENT

The City of Billings submitted to the Montana Department of Transportation (MDT) a Community Transportation Enhancement Project (CTEP) grant application for the Main Street Underpass project in November, 2006, for \$292,883.00. Since that time, the project was bid and the cost of the entire project inflated to \$2,909,963. By combining the available City and County CTEP funding for the past two years, generous donations from private organizations, and American Recovery and Reinvestment Act (ARRA) stimulus funds of \$1,000,000, the project is funded in its entirety. The Main Street Underpass project consists of planning, designing, boring and placement of 200 lineal feet of bicycle and pedestrian tunnel and 1,114 lineal feet of hard-surfaced, shared-use path. The project is located under Main Street adjacent to the Alkali Creek Drainage and includes a trail section through Earl Gus Park connecting the underpass with the Kiwanis Trail. This project was approved by the Policy Coordinating Committee (PCC) on August 27, 2009. The Project Specific Agreement represents the formal agreement between the City and MDT for the project’s scope, funding and federal aid compliance. Council must authorize the Mayor to execute a Project Specific Agreement for the Main Street Underpass project to begin project development. In addition, the 2007 - 2011 Transportation Improvement Plan (TIP) must be amended to include the use of ARRA funds for this project. This action must be presented in the form of a recommendation to the Policy Coordinating Committee. The PCC is meeting January 12, to act on the TIP amendment.

ALTERNATIVES ANALYZED

The Council may:

- Approve the CTEP/ARRA Project Specific Agreement.
• Not approve the CTEP/ARRA Project Specific Agreement. This would result in the loss of CTEP and ARRA funding for this project.

FINANCIAL IMPACT

The funding breakdown for this project is as follows:

Table with 6 columns: Direct Costs, Total Project, CTEP, Local Match, ARRA, TCSP. Values: \$ 2,909,963, \$ 1,279,062, \$ 198,256, \$ 1,000,000, \$ 432,645

The funding sources for this project are CTEP, ARRA, Transportation, Community and System Preservation (TCSP) grant, and numerous local sources listed below:

Table with 2 columns: Source, Amount. Sources include BikeNet, Dowl/HKM, St. Vincent’s Hospital, Sample Foundation, Recreation Trails Program grant, City Public Works, GO Bond.

RECOMMENDATION

Staff recommends that Council authorize the Mayor to execute the CTEP/ARRA Project Specific Agreement for the Main Street Underpass project and recommend to the Policy Coordinating Committee the 2007-2011 Transportation Improvement Program (TIP) be amended to include the use of ARRA funds for this project.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

Link: [PSA Agreement](#)

Link: [PSA Agreement](#)

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**ARRA PROJECT AGREEMENT MODIFICATIONS**

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The State of Montana, acting by and through its Department of Transportation, hereinafter called the “State”, and the City of Billings, hereinafter the called the “City”, entered into a Project Agreement in 2007 (attached) that provided for the design and construction of a pedestrian/bicycle trail and tunnel under Main Street (US 87/N16) in the Alkali Creek Drainage in Billings, Montana. This project known as Control Number 6396, ALKALI CREEK DRANINAGE PATH-BLNGS, is to be funded through the Community Transportation Enhancement Program (CTEP), and the American Recovery and Reinvestment Act (ARRA) of 2009.

Subsequent to the original Project Agreement, ARRA funding has become available for this project. To reflect changes in the project’s costs, funding sources, and to better define the State’s and City’s oversight and management responsibilities needed to develop and construct this locally administered project, the State and City agree to modify the original 2007 Project Agreement as set forth below.

Under WITNESSETH THAT, the first and fourth paragraphs are replaced by the following:

WHEREAS, the City proposes to develop and construct a Community Transportation Enhancement Program (CTEP) / American Recovery and Reinvestment Act (ARRA) funded project, Control Number 6396, titled ALKALI CREEK DRAINAGE PATH-BILLINGS (hereinafter the “project”); and,

WHEREAS, the estimated cost of the project’s development and construction totals \$ 2,825,290; and,

After NOW, THEREFORE, ...

Section 18 will be renumbered as Section 19, a new Section 18 will be added, and Sections 4, 5, 8, 9, 13, 14, and 15 will be modified to read:

- 4. The initial federal-aid program to be requested for the development and construction of this project, by federal-aid account, is as follows:

**Federal-Aid Program (CTEP/ARRA Funds) Account by Project Phase**

[9102] Preliminary Engineering (CTEP 86.58%) (including environmental documentation)	\$ 18,000
[9202] Right-of-Way/Easement Acquisition	-0-
[9302] Incidental Construction (utility relocation involvement)	-0-
[9402] Construction Engineering (CTEP 86.58%) (including contract administration and inspections)	\$ 143,784
[9502] Construction (CTEP 86.58%)	\$ 1,230,861
[9502] Construction (ARRA 100%)	\$ 1,000,000
Total	<hr/> \$ 2,392,645

Billings	Total Project	CTEP	Local Match	ARRA	Local Additional
Direct Costs	\$ 2,825,290	\$ 1,205,752	\$ 186,893	\$ 1,000,000	\$ 432,645
<b>Total</b>	\$ 2,825,290	\$ 1,205,752	\$ 186,893	\$ 1,000,000	\$ 432,645

NOTE: Above table does not include indirect costs. Indirect costs will be applied to the CTEP fund share at the rate corresponding to the time the reimbursements are made.

5. The City will solicit for competitive bids and award a contract to construct the project. The solicitation for the construction contract must be by competitive bid. The City will administer any construction contract and provide the supervision, inspection and documentation required to satisfactorily complete the project. The City will conduct a mandatory pre-construction meeting to be attended by all involved parties, including, but not limited to, representatives of the City, State, FHWA, consultants, subconsultants, contractors, and all subcontractors. The preconstruction conference will include discussion of ARRA-related requirements as well as viewing a fraud training video to be furnished by the State. The State will perform a final project review to ensure substantial compliance with project plans, specifications, and estimates.
  
8. The City will be responsible for providing all required ARRA employment reporting. The City will submit electronically the most current ARRA employment and wage reporting form provided by the State's CTEP office for all City employees and any consultant, subconsultant, contractor, and subcontractor it may employ in the project's development and construction. The report for each calendar month must be submitted to the State's CTEP Office by the 7<sup>th</sup> day of the following month, or the last working day before the 7<sup>th</sup> if the 7<sup>th</sup> falls on a holiday or weekend. A project employee is any City employee, consultant, subconsultant, contractor or subcontractor working on the project, including supervisors, that will be paid with ARRA funds. Material suppliers are not considered project employees for reporting requirements.
  
9. The City will allow inspection of all work and project related records by the personnel or agents of the State, FHWA, and the Office of the Inspector General (OIG). Project related records include, but are not limited to: consultant and contractor contracts; construction advertising, bidding, and award documentation; payroll/payment records; Civil Rights documentation; and construction inspection reports, materials testing reports, and materials certifications, including Buy America certifications for iron and steel products incorporated into the project per the construction contract specifications.
  
13. The City will be responsible for \$ 186,893 local match and the \$ 432,645 local additional costs. The federal participation will be \$ 2,205,752 of the estimated total project cost of \$ 2,825,290. The City will be responsible for 100% of the project

costs exceeding the proposed \$ 2,825,290 required to complete the work described above.

14. The parties understand and agree that this agreement is subject to the requirements of Section 17-1-106, MCA, which requires the State to fully recover indirect costs (IDC) from the City and any other participating parties. The current IDC rate is 17.48%. The parties further understand and agree that as of October 1, 2009 the City's share of the IDC will be paid by the State per subsection (3) of Section 17-1-106, MCA. If this project extends across more than one fiscal year, more than one annual rate will be involved, as the rate may change during the life of the project.
15. The City will submit a claim once each month detailing items and quantities of acceptable work completed during the previous month as reported on the ARRA employment reporting documents described above in Item 8 to the State's CTEP Office for Project costs that are incurred. The request will be accompanied by documentation substantiating the amount requested.
18. Because ARRA funds are tied to obligation and spending requirements, the Preliminary Engineering phase of the project must be complete and ready for bid advertisement by January 15<sup>th</sup>, 2010. The Construction and Construction Engineering phases must be substantially complete by December 31<sup>st</sup>, 2010.
19. During the performance of the Agreement, the City, for itself, its assignees and successors in interest, agrees as follows:

All other terms of the original agreement will remain in full force.

IN WITNESS WHEREOF, the Department's authorized representative has signed on behalf of the State of Montana, and the Mayor of the City of Billings, has signed and affixed hereto the seal of the City.

**STATE OF MONTANA, DEPARTMENT OF TRANSPORTATION**

By \_\_\_\_\_, 200\_\_

APPROVED FOR LEGAL CONTENT

\_\_\_\_\_  
MDT Legal Counsel

**CITY OF BILLINGS**

ATTEST-CITY CLERK

MAYOR

\_\_\_\_\_ By \_\_\_\_\_

I, \_\_\_\_\_, Billings City Clerk, hereby certify that this agreement was regularly adopted by the Billings City Council at a meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2007, and that the Council authorized the Mayor to sign this agreement on behalf of the City.

[OFFICIAL SEAL]

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

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WHEREAS, the estimated cost of the project's development and construction totals \$ 2,825,290; and,

After NOW, THEREFORE, ...

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8. The City will be responsible for providing all required ARRA employment reporting. The City will submit electronically the most current ARRA employment and wage reporting form provided by the State's CTEP office for all City employees and any consultant, subconsultant, contractor, and subcontractor it may employ in the project's development and construction. The report for each calendar month must be submitted to the State's CTEP Office by the 7<sup>th</sup> day of the following month, or the last working day before the 7<sup>th</sup> if the 7<sup>th</sup> falls on a holiday or weekend. A project employee is any City employee, consultant, subconsultant, contractor or subcontractor working on the project, including supervisors, that will be paid with ARRA funds. Material suppliers are not considered project employees for reporting requirements.
  
9. The City will allow inspection of all work and project related records by the personnel or agents of the State, FHWA, and the Office of the Inspector General (OIG). Project related records include, but are not limited to: consultant and contractor contracts; construction advertising, bidding, and award documentation; payroll/payment records; Civil Rights documentation; and construction inspection reports, materials testing reports, and materials certifications, including Buy America certifications for iron and steel products incorporated into the project per the construction contract specifications.
  
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costs exceeding the proposed \$ 2,825,290 required to complete the work described above.

14. The parties understand and agree that this agreement is subject to the requirements of Section 17-1-106, MCA, which requires the State to fully recover indirect costs (IDC) from the City and any other participating parties. The current IDC rate is 17.48%. The parties further understand and agree that as of October 1, 2009 the City's share of the IDC will be paid by the State per subsection (3) of Section 17-1-106, MCA. If this project extends across more than one fiscal year, more than one annual rate will be involved, as the rate may change during the life of the project.
15. The City will submit a claim once each month detailing items and quantities of acceptable work completed during the previous month as reported on the ARRA employment reporting documents described above in Item 8 to the State's CTEP Office for Project costs that are incurred. The request will be accompanied by documentation substantiating the amount requested.
18. Because ARRA funds are tied to obligation and spending requirements, the Preliminary Engineering phase of the project must be complete and ready for bid advertisement by January 15<sup>th</sup>, 2010. The Construction and Construction Engineering phases must be substantially complete by December 31<sup>st</sup>, 2010.
19. During the performance of the Agreement, the City, for itself, its assignees and successors in interest, agrees as follows:

All other terms of the original agreement will remain in full force.

IN WITNESS WHEREOF, the Department's authorized representative has signed on behalf of the State of Montana, and the Mayor of the City of Billings, has signed and affixed hereto the seal of the City.

**STATE OF MONTANA, DEPARTMENT OF TRANSPORTATION**

By \_\_\_\_\_, 200\_\_

APPROVED FOR LEGAL CONTENT

  
\_\_\_\_\_  
MDT Legal Counsel

**CITY OF BILLINGS**

ATTEST-CITY CLERK

MAYOR

\_\_\_\_\_ By \_\_\_\_\_

I, \_\_\_\_\_, Billings City Clerk, hereby certify that this agreement was regularly adopted by the Billings City Council at a meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2007, and that the Council authorized the Mayor to sign this agreement on behalf of the City.

[OFFICIAL SEAL]

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

Date: 01/11/2010

**TITLE: Amendment One to Standard Parking Corporation Automobile Parking Concession Agreement**

**PRESENTED BY:** Tom Binford

**Department:** Aviation & Transit

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**Information**

**PROBLEM/ISSUE STATEMENT**

The City entered into an Automobile Parking Concession Agreement with Standard Parking Corporation on October 12, 2004, to operate the public parking lots at Billings Logan International Airport. The Agreement was for a five-year term commencing November 1, 2004, and ending on October 31, 2009. The Airport recently completed its Master Plan, which included recommendations for the expansion of the Airport's parking. The Airport will now proceed with an in-depth review of all parking facilities and needs in terms of overall parking for the public, employees, and the rental car companies that operate at the Airport. Because significant parking enhancements (i.e., a parking garage) are so expensive, the ability of the Airport and its Airline tenants to fund such a venture could be difficult at this time given the recent downturn of the economy. Staff worked with Standard Parking Corporation on Amendment One to extend the term of the Agreement for an additional year and establish a new expiration date of October 31, 2010, to permit the Airport adequate time to complete its comprehensive parking review for parking enhancements and funding strategies that may be incorporated into the next Parking Concession bid process. Additionally, due to both the recession and downturn in the aviation industry, parking activity in the public lots has also been negatively impacted. Therefore, Amendment One also provides assurance to Standard Parking that it can meet its operating costs to operate the Airport's public parking lots by setting a guaranteed minimum annual revenue amount for Standard Parking of \$304,000.

**ALTERNATIVES ANALYZED**

The Council may:

1. Extend the Agreement for an additional year, which would provide time for the comprehensive parking review prior to bidding another multi-year agreement, or
2. Bid the parking concession operation before the completion of the comprehensive parking review, and potentially limiting the Airport's ability to craft a new Concession Agreement that might include some funding opportunities for any proposed parking enhancements identified by the comprehensive parking review.

**FINANCIAL IMPACT**

The Airport's parking concession generates significant annual revenue for the City's Airport. The concession revenue is based on a graduated percentage of gross receipts at certain gross receipt thresholds. During the last year of the Agreement, November 1, 2008, through October 31, 2009, the parking concession generated \$1,804,363.61 in rental revenue for the Airport. The projected revenue for the additional year of the Agreement is estimated to be approximately the same.

**RECOMMENDATION**

Staff recommends that Council approve Amendment One, which extends the term of the Automobile Parking Concession Agreement with Standard Parking Corporation for one year, establishes a new expiration date of October 31, 2010, and provides Standard Parking with a guaranteed minimum annual revenue amount of \$304,000.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

Link: [Amendment One](#)



AMENDMENT ONE

CITY OF BILLINGS

AND

STANDARD PARKING CORPORATION

AUTOMOBILE PARKING CONCESSION AGREEMENT

WITNESSETH

WHEREAS, on October 12, 2004, the City of Billings (City) and Standard Parking Corporation, (Concessionaire) entered into an Automobile Parking Concession Agreement (Agreement), and

WHEREAS, the Agreement is scheduled to end at 11:59 p.m. local time, October 31, 2009, and

WHEREAS, both parties desire to extend the term of the Agreement for an additional twelve-month period, to now expire at 11:59 p.m. local time, October 31, 2010, and

WHEREAS, in order to ensure Concessionaire's operating costs are met, both parties desire to also amend the Rentals and Charges to guarantee a minimum annual revenue of \$304,000 for the Concessionaire.

NOW THEREFORE, in consideration for the continued payment to City a percentage of annual Gross Receipts for Agreement year six, and a continued minimum annual rental guarantee to City for Agreement year six, the parties hereto covenant and agree to amend said Agreement effective November 1, 2009, as follows:

**ARTICLE III – TERM OF AGREEMENT**

1. The term of this Agreement shall commence as of 12:00 a.m. local time, November 1, 2004 and shall end at 11:59 p.m. local time, October 31, 2010.

**ARTICLE VI – RENTALS AND CHARGES**

Percentage Rent

Concessionaire agrees to pay the following percentage rent:

Agreement years three through six:

- 100% of Gross Receipts from \$0.00 to \$900,000
- 0% of Gross Receipts from \$900,000.01 to \$1,150,000
- 100% of Gross Receipts from \$1,150,000.01 to \$1,600,000
- 95% of Gross Receipts in excess of \$1,600,000

The City consents to provide Concessionaire a guaranteed minimum annual revenue, which shall be no less than \$304,000 for the sixth Agreement year. In the event that the Concessionaire's annual revenue generated based on the percentage rent formula above is less than \$304,000 at the end of the last month of the sixth Agreement year, Concessionaire shall deduct the balance needed to achieve the \$304,000 of guaranteed minimum annual revenue from the final month's percentage of gross receipts payment due to the Lessor.

FURTHER, all other terms and conditions of the Agreement commencing on the 1st day of November 2004, remain in full force and effect.

IN WITNESS WHEREOF, the parties have hereunto set their hand this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

ATTEST:

CITY OF BILLINGS

BY \_\_\_\_\_  
CITY CLERK

BY \_\_\_\_\_  
MAYOR

APPROVED AS TO FORM

STANDARD PARKING CORPORATION

BY \_\_\_\_\_  
CITY ATTORNEY

BY \_\_\_\_\_

Date: 01/11/2010

TITLE: WO 04-36; Briarwood Sanitary Sewer Main Extension, Amendment No. 7 to PES Contract

PRESENTED BY: David Mumford

Department: Public Works

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### Information

#### PROBLEM/ISSUE STATEMENT

The City's Professional Engineering Services Contract with Morrison-Maierle, Inc. (MMI) for The Briarwood Sanitary Sewer Main Extension Project requires amendment. Council is asked to consider authorizing Amendment No. 7 in the amount of \$19,728.00 to compensate MMI for engineering services that were either beyond the scope of the contract or necessary due to unforeseeable project circumstances. Since a significant amount of time was added to the project construction contract through change orders, this compensation request primarily includes extra Resident Project Representative (RPR) time needed for project inspection.

Amendment No. 7 consists of additive components and a deductive component which are described in detail in the amendment itself; these components can be summarized as follows:

- Cost Additive Components

1. MMI's RPR overtime that was necessary to meet the Contractor's schedule beyond MMI's contracted time with the City. The City has already been paid back for this because it was charged back to the Contractor under the project construction contract (\$5,415 increase).
2. MMI's RPR time (\$22,512) and engineering staff time (\$4,876) on work that was either out-of-scope or necessary due to unforeseen field conditions and resulted in change orders to the construction contract. (combined \$27,388 increase).

- Cost Deductive Component

Additional construction contract cost was incurred by the City for the contractor to repair and reinstall sewer force main pipe hangers and thrust restraint assemblies on the Yellowstone River Bridge. Damage to these work items occurred while the force main was being pressure tested because there was insufficient pipe thrust restraint incorporated into the project design. MMI took responsibility for the damage caused by the design oversight. The design was modified and additional pipe thrust restraint assemblies were successfully installed (\$13,075.00 decrease).

#### ALTERNATIVES ANALYZED

City Council may:

- Authorize the Mayor to sign an amendment to the contract with MMI as set forth in this staff memorandum; or
- Not authorize the Mayor to sign an amendment to the contract with MMI as set forth in this staff memorandum.

#### FINANCIAL IMPACT

The net result of contract Amendment No. 7 to City Work Order 04-36 is a \$19,728.00 increase to the contract price. Sufficient FY09 sewer funds are available for Amendment No. 7.

#### RECOMMENDATION

Staff recommends that Council approve Amendment No. 7 for W.O. 04-36 in the amount of \$19,728.00.

#### APPROVED BY CITY ADMINISTRATOR

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## Attachments

Link: [WO 04-36, PES Contract Amendment No. 7](#)

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**AMENDMENT NO. 7**

**TO**

**PROFESSIONAL ENGINEERING AND RIGHT-OF-WAY ACQUISITION SERVICES**

**W.O. 04-36, BRIARWOOD SANITARY SEWER MAIN EXTENSION**

THIS AGREEMENT, made and entered into on \_\_\_\_\_, 2009, by and between the following:

CITY OF BILLINGS, a Municipal Corporation,  
Billings, Montana 59103,  
Hereinafter designated the City

and

Morrison-Maierle, Inc.  
315 N. 25<sup>th</sup> St., Suite 102  
Billings, Montana 59101  
Hereinafter designated the Consultant

**WITNESSETH:**

WHEREAS, the City and Consultant have entered into a contract dated March 1, 2005 for Consultant to provide engineering and right-of-way acquisition services to the City for Work Order 04-36 Briarwood Sanitary Sewer Main Extension, followed by a Contract Amendment #1 dated September 16, 2005, a Contract Amendment #2 dated May 10, 2006, a Contract Amendment #3 dated December 20, 2006, a Contract Amendment #4 dated May 7, 2007, a Contract Amendment #5 dated November 29, 2007, and a Contract Amendment #6 dated March 6, 2008 and;

WHEREAS, the City has need for additional engineering and right-of-way services, and;

WHEREAS, the City has authority to contract for consulting engineering and right-of-way services, and;

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

NOW, THEREFORE, in consideration of the terms, conditions, covenants and performance contained herein, or attached and incorporated herein, the Parties hereto agree to amend the original contract, as previously amended, as follows:

**Changes to Contract Amendment #6, Appendix A, Section 3 Task 50 – Construction Period Service :**

**TASK 50 – CONSTRUCTION PERIOD SERVICES**

**SCOPE CHANGE:**

Additional engineering services. A breakdown of these changes is attached to this amendment.

TASK 50 CHANGE IN FEE: \$32,803 (INCREASE)

MMI PARTICIPATION IN CHANGE ORDER #6: \$13,075 (DECREASE)

TOTAL INCREASE THIS AMENDMENT: \$19,728

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

CONSULTANT - Morrison-Maierle, Inc.

NAME: Carl J. Anderson, P.E.

BY: 

TITLE: Vice-President

DATE: 12/15/09

CITY OF BILLINGS, MONTANA

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

Mayor, City of Billings

DATE: \_\_\_\_\_

## AMENDMENT #7 ATTACHMENT

### TASK 50 – CONSTRUCTION PERIOD SERVICES SCOPE CHANGE

- 1) RPR Overtime –This was overtime that MMI RPR's worked to meet COP's schedule above and beyond our contracted time with the City. The exact amount requested has already been withheld from COP pay estimates per the Contract with the Contractor as unscheduled employment of the Engineer. MMI is requesting \$5,415 for this item.
- 2) Change Order #3 – This change order covered moving the main disconnect switch at the lift station control building, additional casing anodes, and the culverts under the concrete cart path at the golf course. These changes were Owner requested items. This change order extended Contract time by 7 days. At the end of the project, we only staffed it with one RPR, so MMI is requesting 5 working days (corresponding to 7 calendar day extension) of RPR time at 8 hours per day at \$84/hour. RPR cost = \$3,360. MMI also had some staff engineer time to coordinate and sketch up the culvert crossings. MMI requests 2 hours for this item at the Contract rate of \$82/hour for a total staff engineer charge of \$164. Total requested for this item is \$3,524.
- 3) Change Order #4 – Change order 4 moved all of the Fairway #1 sod restoration out of the Contract and back to the Golf Course as a result of negotiations between the Owner and Briarwood Golf Course. MMI expended a great deal of time on this particular item with numerous meetings on site, correspondence with Kelly Varnes (Briarwood attorney and president) and Kelly Addy (Assistant city attorney), and reviewing, commenting, and coordinating the numerous drafts of the agreement between the City, COP and Briarwood on this issue. MMI requests 12 hours of project manager time at the Contract project manager rate of \$116/hour plus 6 hours of staff engineer time at \$82/hour for a total request for this item of \$1,884.
- 4) Change Order #5 – Change order 5 added a number of miscellaneous items to the contract including a PRV and meter setup and manhole for the lift station site, a sump pump in the lift station valve vault, a ladder upgrade at the lift station valve vault, bollards at the lift station site and the ARV's at the south end of the Yellowstone River Bridge, and replacing Buchanan's gravel with a different earthwork profile and geocell. These changes were Owner request additions to the Contract. This change order added 20 working days to the contract. With 1 RPR working 8 hours per day at \$84/hour this comes to \$13,440. MMI is also requesting 6 hours of staff engineer time to meet with Buchanan's (Property owner), coordinate the solution there, coordinate the ladder manufacturing, and process the change order. At \$82/hour this comes to \$492 bringing the total requested change for this item to \$13,932.

- 5) Change Order #6 – Change order 6 covered the additional pump cord lengths, raising MH 216-1, and the replacement of the street lighting and conduit at the frontage road. This items were added to the Contract as a result of conditions encountered in the field during construction, except raising MH 216-1 which was an Owner requested change to the Contract. MMI requests 1 day of RPR time at 8 hours and \$84/hour for the raising of SSMH 216-1 = \$672. MMI also requests 8 hours of staff engineer time to coordinate the MH 216-1 requirements, as well as follow up on the pump cord issue and investigate and track down the street lighting and conduit issue. This cost is 8 hours at \$82/hour = \$656. Total request for this item is \$1,328.
  
- 6) Change Order #7 – Change order 7 added the piping and artificial high point at the ARV's just outside the manhole due to piping configuration changes necessitated by actual high pressure gas line elevation conflicts in the ROW discovered by potholing during construction. Change order 7 also included adding the concrete pan at the Briarwood driving range to prevent washing the access road gravel away. This change order added 15 working days to the contract time. MMI's RPR was on-site approximately ½ time for these two items of work. 15 days \* 4 hours/day \* \$84/hour = \$5,040. MMI requests 8 hours of coordination time for a staff engineer to coordinate, sketch, and price 3 valley pan solutions after a visit to the site at \$82/hour = \$656. MMI is requesting 2 hours of project manager time for coordination and sketching the ARV piping solution at \$116/hour = \$232. The total request for this item is \$5,928.
  
- 7) Existing WWTP lift station forcemain to Briarwood ponds – When COP cut into this forcemain and could not get it to stop running, MMI was called on site. Sean with the Briarwood Golf Course had told them, and reiterated to us that the forcemain terminated in an above water structure at a Briarwood irrigation pond. When MMI arrived on site and did some investigation with COP, it was revealed that the forcemain actually terminated under the pond surface and it was backdraining. MMI's project manager and staff engineer spent 4 hours each on the morning of October 6 tracking down this issue and coordinating the ensuing work, follow up, and reviewing additional costs submitted by COP. Total cost = 4 \* \$116 and 4 \* \$82 = \$792 requested for this item.

MMI previously agreed to participate in the cost of Change Order #6 for the additional thrust restraint measures at the north end of the Yellowstone River Bridge. After discussions with City staff, MMI's participation in this change order is for 4 specific items that were MMI's responsibility. Accordingly, a deduct of \$13,075 is applied below to this amendment.

#### Request Summary

Item 1	\$5,415
Item 2	\$3,524
Item 3	\$1,884
Item 4	\$13,932

Item 5	\$1,328
Item 6	\$5,928
Item 7	\$792

Total Increase All Items = \$32,803

Deduct for Change Order #6 Participation      \$13,075

Net Requested Change to Contract = \$19,728

Date: 01/11/2010

TITLE: MET Transit Division Purchase of Two Transit Buses

PRESENTED BY: Tom Binford

Department: Aviation & Transit

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Information

**PROBLEM/ISSUE STATEMENT**

MET Transit is planning to replace two 1998 low floor buses. These buses are eligible for replacement under both Federal Transit Administration (FTA) Regulations and the City of Billings Equipment Replacement Program. These buses have incurred larger than normal maintenance costs and have met their useful life of twelve years. These new buses will meet the Clean Air Act standards (CAA) and the Americans with Disabilities Act (ADA) requirements. This replacement will maintain the integrity of our fleet.

**ALTERNATIVES ANALYZED**

Council may:

- Approve the purchase of two Transit buses; or
- Not approve the purchase of two Transit buses

**FINANCIAL IMPACT**

MET Transit received one bid for these buses from Gillig, LLC. The price for each bus is \$380,492 for a total cost of \$760,994. American Recovery and Reinvestment Act (ARRA) funds administered through the FTA Section 5037 Grant funding program are being used for this purchase. This is an exceptional opportunity for the City, as the ARRA funds will cover the total cost of both buses; therefore, no local match is required.

**RECOMMENDATION**

Staff recommends that City Council approve the bid from Gillig, LLC for the purchase of two 35' x 102', heavy duty, low floor diesel transit buses for MET Transit.

**APPROVED BY CITY ADMINISTRATOR**

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**Date: 01/11/2010**

**TITLE: Acceptance and Approval of the 2010 HIDTA Award in the Amount of \$180,785.16**

**PRESENTED BY:** Rich St. John

**Department:** Police

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**Information**

**PROBLEM/ISSUE STATEMENT**

In 2002, Montana was designated a High Intensity Drug Traffic Area (HIDTA), and the Office of National Drug Control Policy (ONDCP) has awarded the Eastern Montana Drug Task Force \$180,786.16 for the calendar year 2010. This is the ninth year the City of Billings is the recipient agency of this award, which is used to battle the methamphetamine epidemic in Montana communities. The HIDTA Task Force consists of personnel from U.S. Marshal's Service, FBI, Drug Enforcement Administration (DEA), Alcohol, Tobacco & Firearms (ATF), Immigration & Customs Enforcement (ICE), Department of Criminal Investigation (DCI), Yellowstone County Sheriff's Office, and the Billings Police Department. The Task Force is managed by a Sergeant from the Billings Police Department. The 2010 HIDTA Award will be used to pay for a Support Specialist position for the HIDTA Task Force, task force overtime, administrative and investigative travel, automobile rental costs, cell phones, copier maintenance agreement, investigative/office supplies, equipment and informant costs. HIDTA does pay for all overtime costs associated with the Task Force. Staff is requesting City Council approve and accept the 2010 HIDTA Award from the Executive Office of the President, Office of National Drug Control Policy, in the amount of \$180,785.16, and authorize the Mayor to sign the necessary award documents, when they are received.

**ALTERNATIVES ANALYZED**

The City Council may:

- Approve the acceptance of the 2010 HIDTA Award in the amount of \$180,785.16, or
- Not approve the acceptance of the 2010 HIDTA Award in the amount of \$180,785.16.

**FINANCIAL IMPACT**

The 2010 HIDTA Award in the amount of \$180,785.16 will require no City match. The award has been budgeted in Fund 255 for the balance of FY 09/10.

**RECOMMENDATION**

Staff is requesting City Council approve and accept the 2010 HIDTA Award from the Executive Office of the President, Office of National Drug Control Policy, in the amount of \$180,785.16, and authorize the Mayor to sign the necessary award documents, when they are received.

**APPROVED BY CITY ADMINISTRATOR**

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**Regular City Council Meeting**

**Consent : 1.G.**

**Date: 01/11/2010**

**TITLE: Confirmation of Probation Police Officers**

**PRESENTED BY:** Rich St. John

**Department:** Police

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### **Information**

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

On December 29, 2008, Officers Mitchell Hillier, Seth Foster and Garrett Peterson were hired by the Billings Police Department as probationary Police Officers. According to MCA 7-32-4113, their probationary period is for one year from date of hire. At this time the officers have completed their one year probation, and according to state statute, their names are to be submitted to City Council within 30 days for confirmation. All of the supervisor comments concerning the officers' performance are positive and indicate that they are doing a good job, and recommend confirmation.

#### **ALTERNATIVES ANALYZED**

The City Council may:

- Approve confirmation of Officers Hillier, Foster and Peterson as Billings Police Officers; or
- Not approve confirmation of Officers Hillier, Foster and Peterson as Billings Police Officers.

#### **FINANCIAL IMPACT**

There is no financial impact as these three (3) officers are already budgeted for in the 2009/2010 budget.

#### **RECOMMENDATION**

City staff recommends Officers Mitchell Hillier, Seth Foster and Garrett Peterson be confirmed as Billings Police Officers.

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

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Date: 01/11/2010

TITLE: Certified Local Government Grant Program

PRESENTED BY: Candi Beaudry

Department: Planning & Community  
Services

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Information

**PROBLEM/ISSUE STATEMENT**

The State of Montana Historic Preservation Office has designated the City of Billings as a Certified Local Government (CLG) for historic preservation activities. As a CLG, the City is eligible to receive state funding to coordinate historic preservation efforts in the Billings area. Applications for FY2010-11 funding from the State are due on January 29, 2010. The City Council must approve of the annual application submittal. The City of Billings has been utilizing Certified Local Government funding for activities in support of the efforts of the Yellowstone Historic Preservation Board (YHPB) since 1997. Recent activities the Board has been involved in include assisting the North Elevation Task Force with the National Register of Historic Places nomination of McKinley Elementary School and in creating a Residential Historic District in the North Elevation Neighborhood; continued review of building permits submitted for properties located within the City's existing designated historic district; and assisting the Old Town Neighbors, Inc. with the survey and completion of a National Register Nomination of the properties along Minnesota Avenue that were approved for a Preserve America Grant (See attached YHPB Work Plan for 2009-2010).

**ALTERNATIVES ANALYZED**

The City Council may:

1. Agree to participate in State CLG program and accept CLG grant funding to coordinate historic preservation activities; or
2. Decline to participate in State CLG program and decline CLG grant funding to coordinate historic preservation activities. If the City declines to participate in the CLG program, there is no local funding identified to coordinate historic preservation activities.

**FINANCIAL IMPACT**

City Council approval would allow the City of Billings to apply for \$5,500 in State of Montana Certified Local Government funding. The local cash match for the Certified Local Government will be \$2,500 and \$22,879 will be provided in in-kind match for a total match of \$30,879. The majority of the in-kind match is from calculating time and salary of the Historic Preservation Officer. The total cash funding package is \$8,000 that is used for consulting services provided by the Western Heritage Center to perform activities identified in the Yellowstone Historic Preservation Board Annual Work Plan. The Planning Division will provide \$1,031 towards the local cash match. The Yellowstone Historic Preservation Board will request \$1,000 from Yellowstone County and \$469 from the City of Laurel towards the remaining local cash match.

**RECOMMENDATION**

Staff recommends that the City Council authorize the submission of an application for a \$5,500 Certified Local Government grant from the Montana State Historic Preservation Office for FY2010-2011 and authorize the Mayor to sign the application form.

**APPROVED BY CITY ADMINISTRATOR**

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Attachments

Link: [YHPB 2009-2010 Work Plan](#)

Link: [CLG Complete Application for Mayor Signature](#)

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<p style="text-align: center;"><b>Yellowstone Historic Preservation Board Work Plan 2009-2010</b></p>
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Goals & Objectives:

- I. Promote the preservation of historic buildings, sites or neighborhoods.
- II. Increase community awareness on the benefits of historic preservation activities.
- III. Promote increased awareness of preservation activities and the work of the YHPB through the four governing bodies represented on the Board.
- IV. Comply with the duties and responsibilities of historic preservation organizations under the State Certified Local Government Program and the requirements of the Inter-local Agreement.

**2009 Projects**

**1. To assist with the National Register of Historic Places nomination of McKinley Elementary School.**

Time Frame: 2009-2010  
Who: YHPB Board and HPO/WHC, North Elevation Task Force  
Status: This is part of the North Elevation Task Force but will be nominated individually.

**2. To assist North Elevation Task Force in the development of a Historic Residential District, provide technical assistance as needed.**

Time Frame: Begin 2/19/08 and continuing  
Who: Brian Roberts is the lead board member, YHPB Board, WHC and staff, North Elevation Task Force  
Status: This project is ongoing and the board will continue assisting as needed.

**3. To assist the Old Town Neighbors, Inc. with the survey and completion of a National Register Nomination of the properties along Minnesota Avenue that were approved for a Preserve America Grant.**

Time Frame: 2009-2010  
Who: Maisie Sulser is the lead board member, YHPB, WHC, HPO and the Old Town Neighbors, Inc.  
Status: Contract with state signed. RFP for consultant underway.

**4. To assist the City of Laurel with the historic survey of downtown through funding from Preserve America.**

Time Frame: 2009-2010  
Who: Emelie Eaton is the lead board member, YHPB, WHC, HPO and the City of Laurel  
Status: This project is commencing and the board will assist as needed.

**5. Continue fund raising for the “Billings Through the Decades” sign board.**

Time Frame: 2009-2010  
Who: Bill DuBeau is the lead board member, YHPB, WHC, HPO  
Status: This project is seeking funding to complete.

**6. Prepare education trunks for area elementary schools.**

Time Frame: 2009-2010  
Who: Kathleen Armstrong is the lead board member, YHPB, WHC, HPO, possibly Montana SHPO  
Status: This project is working toward completion.

**7. Assure existing YHPB products are current and disseminated in communities (Laurel Walking Tour, Billings Walking Tour, South Side Presentation, and Rural Yellowstone County Presentation, etc).**

Time Frame: 2009-2010  
Who: Maisie Sulser is the lead board member, YHPB, WHC, HPO  
Status: The board will review the Billings Downtown Walking Tour booklet for update and republishing. The board will review other media outlets for dissemination such as radio and computer downloads (mp3 files, etc).

**8. Review data prepared by MSU-B students on the inventory of historic barns, silos and other important structures in Yellowstone County. Determine if 2 to 3 properties could be eligible for the National Register and contact property owners to gage interest.**

Time Frame: 2009-2010  
Who: YHPB, WHC, HPO  
Status: The board will review this project as time allows.

*Annual Board Activities*

- 1. Continue the review of building permits submitted for properties located within the designated historic district.**

Time Frame: Ongoing  
Who: Committee and HPO

- 2. To provide up to date information to the general public, continually update the web site on activities and programs.**

Time Frame: Ongoing  
Who: WHC

- 3. Promote additional nominations to the National Register. Assure resources are available for property owners, such as literature and technical assistance. Look at possible nomination of school sites in conjunction with local school districts.**

Time Frame: Ongoing  
Who: YHPB Board/HPO/WHC

- 4. Expand YHPB meetings to alternate locations. To take advantage of some of our many historic venues, the board wishes to expand meetings to alternate locations. This is an event that will take place quarterly.**

Time Frame: Ongoing  
Who: HPO/WHC

- 5. Due to a loss of potential historic buildings within the City of Billings, an effort is being made to notify WHC and a member of the board about upcoming demolitions. The Building Department notifies HPO on the release of demolition permits, HPO notifies members of the demolition and a determination is made to either document/photograph building.**

Time Frame: Ongoing  
Who: HPO/WHC/Board

- 6. To provide additional funds to the YHPB for projects, continue exploration of grant opportunities.**

Time Frame: Ongoing  
Who: HPO/WHC

- 7. To keep the YHPB abreast of Historic Preservation Activities, consultants and the HPO will attend meetings as needed.**

Time Frame: Ongoing  
Who: WHC/HPO

- 8. To provide a forum for Historic Preservationist to share their successes and discuss projects and to present historic preservation awards, continue to host the Historic Preservation Roundtable yearly.**

Time Frame: Yearly  
Who: WHC/HPO/Board  
Status: Preservation Month - May

- 9. To continually update the local governing bodies of the activities undertaken by the YHPB, annual PowerPoint Presentations will be made to the City of Billings, the City of Laurel and Yellowstone County.**

Time Frame: Yearly  
Who: Chair/WHC/HPO  
Status: The scheduling of these meetings will take place yearly during spring.

- 10. Celebrate National Historic Preservation Month. Board will decide on a program, speakers and other events to commemorate this event.**

Time Frame: Yearly  
Who: Committee/WHC  
Status: This event will occur yearly during May.

**2010-2011 GRANT APPLICATION**  
**CERTIFIED LOCAL GOVERNMENT PROGRAM**

Certified Local Government: City of Billings

Address: 510 N Broadway, 4<sup>th</sup> Floor, Parmlly Billings Library

Contact Person: Lora Mattox, AICP, Historic Preservation Officer, Transportation Planner

Period of Grant Request: 1 April 2010 to 31 March 2011

**Scope of Work:** The National Park Service asks we grant funds to CLGs for kinds and levels of work that reflect increasing sophistication, skills, and roles by the Preservation Officers, in other words, tasks that reflect improvement in community thinking. For this section, please itemize regular work duties (not including special projects) – products or projects starting or completing, meetings to be attended, etc., and more specifically, ways in which the local program will grow and develop. Please tie your tasks to your community's Preservation Plan. If not, please explain.

(X Check if Scope of Work is continued on additional pages.)

The Cities of Billings and Laurel, Yellowstone County, and the Crow Tribal Council entered into an inter-local agreement in July 1993 establishing the Yellowstone Historic Preservation Board (YHPB). Along with the inter-local agreement, the four governmental entities adapted ordinances setting up a multi-government YHPB, appointed nine (9) qualified board members, and a Historic Preservation Officer. Since that time, the YHPB has been meeting monthly and has continued to develop and refine an encompassing Historic Preservation Program implementing the specific goals of the historic element of the 2008 Growth Policy.

We anticipate a similar budget as submitted last year with local funds being provided through the City of Billings, City of Laurel, and Yellowstone County in the amount of \$2,500. This amount combined with the \$5,500 from the CLG provides \$8,000 for consulting services provided by Western Heritage Center. In addition to the local funds, the Planning Division also provides in-kind match through room usage, supplies and staff time. Also, Historic Preservation Board members' time is also counted towards in-kind match. As mentioned above, the CLG and local funds are used to contract services with the Western Heritage Center and assist in carrying out the following activities:

- Assist Board and Historic Preservation Officer in undertaking actions to meet short and long-range goals established by the Board. See Attachment A.
- Provide professional services to assist Board, Officer, and the City in performing duties and responsibility identified in the City's Historic Preservation Ordinance MCA 27-500.
- Act as a historic preservation center by providing technical assistance, direction, and literature on the following:
  - a. Historic preservation tax credits
  - b. National Register
  - c. Federal historic preservation regulations, and
  - d. Secretary of Interior standards related to historic preservation activities
- Attend community meetings related to preservation activities, on behalf of the Board upon request.

- Plan and coordinate activities and publicity during National Historic Preservation Week in May 2010.
- Carrying out the responsibilities for the CLG Program as outlined in “The Certified Local Government Program in Montana.”
- Submit quarterly reports on the historic preservation efforts of the community carried out by the City under the CLG grant.

### BUDGET

4-1-2010 to 3-31-2011 Budget	Cash Amount	Cash Source	In-kind Amount	In-kind Source	Total
<b>A. Salaries, Wages, Benefits</b>			\$18,720 HPO	HPO- \$39hr x 40hrs/mo x 12 mos CI/CO	\$18,720
<b>B. Office Rental</b>			\$1,000	Large conference use @ 2 hrs/mo x \$50/hr x 10 mtgs/yr	\$1,000
<b>C. Equipment</b>			*	CI/CO	
<b>D. Supplies &amp; Materials</b> Itemize major categories			*	CI/CO	
<b>E. Postage</b>			*	CI/CO	
<b>F. Telephone &amp; Internet</b>			*	CI/CO	
<b>G. Photocopies</b>			*	CI/CO	
<b>H. Preservation Commission</b> Number of hours X * rate X number of members X number of meetings			\$2,457 2 hrs/mo x \$17.55 x 7 members x 10 mtgs/yr	YHPB Members	\$2,457
<b>I. Volunteers</b> Hours X * rate X number of volunteers.			\$702 8 hrs/mo x \$17.55 x 5 mos.	Board Member assistance North Elevation Residential District	\$702

<b>J. Travel Mileage</b> Number of miles X <b>0.55</b> cents. <b>Include</b> <b>funds for HPO and/or</b> <b>Commissioners to</b> <b>attend CLG annual</b> <b>training</b>			*	PR	
<b>K. Travel Meals</b> # of Meals X rate: Breakfast - \$5.00 Lunch - \$6.00 Dinner - \$12.00			*	CI/CO	
<b>L. Lodging</b> \$70.00 plus tax X number of nights			*	CI/CO	
<b>M. Project (s)</b> <b>Expenses</b> – fully itemized.	\$5,500 \$2,500	F CI/CO			\$8,000
<b>N. Other Expenses</b> – fully itemized.					
<b>M. Total Expenses</b>					\$30,879

**SOURCE KEY:**

**F-Federal**

**CI-City**

**CO-County**

**NP- Private/Non-Profit**

\* Federally approved minimum rate for volunteers is \$17.55 per hour.

<b>SOURCES OF REVENUE</b>	<b>AMOUNT</b>
<b>Itemized Cash Match Source</b>	
<u>City of Billings</u>	<u>\$1,031</u>
<u>City of Laurel</u>	<u>\$469</u>
<u>Yellowstone County</u>	<u>\$1,000</u>
<b>Itemized In-Kind Match Source</b>	
<u>Room rental for board meetings</u>	<u>\$1,000</u>
<u>Large conference use @ 2 hrs/mo x \$50/hr x 10 mtgs/yr</u>	
<u>Preservation Member Time</u>	<u>\$2,457</u>
<u>2 hrs/mo x \$17.55 x 7 members x 10 mtgs/yr</u>	
<u>Preservation Member Time</u>	<u>\$702</u>
<u>8 hrs/mo x \$17.55 x 1 member x 5 mos.</u>	
<u>HPO Time</u>	<u>\$18,720</u>
<u>HPO #1: \$39/hr x 40 hrs/mo x 12 mos</u>	
<b>Federal HPF Grant Request from SHPO</b>	
<u>CLG Funds</u>	<u>\$5,500</u>
<b>TOTAL REVENUE</b>	<u><b>\$30,879</b></u>

**Certified Local Government  
Historic Preservation Commission Chairperson or President**

Signature \_\_\_\_\_ Date \_\_\_\_\_

Name (typed) Emelie Eaton

Address PO Box 159, Laurel, Montana

Telephone 406-628-2164

\*\*\*\*\*

**Certified Local Government  
Chief Elected Official**

Signature \_\_\_\_\_ Date \_\_\_\_\_

Name (typed) Tom Hanel

Title Mayor

Address PO Box 1178, Billings, Montana 59103

Telephone 406-657-8296

(The local government administrator may sign **in addition** to the Chief Elected Official.)

\*\*\*\*\*

**Certified Local Government  
Historic Preservation Officer**

Signature \_\_\_\_\_ Date \_\_\_\_\_

Name (typed) Lora Mattox

Address 510 N Broadway, 4<sup>th</sup> Floor, Parmly Billings Library

Telephone 406-247-8622

\*\*\*\*\*

Please attach the meeting minutes (or an alternate way in writing) at which your application was discussed and approved by the Preservation Board/Commission.

Please attach a list of the historic preservation board members' names, professional discipline or citizen membership, terms (year ending), and contact information.

Date: 01/11/2010

TITLE: Settlement of Briarwood Sewer Condemnation Claims

PRESENTED BY: Kelly Addy

Department: Legal

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### Information

#### PROBLEM/ISSUE STATEMENT

The Mayor and City council have previously authorized condemnations to facilitate the easements necessary to construct sanitary sewer lines to serve the Briarwood Subdivision, which has been previously annexed into the City. The Council has received periodic status updates on these condemnations with the most recent report occurring on December 7, 2009. The City has previously obtained all necessary easements, and the sanitary sewer project has been completed. The remaining issue in these Council-authorized condemnations is the amount of compensation to be given the landowners for their easements. The City has received offers to settle the two remaining outstanding claims as a result of mediation efforts on November 13, 2009. The offers are only open for a reasonable time, and staff believes it is in the City's best interests to conclude the litigation on the proposed terms as soon as possible.

#### ALTERNATIVES ANALYZED

The Council may:

- Approve the settlement offers;
- Decline to approve the settlement offers and proceed to condemnation.

The terms of these settlement offers have been compared to likely outcomes if the cases were to be taken to a Condemnation Commissioners' hearing and trial by jury. The cost of preparing updated appraisals, the possibility of being required to pay the condemnees' (landowners') attorneys fees and other litigation expenses in the event they were ultimately awarded more than the City had offered, were taken into consideration. The offers of settlement from the Johnsons and from Mr. Hoff are both within the range of possible awards; therefore, they are less than the sum total of awards, plus the cost of updating appraisals, plus the litigation expenses of the adverse parties. The City achieves certainty as to the result on favorable grounds; and staff time being devoted to the file terminates, freeing staff time for other projects.

#### FINANCIAL IMPACT

The Johnson settlement would cost the City \$5,767.26, plus the City has had its contractor install a wider, 16-foot, gate than was first installed following construction, and it will replant the area that was disturbed if the seeding done in October of 2008 does not grow in the Spring of 2010.

The Hoff settlement would cost the City \$35,000.00.

Funding for this settlement will come from sanitary sewer funds which have been allocated for WO 04 36 Briarwood Sewer Project.

The City would receive a utility easement along the full length of its main sewer line constructed across the Johnson and Hoff properties in exchange for these payments.

#### RECOMMENDATION

Staff recommends that Council accept these settlement offers, authorize the Mayor to sign all necessary settlement documents and instruct the Staff to conclude all agreements and make all payments required, as described above, to terminate these condemnation actions as fully resolved.

**APPROVED BY CITY ADMINISTRATOR**

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**Regular City Council Meeting**

**Consent : 1.J.**

**Date: 01/11/2010**

**TITLE: Resolution Establishing Compliance with Reimbursement Under Internal Revenue Code**

Teri Walker, City Hall

**PRESENTED BY:** Administration

**Department:** City Hall Administration

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### **Information**

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

The City does not anticipate the Department of Natural Resources and Conservation issuing revenue bonds for the 2010 annual water rehab projects until April 2010. However, the City needs to expend monies related to the project before funds are available from the bond sale proceeds. The attached resolution allows the City to reimburse those expenses from the bond sale proceeds when they become available.

#### **ALTERNATIVES ANALYZED**

The City Council may:

- Approve the resolution and proceed with the project with the ability to reimburse expenses when the bonds are sold; or
- Not approve the resolution and delay design work and construction until the bonds are sold.

#### **FINANCIAL IMPACT**

This resolution will have no financial impact on the project.

#### **RECOMMENDATION**

Staff recommends City Council approve the attached resolution.

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

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### **Attachments**

Link: [Reimbursement Resolution](#)

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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 a resolution entitled: "RESOLUTION RELATING TO FINANCING OF CERTAIN PROPOSED WATER SYSTEM PROJECTS; ESTABLISHING COMPLIANCE WITH REIMBURSEMENT BOND 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 at a regular meeting on January 11, 2010, 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 January, 2010.

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

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

RESOLUTION RELATING TO FINANCING OF CERTAIN  
PROPOSED WATER SYSTEM PROJECTS; ESTABLISHING  
COMPLIANCE WITH REIMBURSEMENT BOND  
REGULATIONS UNDER THE INTERNAL REVENUE CODE

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

Section 1. Recitals.

1.01 The United States Department of Treasury has promulgated final regulations governing the use of proceeds of tax-exempt bonds, all or a portion of which are to be used to reimburse the City for project expenditures paid by the City prior to the date of issuance of such bonds. Those regulations (Treasury Regulations, Section 1.150-2) (the “Regulations”) require that the City adopt a statement of official intent to reimburse an original expenditure not later than 60 days after payment of the original expenditure. The Regulations also generally require that the bonds be issued and the reimbursement allocation made from the proceeds of the bonds within 18 months (or three years, if the reimbursement bond issue qualifies for the “small issuer” exception from the arbitrage rebate requirement) after the later of (i) the date the expenditure is paid or (ii) the date the project is placed in service or abandoned, but (unless the issue qualifies for the “small issuer” exception from the arbitrage rebate requirement) in no event more than three years after the date the expenditure is paid. The Regulations generally permit reimbursement of capital expenditures and costs of issuance of the bonds.

1.02 The City desires to comply with requirements of the Regulations with respect to certain projects hereinafter identified.

Section 2. Official Intent Declaration.

2.01 The City proposes to undertake certain projects, which projects and the estimated costs thereof are generally described on Exhibit A hereto, which is hereby incorporated herein and made a part hereof (the “Projects”).

2.02 Other than (i) expenditures to be paid or reimbursed from sources other than the Bonds (as hereinafter defined), (ii) expenditures permitted to be reimbursed under the transitional provision contained in Section 1.150-2(j)(2) of the Regulations, (iii) expenditures constituting preliminary expenditures within the meaning of Section 1.150-2(f)(2) of the Regulations, or (iv) expenditures in a “de minimus” amount (as defined in Section 1.150-2(f)(1) of the Regulations), no expenditures for the Projects have heretofore been paid by the City and no expenditures will be paid by the City until after the date of this Resolution.

2.03 The City reasonably expects to reimburse some or all of the expenditures made for costs of the Projects out of the proceeds of debt in an estimated maximum aggregate principal amount of \$3,300,000 (the “Bonds”) after the date of payment of all or a portion of the costs of the Projects. All reimbursed expenditures shall be capital expenditures, a cost of issuance of the

Bonds or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Regulations.

Section 3. Budgetary Matters. As of the date hereof, there are no City funds reserved, allocated on a long-term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside) to provide permanent financing for the expenditures related to the Projects, other than pursuant to the issuance of the Bonds. The statement of intent contained in this resolution, therefore, is determined to be consistent with the City's budgetary and financial circumstances as they exist or are reasonably foreseeable on the date hereof.

Section 4. Reimbursement Allocations. The Financial Services Manager shall be responsible for making the "reimbursement allocations" described in the Regulations, being generally the transfer of the appropriate amount of proceeds of the Bonds to reimburse the source of temporary financing used by the City to make prior payment of the costs of the Projects. Each allocation shall be evidenced by an entry on the official books and records of the City maintained for the Bonds or the Projects and shall specifically identify the actual original expenditure being reimbursed.

PASSED AND ADOPTED by the Billings City Council on January 11, 2010.

THE CITY OF BILLINGS

(SEAL)

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Thomas W. Hanel, Mayor

ATTEST:

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Cari Martin, City Clerk

EXHIBIT A

<u>Description of Project</u>	<u>Estimated Cost</u>
Design, engineer, and replace existing water lines and valves	\$3,300,000

Date: 01/11/2010

**TITLE: W.O. 04-12—Alkali Creek Road Maintenance and Slope Reconstruction, Resolution Authorizing Condemnation of Morningside Homes Property**

**PRESENTED BY:** David Mumford

**Department:** Public Works

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**Information**

**PROBLEM/ISSUE STATEMENT**

W.O. 04-12 will relocate Alkali Creek to the north, reconstruct the north slopes, construct wider shoulders along the Alkali Creek Roadway, and resurface Alkali Creek Road between the BBWA siphon crossing and an area near Aronson Avenue. To complete these tasks, it is necessary to purchase easements from Morningside Homes within their common area along Alkali Creek Road. The Appraisal Group (Steve Repac) has completed an appraisal on the property, and an offer letter was presented to Morningside Homes on December 17, 2009.

To meet one of the permit requirements, all clearing and grubbing must be completed by May 15, 2010, so work must begin no later than May 1, 2010. Also, ARRA (American Recovery & Reinvestment Act) funds are designated for this project and must be spent by September 30, 2010. To meet these deadlines, it is necessary to acquire the easements or obtain right of entry as soon as possible. City Staff is continuing to work with the property owners to negotiate the necessary easements. Approval of the Resolution authorizing condemnation allows the pursuit of right of entry as negotiations continue or if negotiations reach an impasse.

**ALTERNATIVES ANALYZED**

The Council may:

- Approve Resolution authorizing condemnation of portions of Morningside Homes common area; or
- Do not approve resolution authorizing condemnation of portions of Morningside Homes common area.

**FINANCIAL IMPACT**

Final value will be set through the negotiation and agreement of the easements or through the condemnation process. The value determined from the appraisal for an easement and offered to the property owner is \$121,110.57. The determination of value is shown in the attached offer letter. The project is being funded with ARRA funds (\$1,650,688) and City contributions from Storm Water and Arterial fees.

**BACKGROUND**

Refer to Attachment C, a chronological summary of the project from the summer of 2007 to December 30, 2009.

PROCEDURAL HISTORY

If the resolution authorizing condemnation of portions of the Morningside Homes common area is approved and negotiations come to an impasse, City staff will proceed with condemnation. If negotiations are successful, the respective Right-of-Way Agreement and Right-Of-Way Easements will be presented to Council as soon as the documents are properly prepared, likely on January 25 or February 8. The project is targeted to bid the end of March, 2010, begin construction at the end of April, and complete by the end of July.

## ALTERNATIVES ANALYSIS

Approve resolution authorizing condemnation of portions of Morningside Homes common area, totaling approximately 3.4 acres. Under this option, City Staff would proceed with the condemnation process if negotiations are not successful.

Do not approve resolution authorizing condemnation of portions of Morningside Homes common area. Under this option, if negotiations not successful, the project will be delayed, increasing the risk of failure of Alkali Creek Road and potentially losing over \$1.6 million in ARRA funds.

## **RECOMMENDATION**

Staff recommends that Council approve the resolution authorizing potential condemnation of portions of the Morningside Homes common area totaling approximately 3.4 acres.

## **APPROVED BY CITY ADMINISTRATOR**

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### **Attachments**

Link: [Attachment A -- Resolution for Condemnation](#)

Link: [Attachment B -- Offer Letter](#)

Link: [Attachment C -- Chronology](#)

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**COUNCIL RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA, PURSUANT TO BILLINGS CITY CODE CHAPTER 12, EMINENT DOMAIN, DECLARING PUBLIC PURPOSE AND USE, DESCRIBING THE PROPERTIES TO BE TAKEN AND AUTHORIZING CITY OFFICIALS TO PROCEED.**

**WHEREAS**, the City of Billings finds it necessary to acquire a perpetual easement and a temporary construction access easement over certain real property for purposes of redirecting the flow of Alkali Creek because the creek is now eroding and undermining the roadway of Alkali Creek Road, which is an arterial roadway in the City of Billings, in the vicinity of Morningside Homeowners Association property; and

**WHEREAS**, it is urgent that this work be completed as expeditiously as possible since the failure of Alkali Creek Road, which is imminent, would be contrary to the best interests of the public who live in the area and use that roadway as a primary route to and from their daily employment; and

**WHEREAS**, it is also urgent that this work be completed no later than September 30, 2010 because the City of Billings has a one-time opportunity to obtain \$1.6 million in funding from the American Recovery and Reinvestment Act of 2009 to assist with the cost of this public work if the work is completed by that date, and in order to complete the work by that date, it is necessary to obtain a permit for the work from the United States Army Corps of Engineers, and in order to receive a permit to do the work, the preliminary grubbing work for the project will have to be completed by May 15, 2010 to avoid the nesting season for migratory birds; and

**WHEREAS**, moving the channel of Alkali Creek to stabilize the roadbed for Alkali Creek Road is the preferred manner of proceeding because it will be the least costly manner of solving the engineering problem presented, because, after considering available alternative solutions, the Council believes that moving the creek channel the most lasting manner of solving the problem due to the fact that building a retaining wall for the roadbed or rip rapping the creek bed alongside the roadway will only slow the erosion of the road bed by the creek waters while moving the channel will increase the

distance from the road bed to the creek waters, and because the reclamation of the land at the end of construction would produce a more scenic right-of-way for the Homeowners Association and the motoring public alike, and it will permit construction of the planned 20-foot wide multi-use trail adjacent to the roadway and away from the home sites rather than constructing the trail through the Morningside Homeowners Association common area, which is the only other viable route for the trail, thereby reducing conflicts between recreational and residential uses in the same vicinity and enhancing the privacy of the homeowners.

**WHEREAS**, the real property to be acquired, and the temporary construction easements necessary to complete these improvements is described in Exhibit "A" attached hereto and by this reference incorporated herein; and

**WHEREAS**, various City officials acting in their official capacities have met numerous times with members and representatives of the Morningside Homeowners Association to explain the project to them and to secure their cooperation but that cooperation has been refused, members of the Association objecting to a survey team entering on their common area to do a cultural survey to determine if there are articles of significant importance that would be disturbed by this work on the creek bed, and

**WHEREAS**, the City officials have attempted to purchase said real property at a mutually agreeable purchase price but have been unable to obtain the consent of all of the owners to sell said real property; and

**WHEREAS**, pursuant to Chapter 12, Section 12-102 of the Billings City Code, it is necessary to pass a Resolution initiating eminent domain procedures; and

**WHEREAS**, said use is a public use and will benefit the general public and will be used for public purposes; and

**WHEREAS**, it is necessary to condemn said real property by exercise of the right of eminent domain to make land available for said completion of redirecting the flow of Alkali Creek in the City of Billings in the flow of Alkali Creek in the City of Billings, in the vicinity of Morningside Homeowners Association property; and

**WHEREAS**, it is necessary to condemn the subject parcels for the purposes of obtaining a perpetual easement interest in said private real property and for a temporary construction access permit as described in Exhibit "A" for the purpose of redirecting the flow of Alkali Creek in the City of Billings, in the vicinity of Morningside Homeowners Association property; and

**WHEREAS**, the City officials should be authorized to proceed with the condemnation proceedings as provided by law.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Billings, Montana, as follows:

1. **PUBLIC USE:** The City hereby declares that the above-described interests in real property shall be condemned at its fair market value under the City's eminent domain powers to enable the City to acquire said property, and necessary easements, for the purposes of redirecting the flow of Alkali Creek where it is now eroding and undermining the roadway of Alkali Creek Road, which is an arterial roadway in the City of Billings, in the vicinity of Morningside Homeowners Association property;

2. **PUBLIC PURPOSE AND NECESSITY:** It is hereby declared that said real property is being acquired for a public purpose, for public use and is necessary to the project.

3. **DESCRIPTION OF PROPERTY, EXTENT OF INTEREST:** The right of way in fee simple, a perpetual easement and temporary construction easement described in Exhibit "A" shall be taken for the above-described public purpose.

4. **AUTHORIZATION TO PROCEED:** That the appropriate City officials are hereby directed and authorized to proceed with condemnation of said real property as provided by law.

**PASSED AND ADOPTED** by the City Council of the City of Billings, Montana, at a regular session thereof held on the 11<sup>th</sup> day of January, 2010.

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THOMAS W. HANEL, Mayor

ATTEST:

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CARI MARTIN  
City Clerk

APPROVED AS TO FORM:

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BRENT BROOKS  
City Attorney

## EXHIBIT "A"

### Parcel 1 – East of Morningside Lane

A tract of land for a perpetual ingress and egress easement to maintain Alkali Creek and its associated drainage facilities discharging from Alkali Creek Road, all situated in a portion of Tract 2, Certificate of Survey No. 2055, located in the E1/2 of Section 29, Township 1 North, Range 26 East, P.M.M., City of Billings, Yellowstone County, Montana as filed in the Official Records of Yellowstone County under Document No. 1191103, said parcel being more particularly described as follows:

BEGINNING at a point on the east line of said Tract 2 from which the southeast corner of said Tract 2 bears South 0°15'40" East, 31.46 feet; thence along the north line of a Quit Claim Deed, filed May 30, 2007 in the Official Records of Yellowstone County under Document No. 3424439 the following two (2) courses: South 72°13'47" West, 224.74 feet; thence South 84°22'47" West, 218.34 feet; thence departing said north line, North 43°42'13" East, 145.77 feet; thence North 70°14'06" East, 60.21 feet; thence North 83°24'15" East, 65.38 feet; thence North 48°12'26" East, 92.87 feet; thence North 80°08'18" East, 72.55 feet; thence North 88°36'59" East, 32.99 feet; thence South 72°55'38" East, 36.39 feet; thence South 00°15'40" East, 107.71 feet to the POINT OF BEGINNING. Containing 1.05 acres, more or less. Together with a map exhibit referenced hereto and made a part hereof.

### Parcel 2 – West of Morningside Lane

A tract of land for a perpetual ingress and egress easement to maintain Alkali Creek and its associated drainage facilities discharging from Alkali Creek Road, all situated in a portion of Tract 2, Certificate of Survey No. 2055, located in the E1/2 of Section 29, Township 1 North, Range 26 East, P.M.M., City of Billings, Yellowstone County, Montana as filed in the Official Records of Yellowstone County under Document No. 1191103, said parcel being more particularly described as follows:

COMMENCING at the southeast corner of said Tract 2; thence North 0°15'40" West, 31.46 feet along the east line of Section 29 to a point on the north line of a Quit Claim Deed, filed May 30, 2007 in the Official Records of Yellowstone County under Document No. 3424439 the following three (3) courses: South 72°13'47" West, 224.74 feet; thence South 84°22'47" West, 254.63 feet; thence South 67°19'47" West, 177.04 feet to the POINT OF BEGINNING; thence continuing along said north line of said Quit Claim the following four (4) courses, South 67°49'47" West, 211.42 feet; thence North 87°00'13" West, 558.04 feet; thence North 77°37'13" West, 46.83 feet; thence North 71°22'18" West, 78.67 feet to a point from which the southwest corner of said Tract 2 bears, North 71°22'18" West, 15.28 feet ; thence departing afore reference north line of the quit claim, North 46°49'04" East, 229.42 feet; thence South 62°02'10" East, 108.94 feet; thence South 75°05'24" East, 193.29 feet; thence South 68°14'01" East, 81.29 feet; thence North 84°02'21" East, 88.41 feet; thence North 78°34'18" East, 161.66 feet; thence South 62°53'08" East, 39.55 feet; thence continue southeasterly along said line, 74.11 feet to the POINT OF BEGINNING. Containing 2.15 acres, more or less. Together with a map exhibit referenced hereto and made a part hereof.

### Parcel 3 – Construction Access

A tract of land for a temporary construction easement situated in a portion of Tract 2, Certificate of Survey No. 2055, located in the E1/2 of Section 29, Township 1 North, Range 26 East, P.M.M., City of Billings, Yellowstone County, Montana as filed in the Official Records of Yellowstone County under

Document No. 1191103, said parcel being more particularly described as follows:

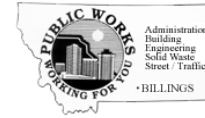
COMMENCING at the southeast corner of said Tract 2; thence North  $0^{\circ}15'40''$  West, 31.46 feet along the east line of Section 29 to a point on the north line of a Quit Claim Deed, filed May 30, 2007 in the Official Records of Yellowstone County under Document No. 3424439 the following three (3) courses: South  $72^{\circ}13'47''$  West, 224.74 feet; thence South  $84^{\circ}22'47''$  West, 254.63 feet; thence South  $67^{\circ}19'47''$  West, 147.30 feet to the POINT OF BEGINNING; thence continuing along said north line, South  $67^{\circ}49'47''$  West, 26.99 feet; thence departing said north line, North  $06^{\circ}11'42''$  East, 21.72 feet; thence North  $26^{\circ}46'12''$  East, 28.11 feet; thence North  $24^{\circ}50'27''$  East, 28.65 feet; thence North  $11^{\circ}31'19''$  East, 34.08 feet; thence North  $13^{\circ}33'47''$  West, 22.97 feet; thence North  $18^{\circ}49'26''$  West, 10.06 feet; thence North  $51^{\circ}43'50''$  West, 30.71 feet to a point of curve, thence westerly along a curve to the left, concave south, having a radius of 20.00 feet, through a central angle of  $109^{\circ}50'40''$ , an arc distance of 38.34 feet; thence South  $18^{\circ}25'30''$  West, 121.04 feet to a point on the northerly line of afore described Parcel 2; thence along the northerly line of said Parcel 2, North  $62^{\circ}53'08''$  West, 39.55 feet; thence departing said northerly line of Parcel 2, North  $78^{\circ}34'18''$  East, 22.02 feet; thence North  $18^{\circ}25'30''$  East, 152.83 feet; thence South  $80^{\circ}31'40''$  East, 19.31 feet; thence South  $56^{\circ}29'26''$  East, 41.33 feet; thence South  $51^{\circ}37'55''$  East, 27.03 feet; thence South  $29^{\circ}48'40''$  East, 28.24 feet; thence South  $07^{\circ}13'40''$  East, 25.79 feet; thence South  $07^{\circ}41'53''$  West, 24.87 feet; thence South  $23^{\circ}53'50''$  West, 73.70 feet; thence South  $00^{\circ}21'01''$  East, 5.07 feet to the POINT OF BEGINNING. Containing 0.20 acres, more or less. Together with a map exhibit referenced hereto and made a part hereof.



# City of Billings

## Public Works Department Engineering Division

2224 Montana Avenue  
Billings, Montana 59101  
Office (406) 657-8321  
Fax (406) 237-6291



December 17, 2009

Gary Nichols  
President, Morningside Homeowners Association  
342 Morningside Lane North  
Billings, MT 59105

Hand-delivered to: 401 North 31<sup>st</sup> Street, Suite 1300  
Billings, Montana

RE: W.O. 04-12—Alkali Creek Road Maintenance and Slope Reconstruction  
Final Offer to Purchase Construction Easements and/or Additional Right of Way

Mr. Nichols:

As reported in The Billings Gazette and detailed in previous correspondence to you, there are slope stability issues along Alkali Creek Road. Per the October 1, 2009 letter sent to you, upon completion of a land appraisal, the City would offer compensation for use of the land owned by Morningside Homes to successfully complete the City's project. Steve Repac, a member of The Appraisal Group and a State Certified General Appraiser, was hired to create an appraisal report for the respective area of land. The City has received this report, and a copy of the appraisal is attached.

The purpose of this letter is to make an offer to pay the full fair market value to the Morningside Homeowners Association for the minimum interest the City of Billings needs to do the work required to save this important arterial roadway before it begins to fail, as determined by the independent appraisal. The City is not inclined to purchase this land for permanent possession as right-of-way, but would rather Morningside Homes retain final ownership after reclamation and completion of the project. However, in the event Morningside Homes has no interest in maintaining full ownership, and to present an offer of the largest amount substantiated by the appraisal, the City is offering to pay the full market value of the land and if the offer is accepted, intends to restore the land to a natural state upon completion of the project.

A Montana Department of Transportation (MDT) standard establishes the value of a perpetual easement as 95% of the full fee value of the land. If Morningside Homes wishes to retain ownership and grant the City an easement for the approximate 3.2 acres, the resulting appraised value of the easement is \$58,265.40. In addition, the appraiser has determined the project will cause damages to four adjacent properties in the amount of \$56,695. These properties are identified in the appraisal report. Finally, the City will need a temporary easement along Morningside Lane to access the proposed construction zone. The appraised value of this temporary access easement of approximately 0.20 acre is \$383.

The total appraised value for this option is \$115,343.40. The City Council has given Public Works the authority to offer five percent (5%) above this value. Therefore, the City offers to pay Morningside

Homes a total of **ONE HUNDRED TWENTY ONE THOUSAND ONE HUNDRED TEN AND 57/100 DOLLARS (\$121,110.57)** for a perpetual easement and temporary access easement on the referenced land as well as damages to the four identified adjacent properties.

The appraised value for permanent acquisition of the approximate 3.2 acres of land needed by the City for this project is \$61,332. The appraised value of damages to adjacent properties and an access easement remain unchanged, so the total appraised value for this option is \$118,410. Again, Public Works can offer 5% above this value, so the City offers to pay Morningside Homes a total of **ONE HUNDRED TWENTY FOUR THOUSAND THREE HUNDRED THIRTY AND 50/100 DOLLARS (\$124,330.50)** for permanent acquisition of the referenced land.

If accepted by Morningside Homes, both of these offers are subject to City Council approval, but these shall be considered as final and last offers. Please reply to me by 5:00 p.m. on Thursday, January 7, 2010, whether or not Morningside Homes will accept either offer. Failure to respond by this day and time will be deemed a rejection of all offers made herein, resulting in Staff recommending a Resolution to begin eminent domain proceedings at the January 11, 2010, City Council meeting.

Your consideration of these offers is appreciated. Please contact us with any questions you may have about the project and we will answer them the best we are able to at that time.

Sincerely,

Will Robbins  
Staff Engineer / Project Manager  
City of Billings - Engineering Division  
406-657-8237

Attached: December 4, 2009, Appraisal Report from Steve Repac

Copy: Debi Meling, City Engineer  
Kelly Addy, Deputy City Attorney  
Chrono file (w/o attachment)

## W.O. 04-12—Alkali Creek Road Maintenance and Slope Reconstruction

### Chronological Summary

- Summer, 2007: Slope failure occurred. Temporary fix done by City (Street & Traffic).
- Spring, 2008: In-depth investigation of alternatives to stabilize slopes.
  - Earth retention systems
    - Rock buttress slopes
    - Mechanically stabilized earth (MSE) walls
    - Geosynthetic bioengineered (vegetated) walls
  - Anchored wall systems
    - Soldier piles & lagging
    - Tied-back sheet piling wall
    - Soil nail walls
- October, 2008: Bid project to construct soldier piles & lagging for 4 most critical areas **ONLY**.
  - Received three bids ranging from \$2.23 million to \$2.64 million.
  - Low bid was \$2,223,337.50, more than \$600,000 over the entire project budget and \$657,800 over the engineer's estimate.
- Spring, 2009: Further investigation of alternatives.
  - Do nothing.
  - Permanent closure of or relocating Alkali Creek Road.
  - Road subgrade stabilization.
  - Earth retention systems (see above)—relying on bedrock as foundation.
  - Anchored wall systems (see above).
  - Relocate Alkali Creek and stream channel.
    - Met with Army Corps of Engineers and other resource agencies to determine feasibility—received positive response, so pursued that option.
- September, 2009:
  - Held neighborhood meeting with all property owners adjacent to project boundaries (only Morningside residents attended) to reveal proposed concept. Received adamant opposition from residents.
  - Submitted Joint Application to Army Corps of Engineers and all affected agencies requesting permit to move the stream channel.
  - Completed Wetland Delineation of affected area, as per Army Corps requirements.
- September 14, 2009: City Council approved acceptance of \$1,650,688 in ARRA funds dedicated to this project. Funds must be **SPENT** before September 30, 2010.
- September 30, 2009: Army Corps of Engineers issued a Public Notice with regards to our Joint Application. Numerous residents sent letters to Corps requesting a Public Hearing, but the Corps did not deem this necessary.
- October 2, 2009: Met with Gary Nichols, President of Morningside Home Owners Association (MHOA), at his office.
  - Personally presented letter stating the need for a construction easement and the City's willingness to pay a fair value for the easement as determined by an independent appraiser. Letter also referenced the Morningside Annexation Agreement, specifically the requirement for MHOA to grant the City an easement for a multi-use path through their common area.
  - Discussed portions of the Annexation Agreement dealing with MHOA's responsibility to participate in an SID for improvements (curb & gutter, sidewalk, etc.) along Alkali Creek

Road when the road itself is improved in lieu of making the improvements when the annexation was passed.

- The essence of his response was that the Morningside residents would oppose the project and fight the City to proceed with the project, regardless of how much money was offered.
- October 13, 2009:
  - Received initial response to application from Army Corps— notified of requirement to perform a cultural resource survey.
  - Met with a land appraiser to begin work on preparing an appraisal of affected land— targeted for completion by end of November.
- Week of October 19, 2009: Requested, and verbally received from Gary Nichols, permission to enter the MHOA land to perform a cultural survey.
- October 26, 2009: Personnel from Kadrmas, Lee & Jackson (KLJ) mobilized on-site from North Dakota to begin cultural survey. Received notice from Gary Nichols that afternoon that permission for access was being rescinded.
- October 29, 2009: Letter sent to MHOA (Gary Nichols) citing Montana Law and giving 30-days written notice of intent to enter the property on or after November 30 to perform the cultural survey.
- November 4, 2009: Gary Nichols verbally acknowledged receipt of letter and that it had been forwarded to MHOA attorney. No written acknowledgment was provided, so the letter was resent via CERTIFIED MAIL, RETURN RECEIPT REQUESTED.
- November 12, 2009:
  - Received notice that letter had not been delivered to recipient.
  - In discussion with Gary Nichols, he said he would not be able to go to the post office to sign for and accept the letter.
  - Sent a third letter, giving another 30-days notice of entry, which was hand-delivered and served by a City Court Officer to Mr. Nichols at his place of business. Cultural survey scheduled to begin on or after December 12, 2009.
- December 7, 2009: Received land appraisal.
- December 8, 2009: Received 50% design plans from KLJ.
- December 11, 2009: Received letter from Ken Frazier (MHOA attorney) denying access for cultural survey, citing misguided reliance on MCA by the City. This was day-29 after a 30-day notice was given for entering the land to conduct a cultural survey.
- December 15, 2009: Dave Mumford gave a presentation to the Heights Task Force updating the project. Ben Surwill (Morningside resident) offered to host an informal meeting at his house to expand upon Dave's presentation and provide more details on the update.
- December 16, 2009: Contacted Ben Surwill about his proposed meeting. Some things to be presented include actual photos of potential trees & plants, before & after photos of similar projects, and landscaping sheets from 50% plans. Upon conferring with 3-4 of his neighbors, Mr. Surwill responded there was no interest in meeting at this time due to things still being too preliminary.
- December 17, 2009: Met with Gary Nichols at his office.
  - Presented him with an offer letter to acquire necessary easements or to purchase the needed land outright. Deadline of January 7, 2010, was given. If offers are rejected, Staff will recommend Resolution for eminent domain proceedings at January 11 Council meeting.

- Provided materials that were intended to be presented at Surwill meeting (see December 16 entry).
  - Gave verbal notification that the City believes we are interpreting the law correctly and intends to proceed with entering land to perform cultural survey.
- December 18, 2009
  - Called Gary Nichols to clarify any misunderstandings Morningside may have about the cultural survey and ask why they are so vehemently against allowing us to do it. Response was that they believe the law does NOT allow us on the land for that type of work and that until an agreement is reached on the direction of the project as a whole, they do not want anyone on the land to do anything. They intend to obtain an injunction to prohibit us from entering the land.
    - Morningside is meeting Tuesday, December 22, to discuss the issue of access for the cultural survey and the offer letter. As a “gentlemen’s” agreement, Gary and I agreed to do nothing (obtain injunction or enter the land) until after that meeting.
    - Gary believes his group will come up with some sort of counter offer before the January 7 deadline. The counter offer will likely involve SID participation and agreement on final landscaping design and specifications. MHOA would also like, if possible, some of the larger existing trees (mainly on the west end) salvaged.
    - Gary said Morningside realizes the City’s ability to do whatever we want within our ROW—including removing that entire layer of trees and vegetation and installing something hideous (i.e. sheet piles) to correct the slope issue. This is not desirable to MHOA.
- December 21, 2009: City (Kelly Addy, Debi Meling, Will Robbins) met with Morningside (Gary Nichols & Jim Pickens) and their attorney (Ken Frazier).
  - Presented updated project overview, including landscaping sheets from 50% design plans.
  - Made them aware, again, of our wish to coordinate with them for the final design and completion of a quality project, of our intentions on how to proceed with the project, and our reasoning as to why everything must be done in the targeted timeframe.
- December 24, 2010: Discussion between Kelly Addy and Ken Frazier—strictly verbal, nothing in writing—about MHOA agreeing in principle to pursue settlement with the City regarding the offer letter.
  - Agree to accept the appraised value.
  - Desire to have a guardrail installed as part of the project.
  - Grant permission for a survey team to perform the cultural survey within the common area.
- December 29, 2009: Received e-mail from Ken Frazier granting permission to enter MHOA common area and perform a cultural survey beginning January 4, 2010.
- UPDATED: 12/30/09

**Regular City Council Meeting**

**Consent : 1.L.**

**Date: 01/11/2010**

**TITLE: Zone Change #859 - 2nd reading - 2100 Main Street**

**PRESENTED BY:** Candi Beaudry

Planning & Community

**Department:** Services

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**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. The City Council held a public hearing on December 21, 2009, and approved the zone change on first reading.

**ALTERNATIVES ANALYZED**

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

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

**FINANCIAL IMPACT**

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.

**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**

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**Attachments**

Link: [ZC #859 Ordinance](#)

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**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

**Date: 01/11/2010**

**TITLE: Municipal Infractions Ordinance – 2nd Reading**

**PRESENTED BY:** Brent Brooks

**Department:** Legal

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**Information**

**PROBLEM/ISSUE STATEMENT**

City Administrator Tina Volek directed the City Attorney's office to research decriminalization of certain minor misdemeanor criminal offenses. The City Administrator and several City departments including Municipal Court, City Attorneys, Police and Planning have met on multiple occasions to evaluate and refine the ordinance and the listed decriminalized offenses.

Montana Code Annotated section 7-1-4150 (2009) permits a municipality to decriminalize certain state and city offenses which then become civil infractions as opposed to criminal law violations. The infraction can be presented in court by the officer who issued the citation or ticket, and the infraction must be proven by a preponderance of the evidence as opposed to the higher criminal standard of beyond a reasonable doubt.

The procedure at trial is less formal than a criminal trial and more similar to a small claims court procedure. The accused is entitled to a bench (non-jury) trial on the merits, but not a jury trial. A person charged with a municipal infraction is not facing the possibility of jail time, but can only be sentenced to a fine and in some cases a specific order of abatement. For the offenses specified in the attached draft ordinance, we believe it much more appropriate to charge minor offenses such as certain code violations and parking violations as civil infractions, as opposed to charging people with a criminal offense.

The City Council approved the municipal infraction ordinance at first reading on December 14th, 2009. No modifications or amendments were submitted on first reading. There will be a brief delayed effective date until March 1, 2010, in order to allow the development of procedures and forms used in processing municipal infractions prior to the effective date. After using the municipal infractions for several months we will evaluate how they are working, and will amend the ordinance and procedures if necessary.

**ALTERNATIVES ANALYZED**

The Council may:

- Approve the Municipal Infraction Ordinance; or
- Not approve the Municipal Infraction ordinance.

**FINANCIAL IMPACT**

There is little anticipated cost to the City to enact this ordinance. There may be minor printing costs if a separate citation form is deemed appropriate and helpful. This new ordinance is intended to expedite the processing of many minor offenses through the court system and free up resources in the Municipal Court and City Attorney's Office. Surcharge revenue for the City will not change, as surcharges currently collected and forwarded to the City general fund on any criminal offenses will be collected and forwarded in the same manner after designated offenses are decriminalized. Surcharges currently collected and forwarded to the State pursuant to State Law will be collected and forwarded to the State in the same manner after designated offenses are decriminalized.

**RECOMMENDATION**

Staff recommends the Council approve the municipal infraction ordinance on 2nd reading.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

Link: [Municipal Infractions Ordinance](#)

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ORDINANCE NO.

AN ORDINANCE AMENDING THE BILLINGS CITY CODE BY ADDING A NEW ARTICLE 18-1200 TO BE KNOWN AS MUNICIPAL INFRACTIONS, REPEALING MULTIPLE SECTIONS, ADDING NEW SECTIONS, AND AMENDING MULTIPLE SECTIONS TO PROVIDE FOR CIVIL PENALTIES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

Section 1. That the Billings, Montana City Code be amended by revising Sections 1-110, 4-303, 4-309, 4-403, 4-404, 4-406, 4-409, 4-437, 4-438, 4-501, 6-206, 10-402, 10-403, 21-202, 22-405, 22-408, 22-433, 24-445, 24-458, 24-467, 24-1011, 25-306, 27-601, 27-604, 27-607, 27-615, 27-706, 27-1604, repealing sections 4-411, 24-327, 24-343, 24-354, adding new sections 4-310, 4-454, 7-204, 7-321, 7-1215, 13-305, 18-404, 22-409, 22-449, 24-355, 24-473, 27-745 designating specific offenses as municipal infractions, and adding an Article to be numbered 18-1200, to read as follows:

Sec. 1-110. Violations; penalty.

- (a) Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Code or any ordinance of this city or any rule or regulation adopted pursuant to this Code, shall be guilty of a misdemeanor, and any person convicted of a misdemeanor under this Code or any ordinance of this city, shall be punished by a fine of not more than five hundred dollars (\$500.00), or by imprisonment not to exceed six (6) months, or by both such fine and imprisonment. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Code or any ordinance of this city, is committed, continued or permitted by any such person, and he/she shall be punished accordingly.
- (b) In addition to the above penalty the city may abate any condition which is in violation of this Code.
- (c) Any person found to have committed an offense specifically designated as a municipal infraction shall be subject to civil penalties as specified in Section 18-1204.

Sec. 4-303. Rabbitry.

- (a) Whenever the term "rabbitry" is used in this section it shall be deemed to mean any premises or property of any kind or description where more than one female rabbit or hare is kept for purposes of breeding, or where more than one litter of rabbits or hares is kept for purposes of sale.
- (b) No person shall keep or maintain a rabbitry on premises controlled by such person.

Sec. 4-309. Roadside and flea market sales.

- (a) It shall be unlawful for any person to sell, trade, or barter a live animal on a roadside, public right-of-way, commercial parking lot, or at an outdoor special sale, swap meet, flea market, parking lot sale, or similar event.
- (b) This section does not apply to:

- (1) An agent of a business that has a certificate of occupancy from the building inspection division authorizing the occupancy of the premises for purposes of operating a business selling pets;
- (2) An event primarily for the sale of agricultural livestock such as hooved animals or animals or fowl commonly raised for food, dairy, or fiber products; or
- (3) A tax-exempt non-profit organization founded for the purpose of providing humane sanctuary or shelter for abandoned or unwanted animals.

#### Sec. 4-310. Penalties

Violations of Sections 4-302 through 4-309 are designated as municipal infractions and punishable by civil penalties as specified in Section 18-1204.

#### Sec. 4-403. Female small animals.

Every person having under his/her control any female small animal in heat (i.e., in the oestral period) shall confine such small animal in a house, garage or other enclosed area. The female small animal shall be contained in such a manner that the female cannot come into contact with a male of the same species except for planned breeding. Such female not so confined is a public nuisance, and the owner or other person in control of such small animal shall be subject to civil penalties as specified in Section 18-1204. The animal control officer or any police officer shall immediately abate every such nuisance by impounding such small animal.

#### Sec. 4-404. Noisy animals.

Every person who keeps, feeds, harbors or allows to stay about any premises occupied or controlled by such person, any animal which unreasonably annoys or disturbs any person by continuous and habitual barking, howling, yelping, whining or other noise is responsible for maintaining a public nuisance and shall be subject to civil penalties as specified in Section 18-1204. This section does not apply to an animal that is owned, kept, or harbored as part of the business of a licensed veterinarian, animal boarding facility, or agricultural or livestock operation.

The complainant must identify himself or herself by name, address and telephone number. To constitute a violation for prosecution under this section, a written complaint must be received by the animal control officer which shall include but not be limited to a summary of the nature and duration of the animal noise and any other information as may be required by the animal control officer to establish a violation of this section.

#### Sec. 4-406. Small animals at large.

No small animal shall be allowed to run at large in the city. No owner shall allow or permit any small animal to be at large off the owner's property unless restrained by leash, cord, chain, fence or other physical means of control; provided, that an obedience trained dog shall be allowed to participate in obedience training, field trials, dog shows or competition. In all individual obedience training within the city, the small animal shall not be allowed to be separated from its owner or trainer by more than six (6) feet except on private property with owner permission or on public property as referenced in section 4-407. Any small animal found to be running at large in the city or on private property in violation of this section is a public nuisance and shall be

impounded in the animal shelter. Persons found to have committed a violation of this section shall be subject to civil penalties as specified in Section 18-1204.

Sec. 4-409. Vaccination of dogs/cats for rabies.

The owner of every dog/cat kept, harbored or maintained within the city which is three (3) months old or older shall, at the owner's expense, cause the dog/cat to be vaccinated for rabies by a licensed veterinarian, and the owner of any such dog/cat who for thirty (30) days willfully fails to have such dog/cat vaccinated shall be subject to civil penalties as specified in Section 18-1204. The veterinarian shall retain a copy of the vaccination receipt for such period as the health officer of the city shall prescribe. The owner of such dog/cat when applying for registration required by section 4-431 shall present the vaccination receipt as proof of current and valid vaccination.

Sec. 4-437. Tags and collars.

(a) Upon payment of the registration fee under this division, the animal control officer or agent designated as herein provided shall issue to the owner a registration certificate in the form of a receipt and a metallic tag for each dog/cat so registered. The tag shall have stamped thereon the year for which it was issued and the number appearing on the certificate. The dog/cat is required to display a registration and vaccination tag when off of the owner's property.

(b) No registration provided for in this chapter is transferable, and no registration tag shall be fastened to any dog/cat other than the one for which it was issued.

(c) Any person who knowingly fastens a registration tag or a vaccination tag to any dog or cat other than the one for which such tag was issued or who willfully permits such dog or cat to wear any registration tag or vaccination tag issued for another dog or cat shall be subject to civil penalties as specified in Section 18-1204. The animal control officer shall impound every dog or cat found bearing a registration tag or vaccination tag not issued for that dog or cat, and shall dispose of such dog or cat as provided by section 4-450.

(d) In case a registration tag is lost or destroyed, the owner of the dog/cat shall apply to the animal control officer for a duplicate tag and the animal control officer shall issue a duplicate tag upon presentation of the receipt showing payment for the registration for the current year and upon payment of a fee.

(e) In case a vaccination receipt is lost or destroyed, the owner of the dog or cat shall apply to the veterinarian who vaccinated the dog or cat for a duplicate receipt.

Sec. 4-438. Unregistered dogs/cats.

Every person who knowingly keeps, feed, harbors or allows to stay about any premises occupied or controlled by such person, any unregistered dog/cat or upon which no registration tag current and valid vaccination tag are kept as required by section 4-437 shall be subject to civil penalties as specified in Section 18-1204.

Sec. 4-454. Penalties

Violations of Sections 4-403, 4-404, 4-406, 4-407, 4-409, 4-437, and 4-438 are designated as municipal infractions and punishable by civil penalties as specified in Section 18-1204.

Sec. 4-501. Running at large prohibited.

No person owning or having control of a horse, donkey, bovine, sheep, goat, swine, chicken, duck, turkey, or other livestock animals, shall allow any such animal to be at large. A violation of this section is designated as a municipal infraction and punishable by civil penalties as specified in Section 18-1204.

Sec. 6-206. Violations.

Violation of the model technical codes or Administrative Rules of Montana, as adopted in section 6-201, or any other provision of articles 6-200, 6-300, 6-400, and 6-500, is a municipal infraction and punishable by civil penalties as specified in Section 18-1204. Each day that the violation continues is a separate offense, and shall be punished accordingly.

(Ord. No. 94-4961, § 3, 5-23-94)

Sec. 7-204. Penalties

Violations of this article are designated as municipal infractions, and punishable by civil penalties as specified in Section 18-1204.

Sec. 7-321. Penalties

Violations of this article are designated as municipal infractions, and punishable by civil penalties as specified in Section 18-1204.

Sec. 7-1215. Penalties

Violations of this article are designated as municipal infractions, and punishable by civil penalties as specified in Section 18-1204.

Sec. 10-402. Establishment of municipal court disposition administrative fee.

There is hereby established administrative fees and charges to be assessed by the municipal court as part of the disposition of all citations, complaints, and municipal infractions, criminal, civil, and traffic, for which there is a conviction, bond forfeiture, finding or admission of violation, nolo contendere plea, or plea of guilty entered. An administrative processing fee for any citation or complaint in the city municipal court of ten dollars (\$10.00) shall be assessed each citation or complaint in addition to the regular fines, surcharges and fees at the time of disposition. The amount of the administrative processing fee may be modified by resolution of the city council.

Sec. 10-403. Establishment of municipal court time pay contract administrative fee.

The municipal court shall assess a fee on all time payment contracts allowed the defendant for payment of fines, costs, civil penalties, and charges in municipal court on an installment basis at an amount of ten dollars (\$10.00). The amount of the administrative processing fee may be modified by resolution of the city council.

Sec. 13-305. Penalties

Violations of this article are designated as municipal infractions, and punishable by civil penalties as specified in Section 18-1204.

Sec. 18-404. Penalties

Violations of this article are designated as municipal infractions, and punishable by civil penalties as specified in Section 18-1204.

Sec. 21-202. Duty of owner or occupant.

(a) It shall be the duty of the owner or occupant of any premises within the city limits to keep such premises and one-half of the alley immediately adjacent thereto and the gutter in front of or adjoining his or her property clean, open and free of wastepaper, cans, leaves or any unhealthy materials of any kind.

(b) Before a complaint can be filed charging a violation of this section, the person to be charged must first be given written notice of the violation, setting forth in the notice the nature of the violation, and a period of five (5) days after receiving such notice to remedy the violation.

(c) A violation of this section is designated as a municipal infraction and punishable by civil penalties as specified in Section 18-1204.

Sec. 22-405. Awnings.

Any person placing or maintaining any awning upon a street or avenue of the city, unless the same is attached firmly to the front or sides of a building by means of iron brackets or iron framework, and is supported without posts, so that the lowest part of the awning is elevated at least seven (7) feet above the surface of the sidewalk, shall be subject to civil penalties as specified in Section 18-1204.

Sec. 22-408. Failure to remove obstructions.

Any person who shall willfully and unnecessarily obstruct any sidewalk, street or alley without first obtaining permission of the city or who shall fail to remove any obstruction placed in or upon any street, sidewalk or alley whenever any permission previously granted shall have been withdrawn, or when notified to do so by the city, shall be subject to civil penalties as specified in Section 18-1204.

Sec. 22-409. Penalties

Violations of this article, division 1 are designated as municipal infractions, and punishable by civil penalties as specified in Section 18-1204.

Sec. 22-433. Vehicle owner's responsibility.

It shall be the duty of the owner of any motor vehicle to remove the vehicle parked along through streets at any time that accumulations of snow, ice or sleet are greater than two (2) inches.

Should the owner fail or refuse to remove the vehicle, the city shall impound the vehicle and it will only be released to the owner upon the city being reimbursed for towing charge and the posting of an appearance bond. Persons found to have committed a violation of this section shall be subject to civil penalties as specified in Section 18-1204.

Sec. 22-449. Penalties

Violations of this article, division 4 are designated as municipal infractions, and punishable by civil penalties as specified in Section 18-1204.

Sec. 24-355. Penalties

Violations of this article are designated as municipal infractions, and punishable by civil penalties as specified in Section 18-1204.

Sec. 24-445. Penalty.

A person who parks a motor vehicle in violation of this division shall be subject to a civil penalty of \$100. However, a person charged with violating this division shall not be subject to any penalty if within twenty-four (24) hours the person produces in court or the office of the arresting officer a special parking permit that was previously issued to the person and that was valid at the time the citation was issued.

Sec. 24-458. Slug deposit or injury to meter prohibited.

- (a) It is unlawful to deposit or cause to be deposited in any parking meter any slug, device or metallic substitute for a coin of the United States.
- (b) It is unlawful for any person to deface, injure, tamper with or open or wilfully break, destroy or impair the usefulness of any parking meter installed under the terms of this division.
- (c) Every person who violates this section shall be subject to civil penalties as specified in Section 18-1204.

Sec. 24-467. Failure to pay parking fees.

A person who parks in a non-metered city parking space is required to pay an hourly or monthly parking fee in the manner and at the time set by the city. A person who fails to pay the required parking fee when due shall be subject to civil penalties as specified in Section 18-1204. Each day that a violation occurs is a separate offense.

Sec. 24-473. Penalties

Violations of this article are designated as municipal infractions, and punishable by civil penalties as specified in Section 18-1204.

Sec. 24-1011. Penalty for violations.

The City Administrator or designee shall establish a bond schedule for parking violations subject to the maximum penalties established in Section 1-110 and Section 18-1204.

Sec. 25-306. Failure to comply municipal infraction.

A violation of the provisions of this article shall be a municipal infraction. Persons found to have committed a violation of this article shall be subject to civil penalties as specified in Section 18-1204.

Sec. 27-601. Parking and storage restrictions.

(c) Penalties. A violation of this section is designated as a municipal infraction, and punishable by civil penalties as specified in Section 18-1204.

Sec. 27-604. Fences, walls and hedges.

(i) Penalties. A violation of this section is designated as a municipal infraction, and punishable by civil penalties as specified in Section 18-1204.

Sec. 27-607. Livestock and fowl.

(e) Penalties. A violation of this section is designated as a municipal infraction, and punishable by civil penalties as specified in Section 18-1204.

Sec. 27-615. Visibility at intersections.

(e) Penalties. A violation of this section is designated as a municipal infraction, and punishable by civil penalties as specified in Section 18-1204.

Sec. 27-706. Special circumstance signs.

(8) *Penalty*. A violation of this section is designated as a municipal infraction, and punishable by civil penalties as specified in Section 18-1204.

Sec. 27-745 Penalties.

Violations of this article are designated as municipal infractions, and punishable by civil penalties as specified in Section 18-1204.

Sec. 27-1604. Penalties for violation.

(a) A violation of this act or any chapter adopted pursuant thereto, other than offenses specifically declared to be municipal infractions, is hereby declared to be a misdemeanor and shall be punishable by a fine not exceeding five hundred dollars (\$500.00) or imprisonment in the county jail not exceeding six (6) months, or both, and in addition shall pay all costs and expenses involved. Each day such violation continues shall be considered to be a separate offense.

(b) In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this act, or of any resolution/ordinance made under authority conferred hereby, the proper authorities of the city or county may institute any appropriate action or proceedings, in addition to other remedies, to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use to restrain, correct, or abate such violation to prevent the occupancy of such building, structure, or land to prevent any illegal act, conduct, business, or use in or about such premises.

New Article:

## **ARTICLE 18-1200. MUNICIPAL INFRACTIONS**

### **Sec. 18-1201. Definitions**

**MUNICIPAL INFRACTION:** Any violation of this Code which has been specifically declared to be a municipal infraction under provisions of this Code.

**OFFICER:** Any employee or official authorized to enforce provisions of this Code, as amended.

**REPEAT VIOLATION:** A recurring violation of the same section of this Code within a twelve (12) month period.

### **Sec. 18-1202. Civil Citations: Service and Requirements**

- A. Any officer may issue a civil citation to a person who commits a municipal infraction.
- B. The citation may be served on the alleged violator by any one of the following methods:
  - 1. Personal service; or
  - 2. By certified mail addressed to the defendant at the defendant's last known mailing address, return receipt requested; or
  - 3. By publication, in the manner described in rule 4D(5) of the Montana rules of civil procedure.
- C. A copy of the citation must be retained by the issuing officer and one copy be sent to or filed with the clerk of the Billings Municipal Court.
- D. The citation shall serve as notification that a municipal infraction has been committed and shall contain the following information:
  - 1. The name and address of the defendant;
  - 2. The name or description of the infraction attested to by the officer issuing the citation;
  - 3. The location and time of the infraction;
  - 4. The amount of the civil penalty to be assessed or the alternative relief sought, or both;
  - 5. The manner, location and time in which the penalty may be paid;
  - 6. The time and place of court appearance; and
  - 7. The penalty for failure to appear in court.

### **Sec. 18-1203. Court Proceedings**

- A. If the total amount of civil penalties does not exceed three thousand dollars (\$3,000.00), the matter shall be tried before the Municipal Court Judge in the same manner as a small claim. If the total amount of civil penalties assessed exceeds three thousand dollars (\$3,000.00), the matter must be tried before a District Court Judge.
- B. The City has the burden of proof that the municipal infraction occurred and that the defendant committed the infraction. The proof must be by clear and convincing evidence.
- C. The court shall ensure that the defendant has received a copy of the charges and that the defendant understands the charges. The defendant may question all witnesses who appear for the municipality and produce evidence or witnesses on the defendant's behalf.

D. The defendant may be represented by counsel of the defendant's own choosing and at the defendant's own expense.

E. The defendant may answer by admitting or denying the infraction.

F. If a municipal infraction is proven, the court shall enter judgment against the defendant. If the infraction is not proven, the court shall dismiss the charges. If the action is dismissed by the court, the municipality is liable for the court costs and court fees.

G. If the person named in the citation is shown to have been served with the civil citation in the proper manner and, without good cause, fails to appear in response to the citation, judgment shall be entered against the person by the court.

#### **Sec. 18-1204. Penalties**

A. A municipal infraction is a civil offense and for a proven violation, a civil penalty may be imposed.

B. For a first violation, a civil penalty of not more than three hundred dollars (\$300.00) shall be imposed.

C. For each repeat violation, a civil penalty not to exceed five hundred dollars (\$500.00) shall be imposed. Each day that a violation occurs or is permitted to exist constitutes a separate and distinct infraction.

D. Seeking a civil penalty as authorized in this article does not preclude the City from seeking alternative relief from the court in the same action.

E. Statutory surcharges and required City surcharges must be imposed, as provided in MCA Sections 3-1-317(1)(a), 3-1-318(1), and 46-18-236(6), on municipal infractions that are criminal offenses under state law, and the amounts must be distributed as provided in those sections.

F. All penalties and forfeitures collected by the Municipal Court for a municipal infraction shall be remitted to the City in the same manner as fines and forfeitures collected for criminal offenses.

G. A defendant against whom judgment is entered shall pay court costs and fees as in small claims court under Title 25, Chapter 35 of the Montana Code Annotated in addition to the penalties imposed by the court.

H. In addition to the imposition of civil penalties authorized by law against a defendant, the court may impose alternative relief in the same action. Alternative relief may consist of any of the following:

1. Direct that payment of the civil penalty be suspended or deferred under conditions imposed by the court:

2. Order the defendant to abate or cease the violation:
3. Authorize the City to abate or correct the violation:
4. Order the City's costs for abatement or correction of the violation be entered as a judgment against the defendant or assessed against the property where the violation occurred or both.

I. The Municipal Court may assess or enter judgment for costs of abatement or correction in any amount not to exceed the jurisdictional amount for a money judgment in a civil action under MCA Section 3-11-103. If the City seeks abatement or correction costs in excess of this amount, the matter shall be referred to District Court for hearing and entry of an appropriate order. The procedure for hearing in the District Court shall be the same procedure as that for a small claims appealed under MCA Section 25-35-803.

J. A defendant who willfully violates the terms of an order imposed by the Municipal Court is guilty of contempt.

#### **Sec. 18-1205. Appeals Following Judgment**

A. The defendant or the City may file a motion for a new trial or may appeal the decision to District Court.

B. A factual determination made by the trial court, supported by substantial evidence as shown on the record, is binding for purposes of appeal relating to the violation at issue, but is not admissible or binding as to any future violations for the same or similar ordinance provision by the same defendant.

#### **Sec. 18-1206. Issuance of Civil Citations Not Grounds for Further Legal Action**

Except for willful or wanton misconduct on the part of the City, the issuance of a civil citation for a municipal infraction or the ensuing court proceedings do not provide an action for false arrest, false imprisonment, or malicious prosecution.

#### **Sec. 18-1207. Environmental Actions**

An action brought by the City for an environmental violation does not preclude, and is in addition to, any other enforcement action that may be brought under State law.

#### **Sec. 18-1208. Designated Offenses**

In addition to those code sections specifically identified as municipal infractions, violations of the following code sections are hereby designated as municipal infractions and subject to civil penalties as specified in Section 18-1204.

Section 24-101

-The following Title 61, M.C.A. offenses adopted and incorporated by reference into B.M.C. Section 24-101

Certificates of Ownership, Registration and Taxation of Motor Vehicles--Registration

61- 3-301. Registration--License plate required--Display

61- 3-302. Residents operating motor vehicles under licenses issued by any state other than Montana forbidden

61- 3-322. Certificates of registration--Issuance

Traffic Regulation--General Provisions:

61- 8-104. Required obedience to traffic laws

61- 8-105. Obedience to police officers and highway patrolmen

61- 8-106. Responsibility of public officers and employees

61- 8-108. Traffic laws applicable to persons driving animal-drawn vehicles

Traffic Regulations--Traffic-Control Devices:

61- 8-201. Obedience to traffic-control devices

61- 8-207. Traffic-control signal legend

61- 8-208. Pedestrian control signals

61- 8-209. Flashing signals

61- 8-210. Display of unauthorized signs, signals or markings

Traffic Regulations--Vehicle Operating Requirements:

61- 8-302. Careless driving (misdemeanor)

61- 8-311. Minimum speed regulations

61- 8-312. Special speed limitations on trucks, truck-tractors, motor-driven cycles, and vehicles towing house trailers

61- 8-313. Special speed limitations

61- 8-321. Drive on right side of roadway--Exceptions

61- 8-322. Passing vehicles proceeding in opposite directions

61- 8-323. Overtaking a vehicle on the left

61- 8-324. When overtaking on right is permitted

61- 8-325. Limitations on overtaking on the left

61- 8-328. Driving on roadways laned for traffic

61- 8-329. Following too closely

61- 8-330. Driving on divided highways

61- 8-331. Restricted and controlled access

61- 8-332. Restrictions on use of controlled-access roadway

61- 8-333. Required position and method of turning at intersection--Bicycle turn procedures--Signs

61- 8-334. Turning on curve or crest of grade prohibited

61- 8-335. Starting parked vehicle

61- 8-336. Turning movements and required signals

61- 8-337. Signals by hand and arm or signal device

61- 8-338. Method of giving hand-and-arm signals

61- 8-339. Vehicle approaching or entering intersection

- 61- 8-340. Vehicle turning left at intersection
- 61- 8-342. Vehicle approaching "yield" sign
- 61- 8-343. Vehicle entering highway from private road, driveway, or public approach ramp
- 61- 8-344. Vehicles to stop at stop signs
- 61- 8-345. Stop before emerging from alley, driveway, or building
- 61- 8-347. Obedience to signal indicating approach of train
- 61- 8-348. All vehicles to stop at certain railroad grade crossings
- 61- 8-349. Certain vehicles to stop at all railroad grade crossings
- 61- 8-350. Moving heavy equipment at railroad grade crossings
- 61- 8-351. Meeting or passing school bus
- 61- 8-352. Prohibited operation of special lighting equipment on school buses
- 61- 8-354. Stopping, standing or parking prohibited in specified places
- 61- 8-355. Additional parking regulations
- 61- 8-356. Prohibition against parking or leaving vehicles on public property
- 61- 8-357. Unattended motor vehicles
- 61- 8-358. Limitations on backing
- 61- 8-359. Riding on motorcycles
- 61- 8-360. Obstruction to driver's view or driving mechanism
- 61- 8-362. Coasting prohibited
- 61- 8-363. Following fire apparatus prohibited
- 61- 8-364. Crossing firehose
- 61- 8-365. Putting refuse on highway prohibited
- 61- 8-366. Riding on fenders or running boards prohibited
- 61- 8-367. Riding in housetrailer
- 61- 8-368. Opening and closing vehicle doors
- 61- 8-369. Shooting from or across highway

#### Traffic Regulations--Pedestrian Traffic:

- 61- 8-501. Pedestrians subject to traffic regulations
- 61- 8-502. Pedestrians' right-of-way in crosswalk
- 61- 8-503. Crossing at other than crosswalks
- 61- 8-504. Drivers to exercise due care
- 61- 8-505. Pedestrians to use right half of crosswalk
- 61- 8-506. Pedestrians on roadways
- 61- 8-507. Pedestrians soliciting rides or business
- 61- 8-508. Intoxicated pedestrian
- 61- 8-509. Pedestrians' right-of-way on sidewalks

#### Traffic Regulations--Bicycle Traffic:

- 61- 8-601. Effect of regulations
- 61- 8-602. Traffic laws applicable to persons operating bicycles
- 61- 8-603. Riding on bicycles
- 61- 8-604. Clinging to vehicles
- 61- 8-605. Riding on roadways and bicycle paths
- 61- 8-606. Carrying articles
- 61- 8-607. Lamps and other equipment on bicycles

61- 8-608. Bicycles on sidewalks

Vehicle Equipment--General Provisions:

61- 9-104. Required obedience to traffic laws

61- 9-105. Obedience to police officers and highway patrolmen

61- 9-107. Traffic laws applicable to persons driving animal-drawn vehicles

61- 9-109. Driving vehicle in unsafe condition prohibited--Applicability of chapter

Vehicle Equipment--Lighting Equipment:

61- 9-201. When lighted lamps are required

61- 9-202. Visibility distance and mounted height of lamps

61- 9-203. Headlamps on motor vehicles

61- 9-204. Taillamps

61- 9-205. New motor vehicles to be equipped with reflectors

61- 9-206. Stop lamps--When required

61- 9-207. Application of succeeding sections

61- 9-208. Additional equipment required on certain vehicles

61- 9-209. Color of clearance lamps, side marker lamps, reflectors, and back-up lamps

61- 9-210. Mounting of reflectors, clearance lamps, and side marker lamps

61- 9-211. Visibility of reflectors, clearance lamps, and marker lamps

61- 9-212. Obstructed lights not required

61- 9-213. Lamp or flag on projecting load

61- 9-214. Lamps on parked vehicles

61- 9-215. Lamps on farm tractors, farm equipment, and implements of husbandry

61- 9-216. Lamps on other vehicles and equipment

61- 9-217. Spot lamps and auxiliary lamps

61- 9-218. Signal lamps and signal devices

61- 9-219. Additional lighting equipment

61- 9-220. Multiple-beam road-lighting equipment

61- 9-221. Use of multiple-beam road-lighting equipment

61- 9-222. Single-beam road-lighting equipment

61- 9-223. Lighting equipment on motor-driven cycles

61- 9-225. Number of driving lamps required or permitted

61- 9-226. Special restrictions on lamps

61- 9-227. Blinker-type red light on fireman's private vehicle--Use--Identification card

61- 9-228. Standards for lights on snow-removal equipment

Vehicle Equipment--Brakes:

61- 9-301. Brake equipment required

61- 9-302. Service brakes--Adequacy

61- 9-303. Parking brakes--Adequacy

61- 9-304. Brakes required on all wheels--Exceptions

61- 9-305. Automatic trailer brake application upon breakaway

61- 9-306. Tractor brakes protected

61- 9-307. Trailer air reservoirs safeguarded

61- 9-308. Two means of emergency brake operation

- 61- 9-309. Single control to operate all brakes
- 61- 9-310. Reservoir capacity and check valve
- 61- 9-311. Warning devices
- 61- 9-312. Performance ability of brakes
- 61- 9-313. Maintenance of brakes

Vehicle Equipment--Miscellaneous Regulations:

- 61- 9-401. Horns and warning devices
- 61- 9-403. Mufflers--Prevention of noise
- 61- 9-404. Mirrors
- 61- 9-405. Windshields to be unobstructed and equipped with wipers
- 61- 9-406. Restrictions as to tire equipment
- 61- 9-407. Fenders, splash aprons, or flaps required on certain vehicles--Dimension and location
- 61- 9-408. Safety glazing material in motor vehicles
- 61- 9-409. Seatbelts required in new vehicles
- 61- 9-411. Certain vehicles to carry flares or other warning devices
- 61- 9-412. Display of warning devices when vehicle disabled
- 61- 9-413. Vehicles transporting explosives
- 61- 9-414. Logging trucks
- 61- 9-415. Slow-moving vehicles
- 61- 9-417. Headgear required for minor motorcycle riders
- 61- 9-418. Motorcycle noise suppression devices
- 61- 9-420. Child safety restraint systems--Standards—Exemptions

Vehicle Equipment--Enforcement--Penalties:

- 61- 9-503. Owners and drivers to comply with inspection laws
- 61- 9-514. Unauthorized use of firefighter's private vehicle—Penalty

Size--Weight--Load--Standards, Permits, and Fees:

- 61-10-101. Standards of maximum dimensions, weights, etc.
- 61-10-102. Width
- 61-10-103. Height
- 61-10-104. Length
- 61-10-106. Measuring distance between axles
- 61-10-107. Maximum gross weight--When permit required
- 61-10-108. Reduction under special circumstances
- 61-10-109. Operation without special permits prohibited
- 61-10-144. Violation of standards--Tolerance

Section 2. Effective Date. This ordinance shall be effective March 1, 2010.

Section 3. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading this \_\_\_th day of \_\_\_\_\_, 2009.

PASSED, ADOPTED and APPROVED on second reading this \_\_\_th day of \_\_\_\_\_, 2010.

CITY OF BILLINGS

By: \_\_\_\_\_  
Thomas W. Hanel, Mayor

ATTEST:

By: \_\_\_\_\_  
Cari Martin, City Clerk

**Regular City Council Meeting**

**Consent : 1.N.**

**Date: 01/11/2010**

**TITLE: Final Plat of Sunnyside Subdivision, 3rd Filing, Amended**

**PRESENTED BY:** Candi Beaudry

**Department:** Planning & Community  
Services

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### Information

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

The final plat amending the South 100 feet of the North ½ of Lot 4, Block 14, Sunnyside Subdivision, 3rd Filing is being presented to Council for approval. On August 13, 2009, the Planning Division held a pre-application meeting for this proposed subdivision where City staff and other agencies reviewed the proposal. It was determined at the meeting that this subdivision qualifies for "expedited review." According to the City Subdivision Regulations, Section 23-305, proposed subdivisions creating no more than 2 lots on land previously subdivided prior to 1973 may qualify for the expedited review process, if certain conditions are also met. This process allows a subdivider to skip the preliminary plat review process, and go straight to the final plat review following a pre-application meeting.

This subdivision will create two lots at 1018 North 22nd Street. The property currently has two single-family homes located on it. The subdivision will split the existing 14,011 square foot lot in half, leaving each residence on its own lot. The property is zoned Residential-7000. The subdivider is Gary Zaccagnini and the representing agent is Bighorn Engineering. Upon City Council approval, these documents are appropriate as to form for filing with the Clerk and Recorder.

#### **ALTERNATIVES ANALYZED**

City Council may:

- Approve the final plat; or
- Deny the final plat.

#### **FINANCIAL IMPACT**

Should the City Council approve the final plat, the subject property will be split into two separate taxable parcels.

#### **RECOMMENDATION**

Staff recommends that the City Council approve the final plat of Sunnyside Subdivision, 3rd Filing, Amending the South 100 feet of the North ½ of Lot 4, Block 14.

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

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### Attachments

Link: [Final Plat](#)

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# Amended Plat of The South 100ft of the North Half of Lot 4, Block 14 Sunnyside Subdivision, Third Filing City of Billings, Yellowstone County, Montana In the NE 1/4 of Section 32, T.1.N, R.26.E, P.M.M

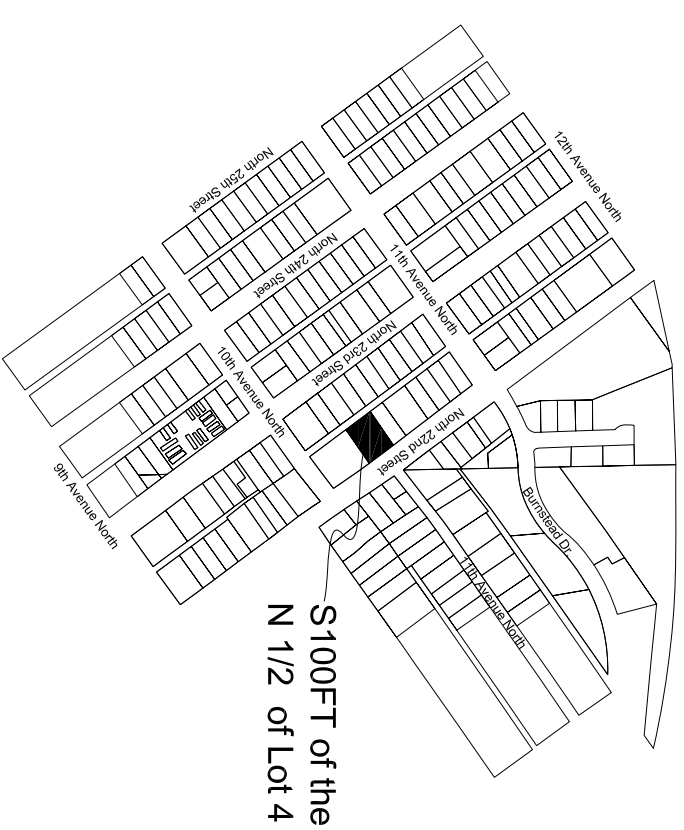
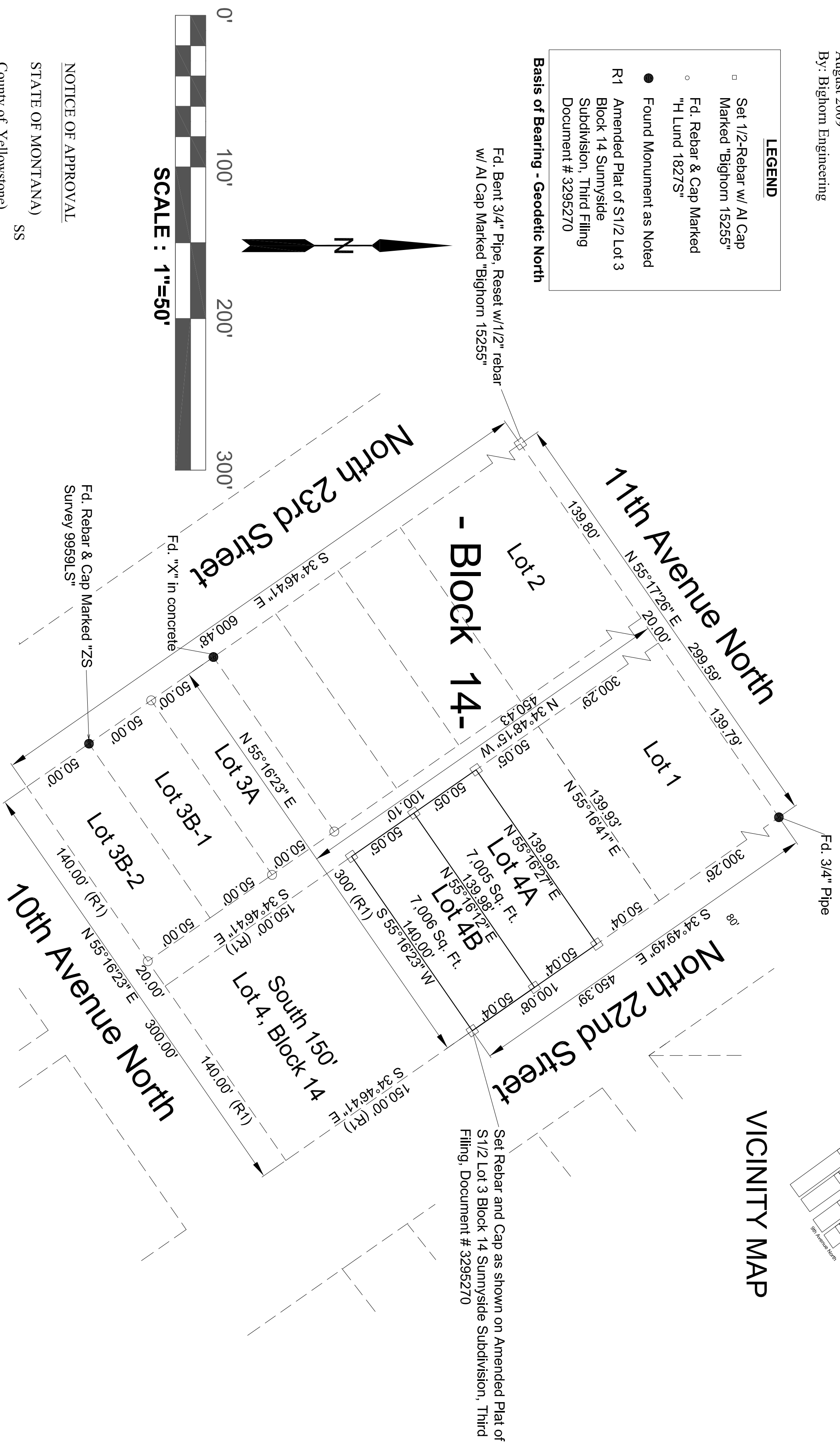
FOR: Gary Zaccagnini  
August 2009  
By: Bighorn Engineering

**LEGEND**

- Set 1/2" Rebar w/ AI Cap Marked "Bighorn 15255"
- Fd. Rebar & Cap Marked "H Lund 18275"
- Found Monument as Noted

R1 Amended Plat of S112 Lot 3 Block 14 Sunnyside Subdivision, Third Filing Document # 3295270

**Basis of Bearing - Geodetic North**



**NOTICE OF APPROVAL**  
STATE OF MONTANA) SS  
County of Yellowstone)

This Plat has been approved by the Yellowstone County Board of Planning and conforms to the recommendation of this board

Date \_\_\_\_\_ President  
Executive Secretary \_\_\_\_\_  
Yellowstone County Treasurer \_\_\_\_\_  
Yellowstone County Treasurer \_\_\_\_\_  
By: \_\_\_\_\_ Deputy

I HEREBY CERTIFY that all real property taxes and special assessments have been paid per Montana Code Annotated 76-3-61(1)(b)/76-3-207(3)

**CITY ATTORNEY'S OFFICE**  
This document has been reviewed by the City Attorney's office and is acceptable as to form.

DATED: \_\_\_\_\_  
Reviewed By: \_\_\_\_\_

**CERTIFICATE OF CITY ENGINEERS OFFICE**

I HERBY CERTIFY that the annexed and foregoing plat conforms with Section 76-4-125(2)(d), M.C.A. for the removal of sanitary restrictions since the plat is inside a master planning area and said lot is currently provided with municipal facilities for the supply of water and the disposal of sewage and solid waste.

IN WITNESS WHEREOF, I have executed the Certificate of Approval this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

City Engineer's Office

**CERTIFICATE OF APPROVAL FOR ERRORS AND OMISSIONS**

I HEREBY CERTIFY that I have examined the annexed and foregoing plat known as "Amended Plat of The South 100ft of the North 1/2 of Lot 4, Block 14 Sunnyside Subdivision, 3rd Filing," for errors and omissions in computations and drafting and find that said plat conforms with the requirements of the laws of the State of Montana, and that said plat conforms to the adjoining additions and plats of the City of Billings already platted as nearly as circumstances will permit.

IN WITNESS WHEREOF, I have executed the Certificate of Approval the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Examining Land Surveyor

**CERTIFICATE OF SURVEY**

STATE OF MONTANA)  
County of Yellowstone) SS

THIS IS TO CERTIFY that I, William D. Weber, Professional Land Surveyor, Montana Registration No. 15255LS, being first duly sworn, depose and say that during the month of August, 2009, I supervised the survey and replatting of "The South 100ft of the North Half of Lot 4, Block 14 Sunnyside Subdivision, Third Filing in the NE 1/4 of Section 32, Township 1 North, Range 26 East, P.M.M, City of Billings, Yellowstone County, Montana at the request of the owner thereof.

Said lots description of the boundaries being in accordance with the Certificate of Survey and as shown on the annexed plat; that iron Pin monuments of suitable size were set or found as shown on the plat; that the plat conforms to the work on the ground.

William D. Weber, Montana Registration No. 15255LS

STATE OF MONTANA)  
County of Yellowstone) SS

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, the undersigned, a Notary Public of the State of Montana, personally appeared William D. Weber, known to me to be the person whose name is subscribed to the above CERTIFICATION OF SURVEY and acknowledged to me that they executed the same.

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

Printed Notary Name \_\_\_\_\_

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

**CERTIFICATE OF DEDICATION**

STATE OF MONTANA)  
County of Yellowstone) SS

KNOWN ALL MEN BY THESE PRESENTS: Gary Zaccagnini owner of The South 100ft of the North Half of Lot 4, Block 14, Sunnyside Subdivision, Third Filing, they have caused to be surveyed, subdivided and replatted in to amended lots as shown on the annexed plat, said tract of land to be known as Amended Plat of The South 100ft of the North Half of Lot 4, Block 14 Sunnyside Subdivision, Third Filing, situated in the NE 1/4 of Section 32, Township One North, Range Twenty-six East, P.M.M., City of Billings, Yellowstone County, Montana, containing 14,011 Square Feet more or less.

**LEGAL DESCRIPTION:**

The South 100ft of the North Half of Lot 4,  
Block 14 Sunnyside Subdivision, Third Filing, Document #3000014  
As Recorded at the Yellowstone County Clerk and Recorder's Office

Gary Zaccagnini, owner \_\_\_\_\_ date \_\_\_\_\_

STATE OF MONTANA)  
County of Yellowstone) SS

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, the undersigned, a Notary Public of the State of Montana, personally appeared Gary Zaccagnini, known to me to be the person whose name is subscribed to the above CERTIFICATION OF DEDICATION and acknowledged to me that they executed the same.

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

Printed Notary Name \_\_\_\_\_

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

**CERTIFICATE OF CITY COUNCIL APPROVAL**

STATE OF MONTANA)  
County of Yellowstone) SS

WE HEREBY CERTIFY that we have examined the annexed and foregoing AMENDED PLAT OF The South 100ft of the North Half of Lot 4, Block 14 Sunnyside Subdivision, Third Filing, and find that said plat conforms with the requirements of the laws of the State of Montana, and the Yellowstone County Board of Planning. It is therefore approved, and accepted.

IN WITNESS WHEREOF, we have set our hands and the seal the CITY OF BILLINGS, MONTANA

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

Attest: \_\_\_\_\_ City Clerk

**Regular City Council Meeting**

**Consent : 1.O.1.**

**Date: 01/11/2010**

**TITLE: Payment of Claims - December 7, 2009**

Pat M. Weber, Financial

**PRESENTED BY:** Services Manager

**Department:** City Hall Administration

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**Information**

**PROBLEM/ISSUE STATEMENT**

Claims in the amount of \$833,608.30 have been audited and are presented for approval for payment. A complete listing of the claims dated December 07, 2009, is available in the Finance Department.

**ALTERNATIVES ANALYZED**

The Council may:

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

**FINANCIAL IMPACT**

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

**RECOMMENDATION**

Staff recommends that Council approve Payment of Claims.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

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

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CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
12/07/2009	727165	ABB INC.	16502			2,973.76	
512-8400-623.23-60	11/30/2009	MISC SERVICES	7100075795	270930	05/2010	2,973.76	
12/07/2009	727173	AMERICAN TITLE & ESCROW	159			20,065.00	
295-6555-463.72-75	11/30/2009	MISC SERVICES	ZIMMERMAN, KATJ	270902	05/2010	20,065.00	
12/07/2009	727174	AMERICAN TITLE & ESCROW	159			20,065.00	
295-6555-463.72-75	12/02/2009	MISC SERVICES	HANKEL, TRACEE	270962	06/2010	20,065.00	
12/07/2009	727180	ARTISAN BUILDERS LLC	20917			5,000.00	
294-6554-463.72-75	12/03/2009	MISC SERVICES	78 - DARLING	271029	06/2010	5,000.00	
12/07/2009	727204	CMG CONSTRUCTION, INC.	17342			74,198.00	
210-0000-201.10-00	12/02/2009	WO0815 LAMPMAN STRIP PRK	RET RELEASE	263836	05/2010	10,515.07	
490-0000-201.10-00	12/02/2009	WO0815 LAMPMAN STRIP PRK	RET RELEASE	263836	05/2010	1,629.85	
210-0000-201.10-00	12/02/2009	WO0610 BANNISTER DRAIN TR	RET RELEASE	263840	05/2010	16,140.76	
490-0000-201.10-00	12/02/2009	WO0610 BANNISTER DRAIN TR	RET RELEASE	263840	05/2010	2,401.21	
490-0000-201.10-00	12/02/2009	WO0610 BANNISTER DRAIN TR	RET RELEASE	263840	05/2010	100.64	
210-5151-452.93-90	12/02/2009	WO0815 LAMPMAN STRIP PRK	4	263836	06/2010	18,832.27	
490-5161-452.93-70	12/02/2009	WO0815 LAMPMAN STRIP PRK	4	263836	06/2010	2,919.00	
210-5151-452.93-90	12/02/2009	WO0610 BANNISTER DRAIN TR	6	263840	06/2010	18,752.54	
490-5161-452.93-70	12/02/2009	WO0610 BANNISTER DRAIN TR	6	263840	06/2010	2,906.66	
12/07/2009	727212	CRANE TECH SERVICES & MATERIAL	16782			4,070.50	
502-7400-603.24-50	11/24/2009	MISC SERVICES	24098	270864	05/2010	2,320.50	
512-8500-625.24-50	11/24/2009	MISC SERVICES	24099	270864	05/2010	150.00	
512-8500-625.24-50	11/24/2009	MISC SERVICES	24099	270864	05/2010	150.00	
502-7400-603.24-50	11/24/2009	MISC SERVICES	24100	270864	05/2010	149.93	
502-7400-603.24-50	11/24/2009	MISC SERVICES	24100	270864	05/2010	149.93	
502-7400-603.24-50	11/24/2009	MISC SERVICES	24100	270864	05/2010	350.03	
502-7400-603.24-50	11/24/2009	MISC SERVICES	24100	270864	05/2010	149.93	
502-7400-603.24-50	11/24/2009	MISC SERVICES	24100	270864	05/2010	150.22	
502-7400-603.24-50	11/24/2009	MISC SERVICES	24100	270864	05/2010	350.03	
502-7400-603.24-50	11/24/2009	MISC SERVICES	24100	270864	05/2010	149.93	
12/07/2009	727214	CTA ARCHITECTS	920			17,494.47	
571-7146-713.33-70	11/12/2009	INVOICE# 79766	79766	F10073	05/2010	16,089.70	
412-7155-713.92-10	11/30/2009	MISC SERVICES	79744	240441	05/2010	1,404.77	
12/07/2009	727216	CURB BOX SPECIALISTS	5716			6,435.00	
503-7591-609.93-40	11/24/2009	MISC SERVICES	2547	270113	05/2010	3,267.00	
503-7591-609.93-40	11/24/2009	MISC SERVICES	2548	270113	05/2010	3,168.00	
12/07/2009	727217	D N D SECURITY	16586			2,924.67	
571-7147-713.24-50	11/30/2009	INVOICE# 2715	2715	F10178	05/2010	350.00	
521-1591-493.39-70	12/02/2009	SECURITY NOV. 2009	2701	271013	06/2010	504.92	
521-1592-493.39-70	12/02/2009	SECURITY NOV. 2009	2701	271013	06/2010	1,029.92	
521-1593-493.39-70	12/02/2009	SECURITY NOV. 2009	2701	271013	06/2010	534.92	
521-1594-493.39-70	12/02/2009	SECURITY NOV. 2009	2701	271013	06/2010	504.91	

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
12/07/2009	727223	EBMS	20398			60,097.50	
627-1752-417.35-12	12/02/2009		ADMIN FEES		06/2010	15,865.00	
627-1752-417.35-15	12/02/2009		SPECIFIC PREM		06/2010	32,565.00	
627-1752-417.51-61	12/02/2009		CARE LINK FEE		06/2010	3,168.75	
627-1752-417.35-11	12/02/2009		FLEX ADMIN FEE		06/2010	1,773.00	
627-1752-417.35-15	12/02/2009		PRO FEE		06/2010	3,395.00	
627-1752-417.35-13	12/02/2009		SCRIPTS		06/2010	1,384.50	
627-1752-417.32-10	12/02/2009		PRINTING		06/2010	1,946.25	
12/07/2009	727224	ENFORCEMENT TECHNOLOGY GROUP I	20867			4,999.95	
710-2133-421.21-20	12/03/2009	MISC SERVICES	1767	270395	06/2010	4,999.95	
12/07/2009	727226	ESS-TECH, LLC	9991372			33,312.00	
451-3161-431.78-40	12/07/2009	CASH CONTRIBUTION REFUND			06/2010	33,312.00	
12/07/2009	727242	HDR INC	1544			86,681.51	
416-7493-603.92-20	12/02/2009	WO0426 ZONE 4 & 5 RESERVR	33	247294	06/2010	24,742.39	
421-8493-623.93-40	12/02/2009	WO0822 WWTP DISINFECTION	9	263835	06/2010	61,939.12	
12/07/2009	727244	IAFF	20196			4,306.50	
900-0000-209.99-20	12/04/2009	PAYROLL SUMMARY	20091204		06/2010	4,306.50	
12/07/2009	727245	ICOP DIGITAL, INC.	19284			212,879.43	
253-2124-421.21-20	11/30/2009	MISC SERVICES	12889	270620	05/2010	500.90	
253-2124-421.94-90	12/03/2009	MISC SERVICES	12611	269794	06/2010	212,378.53	
12/07/2009	727251	J & J CONCRETE	15244			9,174.36	
205-3131-433.93-10	12/02/2009	WO0904 2009 ACCESS RAMPS	6	265227	06/2010	1,721.53	
205-0000-201.10-00	12/03/2009	WO0904 2009 ACCESS RAMPS	RET RELEASE	265227	05/2010	7,452.83	
12/07/2009	727265	MAHONEY ASSOCIATES CONSULTING	17580			2,667.00	
10-1512-415.35-90	11/23/2009	MISC SERVICES	09-DRAFT	271037	05/2010	2,667.00	
12/07/2009	727267	MAILING TECHNICAL SERVICES	12577			2,914.45	
502-7311-602.31-10	11/30/2009	MISC SERVICES	IVC09867	270269	05/2010	1,208.34	
502-7311-602.31-11	11/30/2009	MISC SERVICES	IVC09867	270269	05/2010	248.89	
512-8311-622.31-10	11/30/2009	MISC SERVICES	IVC09867	270269	05/2010	1,208.33	
512-8311-622.31-11	11/30/2009	MISC SERVICES	IVC09867	270269	05/2010	248.89	
12/07/2009	727280	MONTANA DAKOTA UTILITIES CO	2492			7,887.74	
150-2221-422.34-40	12/04/2009	FIRE	07935121		06/2010	307.70	
541-3123-435.34-40	12/04/2009	SW	08073321		06/2010	255.24	
502-7400-603.34-40	12/04/2009	PUD	08156221		06/2010	1,526.59	
502-7400-603.34-40	12/04/2009	PUD	08156322	50%	06/2010	8.76	
502-7400-603.34-40	12/04/2009	PUD	08156322	50%	06/2010	8.77	
502-7400-603.34-40	12/04/2009	PUD	08156421		06/2010	79.99	
502-7400-603.34-40	12/04/2009	PUD	08156521		06/2010	44.06	
502-7400-603.34-40	12/04/2009	PUD	08156621		06/2010	632.80	
502-7400-603.34-40	12/04/2009	PUD	08156721		06/2010	151.34	

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
502-7400-603.34-40	12/04/2009	PUD	08156821		06/2010	22.88	
502-7400-603.34-40	12/04/2009	PUD	08156922		06/2010	128.15	
502-7314-602.34-40	12/04/2009	PUD	08157021	50%	06/2010	472.49	
512-8314-622.34-40	12/04/2009	PUD	08157021	50%	06/2010	472.50	
502-7314-602.34-40	12/04/2009	PUD	08157121	50%	06/2010	178.13	
512-8314-622.34-40	12/04/2009	PUD	08157121	50%	06/2010	178.13	
502-7400-603.34-40	12/04/2009	PUD	08157221		06/2010	24.66	
502-7400-603.34-40	12/04/2009	PUD	08157322		06/2010	10.40	
512-8400-623.34-40	12/04/2009	PUD	08510222		06/2010	40.89	
10-5141-436.34-40	12/04/2009	CEMETERY	08543421		06/2010	61.23	
10-5141-436.34-40	12/04/2009	CEMETERY	08543521		06/2010	173.63	
502-7400-603.34-40	12/04/2009	PUD	08683522		06/2010	22.54	
10-5112-452.34-40	12/04/2009	PARKS	08767921		06/2010	59.62	
502-7400-603.34-40	12/04/2009	CSD	31563202		06/2010	60.95	
502-7400-603.34-40	12/04/2009	CSD	31563302		06/2010	49.65	
502-7400-603.34-40	12/04/2009	PUD	31753602		06/2010	10.99	
650-1566-487.34-40	12/04/2009	ADMIN BUILDING	32577402		06/2010	1,395.92	
650-1566-487.34-40	12/04/2009	EVIDENCE BUILDING	32629302		06/2010	139.33	
650-1566-487.34-40	12/04/2009	PD1	32708002		06/2010	439.01	
650-1566-487.34-40	12/04/2009	GARAGE	32781001		06/2010	885.52	
10-5126-451.34-40	12/04/2009	PARKS & REC	34329601		06/2010	22.05	
720-2169-421.34-10	12/04/2009	SAFE N SECURE MONITORING	35182101		06/2010	1.18	
512-8500-625.34-40	12/04/2009	PUD LIFT STATION	36738301		06/2010	22.64	
12/07/2009	727283	MONTANA STATE FIREMAN'S ASSOC	20195			2,647.83	
900-0000-209.99-24	12/04/2009	PAYROLL SUMMARY	20091204		06/2010	2,647.83	
12/07/2009	727293	NORTHWESTERN ENERGY	15771			29,021.13	
561-7112-711.34-10	11/30/2009	0100482-9	113009	F10176	05/2010	26,594.43	
10-5127-451.34-10	12/02/2009	ELECTRIC CHARGES	0100506-5	270925	06/2010	1,048.87	
150-2221-422.34-10	12/04/2009	NW FIRE	07125321		06/2010	22.03	
10-5141-436.34-10	12/04/2009	NW PARK/REC/PL	07125396		06/2010	39.72	
10-5126-451.34-10	12/04/2009	NW PARK/REC/PL	07208416		06/2010	63.76	
10-5112-452.34-10	12/04/2009	NW PARK/REC/PL	09208018		06/2010	7.10	
872-5198-452.34-10	12/04/2009	NW PARK/REC/PL	09718248		06/2010	.67	
607-2235-486.34-10	12/04/2009	NW FIRE	10069151		06/2010	127.53	
10-5112-452.34-10	12/04/2009	NW Parks	11565272		06/2010	7.10	
150-2171-441.34-10	12/04/2009	NW	11834835		06/2010	959.99	
10-5112-452.34-10	12/04/2009	NW	12300661		06/2010	13.88	
10-5112-452.34-10	12/04/2009	NW	12488631		06/2010	50.27	
872-5198-452.34-10	12/04/2009	NW	13127071		06/2010	.42	
872-5198-452.34-10	12/04/2009	PARKS	15642093		06/2010	7.68	
10-5141-436.34-10	12/04/2009	CEMETERY	16352890		06/2010	13.87	
10-5112-452.34-10	12/04/2009	PARKS 1	16926669		06/2010	.49	
512-8500-625.34-10	12/04/2009	SEWER LIFTSTATION C	17040254		06/2010	17.23	
512-8500-625.34-10	12/04/2009	WWTP	17040304		06/2010	27.38	
211-3136-433.34-10	12/04/2009	STREETS/TRAFFIC	17389891		06/2010	13.88	
211-3133-433.34-10	12/04/2009	STREETS/TRAFFIC	17403577		06/2010	.08	
211-3133-433.34-10	12/04/2009	STREETS/TRAFFIC	17978289		06/2010	4.75	
12/07/2009	727303	QWEST COMMUNICATIONS	6319			4,323.47	
561-7110-711.34-50	11/19/2009	QWEST NOV 2009 3RD PAY	252-9412		05/2010	85.86	

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ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
10-5140-436.34-50	11/19/2009	QWEST NOV 2009 3RD PAY	652-0269		05/2010	42.93	
10-5112-452.34-50	11/19/2009	QWEST NOV 2009 3RD PAY	652-5507		05/2010	43.98	
211-3136-433.34-50	11/19/2009	QWEST NOV 2009 3RD PAY	652-8104		05/2010	29.10	
10-5121-451.34-50	11/19/2009	QWEST NOV 2009 3RD PAY	652-8403		05/2010	32.85	
10-5112-452.34-50	11/19/2009	QWEST NOV 2009 3RD PAY	657-3014		05/2010	28.31	
606-1931-484.34-50	11/19/2009	QWEST NOV 2009 3RD PAY	657-8377		05/2010	3,641.24	
561-7118-711.34-50	11/25/2009	QWEST NOV 2009 4TH PAY	245-0093		05/2010	44.14	
561-7110-711.34-50	11/25/2009	QWEST NOV 2009 4TH PAY	245-1044		05/2010	28.31	
571-7147-713.34-50	11/25/2009	QWEST NOV 2009 4TH PAY	245-1789		05/2010	44.14	
541-3123-435.34-50	11/25/2009	QWEST NOV 2009 4TH PAY	245-7193		05/2010	52.93	
541-3123-435.34-50	11/25/2009	QWEST NOV 2009 4TH PAY	245-9820		05/2010	91.37	
211-3136-433.34-50	11/25/2009	QWEST NOV 2009 4TH PAY	245-9906		05/2010	28.31	
561-7110-711.34-50	11/25/2009	QWEST NOV 2009 4TH PAY	248-3068		05/2010	42.93	
571-7141-713.34-50	11/25/2009	QWEST NOV 2009 4TH PAY	254-7038		05/2010	44.14	
150-2225-422.34-50	11/25/2009	QWEST NOV 2009 4TH PAY	655-0728		05/2010	42.93	
12/07/2009	727304	RAINBOW EXCAVATION INC	19507			8,454.60	
505-7515-609.36-71	11/24/2009	MISC SERVICES	051-09	270335	05/2010	8,454.60	
12/07/2009	727308	RIVERSIDE SAND & GRAVEL INC	19447			30,262.03	
446-3165-431.93-11	12/02/2009	WO0517 HIGHLAND SCHOOL	3	263353	06/2010	1,495.87	
845-3186-431.93-10	12/02/2009	WO0517 HIGHLAND SCHOOL	3	263353	06/2010	20,101.49	
210-0000-201.10-00	12/03/2009	WO0517 HIGHLAND SCHOOL	RET RELEASE	263353	05/2010	3,020.77	
446-0000-201.10-00	12/03/2009	WO0517 HIGHLAND SCHOOL	RET RELEASE	263353	05/2010	1,598.77	
205-0000-201.10-00	12/03/2009	WO0517 HIGHLAND SCHOOL	RET RELEASE	263353	05/2010	1,452.87	
845-0000-201.10-00	12/03/2009	WO0517 HIGHLAND SCHOOL	RET RELEASE	263353	05/2010	2,592.26	
12/07/2009	727322	STANDARD INSURANCE COMPANY	20399			9,486.56	
900-0000-209.99-61	11/30/2009		LTD		06/2010	2,089.69	
627-1752-417.14-80	11/30/2009		LIFE INSURANCE		06/2010	7,396.87	
12/07/2009	727326	THE LAND GROUP INC	20884			19,257.55	
10-5112-452.35-90	12/02/2009	PIONEER PARK MASTER PLAN	OCTOBER	270798	06/2010	19,257.55	
12/07/2009	727328	TOWN & COUNTRY SUPPLY ASSOCIAT	18295			49,390.46	
601-0000-141.00-00	11/27/2009	MP	70201		05/2010	23,629.29	
601-0000-141.00-00	12/01/2009	MP	69017		06/2010	8,255.33	
601-0000-141.71-41	12/01/2009	MP	69965		06/2010	4,460.39	
561-7118-711.23-13	11/30/2009	INVOICE #70057	70057/70205	F10177	05/2010	8,319.85	
561-7118-711.23-13	11/30/2009	INVOICE #70205	70057/70205	F10177	05/2010	4,725.60	
12/07/2009	727339	VERIZON WIRELESS	14490			19,745.36	
561-7110-711.34-50	11/20/2009	VERIZON WIRELESS NOV 2009	AIRPORT		05/2010	381.05	
150-2170-441.34-50	11/20/2009	VERIZON WIRELESS NOV 2009	ANIMAL SHELTER		05/2010	140.34	
717-2166-421.34-50	11/20/2009	VERIZON WIRELESS NOV 2009	CCSIU		05/2010	666.87	
10-1313-413.34-50	11/20/2009	VERIZON WIRELESS NOV 2009	CITY ADMIN		05/2010	57.22	
10-1611-416.34-50	11/20/2009	VERIZON WIRELESS NOV 2009	LEGAL		05/2010	32.81	
150-2225-422.34-50	11/20/2009	VERIZON WIRELESS NOV 2009	COMM CENTER 911		05/2010	51.28	
650-1565-487.34-50	11/20/2009	VERIZON WIRELESS NOV 2009	FACILITIES BOC		05/2010	67.99	
650-1567-487.34-50	11/20/2009	VERIZON WIRELESS NOV 2009	FACILITIES CH		05/2010	84.18	

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT		
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT
10-1512-415.34-50	11/20/2009	VERIZON WIRELESS NOV 2009	FINANCE PAT		05/2010	81.80
150-2221-422.34-50	11/20/2009	VERIZON WIRELESS NOV 2009	FIRE DEPT		05/2010	561.28
10-1750-417.34-50	11/20/2009	VERIZON WIRELESS NOV 2009	HUMAN RESOURCES		05/2010	42.42
620-1913-482.34-50	11/20/2009	VERIZON WIRELESS NOV 2009	ITD GIS		05/2010	12.82
620-1911-482.34-50	11/20/2009	VERIZON WIRELESS NOV 2009	ITD		05/2010	240.35
260-5517-455.34-50	11/20/2009	VERIZON WIRELESS NOV 2009	LIBRARYOUTREACH		05/2010	25.64
260-5512-455.34-50	11/20/2009	VERIZON WIRELESS NOV 2009	LIBRARY		05/2010	140.23
601-1550-481.34-50	11/20/2009	VERIZON WIRELESS NOV 2009	MOTOR POOL		05/2010	35.46
10-1220-412.34-50	11/20/2009	VERIZON WIRELESS NOV 2009	DRUG COURT		05/2010	345.13
10-1212-412.34-50	11/20/2009	VERIZON WIRELESS NOV 2009	MUNI JUDGE		05/2010	140.37
240-4301-419.34-50	11/20/2009	VERIZON WIRELESS NOV 2009	PLANNING		05/2010	13.70
150-2111-421.34-50	11/20/2009	VERIZON WIRELESS NOV 2009	POLICE		05/2010	2,806.78
251-2186-421.34-50	11/20/2009	VERIZON WIRELESS NOV 2009	POLICE FORENSIC		05/2010	57.93
249-2196-421.34-50	11/20/2009	VERIZON WIRELESS NOV 2009	698 1391 DV		05/2010	22.99
521-1521-493.34-50	11/20/2009	VERIZON WIRELESS NOV 2009	PARKING		05/2010	316.11
10-5110-453.34-50	11/20/2009	VERIZON WIRELESS NOV 2009	PRPL ADM		05/2010	55.26
10-5121-451.34-50	11/20/2009	VERIZON WIRELESS NOV 2009	PRPL-RECREATION		05/2010	81.46
10-5140-436.34-50	11/20/2009	VERIZON WIRELESS NOV 2009	CEMETERY		05/2010	58.70
10-5112-452.34-50	11/20/2009	VERIZON WIRELESS NOV 2009	PARKS PMD		05/2010	43.04
10-5112-452.34-50	11/20/2009	VERIZON WIRELESS NOV 2009	PARKS		05/2010	1,499.48
10-5112-452.34-50	11/20/2009	VERIZON WIRELESS NOV 2009	PARKS IRRIGATION		05/2010	217.47
10-1543-415.34-50	11/20/2009	VERIZON WIRELESS NOV 2009	PURCHASING		05/2010	70.21
660-3110-431.34-50	11/20/2009	VERIZON WIRELESS NOV 2009	PW ADM		05/2010	123.22
209-4451-428.34-50	11/20/2009	VERIZON WIRELESS NOV 2009	BUILDING		05/2010	180.64
670-3141-489.34-50	11/20/2009	VERIZON WIRELESS NOV 2009	ENGINEERING		05/2010	536.93
541-3121-435.34-50	11/20/2009	VERIZON WIRELESS NOV 2009	SOLID WASTE		05/2010	45.56
211-3131-433.34-50	11/20/2009	VERIZON WIRELESS NOV 2009	STREET/TRAFFIC		05/2010	385.33
541-3123-435.34-50	11/20/2009	VERIZON WIRELESS NOV 2009	SW ON CALL		05/2010	81.79
502-7700-611.34-50	11/20/2009	VERIZON WIRELESS NOV 2009	PUD ENVIRN 1/2		05/2010	19.02
512-8700-628.34-50	11/20/2009	VERIZON WIRELESS NOV 2009	PUD ENVIRN 1/2		05/2010	19.02
502-7400-603.34-50	11/20/2009	VERIZON WIRELESS NOV 2009	WATER TREATMENT		05/2010	795.68
502-7500-609.34-50	11/20/2009	VERIZON WIRELESS NOV 2009	WATER SYSTEMS		05/2010	342.36
512-8500-625.34-50	11/20/2009	VERIZON WIRELESS NOV 2009	WASTEWATER SYS		05/2010	752.44
502-7312-602.34-50	11/20/2009	VERIZON WIRELESS NOV 2009	PWBLKNP MTRSHOP		05/2010	459.64
502-7314-602.34-50	11/20/2009	VERIZON WIRELESS NOV 2009	PWBLKNP STORES		05/2010	113.20
502-7311-602.34-50	11/20/2009	VERIZON WIRELESS NOV 2009	PWBLKNP OFFICE		05/2010	112.28
512-8400-623.34-50	11/20/2009	VERIZON WIRELESS NOV 2009	WASTEWATER TREA		05/2010	1,006.44
606-1931-484.34-50	11/20/2009	VERIZON WIRELESS NOV 2009	TELECOMM SYS		05/2010	82.32
571-7142-713.31-60	11/20/2009	VERIZON WIRELESS NOV 2009	ON-CALL MET		05/2010	90.28
571-7141-713.34-50	11/20/2009	VERIZON WIRELESS NOV 2009	MET TRANSIT		05/2010	50.22
10-4321-419.34-50	11/20/2009	VERIZON WIRELESS NOV 2009	CODE ENFORCMT		05/2010	168.73
150-2170-441.34-50	11/23/2009	VERIZON WSCA NOV 2009	AN SHELTER MDT		05/2010	225.05
209-4451-428.34-50	11/23/2009	VERIZON WSCA NOV 2009	BUILDING AIR		05/2010	180.04
717-2166-421.34-50	11/23/2009	VERIZON WSCA NOV 2009	CCSIU AIR CARD		05/2010	898.41
150-2221-422.34-50	11/23/2009	VERIZON WSCA NOV 2009	FIRE DEPT AIR C		05/2010	45.01
150-2221-422.34-50	11/23/2009	VERIZON WSCA NOV 2009	FIRE MDT		05/2010	585.15
620-1911-482.34-50	11/23/2009	VERIZON WSCA NOV 2009	ITD AIR CARD		05/2010	188.30
260-5517-455.34-50	11/23/2009	VERIZON WSCA NOV 2009	LIBRARYOUTREACH		05/2010	135.03
150-2111-421.34-50	11/23/2009	VERIZON WSCA NOV 2009	POLICE AIR CARD		05/2010	45.01
150-2111-421.34-50	11/23/2009	VERIZON WSCA NOV 2009	POLICE MDT		05/2010	3,510.94

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
150-2111-421.34-50	11/23/2009	VERIZON WSCA NOV 2009	POLICE USM MDT		05/2010	171.94	
502-7500-609.34-50	11/23/2009	VERIZON WSCA NOV 2009	PUD AIR CARD		05/2010	45.01	
12/07/2009	727347	YELLOWSTONE VALLEY ANIMAL SHEL	20525			19,977.67	
150-2170-441.39-90	12/02/2009	PAYMENT RECIEVED BY CITY	PRISON PAWS 11	270984	06/2010	350.00	
150-2170-441.39-90	12/02/2009	CONTRACT 10/22-11/21-09	09-1054	270984	06/2010	19,627.67	
DATE RANGE TOTAL *						770,713.50 *	

Regular City Council Meeting

Consent : 1.O.2.

Date: 01/11/2010

TITLE: Payment of Claims, December 11, 2009.

Pat M. Weber, Financial

**PRESENTED BY:** Services Manager

**Department:** City Hall Administration

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### Information

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

Claims in the amount of \$1,565,961.68 have been audited and are presented for your approval for payment. A complete listing of the claims dated December 11, 2009, is available in the Finance Department.

#### **ALTERNATIVES ANALYZED**

The Council may:

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

#### **FINANCIAL IMPACT**

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

#### **RECOMMENDATION**

Staff recommends that Council approve Payment of Claims.

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

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### Attachments

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

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CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
12/11/2009	727357	AMERICAN TITLE & ESCROW	159			15,065.00	
275-6721-463.72-75	12/09/2009	MISC SERVICES	HANSEN, COREY	271169	06/2010	15,065.00	
12/11/2009	727358	AMERICAN TITLE & ESCROW	159			15,065.00	
275-6721-463.72-75	12/09/2009	MISC SERVICES	WOLF, KIMBERLY	271170	06/2010	15,065.00	
12/11/2009	727359	AMERICAN TITLE & ESCROW	159			15,065.00	
275-6721-463.72-75	12/09/2009	MISC SERVICES	NIBBE, DALE	271171	06/2010	15,065.00	
12/11/2009	727363	ARCHIE COCHRANE	800			10,535.39	
502-7400-603.23-20	12/04/2009	NONSTOCKING ITEMS-P.U.D.	8024832	270700	06/2010	6,896.60	
630-1753-485.73-10	12/08/2009	MISC SERVICES	802797/1	271145	06/2010	2,638.19	
630-1753-485.73-10	12/08/2009	MISC SERVICES	802864/1	271145	06/2010	713.30	
601-0000-141.00-00	12/09/2009	MP	5012453		06/2010	76.64	
240-4301-419.23-20	12/09/2009	MP	5012563	271183	06/2010	16.95	
150-2112-421.23-20	12/09/2009	MP	5012876	271183	06/2010	11.18	
150-2112-421.23-20	12/10/2009	MP	5012340	271192	06/2010	48.28	
150-2112-421.23-20	12/10/2009	MP	606349/1	271198	06/2010	134.25	
12/11/2009	727365	ARROW CONSTRUCTION SUPPLY	15662			9,434.92	
211-3132-433.45-30	12/09/2009	ROAD AND HIGHWAY MATERIAL	67166	271118	06/2010	6,289.95	
211-3137-433.45-30	12/09/2009	ROAD AND HIGHWAY MATERIAL	67166	271118	06/2010	3,144.97	
12/11/2009	727377	BIG SKY LINEN SUPPLY	387			2,999.92	
150-2226-422.22-40	12/08/2009	FIRE5/SPEC INV/NOV09	1076-S09832/FR5	271038	06/2010	4.68	
150-2226-422.22-40	12/08/2009	FIRE3/LINEN SERVICE/NOV09	1076-27723 FR3	271038	06/2010	10.94	
150-2226-422.22-40	12/08/2009	FIRE6/LINEN SERVICE/NOV09	1076-27832 FR6	271038	06/2010	9.34	
150-2226-422.22-40	12/08/2009	FIRE4/LINEN SERVICE/NOV09	1076-27861 FR4	271038	06/2010	10.04	
150-2226-422.22-40	12/08/2009	FIRE1/LINEN SERVICE/NOV09	1076-28474 FR1	271038	06/2010	19.41	
150-2225-422.24-50	12/08/2009	911 CTR/LINEN SERV/NOV09	1076-28475 911	271038	06/2010	23.73	
150-2226-422.22-40	12/08/2009	FIRE2/LINEN SERVICE/NOV09	1076-29048 FR2	271038	06/2010	8.76	
150-2226-422.22-40	12/08/2009	FIRE5/LINEN SERVICE/NOV09	1076-29098 FR5	271038	06/2010	15.37	
150-2226-422.22-40	12/08/2009	FIRE7/LINEN SERVICE/NOV09	1076-29285 FR7	271038	06/2010	16.98	
150-2226-422.22-40	12/08/2009	FIRE3/LINEN SERVICE/NOV09	1076-29389 FR2	271038	06/2010	12.56	
150-2226-422.22-40	12/08/2009	FIRE6/LINEN SERVICE/NOV09	1076-29494 FR6	271038	06/2010	9.81	
150-2226-422.22-40	12/08/2009	FIRE4/LINEN SERVICE/NOV09	1076-29523 FR4	271038	06/2010	11.96	
150-2226-422.22-40	12/08/2009	FIRE1/LINEN SERVICE/NOV09	1076-30152 FR1	271038	06/2010	18.94	
150-2225-422.24-50	12/08/2009	911 CTR/LINEN SERV/NOV09	1076-30153 911	271038	06/2010	23.73	
150-2226-422.22-40	12/08/2009	FIRE2/LINEN SERVICE/NOV09	1076-30739 FR2	271038	06/2010	7.00	
150-2226-422.22-40	12/08/2009	FIRE5/LINEN SERVICE/NOV09	1076-30790 FR5	271038	06/2010	13.75	
150-2226-422.22-40	12/08/2009	FIRE7/LINEN SERVICE/NOV09	1076-30988 FR7	271038	06/2010	15.36	
502-7312-602.22-60	12/08/2009	NOVEMBER UNIFORM CHARGES	NOV 2009	271129	06/2010	326.06	
502-7314-602.22-60	12/08/2009	NOVEMBER UNIFORM CHARGES	NOV 2009	271129	06/2010	33.48	
502-7400-603.22-60	12/08/2009	NOVEMBER UNIFORM CHARGES	NOV 2009	271129	06/2010	533.75	
502-7500-609.22-60	12/08/2009	NOVEMBER UNIFORM CHARGES	NOV 2009	271129	06/2010	346.52	
512-8314-622.22-60	12/08/2009	NOVEMBER UNIFORM CHARGES	NOV 2009	271129	06/2010	33.48	
512-8400-623.22-60	12/08/2009	NOVEMBER UNIFORM CHARGES	NOV 2009	271129	06/2010	512.64	
512-8500-625.22-60	12/08/2009	NOVEMBER UNIFORM CHARGES	NOV 2009	271129	06/2010	346.52	
561-7112-711.22-60	12/04/2009	INVOICE #28021	120409	F10207	06/2010	99.00	

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561-7112-711.22-60	12/04/2009	INVOICE #28847	120409	F10207	06/2010	99.00	
561-7112-711.22-60	12/04/2009	INVOICE #29689	120409	F10207	06/2010	99.00	
561-7112-711.22-60	12/04/2009	INVOICE #30544	120409	F10207	06/2010	99.00	
561-7113-711.22-60	12/04/2009	INVOICE #28019	120409	F10207	06/2010	35.39	
561-7113-711.22-60	12/04/2009	INVOICE #28846	120409	F10207	06/2010	79.39	
561-7113-711.22-60	12/04/2009	INVOICE #29687	120409	F10207	06/2010	35.39	
561-7113-711.22-60	12/04/2009	INVOICE #30543	120409	F10207	06/2010	35.39	
561-7112-711.22-40	12/04/2009	INVOICE #28022	120409	F10207	06/2010	14.40	
561-7112-711.22-40	12/04/2009	INVOICE #28848	120409	F10207	06/2010	8.65	
561-7112-711.22-40	12/04/2009	INVOICE #29690	120409	F10207	06/2010	15.05	
561-7112-711.22-40	12/04/2009	INVOICE #30545	120409	F10207	06/2010	15.45	
12/11/2009	727383	BILLINGS CONSTRUCTION SUPPLY	411			2,652.19	
502-0000-141.00-00	12/04/2009	WATER PARTS AND SUPPLIES	58678		06/2010	550.00	
502-7500-609.53-33	12/08/2009	MISC SERVICES	57991	271107	06/2010	26.80	
502-7400-603.24-50	12/08/2009	MISC SERVICES	58207	271107	06/2010	69.95	
502-7500-609.53-33	12/08/2009	MISC SERVICES	58217	271107	06/2010	1,908.45	
512-8400-623.24-50	12/08/2009	MISC SERVICES	58428	271107	06/2010	85.08	
150-2226-422.23-20	12/09/2009	MP	58641	271184	06/2010	11.91	
12/11/2009	727385	BILLINGS GAZETTE	420			7,611.45	
209-4451-428.33-90	12/10/2009	Building	4386		06/2010	177.45	
571-7141-713.32-30	12/10/2009	Met Transit	27006		06/2010	177.45	
260-5519-455.33-80	12/10/2009	Sunnyside Library	18302		06/2010	237.30	
260-5519-455.33-80	12/10/2009	Parmly Billings Library	3450		06/2010	237.30	
10-1512-415.33-30	12/10/2009	Finance	23530		06/2010	177.45	
10-5140-436.33-30	12/10/2009	Mountview Cemetery	3765		06/2010	177.45	
150-2225-422.33-50	12/10/2009	911 Center	31894		06/2010	237.30	
601-1550-481.33-30	12/10/2009	Fleet	102-60010385		06/2010	695.69	
541-3122-435.33-70	12/10/2009	Solid Waste	102-60010385		06/2010	191.37	
10-1750-417.33-70	12/10/2009	Library	102-60010385		06/2010	191.38	
10-3110-431.21-90	12/10/2009	PWA	102-60010385		06/2010	227.73	
10-1220-412.32-10	12/10/2009	Municipal Court	102-60010385		06/2010	227.73	
571-7147-713.33-10	12/10/2009	Finance- Cari Martin	60010383		06/2010	228.02	
260-5511-455.33-60	12/10/2009	Library	102-60003259		06/2010	947.10	
260-5511-455.33-60	12/10/2009	Library	102-60003259		06/2010	670.50	
10-1411-414.33-10	12/10/2009	Online Banner	102-60001620		06/2010	565.71	
260-5511-455.33-60	12/10/2009	magic Magazine	102-60001620		06/2010	400.00	
541-3122-435.33-70	12/10/2009	Solid Waste	102-60001620		06/2010	1,115.52	
521-1521-493.33-70	12/10/2009	Parking	102-60001620		06/2010	432.00	
260-5511-455.33-60	12/10/2009	Library	102-60001620		06/2010	297.00	
12/11/2009	727390	BILLINGS TIMES	452			2,936.10	
561-7110-711.32-10	12/09/2009	AIRPORT	NOVEMBER 2009		06/2010	55.10	
571-7141-713.33-10	12/09/2009	TRANSIT	NOVEMBER 2009		06/2010	63.10	
571-7141-713.33-10	12/09/2009	TRANSIT	NOVEMBER 2009		06/2010	72.00	
463-3161-431.93-10	12/09/2009	ENGINEERING	NOVEMBER 2009		06/2010	152.80	
670-3141-489.33-10	12/09/2009	ENGINEERING	NOVEMBER 2009		06/2010	40.00	
502-7312-602.21-90	12/09/2009	PUBLIC WORKS/UTILITIES	NOVEMBER 2009		06/2010	164.00	
10-1313-413.33-60	12/09/2009	PUBLIC WORKS/UTILITIES	NOVEMBER 2009		06/2010	24.00	

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150-2150-421.32-10	12/09/2009	POLICE	NOVEMBER 2009		06/2010	1,220.00	
240-4301-419.33-10	12/09/2009	PLANNING/COM SERVICES	NOVEMBER 2009		06/2010	126.00	
240-4301-419.33-10	12/09/2009	PLANNING	NOVEMBER 2009		06/2010	16.10	
521-1521-493.33-70	12/09/2009	PARKING	NOVEMBER 2009		06/2010	20.00	
260-5511-455.32-90	12/09/2009	LIBRARY	NOVEMBER 2009		06/2010	20.80	
10-1512-415.32-10	12/09/2009	FINANCE	NOVEMBER 2009		06/2010	163.00	
10-1512-415.33-10	12/09/2009	FINANCE	NOVEMBER 2009		06/2010	70.00	
295-6501-463.33-10	12/09/2009	COM DEV	NOVEMBER 2009		06/2010	33.60	
240-4301-419.33-10	12/09/2009	PLANNING	NOVEMBER 2009		06/2010	31.20	
10-1100-411.32-30	12/09/2009	ADMINISTRATION	NOVEMBER 2009		06/2010	54.40	
10-1100-411.39-20	12/09/2009	ADMINISTRATION	NOVEMBER 2009		06/2010	43.20	
150-2170-441.32-10	12/09/2009	ANIMAL SHELTER	NOVEMBER 2009		06/2010	20.80	
209-4451-428.32-10	12/09/2009	BUILDING	NOVEMBER 2009		06/2010	221.00	
10-1611-416.32-40	12/09/2009	CITY ATTORNEY	NOVEMBER 2009		06/2010	245.00	
240-4301-419.33-10	12/09/2009	C/C PLANNING	NOVEMBER 2009		06/2010	36.00	
10-5112-452.33-70	12/09/2009	PARKS	NOVEMBER 2009		06/2010	44.00	
12/11/2009	727393	BLACK BOX NETWORK SERVICES	19541			4,401.05	
606-1931-484.34-50	12/08/2009	MISC SERVICES	DEC09-6302010	270765	06/2010	4,401.05	
12/11/2009	727398	BRENNTAG PACIFIC INC	17236			4,531.46	
211-3137-433.47-21	12/09/2009	ROAD/HIGHWAY MATERIAL	BPI948727	271117	06/2010	4,531.46	
12/11/2009	727401	BROWN AND CALDWELL	18626			5,141.87	
503-7591-609.93-40	12/09/2009	WO0825 ZONE 3 RESERVOIR	7	264675	06/2010	5,141.87	
12/11/2009	727404	BUSINESS TAX SECTION	2449			8,608.11	
205-0000-201.10-00	11/13/2009	WO0917 24TH W CONCRETE WK	RET CORRECTION	269602	05/2010	7.90	
205-3131-433.93-10	11/13/2009	WO0917 24TH W CONCRETE WK	RET CORRECTION		05/2010	7.90-	
513-0000-201.10-00	12/01/2009	RETAINAGE RELEASE	RET RELEASE	266262	05/2010	77.83	
503-7591-609.93-40	12/08/2009	S 33RD ST REHAB PROJECT	3494	271083	06/2010	239.96	
845-0000-201.10-00	12/09/2009	WO0917 24TH ST W CONCRETE	RET RELEASE	269602	06/2010	2.71	
845-0000-201.10-00	12/09/2009	WO0917 24TH ST W CONCRETE	RET RELEASE	269602	06/2010	7.90	
416-0000-201.10-00	12/09/2009	WO0436 BRIARWOOD SEWER	RET RELEASE	258719	06/2010	70.70	
421-0000-201.10-00	12/09/2009	WO0436 BRIARWOOD SEWER	RET RELEASE	258719	06/2010	1,198.50	
416-7493-603.93-40	12/09/2009	WO0436 BRIARWOOD SEWER	13	258719	06/2010	40.00	
421-8493-623.93-40	12/09/2009	WO0436 BRIARWOOD SEWER	13	258719	06/2010	670.97	
407-7128-711.94-97	12/09/2009	MISC SERVICES	267113-3	267113	06/2010	4,030.00	
205-3131-433.93-10	12/09/2009	SID 1386 MACDONALD DRIVE	TRSF OF FUNDS	268063	06/2010	91.79-	
205-3131-433.93-10	12/09/2009	SID 1386 MACDONALD DRIVE	TRSF OF FUNDS	268063	06/2010	91.79	
840-3184-431.93-10	12/09/2009	SID 1386 MACDONALD DRIVE	TRSF OF FUNDS	268063	06/2010	36.44-	
840-3184-431.93-10	12/09/2009	SID 1386 MACDONALD DRIVE	TRSF OF FUNDS	268063	06/2010	36.44	
205-3131-433.93-10	12/09/2009	SID 1386 MACDONALD DRIVE	3	268063	06/2010	428.44	
461-3161-431.93-10	12/09/2009	SID 1386 MACDONALD DRIVE	3	268063	06/2010	790.30	
840-3184-431.93-10	12/09/2009	SID 1386 MACDONALD DRIVE	3	268063	06/2010	58.70	
845-3186-431.93-10	12/09/2009	WO0917 24TH ST W CONCRETE	3	269602	06/2010	323.87	
448-0000-201.10-00	12/10/2009	WO0802 MISC DEVELOPER	RET RELEASE	265381	06/2010	39.09	
448-0000-201.10-00	12/10/2009	WO0802 MISC DEVELOPER	RET RELEASE	265381	06/2010	25.14	
205-0000-201.10-00	12/10/2009	WO0802 MISC DEVELOPER	RET RELEASE	265381	06/2010	92.00	
513-0000-201.10-00	12/10/2009	WO0802 MISC DEVELOPER	RET RELEASE	265381	06/2010	.50	

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840-0000-201.10-00	12/10/2009	WO0802 MISC DEVELOPER	RET RELEASE	265381	06/2010	1.00	
840-0000-201.10-00	12/10/2009	WO0802 MISC DEVELOPER	RET RELEASE	265381	06/2010	10.43	
449-0000-201.10-00	12/10/2009	WO0830 POLY DRIVE	RET RELEASE	270377	06/2010	.59	
210-0000-201.10-00	12/10/2009	WO0830 POLY DRIVE	RET RELEASE	270377	06/2010	10.79	
205-0000-201.10-00	12/10/2009	WO0830 POLY DRIVE	RET RELEASE	270377	06/2010	1.08	
840-3184-431.93-10	12/10/2009	WO0802 MISC DEVELOPER	TRSF OF FUNDS	265381	06/2010	47.82	
840-3184-431.93-10	12/10/2009	WO0802 MISC DEVELOPER	TRSF OF FUNDS	265381	06/2010	47.82	
205-3131-433.93-10	12/10/2009	WO0802 MISC DEVELOPER	7	265381	06/2010	103.98	
448-3165-431.93-11	12/10/2009	WO0802 MISC DEVELOPER	7	265381	06/2010	208.93	
840-3184-431.93-10	12/10/2009	WO0802 MISC DEVELOPER	7	265381	06/2010	82.03	
205-3131-433.93-10	12/10/2009	WO0830 POLY DRIVE	TRSF OF FUNDS	270377	06/2010	3.31	
205-3131-433.93-10	12/10/2009	WO0830 POLY DRIVE	TRSF OF FUNDS	270377	06/2010	3.31	
210-3110-431.93-11	12/10/2009	WO0830 POLY DRIVE	TRSF OF FUNDS	270377	06/2010	1.27	
210-3110-431.93-11	12/10/2009	WO0830 POLY DRIVE	TRSF OF FUNDS	270377	06/2010	1.27	
210-3110-431.93-11	12/10/2009	WO0830 POLY DRIVE	2	270377	06/2010	73.99	
449-3165-431.93-11	12/10/2009	WO0830 POLY DRIVE	2	270377	06/2010	18.68	
12/11/2009	727406	CAMBRIDGE SYSTEMATICS INC	20224			8,850.03	
240-4301-419.72-14	12/09/2009	INV 8134-03	INV 8134-03	271163	06/2010	8,850.03	
12/11/2009	727412	CDW GOVERNMENT INC	9234			9,970.00	
620-1911-482.53-15	12/07/2009	MISC SERVICES	QWF6425	270533	06/2010	7,300.00	
606-1931-484.34-50	12/07/2009	MISC SERVICES	QWD1684	270618	06/2010	2,270.00	
620-1911-482.53-70	12/08/2009	MISC SERVICES	QWF9826 QWK7912	270617	06/2010	230.00	
620-1911-482.53-70	12/10/2009	MISC SERVICES	RBR6173	271043	06/2010	170.00	
12/11/2009	727414	CIRCUIT ELECTRIC CO	10635			3,040.00	
620-1911-482.34-52	12/10/2009	MISC SERVICES	91142	271154	06/2010	1,545.00	
225-2232-422.21-20	12/10/2009	UPS/BATTERY/RELOCATE PWR	91204 UPS/BATTR	271172	06/2010	1,495.00	
12/11/2009	727421	COP CONSTRUCTION CO	865			244,467.04	
416-0000-201.10-00	12/09/2009	WO0436 BRIARWOOD SEWER	RET RELEASE	258716	06/2010	6,999.16	
421-0000-201.10-00	12/09/2009	WO0436 BRIARWOOD SEWER	RET RELEASE	258716	06/2010	118,653.82	
416-7493-603.93-40	12/09/2009	WO0436 BRIARWOOD SEWER	13	258716	06/2010	3,960.00	
421-8493-623.93-40	12/09/2009	WO0436 BRIARWOOD SEWER	13	258716	06/2010	66,426.30	
513-8591-625.93-40	12/09/2009	WO0801 2008 WTR & SWR	5	265600	06/2010	48,427.76	
12/11/2009	727424	COUNTY WATER DISTRICT OF	881			18,702.72	
805-1570-425.53-50	11/30/2009	MISC SERVICES	1297	271036	05/2010	18,509.04	
150-2221-422.34-20	12/04/2009	FIRE6/WATER/12,130 GALLNS	16118-00 09NOV	267470	06/2010	38.95	
512-8500-625.34-20	12/08/2009	MISC SERVICES	1063500 NOV09	271091	06/2010	154.73	
12/11/2009	727427	CUSTOM COMPUTER TECHNOLOGIES I	20567			9,970.00	
251-2186-421.35-90	12/08/2009	MISC SERVICES	106002275	271133	06/2010	9,970.00	
12/11/2009	727460	GALLES FILTER SERVICE	1397			3,145.36	
601-0000-141.00-00	11/04/2009	MP	194629		05/2010	103.82	
10-5112-452.23-20	11/04/2009	MP	194561	269078	05/2010	5.49	
601-0000-141.00-00	11/06/2009	MP	194775		05/2010	348.15	
601-0000-141.71-41	11/09/2009	MP	269078		05/2010	187.77	

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502-7400-603.23-20	11/06/2009	MP	194686	269078	05/2010	11.72	
150-2226-422.23-20	11/09/2009	MP	194750	269078	05/2010	9.97	
601-0000-141.00-00	11/12/2009	MP	194909		05/2010	10.88	
601-0000-141.00-00	11/12/2009	MP	194955		05/2010	333.74	
601-0000-141.00-00	11/12/2009	MP	195004		05/2010	464.23	
601-0000-141.00-00	11/14/2009	MP	195216		05/2010	35.09	
541-3123-435.23-20	11/14/2009	MP	195195	269078	05/2010	7.29	
601-0000-141.00-00	11/23/2009	MP	195146		05/2010	173.05	
601-0000-141.00-00	11/23/2009	MP	195361		05/2010	167.55	
601-0000-141.00-00	11/23/2009	MP	195417		05/2010	4.70	
601-0000-141.00-00	11/23/2009	MP	195418		05/2010	25.24	
601-0000-141.00-00	11/23/2009	MP	195423		05/2010	21.28	
601-0000-141.71-41	11/23/2009	MP	195515		05/2010	120.61	
601-0000-141.00-00	11/23/2009	MP	195518		05/2010	185.22	
502-0000-141.00-00	11/23/2009	WATER PARTS AND SUPPLIES	195591		05/2010	129.88	
601-0000-141.71-41	11/24/2009	MP	195144		05/2010	116.44	
601-0000-141.00-00	11/25/2009	MP	195635		05/2010	9.83	
601-1553-481.26-50	11/25/2009	MP	195628	269078	05/2010	214.20	
601-0000-141.00-00	11/30/2009	MP	195740		05/2010	305.08	
601-0000-141.71-41	12/08/2009	MP	195158		06/2010	103.00	
601-0000-141.71-41	12/08/2009	MP	195193		06/2010	61.92	
12/11/2009	727467	GENERAL CONTRACTORS CONSTR	1415			398,969.50	
407-7128-711.94-97	12/09/2009	MISC SERVICES	266985-3	266985	06/2010	398,969.50	
12/11/2009	727473	GUARDIAN SECURITY INC	12486			5,284.63	
260-5512-455.35-74	12/07/2009	SECURITY	995079	F10212	06/2010	5,284.63	
12/11/2009	727478	HDR INC	1544			6,028.46	
416-7493-603.93-40	12/08/2009	PL0049 WTR SYS ER POWER	156670-H	249305	06/2010	470.77	
502-7211-601.35-40	12/08/2009	DRINKING WTR SOURCE STUDY	153012-H	258046	06/2010	2,735.63	
416-7493-603.93-40	12/09/2009	WO0622 L-STRUCTURE IMPRV	89	254914	06/2010	1,952.41	
845-3186-431.35-90	12/09/2009	ZIMMERMAN TRAIL PRELIM	2	266964	06/2010	869.65	
12/11/2009	727479	HKM ENGINEERING INC	10883			15,757.03	
205-3131-433.93-10	12/09/2009	WO0821 LAKE ELMO	11	261940	06/2010	15,757.03	
12/11/2009	727487	INGRAM BOOK COMPANY	1820			3,888.74	
260-5519-455.32-26	12/07/2009	PUBLICATIONS/AUDIOVISUAL	46922991	269471	06/2010	25.95	
260-5519-455.32-42	12/07/2009	PUBLICATIONS/AUDIOVISUAL	46922992	269471	06/2010	10.99	
260-5519-455.32-20	12/07/2009	PUBLICATIONS/AUDIOVISUAL	46922993	269471	06/2010	38.94	
260-5519-455.32-26	12/07/2009	PUBLICATIONS/AUDIOVISUAL	46922993	269471	06/2010	8.99	
260-5519-455.33-33	12/07/2009	PUBLICATIONS/AUDIOVISUAL	46922993	269471	06/2010	30.04	
260-5519-455.32-26	12/07/2009	PUBLICATIONS/AUDIOVISUAL	46922994	269471	06/2010	25.95	
260-5519-455.32-26	12/07/2009	PUBLICATIONS/AUDIOVISUAL	46963222	269471	06/2010	14.16	
260-5519-455.32-26	12/07/2009	PUBLICATIONS/AUDIOVISUAL	46963223	269471	06/2010	15.33	
260-5519-455.32-26	12/07/2009	PUBLICATIONS/AUDIOVISUAL	46963224	269471	06/2010	190.42	
260-5519-455.32-26	12/07/2009	PUBLICATIONS/AUDIOVISUAL	46963225	269471	06/2010	25.95	

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260-5519-455.32-26	12/07/2009	PUBLICATIONS/AUDIOVISUAL	46963227	269471 06/2010 43.63
260-5519-455.32-26	12/07/2009	PUBLICATIONS/AUDIOVISUAL	46963228	269471 06/2010 82.14
260-5519-455.32-20	12/07/2009	PUBLICATIONS/AUDIOVISUAL	46963229	269471 06/2010 48.37
260-5519-455.32-42	12/07/2009	PUBLICATIONS/AUDIOVISUAL	46963229	269471 06/2010 20.99
260-5519-455.32-20	12/07/2009	PUBLICATIONS/AUDIOVISUAL	46963230	269471 06/2010 17.69
260-5519-455.32-20	12/07/2009	PUBLICATIONS/AUDIOVISUAL	46963231	269471 06/2010 297.91
260-5519-455.32-23	12/07/2009	PUBLICATIONS/AUDIOVISUAL	46963231	269471 06/2010 34.58
260-5519-455.32-26	12/07/2009	PUBLICATIONS/AUDIOVISUAL	46963231	269471 06/2010 297.01
260-5519-455.32-55	12/07/2009	PUBLICATIONS/AUDIOVISUAL	46963231	269471 06/2010 185.90
260-5519-455.33-33	12/07/2009	PUBLICATIONS/AUDIOVISUAL	46963231	269471 06/2010 402.84
260-5519-455.33-34	12/07/2009	PUBLICATIONS/AUDIOVISUAL	46963231	269471 06/2010 21.99
260-5519-455.32-26	12/07/2009	PUBLICATIONS/AUDIOVISUAL	46963232	269471 06/2010 25.95
260-5519-455.32-20	12/07/2009	PUBLICATIONS/AUDIOVISUAL	46963233	269471 06/2010 13.19
260-5519-455.32-26	12/07/2009	PUBLICATIONS/AUDIOVISUAL	47009514	269471 06/2010 9.57
260-5519-455.32-26	12/07/2009	PUBLICATIONS/AUDIOVISUAL	47009515	269471 06/2010 17.97
260-5519-455.32-26	12/07/2009	PUBLICATIONS/AUDIOVISUAL	47009516	269471 06/2010 8.99
260-5519-455.32-20	12/07/2009	PUBLICATIONS/AUDIOVISUAL	47009517	269471 06/2010 27.55
260-5519-455.32-23	12/07/2009	PUBLICATIONS/AUDIOVISUAL	47009517	269471 06/2010 23.99
260-5519-455.32-55	12/07/2009	PUBLICATIONS/AUDIOVISUAL	47009517	269471 06/2010 11.18
260-5519-455.33-33	12/07/2009	PUBLICATIONS/AUDIOVISUAL	47009517	269471 06/2010 34.14
260-5519-455.32-20	12/07/2009	PUBLICATIONS/AUDIOVISUAL	47136542	269471 06/2010 17.10
260-5519-455.32-20	12/07/2009	PUBLICATIONS/AUDIOVISUAL	47136543	269471 06/2010 11.97
260-5519-455.32-26	12/07/2009	PUBLICATIONS/AUDIOVISUAL	47136544	269471 06/2010 129.65
260-5519-455.32-26	12/07/2009	PUBLICATIONS/AUDIOVISUAL	47136545	269471 06/2010 14.72
260-5519-455.32-20	12/07/2009	PUBLICATIONS/AUDIOVISUAL	47136546	269471 06/2010 11.37
260-5519-455.32-26	12/07/2009	PUBLICATIONS/AUDIOVISUAL	47136546	269471 06/2010 33.93
260-5519-455.32-20	12/07/2009	PUBLICATIONS/AUDIOVISUAL	47136547	269471 06/2010 9.60
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260-5519-455.32-26	12/07/2009	PUBLICATIONS/AUDIOVISUAL	47136548	269471 06/2010 24.30
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260-5519-455.32-20	12/07/2009	PUBLICATIONS/AUDIOVISUAL	47136549	269471 06/2010 33.33
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260-5519-455.32-20	12/07/2009	PUBLICATIONS/AUDIOVISUAL	47136550	269471 06/2010 30.22
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260-5519-455.33-33	12/07/2009	PUBLICATIONS/AUDIOVISUAL	47136550	269471 06/2010 10.02
260-5519-455.32-20	12/07/2009	PUBLICATIONS/AUDIOVISUAL	47136551	269471 06/2010 17.10
260-5519-455.32-26	12/07/2009	PUBLICATIONS/AUDIOVISUAL	47261514	269471 06/2010 19.16-
260-5519-455.32-20	12/07/2009	PUBLICATIONS/AUDIOVISUAL	47297989	269471 06/2010 14.72
260-5519-455.32-26	12/07/2009	PUBLICATIONS/AUDIOVISUAL	47297989	269471 06/2010 79.63
260-5519-455.33-33	12/07/2009	PUBLICATIONS/AUDIOVISUAL	47297990	269471 06/2010 10.02
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260-5519-455.32-26	12/07/2009	PUBLICATIONS/AUDIOVISUAL	47297992	269471 06/2010 224.08
260-5519-455.32-41	12/07/2009	PUBLICATIONS/AUDIOVISUAL	47297992	269471 06/2010 32.41
260-5519-455.32-26	12/07/2009	PUBLICATIONS/AUDIOVISUAL	47297993	269471 06/2010 8.97
260-5519-455.32-20	12/07/2009	PUBLICATIONS/AUDIOVISUAL	47297994	269471 06/2010 14.75
260-5519-455.32-26	12/07/2009	PUBLICATIONS/AUDIOVISUAL	47297994	269471 06/2010 75.01
260-5519-455.32-42	12/07/2009	PUBLICATIONS/AUDIOVISUAL	47297994	269471 06/2010 114.88
260-5519-455.32-26	12/07/2009	PUBLICATIONS/AUDIOVISUAL	47297995	269471 06/2010 27.57

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260-5519-455.33-33	12/07/2009	PUBLICATIONS/AUDIOVISUAL	47297996	269471	06/2010	30.00	
260-5519-455.32-26	12/07/2009	PUBLICATIONS/AUDIOVISUAL	47305855	269471	06/2010	17.06	
260-5519-455.32-42	12/07/2009	PUBLICATIONS/AUDIOVISUAL	47305856	269471	06/2010	35.71	
260-5519-455.32-26	12/07/2009	PUBLICATIONS/AUDIOVISUAL	47305857	269471	06/2010	22.95	
260-5519-455.32-26	12/07/2009	PUBLICATIONS/AUDIOVISUAL	47436448	269471	06/2010	16.80	
260-5519-455.32-23	12/07/2009	PUBLICATIONS/AUDIOVISUAL	47436449	269471	06/2010	27.50	
260-5519-455.32-41	12/07/2009	PUBLICATIONS/AUDIOVISUAL	47436450	269471	06/2010	15.90	
260-5519-455.32-20	12/08/2009	PUBLICATIONS/AUDIOVISUAL	45331497	269471	06/2010	23.94	
260-5519-455.32-20	12/08/2009	PUBLICATIONS/AUDIOVISUAL	47436451	269471	06/2010	13.17	
260-5519-455.32-26	12/08/2009	PUBLICATIONS/AUDIOVISUAL	47436451	269471	06/2010	129.02	
260-5519-455.32-26	12/08/2009	PUBLICATIONS/AUDIOVISUAL	47436452	269471	06/2010	166.48	
260-5519-455.32-41	12/08/2009	PUBLICATIONS/AUDIOVISUAL	47436452	269471	06/2010	47.16	
260-5519-455.32-20	12/08/2009	PUBLICATIONS/AUDIOVISUAL	47436453	269471	06/2010	15.90	
260-5519-455.32-26	12/08/2009	PUBLICATIONS/AUDIOVISUAL	47436453	269471	06/2010	18.56	
260-5519-455.32-20	12/08/2009	PUBLICATIONS/AUDIOVISUAL	47436454	269471	06/2010	12.97	
260-5519-455.32-42	12/08/2009	PUBLICATIONS/AUDIOVISUAL	47436454	269471	06/2010	30.23	
260-5519-455.32-26	12/08/2009	PUBLICATIONS/AUDIOVISUAL	47436455	269471	06/2010	37.73	
260-5519-455.32-26	12/08/2009	PUBLICATIONS/AUDIOVISUAL	47436456	269471	06/2010	22.57	
12/11/2009	727490	INTERFAITH HOSPITALITY NETWORK	18280			16,350.00	
	270-6713-464.72-75	12/09/2009	MISC SERVICES	HOUSING FIRST 4	271167 06/2010	16,350.00	
12/11/2009	727493	INTERSTATE POWERSYSTEMS	17926			6,732.60	
	150-2226-422.24-50	12/07/2009	STANDBY/GEN/REPR/FIRE 4	R007009490 FR4	270777 06/2010	550.29	
	512-8400-623.24-50	12/08/2009	MISC SERVICES	C008011798	271123 06/2010	86.72	
	541-3122-435.23-20	12/08/2009	MP	9391.01	271137 06/2010	617.87	
	541-3122-435.23-20	12/08/2009	MP	9457.01	271137 06/2010	357.00	
	601-1553-481.38-22	12/08/2009	MP	47042.01	271146 06/2010	600.00	
	571-7144-713.23-20	12/10/2009	MP	11964.01	271209 06/2010	72.36	
	541-3122-435.23-20	12/10/2009	MP	12005.01	271209 06/2010	639.97	
	571-7144-713.23-20	12/10/2009	MP	12046.01	271209 06/2010	3,808.39	
12/11/2009	727494	J & J CONCRETE	15244			66,156.11	
	448-0000-201.10-00	12/10/2009	WO0802 MISC DEVELOPER	RET RELEASE	265380 06/2010	3,870.44	
	448-0000-201.10-00	12/10/2009	WO0802 MISC DEVELOPER	RET RELEASE	265380 06/2010	2,489.00	
	205-0000-201.10-00	12/10/2009	WO0802 MISC DEVELOPER	RET RELEASE	265380 06/2010	9,108.59	
	513-0000-201.10-00	12/10/2009	WO0802 MISC DEVELOPER	RET RELEASE	265380 06/2010	49.50	
	840-0000-201.10-00	12/10/2009	WO0802 MISC DEVELOPER	RET RELEASE	265380 06/2010	99.00	
	840-0000-201.10-00	12/10/2009	WO0802 MISC DEVELOPER	RET RELEASE	265380 06/2010	1,032.91	
	449-0000-201.10-00	12/10/2009	WO0830 POLY DRIVE	RET RELEASE	270376 06/2010	58.18	
	210-0000-201.10-00	12/10/2009	WO0830 POLY DRIVE	RET RELEASE	270376 06/2010	1,068.09	
	205-0000-201.10-00	12/10/2009	WO0830 POLY DRIVE	RET RELEASE	270376 06/2010	107.38	
	840-3184-431.93-10	12/10/2009	WO0802 MISC DEVELOPER	TRSFER OF FUNDS	265380 06/2010	4,733.81-	
	840-3184-431.93-10	12/10/2009	WO0802 MISC DEVELOPER	TRSFER OF FUNDS	265380 06/2010	4,733.81	
	205-3131-433.93-10	12/10/2009	WO0802 MISC DEVELOPER	7	265380 06/2010	10,294.52	
	448-3165-431.93-11	12/10/2009	WO0802 MISC DEVELOPER	7	265380 06/2010	20,684.55	
	840-3184-431.93-10	12/10/2009	WO0802 MISC DEVELOPER	7	265380 06/2010	8,120.82	
	205-3131-433.93-10	12/10/2009	WO0830 POLY DRIVE	TRSFER OF FUNDS	270376 06/2010	327.46-	
	205-3131-433.93-10	12/10/2009	WO0830 POLY DRIVE	TRSFER OF FUNDS	270376 06/2010	327.46	

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210-3110-431.93-11	12/10/2009	WO0830 POLY DRIVE	TRSFR OF FUNDS	270376	06/2010	125.56-	
210-3110-431.93-11	12/10/2009	WO0830 POLY DRIVE	TRSFR OF FUNDS	270376	06/2010	125.56	
210-3110-431.93-11	12/10/2009	WO0830 POLY DRIVE	270376	270376	06/2010	7,324.55	
449-3165-431.93-11	12/10/2009	WO0830 POLY DRIVE	270376	270376	06/2010	1,848.58	
12/11/2009	727498	JEM CONTRACTING, INC	18375			126,466.61	
205-3131-433.93-10	12/09/2009	SID 1386 MACDONALD DRIVE	TRSFR OF FUNDS	268050	06/2010	9,086.77-	
205-3131-433.93-10	12/09/2009	SID 1386 MACDONALD DRIVE	TRSFR OF FUNDS	268050	06/2010	9,086.77	
840-3184-431.93-10	12/09/2009	SID 1386 MACDONALD DRIVE	TRSFR OF FUNDS	268050	06/2010	3,608.03-	
840-3184-431.93-10	12/09/2009	SID 1386 MACDONALD DRIVE	TRSFR OF FUNDS	268050	06/2010	3,608.03	
205-3131-433.93-10	12/09/2009	SID 1386 MACDONALD DRIVE	3	268050	06/2010	42,415.93	
461-3161-431.93-10	12/09/2009	SID 1386 MACDONALD DRIVE	3	268050	06/2010	78,239.33	
840-3184-431.93-10	12/09/2009	SID 1386 MACDONALD DRIVE	3	268050	06/2010	5,811.35	
12/11/2009	727505	KADRMAS LEE & JACKSON	14850			6,263.77	
503-7591-609.93-40	12/09/2009	WO0911 RIMROCK RD	4	268015	06/2010	970.88	
840-3184-431.93-10	12/09/2009	WO0911 RIMROCK RD	4	268015	06/2010	1,503.31	
845-3186-431.93-10	12/09/2009	WO0911 RIMROCK RD	4	268015	06/2010	3,789.58	
12/11/2009	727509	KENNEY JOYCE AND GEORGE	20117			5,814.45	
421-8493-623.93-40	12/09/2009	WO0436 BRIARWOOD SEWER	APPROACH RESTOR	271160	06/2010	5,814.45	
12/11/2009	727517	L P ANDERSON TIRE CO	173			6,066.50	
502-7312-602.23-90	12/04/2009	NONSTOCKING ITEMS-P.U.D.	75098	270178	06/2010	1,815.00	
502-7500-609.23-90	12/04/2009	NONSTOCKING ITEMS-P.U.D.	75098	270178	06/2010	429.00	
502-7700-611.23-90	12/04/2009	NONSTOCKING ITEMS-P.U.D.	75098	270178	06/2010	410.00	
512-8400-623.23-90	12/04/2009	NONSTOCKING ITEMS-P.U.D.	75098	270178	06/2010	1,407.50	
512-8500-625.23-90	12/04/2009	NONSTOCKING ITEMS-P.U.D.	75098	270178	06/2010	2,005.00	
12/11/2009	727540	MONTANA DEPT OF LABOR & INDUST	15915			7,967.00	
421-8493-623.93-40	12/09/2009	WO0822 WWTP DISINFECT SYS	BLD PERMIT WWTP	271180	06/2010	7,967.00	
12/11/2009	727542	MONTANA DEPT OF TRANSPORTATION	2496			2,676.43	
205-3131-433.93-10	12/09/2009	WO0325/WO0815/WO0824	VARIOUS	271093	06/2010	60.34	
490-5161-452.93-70	12/09/2009	WO0325/WO0815/WO0824	VARIOUS	271093	06/2010	2,597.71	
490-5161-452.93-70	12/09/2009	WO0325/WO0815/WO0824	VARIOUS	271093	06/2010	18.38	
12/11/2009	727543	MONTANA MUNICIPAL INTERLOCAL	20725			27,172.24	
630-1753-485.73-11	12/08/2009	MISC SERVICES	1109005 1209	271130	06/2010	27,172.24	
12/11/2009	727550	MORRISON MAIERLE INC	2572			117,542.36	
205-3131-433.93-10	12/09/2009	WO0210 BENCH CONNECTION	3	265562	06/2010	117,542.36	
12/11/2009	727562	NORTHWESTERN ENERGY	15771			11,197.01	
150-2221-422.34-10	12/04/2009	FIRE6/ELEC/2660 KWH USED	0100477-0 09NOV	267864	06/2010	403.68	
571-7143-713.34-10	12/04/2009	ACCOUNT NO: 0100473-8	120409	F10204	06/2010	2,467.77	
502-7400-603.34-10	12/08/2009	MISC SERVICES	01004787 NOV09	271085	06/2010	361.53	
512-8500-625.34-10	12/08/2009	MISC SERVICES	17568932 NOV09	271085	06/2010	75.95	
561-7113-711.34-10	12/11/2009	NW AVIATION/TRAN	07125339		06/2010	93.28	
561-7113-711.34-10	12/11/2009	NW AVIATION/TRAN	07125347		06/2010	13.65	

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10-5141-436.34-10	12/11/2009	NW PARK/REC/PL	07125388	06/2010 112.96
561-7113-711.34-10	12/11/2009	NW AVIATION/TRAN	07127913	06/2010 28.42
561-7113-711.34-10	12/11/2009	NW AVIATION/TRAN	07127954	06/2010 28.62
561-7113-711.34-10	12/11/2009	NW AVIATION/TRAN	07127970	06/2010 21.35
561-7117-711.34-10	12/11/2009	NW AVIATION/TRAN	07128051	06/2010 11.12
561-7113-711.34-10	12/11/2009	NW AVIATION/TRAN	07128135	06/2010 7.10
571-7143-713.34-10	12/11/2009	NW AVIATION/TRAN	07192255	06/2010 458.60
561-7113-711.34-10	12/11/2009	NW AVIATION/TRAN	07195431	06/2010 1,939.97
561-7113-711.34-10	12/11/2009	NW AVIATION/TRAN	07197593	06/2010 25.17
561-7113-711.34-10	12/11/2009	NW AVIATION/TRAN	07197601	06/2010 25.26
561-7113-711.34-10	12/11/2009	NW AVIATION/TRAN	07197619	06/2010 33.10
561-7113-711.34-10	12/11/2009	NW AVIATION/TRAN	07197627	06/2010 26.51
561-7113-711.34-10	12/11/2009	NW AVIATION/TRAN	07202963	06/2010 28.90
150-2221-422.34-10	12/11/2009	NW FIRE	07208176	06/2010 199.14
502-7400-603.34-10	12/11/2009	NW PUD-WATER TREAT	07222490	06/2010 2.46
10-5112-452.34-10	12/11/2009	NW PARK/REC/PL	07222532	06/2010 14.35
10-5112-452.34-10	12/11/2009	NW PARK/REC/PL	07222565	06/2010 181.25
10-5112-452.34-10	12/11/2009	NW PARK/REC/PL	07222581	06/2010 1.52
10-5112-452.34-10	12/11/2009	NW PARK/REC/PL	07222599	06/2010 14.38
502-7400-603.34-10	12/11/2009	NW PUD-WATER TREAT	07222706	06/2010 1,725.37
10-5112-452.34-10	12/11/2009	NW PARK/REC/PL	07222722	06/2010 8.13
872-5198-452.34-10	12/11/2009	NW PARK/REC/PL	07222722	06/2010 5.42
10-5112-452.34-10	12/11/2009	NW PARK/REC/PL	07222730	06/2010 27.25
10-5112-452.34-10	12/11/2009	NW PARK/REC/PL	07222748	06/2010 10.58
10-5112-452.34-10	12/11/2009	NW PARK/REC/PL	07222755	06/2010 89.22
10-5112-452.34-10	12/11/2009	NW PARK/REC/PL	07222771	06/2010 32.36
10-5112-452.34-10	12/11/2009	NW PARK/REC/PL	07222789	06/2010 27.05
10-5112-452.34-10	12/11/2009	NW PARK/REC/PL	07222797	06/2010 13.65
10-5112-452.34-10	12/11/2009	NW PARK/REC/PL	07222805	06/2010 14.35
10-5112-452.34-10	12/11/2009	NW PARK/REC/PL	07222813	06/2010 14.35
10-5112-452.34-10	12/11/2009	NW PARK/REC/PL	07222839	06/2010 14.35
10-5112-452.34-10	12/11/2009	NW PARK/REC/PL	07222847	06/2010 14.35
10-5112-452.34-10	12/11/2009	NW PARK/REC/PL	07228083	06/2010 13.65
10-5112-452.34-10	12/11/2009	NW PARK/REC/PL	07228521	06/2010 9.10
10-5112-452.34-10	12/11/2009	NW PARK/REC/PL	07228620	06/2010 16.11
10-5112-452.34-10	12/11/2009	NW PARK/REC/PL	07229016	06/2010 185.01
10-5112-452.34-10	12/11/2009	NW PARK/REC/PL	07229768	06/2010 8.23
10-5112-452.34-10	12/11/2009	NW PARK/REC/PL	07229958	06/2010 68.38
10-5112-452.34-10	12/11/2009	NW PARK/REC/PL	07230055	06/2010 70.11
10-5112-452.34-10	12/11/2009	NW PARK/REC/PL	07230253	06/2010 14.35
10-5112-452.34-10	12/11/2009	NW PARK/REC/PL	07230469	06/2010 7.10
10-5112-452.34-10	12/11/2009	NW PARK/REC/PL	07230493	06/2010 7.10
10-5112-452.34-10	12/11/2009	NW PARK/REC/PL	07230535	06/2010 17.45
10-5112-452.34-10	12/11/2009	NW PARK/REC/PL	07230642	06/2010 23.72
10-5112-452.34-10	12/11/2009	NW PARK/REC/PL	07230659	06/2010 23.72
512-8500-625.34-10	12/11/2009	NW Parks	07233836	06/2010 105.93
872-5198-452.34-10	12/11/2009	NW PARK/REC/PL	07233844	06/2010 14.35
872-5198-452.34-10	12/11/2009	NW PARK/REC/PL	07233851	06/2010 1.28
872-5198-452.34-10	12/11/2009	NW PARK/REC/PL	07233869	06/2010 1.28

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #			CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT
872-5198-452.34-10	12/11/2009	NW PARK/REC/PL	07233877		06/2010	1.28
872-5198-452.34-10	12/11/2009	NW PARK/REC/PL	07233885		06/2010	1.28
10-5112-452.34-10	12/11/2009	NW PARK/REC/PL	07233919	60%	06/2010	4.26
872-5198-452.34-10	12/11/2009	NW PARK/REC/PL	07233919	40%	06/2010	2.84
872-5198-452.34-10	12/11/2009	NW PARK/REC/PL	07233927		06/2010	1.28
872-5198-452.34-10	12/11/2009	NW PARK/REC/PL	07233935		06/2010	7.59
872-5198-452.34-10	12/11/2009	NW PARK/REC/PL	07233943		06/2010	14.35
872-5198-452.34-10	12/11/2009	NW PARK/REC/PL	07233950		06/2010	14.35
872-5198-452.34-10	12/11/2009	NW PARK/REC/PL	07233968		06/2010	14.35
872-5198-452.34-10	12/11/2009	NW PARK/REC/PL	07233976		06/2010	14.35
872-5198-452.34-10	12/11/2009	NW PARK/REC/PL	07233984		06/2010	14.35
512-8500-625.34-10	12/11/2009	NW PUD-WASTE WATER	07234040		06/2010	691.58
872-5198-452.34-10	12/11/2009	NW PARK/REC/PL	07238355		06/2010	14.35
872-5198-452.34-10	12/11/2009	NW PARK/REC/PL	07238363		06/2010	16.11
872-5198-452.34-10	12/11/2009	NW PARK/REC/PL	07238405		06/2010	7.10
512-8500-625.34-10	12/11/2009	NW PUD-WASTE WATER	07238785		06/2010	245.38
872-5198-452.34-10	12/11/2009	NW PARK/REC/PL	07238793		06/2010	2.57
872-5198-452.34-10	12/11/2009	NW PARK/REC/PL	07238835		06/2010	7.47
10-5112-452.34-10	12/11/2009	NW PARK/REC/PL	07238843		06/2010	50.01
872-5198-452.34-10	12/11/2009	NW PARK/REC/PL	07238850		06/2010	7.68
10-5112-452.34-10	12/11/2009	NW PARK/REC/PL	07238876		06/2010	23.75
10-5112-452.34-10	12/11/2009	NW PARK/REC/PL	08134892		06/2010	25.77
872-5198-452.34-10	12/11/2009	NW PARK/REC/PL	08814550		06/2010	7.82
10-5112-452.34-10	12/11/2009	PARKS	09789173		06/2010	7.10
10-5129-451.34-10	12/11/2009	NW FIRE	09998071		06/2010	11.11
502-7400-603.34-10	12/11/2009	NW Parks	11422532		06/2010	154.08
502-7400-603.34-10	12/11/2009	NW Pud	11608072		06/2010	15.24
872-5198-452.34-10	12/11/2009	NW parks	11759727		06/2010	146.45
10-5112-452.34-10	12/11/2009	NW	12422226		06/2010	7.47
502-7400-603.34-10	12/11/2009	NW	13466735		06/2010	4.75
872-5198-452.34-10	12/11/2009	NW	15138001		06/2010	14.35
872-5198-452.34-10	12/11/2009	NW	15138027		06/2010	37.80
872-5198-452.34-10	12/11/2009	NW	15138043		06/2010	9.49
872-5198-452.34-10	12/11/2009	NW	15143886		06/2010	7.87
521-1524-493.34-10	12/11/2009	PARKING-LINC CEN LOT POLE	15696313		06/2010	50.93
10-5112-452.34-10	12/11/2009	SOUTH PARK CONCESSION	15882624		06/2010	7.10
571-7148-713.34-10	12/11/2009	MET DOWNTOWN TRANS CENTER	17847567		06/2010	174.43
211-3133-433.34-10	12/11/2009	STREETS/TRAFFIC	17488966		06/2010	.49
12/11/2009	727566	ONE EIGHTY COMMUNICATIONS	15590			4,899.56
561-7110-711.34-50	12/08/2009	ONE EIGHTY DEC 2009	AIRPORT 2948370		06/2010	40.60
606-1931-484.34-50	12/08/2009	ONE EIGHTY DEC 2009	ACCT 00018768		06/2010	542.87
606-1931-484.34-50	12/08/2009	ONE EIGHTY DEC 2009	ACCT 00001906		06/2010	3,104.97
10-5112-452.34-50	12/08/2009	ONE EIGHTY DEC 2009	867-7275		06/2010	46.00
670-3141-489.34-50	12/08/2009	ONE EIGHTY DEC 2009	DEPOT ONE HALF		06/2010	408.21
660-3110-431.34-50	12/08/2009	ONE EIGHTY DEC 2009	DEPOT ONE HALF		06/2010	408.21
260-5518-455.35-90	12/08/2009	ONE EIGHTY DEC 2009	INTERNET LIB		06/2010	259.00
620-1911-482.34-52	12/08/2009	ONE EIGHTY DEC 2009	IT INTERNET		06/2010	79.95
150-2225-422.34-50	12/08/2009	ONE EIGHTY DEC 2009	LONG DISTANCE		06/2010	9.75
12/11/2009	727578	PUBLIC UTILITIES	5022			127,813.45
561-7110-711.34-20	12/11/2009	1901 AIRPORT TERM CIR	68407759		06/2010	4,208.50

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
805-1570-425.53-50	12/11/2009	4430 HI-LINE DR	6712510003200		06/2010	123,121.20	
512-8500-625.34-20	12/11/2009	4430 HI-LINE DR	671274846		06/2010	359.85	
211-3134-433.34-20	12/11/2009	4430 HI-LINE DR	671294847		06/2010	114.66	
512-8500-625.34-20	12/11/2009	2229 BLUE CREEK RD	13670319854		06/2010	9.24	
12/11/2009	727601	SNOWY RANGE RESEARCH	18855			2,500.00	
246-1253-412.35-90	12/04/2009	FINAL REPORT - BAMDC	2010-6	271158	06/2010	2,500.00	
12/11/2009	727604	ST VINCENT OCCUPATIONAL HEALTH	3535			5,819.00	
10-1750-417.35-72	12/08/2009	MISC SERVICES	17981	271144	06/2010	320.00	
150-2111-421.22-74	12/08/2009	MISC SERVICES	17981	271144	06/2010	50.00	
150-2112-421.35-10	12/08/2009	MISC SERVICES	17981	271144	06/2010	77.25	
150-2171-441.35-10	12/08/2009	MISC SERVICES	17981	271144	06/2010	325.00	
211-3131-433.22-60	12/08/2009	MISC SERVICES	17981	271144	06/2010	38.75	
294-6501-463.72-75	12/08/2009	MISC SERVICES	17981	271144	06/2010	45.00	
541-3121-435.35-10	12/08/2009	MISC SERVICES	17981	271144	06/2010	70.00	
627-1752-417.51-60	12/08/2009	MISC SERVICES	17981	271144	06/2010	4,818.00	
571-7142-713.35-10	12/08/2009	MISC SERVICES	18264	271144	06/2010	75.00	
12/11/2009	727605	STAR SERVICE INC	3553			7,704.67	
513-0000-201.10-00	12/01/2009	RETAINAGE RELEASE	RET RELEASE	266261	05/2010	7,704.67	
12/11/2009	727609	SUNDOWN SECURITY	3643			2,790.01	
561-7110-711.35-81	12/04/2009	INVOICE #34771	34771/34777	F10205	06/2010	1,340.75	
561-7110-711.35-81	12/04/2009	INVOICE #34777	34771/34777	F10205	06/2010	1,449.26	
12/11/2009	727614	TIRE-RAMA	1864			13,367.37	
211-3132-433.23-90	11/04/2009	MP	1050-151070	269088	05/2010	372.85	
150-2112-421.23-20	11/04/2009	MP	1050-151118	269088	05/2010	69.95	
211-3134-433.23-90	11/05/2009	MP	1050-150949	269088	05/2010	30.00	
571-7144-713.23-90	11/20/2009	AUTO & TRUCK MAINT. ITEMS	1050151788	269088	05/2010	10.00	
541-3123-435.23-90	11/24/2009	TIRES AND REPAIRS LF	1050151796	269088	05/2010	289.00	
541-3122-435.23-90	11/24/2009	TIRES AND REPAIRS	1050151804	269088	05/2010	3,406.50	
541-3122-435.23-90	11/24/2009	TIRES AND REPAIRS	1050151809	269088	05/2010	1,517.35	
541-3122-435.23-90	11/24/2009	TIRES AND REPAIRS SW	1050152108	269088	05/2010	4,102.40	
541-3122-435.23-90	11/24/2009	TIRES AND REPAIRS	1050152112	269088	05/2010	1,624.00	
541-3122-435.23-90	11/24/2009	TIRES AND REPAIRS	1050152113	269088	05/2010	1,735.32	
211-3132-433.23-90	12/03/2009	MP	1050-151731	269088	06/2010	170.00	
211-3134-433.23-90	12/08/2009	MP	1050-152251	269088	06/2010	40.00	
12/11/2009	727615	TOTAL ASPHALT REPAIR INC	13249			3,376.00	
840-3184-431.36-60	12/10/2009	ALLEY REPAIR	3500	271190	06/2010	3,376.00	
12/11/2009	727616	TOWN & COUNTRY SUPPLY ASSOCIAT	18295			41,289.48	
150-2226-422.23-10	11/30/2009	430/UNLED & 320/DIESEL	69950 FIRE1	267496	06/2010	1,615.96	
601-0000-141.00-00	12/09/2009	MP	70221		06/2010	25,029.93	
601-0000-141.71-41	12/09/2009	MP	69861		06/2010	14,643.27	
601-1553-481.26-50	12/09/2009	MP	70221	271179	06/2010	.24	
150-2226-422.23-20	12/09/2009	MP	69861	271182	06/2010	.08	
12/11/2009	727629	WALLACE INDUSTRIES INC	4983			11,496.00	
412-7155-713.94-90	12/09/2009	MISC SERVICES	6384	270073	06/2010	11,496.00	

PREPARED 12/11/2009, 15:42:12  
 PROGRAM: GM350L  
 CITY OF BILLINGS

A/P CHECKS BY PERIOD AND YEAR  
 MINIMUM AMOUNT: 2,500.00  
 FROM 12/11/2009 TO 12/11/2009

PAGE 12

BANK CODE 00

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
12/11/2009	727634	WINGFOOT COMMERCIAL TIRE	15322				5,129.85
211-3132-433.23-90	11/18/2009	MP	176-1029062	269090	05/2010		2,732.00
211-3134-433.23-90	11/18/2009	MP	176-1029165	269090	05/2010		205.26
150-2226-422.23-90	11/19/2009	TRUCK1/TIRES(5)/UNIT4053	176-1029162 TK1	269090	05/2010		2,119.65
211-3134-433.23-90	12/03/2009	MP	176-1029101	269090	06/2010		72.94
12/11/2009	727635	WINKLER EXCAVATING INC	20641				33,113.91
205-0000-201.10-00	11/13/2009	WO0917 24TH W CONCRETE WK	RET CORRECTION	269600	05/2010		781.86
205-3131-433.93-10	11/13/2009	WO0917 24TH W CONCRETE WK	RET CORRECTION		05/2010		781.86-
845-0000-201.10-00	12/09/2009	WO0917 24TH ST W CONCRETE	RET RELEASE	269600	06/2010		268.22
845-0000-201.10-00	12/09/2009	WO0917 24TH ST W CONCRETE	RET RELEASE	269600	06/2010		781.86
845-3186-431.93-10	12/09/2009	WO0917 24TH ST W CONCRETE	3	269600	06/2010		32,063.83
12/11/2009	727638	YELLOWSTONE COUNTY FINANCE DPT	16736				6,000.00
150-2111-421.35-90	12/08/2009	MISC SERVICES	OCT/NOV 09	271124	06/2010		6,000.00
DATE RANGE TOTAL *							1,497,825.35 *

Regular City Council Meeting

Consent : 1.O.3.

Date: 01/11/2010

TITLE: Payment of Claims, December 18, 2009.

Pat M. Weber, Financial

**PRESENTED BY:** Services Manager

**Department:** City Hall Administration

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### Information

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

Claims in the amount of \$1,270,962.39 have been audited and are presented for your approval for payment. A complete listing of the claims dated December 18, 2009, is available in the Finance Department.

#### **ALTERNATIVES ANALYZED**

The Council may:

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

#### **FINANCIAL IMPACT**

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

#### **RECOMMENDATION**

Staff recommends that Council approve Payment of Claims.

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

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### Attachments

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

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CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
12/18/2009	727645	A & I DISTRIBUTORS	16			13,780.76	
601-0000-141.00-00	11/06/2009	MP	1861207		05/2010	4,313.32	
601-1553-481.26-50	11/06/2009	MP	1861207	269074	05/2010	.46-	
541-3123-435.23-10	11/13/2009	MP	1863074	269074	05/2010	1,370.40	
561-7113-711.23-10	11/18/2009	NONSTOCKING ITEMS-P.U.D.	1862841	269074	05/2010	1,024.37	
601-0000-141.00-00	11/23/2009	MP	1865661		05/2010	927.52	
601-0000-141.71-41	11/23/2009	MP	1865662		05/2010	2,260.94	
150-2112-421.23-20	11/23/2009	MP	1865661	269074	05/2010	53.39	
211-3132-433.23-20	11/23/2009	MP	1865661	269074	05/2010	53.38	
541-3122-435.23-20	11/23/2009	MP	1865661	269074	05/2010	53.38	
601-1553-481.26-50	11/23/2009	MP	1865661	269074	05/2010	.47-	
571-7144-713.23-20	11/23/2009	MP	1865662	269074	05/2010	.44-	
601-0000-141.00-00	11/24/2009	MP	1862832		05/2010	1,290.96	
601-0000-141.00-00	11/24/2009	MP	1862832		05/2010	34.32	
601-1553-481.26-50	11/24/2009	MP	1862832	269074	05/2010	.11-	
601-0000-141.00-00	11/30/2009	MP	1867597		05/2010	1,727.66	
601-1553-481.26-50	11/30/2009	MP	1867597	269074	05/2010	.30-	
541-3123-435.23-10	12/03/2009	MP	1867526	269074	06/2010	184.07	
541-3123-435.36-60	12/11/2009	LANDFILL HEATER CLEANED	1862715	269074	06/2010	50.00	
541-3122-435.36-90	12/11/2009	NOZZLE WASTE OIL HEATER	1864176	269074	06/2010	438.83	
12/18/2009	727651	AMERICAN TITLE & ESCROW	159			20,065.00	
295-6555-463.72-75	12/16/2009	MISC SERVICES	KIEDROWSKI, JG	271312	06/2010	20,065.00	
12/18/2009	727652	AMERICAN TITLE & ESCROW	159			20,065.00	
295-6555-463.72-75	12/16/2009	MISC SERVICES	BRICKMAN, CE	271313	06/2010	20,065.00	
12/18/2009	727653	AMERICAN TITLE & ESCROW	159			15,065.00	
275-6721-463.72-75	12/16/2009	MISC SERVICES	OSTRUM, MISTY	271314	06/2010	15,065.00	
12/18/2009	727654	AMWEST CONTROL INC	9489			61,248.00	
512-8430-623.23-60	12/16/2009	ELEC CNTRL PANEL REPLCMNT	6401	266416	06/2010	9,020.00	
512-8430-623.23-60	12/16/2009	ELEC CNTRL PANEL REPLCMNT	6413	266416	06/2010	19,533.00	
512-8400-623.23-60	12/16/2009	ELEC CNTRL PANEL REPLCMNT	6355	268803	06/2010	25,698.00	
512-8400-623.23-60	12/16/2009	ELEC CNTRL PANEL REPLCMNT	6394	268803	06/2010	2,855.00	
512-8400-623.23-60	12/16/2009	MISC SERVICES	6403	270273	06/2010	4,142.00	
12/18/2009	727656	AQUA-PURE INC	20876			3,402.00	
502-7400-603.22-20	12/16/2009	POLYMER	BILMT0901	268734	06/2010	3,402.00	
12/18/2009	727657	ARCHIE COCHRANE	800			13,344.64	
630-1753-485.73-10	10/09/2009	MISC SERVICES	801903/1	269670	04/2010	8,024.14	
630-1753-485.73-10	10/09/2009	MISC SERVICES	802066/1	269670	04/2010	3,359.83	
601-0000-141.00-00	12/15/2009	MP	5013204		06/2010	76.64	
601-0000-141.00-00	12/15/2009	MP	5013204		06/2010	78.00	
150-2112-421.23-20	12/15/2009	MP	5012452	271292	06/2010	100.00-	
502-7500-609.23-20	12/15/2009	MP	5012602	271292	06/2010	72.60	
541-3123-435.23-20	12/15/2009	MP	5012923	271292	06/2010	45.87	
150-2112-421.23-20	12/15/2009	MP	5013043	271292	06/2010	22.36	

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
630-1753-485.73-10	12/16/2009	MISC SERVICES	801898/1	271304	06/2010	1,065.50	
630-1753-485.73-10	12/16/2009	MISC SERVICES	802291/1	271304	06/2010	699.70	
12/18/2009	727658	AUTOMATED OFFICE INC	241			7,532.75	
571-7141-713.36-30	11/19/2009	MISC SERVICES	2729	269075	05/2010	39.08	
211-3131-433.36-30	12/02/2009	MISC SERVICES	2823	269075	06/2010	32.95	
502-7400-603.21-90	12/02/2009	NONSTOCKING ITEMS-P.U.D.	2957	269075	06/2010	7.38	
605-1516-483.36-90	11/02/2009	MISC SERVICES	2544	269075	06/2010	30.00	
605-1516-483.36-90	11/16/2009	MISC SERVICES	2730	269075	06/2010	195.05	
605-1516-483.36-90	11/16/2009	MISC SERVICES	2731	269075	06/2010	17.70	
605-1516-483.36-90	11/16/2009	MISC SERVICES	2732	269075	06/2010	51.35	
605-1516-483.36-90	11/16/2009	MISC SERVICES	2733	269075	06/2010	20.88	
605-1516-483.36-90	11/16/2009	MISC SERVICES	2734	269075	06/2010	63.98	
605-1516-483.36-90	11/17/2009	MISC SERVICES	2778	269075	06/2010	163.39	
605-1516-483.36-90	11/19/2009	MISC SERVICES	2824	269075	06/2010	43.99	
605-1516-483.36-90	11/25/2009	MISC SERVICES	3032	269075	06/2010	2,255.00	
605-1516-483.36-90	11/25/2009	MISC SERVICES	3046	269075	06/2010	4,510.00	
605-1516-483.36-90	11/30/2009	MISC SERVICES	3069	269075	06/2010	102.00	
12/18/2009	727676	BORDER STATES ELECTRIC	509			4,085.20	
502-7400-603.23-60	11/04/2009	NONSTOCKING ITEMS-P.U.D.	900098012	269076	05/2010	51.67	
502-7400-603.23-60	11/05/2009	NONSTOCKING ITEMS-P.U.D.	900110993	269076	05/2010	55.86	
512-8400-623.23-60	11/10/2009	NONSTOCKING ITEMS-P.U.D.	900121723	269076	05/2010	60.16	
512-8400-623.23-60	11/10/2009	NONSTOCKING ITEMS-P.U.D.	900121757	269076	05/2010	109.03	
512-8400-623.23-60	11/10/2009	NONSTOCKING ITEMS-P.U.D.	900128079	269076	05/2010	91.14	
211-0000-141.31-83	11/12/2009	STREET LIGHTS	900109371		05/2010	24.43	
502-7400-603.23-60	11/12/2009	NONSTOCKING ITEMS-P.U.D.	900127264	269076	05/2010	192.41	
211-3136-433.24-30	11/16/2009	MISC SERVICES	900110806	269076	05/2010	54.30	
211-3136-433.24-30	11/16/2009	MISC SERVICES	900110941	269076	05/2010	1.63	
512-8400-623.23-60	11/16/2009	NONSTOCKING ITEMS-P.U.D.	900134946	269076	05/2010	196.71	
512-8400-623.23-60	11/16/2009	NONSTOCKING ITEMS-P.U.D.	900144687	269076	05/2010	27.15	
502-0000-141.00-00	11/19/2009	WATER PARTS AND SUPPLIES	900173555		05/2010	170.04	
502-7400-603.23-60	11/20/2009	NONSTOCKING ITEMS-P.U.D.	900169002	269076	05/2010	847.53	
150-2226-422.23-20	11/25/2009	MP	900175334	269076	05/2010	72.96	
650-1566-487.24-50	11/25/2009	MISC SERVICES	99613954	269076	05/2010	905.29	
211-0000-141.31-83	12/02/2009	STREET LIGHTS	900129286		06/2010	219.69	
211-3136-433.24-30	12/02/2009	MISC SERVICES	8006340137	269076	06/2010	106.70	
502-7400-603.23-60	12/02/2009	NONSTOCKING ITEMS-P.U.D.	900150356	269076	06/2010	41.67	
502-7400-603.23-60	12/02/2009	NONSTOCKING ITEMS-P.U.D.	900202811	269076	06/2010	28.30	
571-7143-713.24-50	12/09/2009	MISC SERVICES	900168142	269076	06/2010	204.87	
502-7400-603.23-60	12/11/2009	NONSTOCKING ITEMS-P.U.D.	900179460	269076	06/2010	222.32	
502-7400-603.23-60	12/11/2009	NONSTOCKING ITEMS-P.U.D.	900179481	269076	06/2010	235.04	
512-8400-623.23-60	12/11/2009	NONSTOCKING ITEMS-P.U.D.	900188303	269076	06/2010	110.00	
502-7400-603.23-60	12/11/2009	NONSTOCKING ITEMS-P.U.D.	9001914533	269076	06/2010	42.55	
502-7400-603.23-60	12/11/2009	NONSTOCKING ITEMS-P.U.D.	900191460	269076	06/2010	13.75	
12/18/2009	727679	BRENNTAG PACIFIC INC	17236			4,727.30	
211-3134-433.47-21	12/17/2009	ROAD/HIGHWAY MATERIAL	BPI951572	271338	06/2010	3,167.30	
211-3137-433.47-21	12/17/2009	ROAD/HIGHWAY MATERIAL	BPI951572	271338	06/2010	1,560.00	
12/18/2009	727685	CANON USA ARLINGTON VA	13944			19,500.00	
660-3110-431.94-70	11/11/2009	PRIOR YEAR ENCUMBRANCES	R3886805	269422	06/2010	6,000.00	

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670-3141-489.94-70	11/11/2009	PRIOR YEAR ENCUMBRANCES	R3886805	269422	06/2010	9,000.00	
605-1516-483.94-70	12/04/2009	PRIOR YEAR ENCUMBRANCES	R3924504	269422	06/2010	3,770.00	
605-1516-483.94-70	12/04/2009	PRIOR YEAR ENCUMBRANCES	R3924506	269422	06/2010	730.00	
12/18/2009 727688		CIVICPLUS	19594			3,000.00	
620-1911-482.35-52	12/17/2009	MISC SERVICES	75726	271359	06/2010	3,000.00	
12/18/2009 727693		COP CONSTRUCTION CO	865			7,771.50	
416-7493-603.93-40	12/15/2009	WO0436 BRIARWOOD SEWER	CO#9 /DEDUCTION	258716	06/2010	7,300.25-	
416-7493-603.93-40	12/15/2009	WO0436 BRIARWOOD SEWER	CO#9 /DEDUCTION	258716	06/2010	7,300.25	
421-8493-623.93-40	12/15/2009	WO0436 BRIARWOOD SEWER	CO#9 /DEDUCTION	258716	06/2010	77,291.21-	
421-8493-623.93-40	12/15/2009	WO0436 BRIARWOOD SEWER	CO#9 /DEDUCTION	258716	06/2010	77,291.21	
845-3186-431.93-10	12/15/2009	WO0520 ARONSON AVE EXTN	15 FINAL	269846	06/2010	7,771.50	
12/18/2009 727695		CTA ARCHITECTS	920			12,127.58	
411-7151-713.92-90	12/17/2009	MISC SERVICES	80311	269247	06/2010	3,233.25	
411-7151-713.92-90	12/17/2009	MISC SERVICES	80311	269247	06/2010	8,894.33	
12/18/2009 727706		ELUMEN LIGHTING NETWORKS	20772			37,967.00	
432-3110-431.93-10	12/15/2009	WO0722 KING AVE EAST	20091009 FINAL	268885	06/2010	37,967.00	
12/18/2009 727723		GENERAL ELECTRIC CAPITAL CORP	19598			9,370.42	
150-2150-421.61-00	12/16/2009	MISC SERVICES	70929357	271308	06/2010	4,233.59	
150-2150-421.62-00	12/16/2009	MISC SERVICES	70929357	271308	06/2010	451.62	
150-2150-421.61-00	12/16/2009	MISC SERVICES	70963105	271308	06/2010	4,233.59	
150-2150-421.62-00	12/16/2009	MISC SERVICES	70963105	271308	06/2010	451.62	
12/18/2009 727729		GREAT WEST ENGINEERING	18016			14,421.38	
544-3123-435.93-90	12/15/2009	WO0827 LANDFILL EXP PHSE4	10	263194	06/2010	14,421.38	
12/18/2009 727732		HAWKINS WATER TREATMENT GROUP	10848			2,777.58	
502-7400-603.24-50	12/16/2009	MISC SERVICES	3077050	267023	06/2010	2,777.58	
12/18/2009 727733		HDR INC	1544			2,826.88	
840-3184-431.93-10	12/15/2009	WO0709 STRM WTR MASTER	26	251610	06/2010	1,043.75	
845-3186-431.93-10	12/15/2009	WO0915 GRAND AVE ZIM/SHIL	1	270652	06/2010	1,783.13	
12/18/2009 727738		HOUSING AUTHORITY OF BILLINGS	9999999			5,149.50	
541-0000-115.01-00	12/14/2009	HOUSING AUTHORITY OF BILL	REFUND OVERPMT		06/2010	5,149.50	
12/18/2009 727741		IAFF	20196			4,345.65	
900-0000-209.99-20	12/18/2009	PAYROLL SUMMARY	20091218		06/2010	4,345.65	
12/18/2009 727749		JACK HENRY & ASSOCIATES INC	20831			18,405.17	
503-7391-602.94-80	12/16/2009	UTFLY PAYMENT PROC SYSTEM	0602947	271297	06/2010	15,911.61	
503-7391-602.94-80	12/16/2009	UTFLY PAYMENT PROC SYSTEM	0605757	271297	06/2010	2,493.56	
503-7391-602.94-80	12/17/2009	CORRECTION TO P0271297	0605757	270279	06/2010	2,493.56-	
502-7311-602.35-54	12/17/2009	ANNUAL LICENSE FEE	0605757	270280	06/2010	1,246.78	
512-8311-622.35-54	12/17/2009	ANNUAL LICENSE FEE	0605757	270280	06/2010	1,246.78	
12/18/2009 727754		JTL GROUP INC DBA KNIFE RIVER	2417			8,915.94	
211-3134-433.45-20	12/17/2009	ROAD/HIGHWAY MATERIAL	196029	271339	06/2010	4,458.73	

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ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
211-3134-433.45-20	12/17/2009	ROAD/HIGHWAY MATERIAL	196053	271339	06/2010	2,888.03	
211-3137-433.45-20	12/17/2009	ROAD/HIGHWAY MATERIAL	196053	271339	06/2010	1,422.46	
211-3132-433.45-20	12/17/2009	ROAD/HIGHWAY MATERIAL	196054	271339	06/2010	146.72	
12/18/2009 727756	LAND DESIGN INC	15918				3,705.00	
502-7211-601.35-40	12/15/2009	WATER CONSERVATION MAILER	2009-127	270793	06/2010	3,705.00	
12/18/2009 727762	MAILING TECHNICAL SERVICES	12577				6,977.49	
240-4301-419.31-10	12/16/2009	MISC SERVICES	NOV 09	271320	06/2010	9.44	
521-1522-493.31-10	12/16/2009	MISC SERVICES	NOV 09	271320	06/2010	169.54	
605-1515-483.31-10	12/16/2009	MISC SERVICES	NOV 09	271320	06/2010	4,665.87	
260-5511-455.31-10	12/16/2009	MAILING SERVICES	OCT-NOV 09 LIBR	F10277	06/2010	2,132.64	
12/18/2009 727767	MEAD & HUNT INC	18304				14,895.90	
561-7110-711.35-90	12/15/2009	MISC SERVICES	214476	269836	06/2010	13,845.90	
561-7110-711.35-90	12/15/2009	INVOICE #214476	214476	F10255	06/2010	1,050.00	
12/18/2009 727771	MILLER ROBERT	20724				3,600.00	
260-5518-455.36-90	12/17/2009	MISC SERVICES	2501	271360	06/2010	1,000.02	
620-1911-482.34-52	12/17/2009	MISC SERVICES	2501	271360	06/2010	399.98	
620-1911-482.34-52	12/17/2009	MISC SERVICES	2501	271360	06/2010	2,200.00	
12/18/2009 727775	MONTANA PIVOT GATES INC	18063				22,835.91	
421-8493-623.93-40	12/16/2009	TP0047 SEC GATE INSTALL	2163-02	266757	06/2010	22,835.90	
421-8493-623.93-40	12/16/2009	TP0047 SEC GATE INSTALL	2163-02	266757	06/2010	.01	
12/18/2009 727776	MONTANA RADIATOR WORKS	2538				5,583.00	
150-2226-422.23-20	12/14/2009	MP	30062	271240	06/2010	2,129.00	
571-7144-713.23-20	12/14/2009	MP	30115	271240	06/2010	2,430.00	
512-8500-625.23-20	12/14/2009	MP	30133	271240	06/2010	510.00	
512-8500-625.23-20	12/14/2009	MP	30150	271240	06/2010	318.00	
541-3123-435.23-20	12/14/2009	MP	30166	271240	06/2010	196.00	
12/18/2009 727777	MONTANA STATE FIREMAN'S ASSOC	20195				2,645.25	
900-0000-209.99-24	12/18/2009	PAYROLL SUMMARY	20091218		06/2010	2,645.25	
12/18/2009 727778	MONTANA STATE LIBRARY	2548				5,135.62	
260-5518-455.36-90	12/14/2009	MSC ANNUAL CATALOG AUTHOR	PARMPLY BLGS LIB	F10250	06/2010	2,279.42	
260-5518-455.36-90	12/14/2009	MSC NEW LIBRARY TRAINING	PARMPLY BLGS LIB	F10250	06/2010	456.20	
260-5518-455.36-90	12/14/2009	SIRSIDYNIX ON-SITE TRAINE	PARMPLY BLGS LIB	F10250	06/2010	2,400.00	
12/18/2009 727782	MORRISON MAIERLE INC	2572				152,191.52	
503-7591-609.93-40	12/15/2009	WO0801 2008 WTR&SWR REHAB	24	252779	06/2010	41,486.22	
513-8591-625.93-40	12/15/2009	WO0801 2008 WTR&SWR REHAB	24	252779	06/2010	36,130.67	
503-7591-609.93-40	12/15/2009	WO1001 2010 WTR&SWR REPLC	3	268044	06/2010	37,287.32	
513-8591-625.93-40	12/15/2009	WO1001 2010 WTR&SWR REPLC	3	268044	06/2010	37,287.31	
12/18/2009 727799	NORTHWEST PIPE FITTINGS	2758				99,740.84	
502-0000-141.00-00	11/02/2009	WATER PARTS AND SUPPLIES	1414621234		05/2010	41.84	
502-0000-141.00-00	11/02/2009	SYSTEMS	1462154		05/2010	1,841.00	

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502-0000-141.00-00	11/02/2009	WATER PARTS AND SUPPLIES	1462236	05/2010 3,739.80
502-0000-141.00-00	11/04/2009	WATER PARTS AND SUPPLIES	14622361	05/2010 4,174.61
502-0000-141.00-00	11/04/2009	SYSTEMS	1470500	05/2010 114.24
502-7312-602.23-80	11/04/2009	NONSTOCKING ITEMS-P.U.D.	1462546	269083 05/2010 970.00
512-8400-623.24-50	11/04/2009	NONSTOCKING ITEMS-P.U.D.	1469967	269083 05/2010 12.48
502-0000-141.00-00	11/05/2009	SYSTEMS	14621541	05/2010 395.96
502-0000-141.00-00	11/05/2009	WATER PARTS AND SUPPLIES	1470824	05/2010 1,213.61
502-0000-141.00-00	11/05/2009	SYSTEMS	1470824	05/2010 805.50
502-0000-141.00-00	11/05/2009	WATER PARTS AND SUPPLIES	1470847	05/2010 227.48
502-0000-141.00-00	11/05/2009	SYSTEMS	1470847	05/2010 906.08
502-0000-141.00-00	11/09/2009	SYSTEMS	14621235	05/2010 20.05
502-0000-141.00-00	11/06/2009	WATER PARTS AND SUPPLIES	1462189	05/2010 10,140.00
502-0000-141.00-00	11/06/2009	WATER PARTS AND SUPPLIES	1470892	05/2010 49,375.00
502-0000-141.00-00	11/09/2009	WATER PARTS AND SUPPLIES	1462224	05/2010 11,286.00
211-3134-433.23-20	11/09/2009	MP	1470929	269083 05/2010 166.78
502-0000-141.00-00	11/10/2009	WATER PARTS AND SUPPLIES	14620442	05/2010 97.60
502-0000-141.00-00	11/12/2009	SYSTEMS	14626801	05/2010 126.16
502-0000-141.00-00	11/12/2009	WATER PARTS AND SUPPLIES	1462688	05/2010 12,099.29
502-7400-603.24-50	11/12/2009	NONSTOCKING ITEMS-P.U.D.	1470618	269083 05/2010 1,633.62
502-0000-141.00-00	11/16/2009	WATER PARTS AND SUPPLIES	14620443	05/2010 94.00
502-7500-609.23-80	11/16/2009	NONSTOCKING ITEMS-P.U.D.	1470352	269083 05/2010 6.60
502-7500-609.44-10	11/17/2009	NONSTOCKING ITEMS-P.U.D.	1476661	269083 05/2010 5.26
502-0000-141.00-00	11/18/2009	SYSTEMS	14626802	05/2010 60.97
512-8400-623.24-50	11/18/2009	NONSTOCKING ITEMS-P.U.D.	1473568	269083 05/2010 133.01
502-0000-141.00-00	11/20/2009	SYSTEMS	1475026	05/2010 52.50
502-7400-603.24-50	11/20/2009	NONSTOCKING ITEMS-P.U.D.	1477299	269083 05/2010 12.92
512-8400-623.24-50	11/20/2009	NONSTOCKING ITEMS-P.U.D.	1477326	269083 05/2010 446.79
512-8400-623.24-50	11/20/2009	NONSTOCKING ITEMS-P.U.D.	1477529	269083 05/2010 60.22
512-8400-623.24-50	11/20/2009	NONSTOCKING ITEMS-P.U.D.	1477534	269083 05/2010 20.64
502-7500-609.24-10	11/23/2009	NONSTOCKING ITEMS-P.U.D.	1478552	269083 05/2010 9.01
502-7312-602.23-80	11/30/2009	NONSTOCKING ITEMS-P.U.D.	1473774	269083 05/2010 150.00
512-8400-623.24-50	11/30/2009	NONSTOCKING ITEMS-P.U.D.	1480336	269083 05/2010 575.00
502-7312-602.23-80	11/30/2009	NONSTOCKING ITEMS-P.U.D.	1480807	269083 05/2010 89.64
512-8400-623.24-50	12/03/2009	NONSTOCKING ITEMS-P.U.D.	1481576	269083 06/2010 485.10
512-8400-623.24-50	12/11/2009	NONSTOCKING ITEMS-P.U.D.	1393113A	269083 06/2010 1,562.92-
512-8400-623.24-50	12/11/2009	NONSTOCKING ITEMS-P.U.D.	1477326A	269083 06/2010 285.00-
12/18/2009	727801	NORTHWESTERN ENERGY	15771	140,486.38
561-7117-711.34-10	12/14/2009	1341288-7	121409	F10254 06/2010 307.10
561-7117-711.34-10	12/14/2009	1341289-5	121409	F10254 06/2010 35.76
561-7117-711.34-10	12/14/2009	1341291-1	121409	F10254 06/2010 274.60
561-7117-711.34-10	12/14/2009	1341295-2	121409	F10254 06/2010 481.01
561-7117-711.34-10	12/14/2009	1264299-7	121409	F10254 06/2010 533.27
561-7117-711.34-10	12/14/2009	1669567-8	121409	F10254 06/2010 499.30
561-7113-711.34-10	12/14/2009	1647695-4	121409	F10254 06/2010 37.07
561-7113-711.34-10	12/14/2009	0100483-7	121409	F10254 06/2010 2,652.52
561-7113-711.34-10	12/14/2009	0100484-5	121409	F10254 06/2010 2,087.75
502-7400-603.34-10	12/16/2009	MISC SERVICES	01004852 DEC09	270270 06/2010 634.24
512-8400-623.34-10	12/16/2009	MISC SERVICES	01005917 DEC09	270270 06/2010 46,634.84
502-7314-602.34-10	12/16/2009	MISC SERVICES	01006063 DEC09	270270 06/2010 1,865.26

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512-8314-622.34-10	12/16/2009	MISC SERVICES	01006063 DEC09	270270 06/2010 1,865.27
10-5127-451.34-10	12/18/2009	NW PARK/REC/PL	07123870	06/2010 37.39
10-5122-451.34-10	12/18/2009	NW PARK/REC/PL	07125362	06/2010 150.37
10-5122-451.34-10	12/18/2009	NW PARK/REC/PL	07208184	06/2010 30.55
10-5126-451.34-10	12/18/2009	NW PARK/REC/PL	07208218	06/2010 89.26
607-2235-486.34-10	12/18/2009	NW FIRE	07215809	06/2010 196.64
502-7400-603.34-10	12/18/2009	NW PUD-WATER TREAT	07222649	06/2010 1,079.07
10-5112-452.34-10	12/18/2009	NW PARK/REC/PL	07222870	06/2010 14.57
502-7400-603.34-10	12/18/2009	NW PUD-WATER TREAT	07230402	06/2010 1,558.76
10-5112-452.34-10	12/18/2009	NW PARK/REC/PL	07230451	06/2010 52.18
502-7400-603.34-10	12/18/2009	NW PUD-WATER TREAT	07230592	06/2010 15.43
211-3137-433.34-10	12/18/2009	NW PUBLIC WORKS	07240575	06/2010 138.41
211-3133-433.34-10	12/18/2009	NW PUBLIC WORKS	08554040	06/2010 8.30
150-2221-422.34-10	12/18/2009	NW FIRE	08715468	06/2010 549.84
10-5112-452.34-10	12/18/2009	NW PARK/REC/PL	09254962	06/2010 182.77
650-1566-487.34-10	12/18/2009		09758087	06/2010 438.70
502-7400-603.34-10	12/18/2009	NW PUD	11164522	06/2010 250.84
561-7117-711.34-10	12/18/2009	NW PUD	11389269	06/2010 69.20
650-1566-487.34-10	12/18/2009	ACCOUNTS PAYABLE	11608023	06/2010 743.56
650-1566-487.34-10	12/18/2009	ACCOUNTS PAYABLE	11608049	06/2010 2,991.24
650-1566-487.34-10	12/18/2009	NW	12693917	06/2010 3,101.18
12/18/2009	727811	NORTHWESTERN ENERGY	15784	128,878.20
211-3136-433.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE SIGNALS	06/2010 10,679.24
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712544-6	06/2010 425.22
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712545-3	06/2010 447.54
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712546-1	06/2010 1,273.22
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0721276-4	06/2010 3,392.24
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0721277-2	06/2010 1,659.50
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712553-7	06/2010 1,043.20
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712554-5	06/2010 77.63
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712556-0	06/2010 335.31
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712557-8	06/2010 12,425.28
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712558-6	06/2010 1,349.97
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712559-4	06/2010 2,227.00
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712560-2	06/2010 1,519.84
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712561-0	06/2010 3,752.10
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712562-8	06/2010 147.14
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712563-6	06/2010 807.42
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712564-4	06/2010 189.98
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712565-1	06/2010 498.71
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712566-9	06/2010 2,751.29
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712567-7	06/2010 196.59
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712568-5	06/2010 128.70
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712570-1	06/2010 2,137.26
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712571-9	06/2010 162.38
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712572-7	06/2010 284.95
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712573-5	06/2010 831.17

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT		
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712574-3		06/2010	332.45
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712575-0		06/2010	166.23
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712576-8		06/2010	608.93
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712577-6		06/2010	426.26
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712578-4		06/2010	284.95
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712579-2		06/2010	122.78
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712580-0		06/2010	736.19
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712581-8		06/2010	199.51
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712582-6		06/2010	460.43
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712583-4		06/2010	446.54
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712584-2		06/2010	395.31
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712585-9		06/2010	315.41
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712586-7		06/2010	641.18
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712587-5		06/2010	213.73
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712588-3		06/2010	496.33
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712589-1		06/2010	23.64
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712590-9		06/2010	405.94
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712591-7		06/2010	308.71
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712592-5		06/2010	397.43
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712593-3		06/2010	1,163.13
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712594-1		06/2010	649.52
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712595-8		06/2010	546.19
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712596-6		06/2010	3,717.25
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712597-4		06/2010	466.84
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712598-2		06/2010	1,055.48
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712599-0		06/2010	427.44
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712600-6		06/2010	791.60
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712601-4		06/2010	688.68
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712602-2		06/2010	925.68
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712603-0		06/2010	617.44
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712604-8		06/2010	913.39
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712605-5		06/2010	50.94
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712607-1		06/2010	324.76
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712608-9		06/2010	759.92
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712609-7		06/2010	202.98
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712610-5		06/2010	487.14
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712611-3		06/2010	460.43
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712612-1		06/2010	1,014.89
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712613-9		06/2010	852.48
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712614-7		06/2010	284.15
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712615-4		06/2010	36.39
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712616-2		06/2010	223.28
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712617-0		06/2010	446.54
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712618-8		06/2010	304.46
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712619-6		06/2010	1,448.58
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712620-4		06/2010	507.44
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712621-2		06/2010	1,014.88
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712622-0		06/2010	324.76
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712623-8		06/2010	121.79
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712624-6		06/2010	500.34

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT		
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712625-3		06/2010	202.98
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712626-1		06/2010	243.55
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712627-9		06/2010	202.98
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712628-7		06/2010	1,055.48
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712629-5		06/2010	362.58
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712630-3		06/2010	263.86
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712631-1		06/2010	649.52
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712632-9		06/2010	207.04
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712633-7		06/2010	172.53
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712634-5		06/2010	55.61
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712635-2		06/2010	55.61
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712636-0		06/2010	101.49
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712637-8		06/2010	59.32
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712638-6		06/2010	426.26
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712639-4		06/2010	636.44
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712640-2		06/2010	14.83
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712641-0		06/2010	301.06
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712642-8		06/2010	29.11
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712643-6		06/2010	284.15
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712644-4		06/2010	324.76
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712645-1		06/2010	213.06
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712646-9		06/2010	466.84
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712647-7		06/2010	66.72
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712648-5		06/2010	37.08
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712649-3		06/2010	37.08
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712650-1		06/2010	22.25
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712651-9		06/2010	403.99
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712652-7		06/2010	121.79
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712653-5		06/2010	307.34
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712654-3		06/2010	206.14
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712655-0		06/2010	7.28
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712656-8		06/2010	58.52
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712657-6		06/2010	88.98
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712658-4		06/2010	1,528.45
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712659-2		06/2010	326.46
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712660-0		06/2010	237.50
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712661-8		06/2010	583.00
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712662-6		06/2010	688.68
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712663-4		06/2010	356.21
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712664-2		06/2010	831.17
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712665-9		06/2010	498.71
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712666-7		06/2010	2,161.01
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712667-5		06/2010	646.91
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712668-3		06/2010	380.47
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712669-1		06/2010	406.36
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712670-9		06/2010	129.40
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712671-7		06/2010	345.05
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712672-5		06/2010	12.53
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712673-3		06/2010	81.19
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712674-1		06/2010	310.56

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT		
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712675-8		06/2010	528.30
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712676-6		06/2010	71.24
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712677-4		06/2010	94.99
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712678-2		06/2010	72.84
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712679-0		06/2010	284.95
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712680-8		06/2010	978.14
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712681-6		06/2010	2,075.94
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712673-7		06/2010	2,351.00
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 1301786-8		06/2010	18.00
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0719001-0		06/2010	157.34
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0718801-4		06/2010	3,369.76
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0719162-0		06/2010	474.94
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0719644-7		06/2010	1,650.36
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0719763-5		06/2010	117.01
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0720813-5		06/2010	122.21
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0720360-7		06/2010	680.81
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0720606-3		06/2010	2,233.29
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 1301786-8		06/2010	16.61
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0720810-1		06/2010	1,062.76
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0720705-3		06/2010	162.44
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0720937-2		06/2010	2,691.61
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0720716-0		06/2010	752.57
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0721427-3		06/2010	127.65
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0721556-9		06/2010	301.68
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0721684-9		06/2010	31.40
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0833098-7		06/2010	60.38
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0906944-4		06/2010	340.29
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0995095-7		06/2010	852.88
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0905005-5		06/2010	2,418.78
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0926386-4		06/2010	173.52
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0907926-0		06/2010	51.77
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0961926-3		06/2010	368.95
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 1058710-3		06/2010	711.34
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 1087619-1		06/2010	181.17
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 1124127-0		06/2010	52.58
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 1045653-1		06/2010	560.72
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 1079722-3		06/2010	288.04
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 1172743-5		06/2010	295.00
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 1206985-2		06/2010	289.85
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 1296582-8		06/2010	204.57
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 1246537-3		06/2010	102.39
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 1303978-9		06/2010	431.94
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 1685375-6		06/2010	272.00
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 1433921-2		06/2010	110.16
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 1481532-8		06/2010	522.44
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 1481534-4		06/2010	202.98
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 1481535-1		06/2010	405.94
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 1481536-9		06/2010	94.99
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 1481537-7		06/2010	1,091.03
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 1481539-3		06/2010	182.68

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
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810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 1481540-1		06/2010	162.38	
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810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 1687005-7		06/2010	1,535.30	
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 1607534-3		06/2010	268.32	
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 1695873-8		06/2010	888.34	
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 1740353-6		06/2010	411.34	
810-3183-431.34-10	12/31/2009	LIGHT MAINT TRANSFER	NWE 0712569-3		06/2010	43.03	
12/18/2009	727852	TITAN MACHINERY INC	20569			156,629.00	
640-3132-428.94-20	12/15/2009	ROAD/HGWY HEAVY EQUIPMNT	C1-1076	268806	06/2010	156,629.00	
12/18/2009	727854	TORGERSON'S	19504			17,700.67	
502-7500-609.23-20	12/11/2009	MP	II32481	271231	06/2010	217.14	
541-3123-435.23-20	12/15/2009	MP	RI03060	271290	06/2010	7,840.40	
541-3123-435.36-20	12/15/2009	MP	RI03060	271290	06/2010	9,643.13	
12/18/2009	727855	TOTAL ASPHALT REPAIR INC	13249			23,755.79	
503-7591-609.93-40	12/08/2009	S 33RD ST REHAB PROJECT	3494	271082	06/2010	27,755.79	
503-7591-609.93-40	12/10/2009	CORRECTION TO PO271082	3494	271204	06/2010	4,000.00-	
12/18/2009	727856	TOWN & COUNTRY SUPPLY ASSOCIAT	18295			33,458.79	
601-0000-141.00-00	12/15/2009	MP	69181		06/2010	8,241.60	
601-0000-141.00-00	12/15/2009	MP	69260		06/2010	22,340.78	
150-2226-422.23-10	12/15/2009	FIRE6/DIESEL/12-9-09	69131 FIRE6	267496	06/2010	430.16	
150-2226-422.23-10	12/15/2009	FIRE2/FUEL/12-9-09	69132 FIRE2	267496	06/2010	581.97	
150-2226-422.23-10	12/15/2009	FIRE1:FUEL/555GAL/12-9-09	69133 FIRE1	267496	06/2010	1,193.58	
150-2226-422.23-10	12/15/2009	FIRE3/FUEL/12-9-09	69134 FIRE3	267496	06/2010	670.52	
601-1553-481.26-50	12/15/2009	MP	69260	271289	06/2010	.18	
12/18/2009	727868	WAUSAU EQUIPMENT COMPANY INC	20827			55,974.00	
562-7120-711.94-90	12/15/2009	MISC SERVICES	137061	269642	06/2010	55,974.00	
DATE RANGE TOTAL *						1,184,087.61 *	

Date: 01/11/2010

TITLE: Public Hearing and Resolution Allocating Authority for Recovery Zone Facility Bonds

PRESENTED BY: Patrick M. Weber

Department: City Hall Administration

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**Information**

**PROBLEM/ISSUE STATEMENT**

On December 21, the Council gave preliminary approval to the issuance of bonds in the amount of \$20,000,000 to finance the renovation of the Northern Hotel by Zootist Hospitality LLC.

After the public hearing, if the City Council determines that the project is in the public's best interest and satisfies the requirements of financing as Recovery Zone Facility Bonds, it will adopt a resolution allocating authority for Recovery Zone Facility Bonds.

**ALTERNATIVES ANALYZED**

The Council may:

- Approve the resolution; or
- Not approve the resolution

**FINANCIAL IMPACT**

Zootist Hospitality LLC will 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. It 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 resolution.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

Link: [Recovery Zone Facility bond](#)

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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; APPROVING THE PROJECT; AUTHORIZING THE ISSUANCE OF A BOND THEREFOR; AND ALLOCATING A PORTION OF THE CITY'S AUTHORITY TO ISSUE RECOVERY ZONE FACILITY BONDS" (the "Resolution"), on file in the original records of the City in my legal custody; that the Resolution was duly adopted by the City Council of the City at a meeting on January 11, 2010, 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 January, 2010.

\_\_\_\_\_  
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; APPROVING THE PROJECT; AUTHORIZING THE ISSUANCE OF A BOND THEREFOR; AND ALLOCATING A PORTION OF THE CITY'S AUTHORITY TO ISSUE RECOVERY ZONE FACILITY BONDS

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

1. Recitals:

(a) 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 shall not constitute nor give rise to a pecuniary liability of the City or a charge against its general credit or taxing powers

(b) 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 lawfully designated by an eligible issuer thereof as a "recovery zone facility bond."

(c) 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.

(d) 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.

(e) 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

(f) The City, pursuant to Resolution 09-18890, has established criteria for approval of projects for financing with its recovery zone facility bonds.

(g) This Council by Resolution No. 09-18905 duly adopted on December 21, 2009, called a public hearing on a proposed project and the issuance of a revenue bond therefor under Title 90, Chapter 5, Part 1, Montana Code Annotated (the "Act"), 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"). 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 Zootist Hospitality, LLC, a Montana limited liability company (the "Borrower"). Limited obligation bonds shall be issued by the City in the maximum aggregate face amount of \$20,000,000 (the "Bonds") as authorized by the Act to defray or reimburse the costs of the Project and to pay for the costs and expenses incident to the issuance, sale, and security of the Bonds.

2. At the public hearing duly called, noticed and held as required by the Act all persons who appeared were afforded an opportunity to express their views with respect to the proposal to undertake and finance the Project. Based on the public hearing, any written comments filed with the City Clerk and such other facts and circumstances as this Council deems relevant, this Council hereby finds, determines and declares, 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 the Bonds to defray the costs of making a loan to the Borrower, 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 Borrower requiring loan repayments from the Borrower in amounts sufficient to repay the loan when due and requiring the Borrower 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 Borrower 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 authorizing the Project and the issuance of the Bonds, the City's purpose is and the effect thereof is 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 and in the best interests of the City.

(f) The City is authorized to designate the Bonds as recovery zone facility bonds 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 and meets the criteria set forth in Resolution No. 09-18890.

3. Subject to Section 7 below, the Council hereby approves 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. The Bonds shall mature over a term not to exceed 40 years and shall bear interest at a rate or rates allowable by law and contain such other terms and provisions as shall be agreed upon by the Council, the Borrower and the purchaser of the Bonds. The Bonds shall be designated "recovery zone facility bonds" under Section 1400U-3 of the Code. The Borrower shall, pursuant to the Loan Agreement, agree to renovate, construct, furnish and equip the Project; to operate and maintain the Project and keep it properly insured; to pay all assessments, if any, on or against the Project; and to make loan payments sufficient to pay the principal of, premium, if any, and interest on the Bonds, all costs and expenses of the City and any trustee in connection with the Project. There shall be a pledge and assignment of certain of the City's interests in the Loan Agreement under an Assignment.

4. The Council hereby allocates \$20,000,000 of the City's authority to issue recovery zone facility bonds to the Project.

5. Dorsey & Whitney LLP, as bond counsel, is authorized in cooperation with the City Attorney, the Borrower and the underwriter of the Bonds to prepare forms of the Loan Agreement, a Disbursing Agreement, an Employment Preference and Prevailing Wage Agreement, a Trust Indenture, the Bonds and any other documents necessary to provide for financing of the Project for review and approval of the final terms and conditions thereof by this Council.

6. The Borrower 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 are issued.

7. 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 Borrower. The City retains the right, in its sole discretion, to withdraw from participation and accordingly not issue the Bonds if the Council, at any time prior to the issuance thereof, determines that it is in the best interests of the City not to issue the Bonds or if the City and other parties to the transaction are

unable to reach agreement as to the terms and conditions of any of the documents for the transaction. Financing the Project with proceeds of the Bonds will be contingent upon the City and other parties to the transaction, including the purchaser of the Bonds, the Borrower, and federal agencies, coming to agreement on the terms and conditions of the transaction.

PASSED AND ADOPTED by the Billings City Council on January 11, 2010.

THE CITY OF BILLINGS

(SEAL)

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Thomas W. Hanel, Mayor

ATTEST:

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Cari Martin, City Clerk

Date: 01/11/2010

TITLE: Transfer of HOME Funds from Affordable Housing to TBRA program

PRESENTED BY: Candi Beaudry

Department: Planning & Community

Services

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### Information

#### PROBLEM/ISSUE STATEMENT

The Housing Authority of Billings has applied for \$15,000 in HOME funding through the Community Development Division to provide deposit assistance to low income households through their Section 8 rental assistance program. The Housing Authority of Billings received \$10,000 in HOME assistance in FY 2008-2009 through the HOME application and allocation process and this fund has been depleted. The Authority assisted 39 households with deposit assistance to secure housing through this Tenant-Based Rental Assistance Program.

Available HOME funding includes \$150,000 in the Affordable Housing Development fund. If this item is approved, the City would still have \$135,000 in HOME affordable housing funds to assist developers in creating affordable housing between now and June 30, 2010. The Housing Authority of Billings estimates it will be able to utilize all of this funding prior to June 30, 2010, and anticipates requesting funding through the routine allocation process which will be brought before City Council in April 2010.

Deposit assistance is a significant barrier to low income families in securing safe, sanitary housing. This deposit assistance program will provide assistance up to 75% of the deposit, based on the household's unmet needs. The families will be accountable for a portion of the deposit and for the assistance they receive. The program will serve low income families at or below 50% of area median income.

The Community Development Board approved the staff recommendation to provide \$15,000 for this Tenant Based Rental Assistance program on December 1, 2009.

#### ALTERNATIVES ANALYZED

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

- 1) Deny the funding request;
- 2) Approve the funding request allocating \$15,000 in HOME funds from Affordable Housing Development to support the tenant-based rental assistance program; or
- 3) Approve a funding request reallocating an amount less than \$15,000.

#### FINANCIAL IMPACT

The recommendation would result in the utilization of existing funds already allocated to the Affordable Housing Development Fund for a Tenant Based Rental Assistance program, to be utilized for deposits only. If the request to move funding into a TBRA program is approved, the City would still have \$135,000 in affordable housing funds to assist developers in creating affordable housing opportunities between now and June 30, 2010, when new funding becomes available.

#### RECOMMENDATION

Staff and the Community Development Board recommend the City Council hold a public hearing and support the recommendation to reallocate \$15,000 in HOME Affordable Housing Development fund to the Housing Authority of Billings' Tenant Based Rental Assistance program for deposits.

**APPROVED BY CITY ADMINISTRATOR**

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**Date: 01/11/2010**

**TITLE: Settlement Agreement with Police Officers & MPEA, Billings Police Unit**

**PRESENTED BY:** Tina Volek

**Department:** City Hall Administration

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### **Information**

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

The City Council is being asked to approve a settlement agreement negotiated with the Montana Public Employees Association (MPEA), Billings Police Unit (the Association) before the agreement is presented to individual officers to sign voluntarily. The agreement would be a full and final release of all pay claims for each officer who signs it, and the Association would agree not to pursue any grievance or claim in any forum against the City for any pay issue that occurred prior to the signing of the agreement. In exchange, officers would receive back pay, overtime, longevity, holiday and other types of pay as calculated under the Fair Labor Standards Act (FLSA) for a period from January 1, 2007, through June 30, 2009. The City also would waive its right to recover back longevity pay from those who sign the agreement. The City may have overpaid longevity beginning July 1, 2003, under contract terms that were revised at that time and in effect until a new contract was approved effective July 1, 2009.

#### **ALTERNATIVES ANALYZED**

The City Council may:

- Approve the settlement agreement;
- Modify the settlement agreement; or
- Not approve the settlement agreement, likely leading to additional arbitration or litigation with the Association and/or its members. However, the City believes that interpretation of the longevity language may lead to recovery of back longevity pay of about \$1.2 million from current and former police officers.

#### **FINANCIAL IMPACT**

The cost of the back pay under FLSA would be approximately \$123,000. The estimated value of the back longevity pay that the City would waive is estimated at \$1.2 million.

#### **BACKGROUND**

The City believes that the interpretation of longevity language set out in two previous collective bargaining agreements (July 1, 2003-June 30, 2006 and July 1, 2006-June 30, 2009) between the City and the Association leads to the conclusion that the City overpaid longevity during the terms of those contracts. In the alternative, longevity was paid correctly. However, 27 current and former members of the Association have filed suit in District Court to recover what they claim is underpayment of the longevity prior to July 1, 2009.

During negotiations on the contract that went into effect July 1, 2009, questions were raised regarding long-time methods of calculating back pay, overtime, holiday and other types of pay. The Association and City sought technical assistance from outside authorities, including the U.S. Department of Labor, to aid in clarifying the proper payment methods. Corrections to both the longevity pay and the other pays were made effective with the July 1, 2009, contract. The Association is satisfied that the calculation of pay has been accurate since that date.

To resolve all these issues, the attached settlement agreement has been negotiated by City staff and the Association's leadership. If it is approved by the Council, each officer will be given the opportunity to voluntarily sign the agreement as a full and final release of all claims of any nature relating to pay. In exchange, each officer who signs would be given his or her appropriate amount of back pay for from January 1, 2007, through June 30, 2009, and, in return, the City would waive its right to seek back longevity pay from that officer under the two previous contracts (July 1, 2003, through June 30, 2009). Costs of the settlement would come from the Police Department's personnel funds; the department has held open a Deputy Chief's position for 2009, as it has for several years. Any dispute regarding the terms of the agreement would be resolved through the grievance and arbitration procedures set out in the current collective bargaining agreement.

### **STAKEHOLDERS**

The Association negotiated the terms of the settlement. If it is approved by the Council, participation will be up to individual members.

### **RECOMMENDATION**

Staff recommends that the Council approve the settlement agreement.

### **APPROVED BY CITY ADMINISTRATOR**

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#### **Attachments**

Link: [Settlement Agreement](#)

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## SETTLEMENT AGREEMENT

This Settlement Agreement (Agreement) is entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between the City of Billings (hereinafter "City"), \_\_\_\_\_ (hereinafter "Police Officer"), Montana Public Employees Association, Billings Police Unit (hereinafter "Association"), and collectively referred to as the "parties." The settlement reached herein has been negotiated and approved by the Association on behalf of those individual police officers who voluntarily desire to enter into this Agreement.

The City and the Association are parties to collective bargaining agreements that set forth the terms and conditions of employment for police officers in the City of Billings Police Department. The terms of employment include pay provisions involving longevity, overtime, holiday pay, and other forms of pay.

Disputes have arisen regarding the City's calculation and payment of longevity, overtime, and other pay. The Association and the City sought the technical assistance of outside authorities, including the U.S. Department of Labor, to aid in clarifying the proper payment methods. Corrections to the computations were put into effect on July 1, 2009, for all police officers. The Association is satisfied that the calculation of pay has been accurate since that date.

The City believes that the interpretation of the longevity language set out in the last two (2) collective bargaining agreements between the City and Association (July 1, 2003 - June 30, 2006 and July 1, 2006, through June 30, 2009) leads to the conclusion that the City has significantly overpaid longevity during the terms of those contracts. Approximately 27 members and former members of the Association believe that prior to July 1, 2009, the City underpaid longevity, and they have filed suit in State District Court to recover said longevity.

The Association negotiated this recommended settlement of all issues. The decision on signing this Settlement Agreement is being left to the discretion of each officer, however.

In the interests of settling this dispute, Police Officer \_\_\_\_\_ agrees to settle any and all back pay, overtime, longevity, holiday, or other types of pay for the sum of \$\_\_\_\_\_. This payment represents corrections of overtime and other pays from January 1, 2007, through June 30, 2009, but the release covers the entire term of employment. Police Officer \_\_\_\_\_ agrees not to file any grievance or any claim, lawsuit, or action of any kind in any administrative or judicial forum that is based in whole or in part on the City's calculation or payment of longevity pay, overtime, or any other pay prior to July 1, 2009.

In exchange, the City specifically waives its right to collect any overpaid longevity from Police Officer \_\_\_\_\_ for the period of July 1, 2003, to June 30, 2009. It is agreed that the City does retain its right to defend its calculations, rely on the actual longevity contract language that was in place from July 1, 2003, to June 30, 2009, and seek reimbursement of overpayments from any officer who does not enter into this Settlement Agreement or who files or participates in any administrative, judicial, or action of any kind regarding the proper calculation and payment of overtime pay, longevity pay and/or any other type of pay.

Upon execution of this Settlement Agreement by Police Officer \_\_\_\_\_, the Association agrees that it will not pursue, process, or file any grievance or any claim in any administrative, judicial, or any other forum on behalf of said officer that is based in whole or in part on the City's calculation of longevity pay, overtime, or any other pay that occurred prior to the date of this Settlement Agreement.

This Agreement does not constitute an admission of wrongdoing by any party, and it is without prejudice to the City's right to defend its calculations in any proceeding or assert its rights to reimbursement by other parties for any alleged overpayments of compensation in any proceeding. Any dispute regarding the terms of

this Memorandum of Agreement shall be resolved through the grievance and arbitration procedures set out in the Collective Bargaining Agreements.

It is understood and agreed that this is a **FULL AND FINAL RELEASE** in full compromise and settlement of all claims relating to pay of every nature and kind whatsoever, and releases all claims whether known or unknown, suspected or unsuspected. The PARTIES warrant and represent that no promise or inducement has been offered or made by the other, except as herein set forth, and that this Release is executed without reliance upon any statement or representation not included within this Release.

If, after the date hereof, any provision of this Release is held to be illegal, invalid or unenforceable under the present or future laws effective during the term of this Release, such provision shall be fully severable. In lieu thereof, there shall be added a provision as similar in terms to such illegal, invalid or unenforceable provision as may be possible and be legal, valid and enforceable.

This agreement shall not be modified or amended except by an instrument in writing signed by all of the PARTIES.

The validity, construction, interpretation and administration of this Release shall be governed by the substantive laws of the State of Montana.

This Release contains the ENTIRE AGREEMENT between the PARTIES hereto, and the terms of this Release are contractual and not a mere recital.

**Police Officer \_\_\_\_\_ has carefully read the foregoing, discussed its legal effect with a Union representative or representatives, has had ample opportunity to discuss it with an attorney of his/her own choosing, understands the contents thereof, and signs the same of his/her own free will and accord. The Montana Public Employee's Association has carefully read the foregoing, has had ample opportunity to discuss it with an attorney of its own choosing, understands the contents thereof, agrees to be bound by its terms and has authorized Bob Chatriand to sign the same as its free and voluntary act. The Agreement is subject to the final approval of the Billings City Council.**

DATED this \_\_\_\_ day of \_\_\_\_\_, 2009.

**MONTANA PUBLIC EMPLOYEES  
ASSOCIATION, BILLINGS POLICE UNIT**

**POLICE OFFICER \_\_\_\_\_**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

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

**CITY OF BILLINGS**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_