

CITY OF BILLINGS

CITY OF BILLINGS VISION STATEMENT:

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

AGENDA

COUNCIL CHAMBERS

February 22, 2010

6:30 P.M.

CALL TO ORDER – Mayor Hanel

PLEDGE OF ALLEGIANCE – Mayor Hanel

INVOCATION – Mayor Hanel

ROLL CALL

MINUTES: February 8, 2010

COURTESIES

PROCLAMATIONS

ADMINISTRATOR REPORTS - TINA VOLEK

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1 ONLY. Speaker sign-in required. (Please sign up on the clipboard located at the back of the Council Chambers. 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 -- SEPARATIONS:

A. Mayor Tussing recommends that Council confirm the following appointments:

1.

	Name	Board/Commission	Term	
			Begins	Ends
1	Terry Madtson	Board of Adjustments	02/22/10	12/31/13
2.	Neil Kiner	Board of Adjustments	02/22/10	12/31/13
3.	Thomas Dennis	Board of Appeals - Plumber	02/22/10	12/31/13
4.	No Applicants	Board of Appeals - Architect	02/22/10	12/31/13
5.	No Applicants	Board of Appeals - Electrical Contractor	02/22/10	12/31/13
6.	Tarey Lyn Mayn	Board of Ethics	02/22/10	12/31/13
7.	No Applicants	Community Development Board	02/22/10	12/31/13

8.	Curtis Haney	Exchange City Golf Corporation	02/22/10	12/31/11
9.	No Applicants	Housing Authority - Resident Commissioner	02/22/10	12/31/13
10.	No Applicants	Human Relations Board	02/22/10	12/31/13
11.	Stephen Marsh	Human Relations Board	02/22/10	12/31/10
12.	No Applicants	Human Relations Board	02/22/10	12/31/10
13.	Bernard Rose	Library Board	02/22/10	12/31/13
14.	No Applicants	Mayor's Commission on Homelessness	02/22/10	01/31/13
15.	No Applicants	Parking Board	02/22/10	12/31/13
16.	No Applicants	Tourism BID Board	02/22/10	06/30/10
17.	Dan Wagner	Zoning Commission	02/22/10	12/31/11

- 11. Unexpired term of Gregory Kohn
- 12. Unexpired term of Everall Fox
- 14. Unexpired term of Patrick Chappel
- 16. Unexpired term of Linda Gallagher
- 17. Unexpired term of Michael Larson

B. Bid Awards:

- 1. Chemicals– Polyaluminum Hydroxychloride (PACL) for Water Treatment Plant.** (Opened 2/9/10) Recommend delay of award until March 8, 2010.
- 2. Primary Digester Boiler Replacement at Wasterwater Plant.** (Opened 2/9/10) Recommend Rolin Adkins High-Tec Boilermakers, Inc.; \$108,830.
- 3. Passenger Facility Charge Funded Gate B4 Concrete Ramp Project.** (Opened 2/9/10) Recommend Knife River Construction; \$577,407.20.

C. Recommendation of Approval of the Blue Creek Transportation Study to the Policy Coordinating Committee.

D. Amendment A, State Historic Preservation Office (SHPO) Preserve America Grant, extending the grant deadline to May 31, 2010, to allow an additional 2 months to complete the National Register Nomination for the Old Town Historic District.

E. Amendment #12, Contract for Engineering Services for Passenger Facility Charge (PFC) Projects - Taxiway A South Rehabilitation, Vehicle Access Road Improvements, and Gate B4-PCC Ramp; Morrison-Maierle, Inc.; \$332,909.

F. Easement with Morningside Homeowners' Association for the move of Alkali Creek and stabilization of Alkali Creek Road; \$127,480.50.

G. Acceptance of Donation to the Police Department from the Sam's Club Foundation to help fund School Resource Officer training, \$2,500.

- H. Approval of Grant Application Requests** to submit MDT TransADE application for \$100,000; MDT 5317 New Freedom application for \$65,000; and MDT Section 5316 Job Access Reverse Commute (JARC) application for \$150,000, for paratransit operating assistance; and **Acceptance** of grant awards.
- I. Approval of Grant Application Request** to submit 2010 Internet Crimes Against Children (ICAC) operational continuation application for \$220,782; and **Acceptance** of grant award.
- J. Approval of Grant Application Request** to submit application to the State Coal Board for funding of the 25th Street Pedestrian Bridge over the Montana Rail Link tracks to connect Montana Avenue in the historic district of downtown Billings with the Minnesota Avenue Old Town Neighborhood District; \$100,000.
- K. Approval of Applications for State Revolving Fund Loans** for Wastewater Improvements - \$3,500,000 and Water Improvements - \$3,500,000.
- L. Subordination of Housing Rehabilitation Loan** for Housing Development Associates for the Eighth Avenue Apartments, \$1,357,500.
- M. Approval** of Distracted Driving Prevention Ad-Hoc Advisory Committee Members and **extension** of the committee's reporting date to City Council to May 24, 2010.
- N. Approval** of (1) proposed lot line adjustments to create two new parcels and a new certificate of survey on the city-owned Briarwood Sewer Lift Station site; (2) utility right-of-way easements with Montana Dakota Utilities and Yellowstone Valley Electric Co-op; and, (3) Resolution of Intent to sell one of the parcels and setting a public hearing for March 22, 2010.
- O. Second/Final Reading Ordinance** changing the name of the Public Utilities Board to the Public Works Board.
- P. Resolution** adopting a "Recommended Fund and Working Capital Balances Policy" and a "Fund Balance Policy for the General Fund."
- Q. Resolution** authorizing the sale of \$232,000 in bonds to finance remaining costs related to SID 1389, Clubhouse Way Improvements. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.)
- R. Bills and Payroll:**
 - 1. January 22, 2010**
 - 2. January 29, 2010**

REGULAR AGENDA:

- 2. PUBLIC HEARING AND FIRST READING ORDINANCE** amending the BMCC by adding Chapter 28, Articles 28-100 through 28-700, containing Sections 28-101 through 28-715, regulating the City's stormwater collection system through the development of a stormwater management program; including issuance and enforcement of private and public construction Storm Water Pollution Prevention Plans to address construction site stormwater, enforcement of adopted Best Management Practice (BMP) construction standards, enforcement of post construction stormwater BMP maintenance, and the detection and elimination of illicit discharges. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.)

- 3. PUBLIC HEARING FOR ALTERNATIVES TO THE SKATE PARK RESTROOM PROJECT.** Staff recommends installation of a pre-cast concrete restroom containing separate male and female restrooms and the installation of the necessary public utilities including water, sewer, electrical and re-configuration of the irrigation system and installation of a connecting sidewalk. (**Action:** approval or disapproval of staff recommendation.)

- 4. PUBLIC HEARING** considering moving City Council Work Sessions from the Community Center at 360 N. 23rd Street to the Council Chambers. 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. 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.

EXECUTIVE SESSION - PENDING LITIGATION

Regular City Council Meeting

Consent : 1.A.1.

Date: 02/22/2010

TITLE: Boards & Commissions –Appointments

Wynnette Maddox, City Hall

PRESENTED BY: Administration

Department: City Hall Administration

Information

PROBLEM/ISSUE STATEMENT

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

ALTERNATIVES ANALYZED

Council may:

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

FINANCIAL IMPACT

No financial impact involved.

RECOMMENDATION

Mayor Hanel recommends that Council confirm the following appointments:

	Name	Board/Commission	Term	
			Begins	Ends
1	Terry Madtson	Board of Adjustments	02/22/10	12/31/13
2.	Neil Kiner	Board of Adjustments	02/22/10	12/31/13
3.	Thomas Dennis	Board of Appeals - Plumber	02/22/10	12/31/13
4.	No Applicants	Board of Appeals - Architect	02/22/10	12/31/13
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- 14. Unexpired term of Patrick Chappel
- 16. Unexpired term of Linda Gallagher
- 17. Unexpired term of Michael Larson

APPROVED BY CITY ADMINISTRATOR

Date: 02/22/2010

TITLE: Bid Award - Polyaluminum Hydroxychloride

PRESENTED BY: David Mumford

Department: Public Works

Information

PROBLEM/ISSUE STATEMENT

The City's existing contract for polyaluminum hydroxychloride (PACL) expires in February 2010. The PACL blends used in water treatment are proprietary products. These blends supplied by different vendors have differences in composition. The current product supplied by Kemira Water Solutions has proven to be the most cost-effective blend that the City has used. The technical specifications and performance history of this product are the basis for this bid. Potential suppliers must provide a product with essentially the same composition and guarantee equivalent performance.

The purpose of this bid is to obtain a fixed unit price in terms of price per pound (\$/lbs) for a one (1) year period, with an option to renew the contract one (1) year at a time, for up to a total of three (3) years. The contract provides for termination of the agreement if the product supplied does not meet performance specifications.

ALTERNATIVES ANALYZED

The Council may:

- Approve the bid award; or
- Do not approve the bid award; or
- Delay bid award.

FINANCIAL IMPACT

There are sufficient funds in the FY2010 Water Treatment Plant Chemicals account to cover purchases of this chemical. Bid award is based upon the railcar price which is the primary method of delivery. Bids were publicly advertised on January 28 and February 4, 2010. Six bids were received on February 9, 2010, as follows:

Supplier	Product	Pricing by Delivery Method (\$/lb)		
		Railcar	Truck	Tote (275 gal)
Thatcher Co. of Montana	T-Floc B-41	\$0.3321	\$0.3537	\$0.4537
Kemira Water Solutions	PAX-XL3920LX	\$0.367	\$0.387	\$0.60
Brenntag Pacific	Brenn Floc 2010B	\$0.39	\$0.49	\$0.57
Aqua-Pure	AF 61150	\$0.384	\$0.446	\$0.446
Aqua-Pure	AF 81150	\$0.403	\$0.465	\$0.465
Pristine Water Solutions	PHI-2162	\$0.405	\$0.490	\$0.555

Due to bid irregularities in the apparent low bid, staff needs to delay the bid award to allow time for legal review.

RECOMMENDATION

Staff recommends delaying the bid award for the contract to supply PACL to the March 8, 2010, meeting.

APPROVED BY CITY ADMINISTRATOR

Date: 02/22/2010

TITLE: Bid Award – Replace Existing Primary Digester Boiler System for Wastewater Plant

PRESENTED BY: David Mumford

Department: Public Works

Information

PROBLEM/ISSUE STATEMENT

The solids in the primary anaerobic digesters are heated through a heat exchange system with hot water from a 30-year-old boiler system at the Wastewater Plant. To ensure continued, uninterrupted, hot water for the digesters and associated heating for the building, the boiler needs to be replaced.

ALTERNATIVES ANALYZED

The Council may:

- 1) Approve the bid award; or
- 2) Not approve the bid award.

FINANCIAL IMPACT

Bids were publicly advertised for the replacement of the boiler on January 28 and February 4, 2010. Bids were opened on February 9, 2010. The replacement of boiler system is part of the approved CIP and there is adequate funding in the Wastewater Plant budget for this expenditure. The bid results are:

Rolin Adkins High-Tec Boilermakers, Inc.	\$108,830.00
Montana Boiler Service	\$132,858.00
Star Service	\$150,500.00

RECOMMENDATION

Staff recommends that Council award the bid for the replacement of the primary digester boiler system to Rolin Adkins High-Tec Boilermakers, Inc. in the amount of \$108,830.00.

APPROVED BY CITY ADMINISTRATOR

Date: 02/22/2010

TITLE: Bid Award for the Passenger Facility Charge-Funded Gate B4 Concrete Ramp Project

PRESENTED BY: Tom Binford

Department: Aviation & Transit

Information

PROBLEM/ISSUE STATEMENT

The Gate B4 Concrete Ramp project, included in the City's Capital Improvement Program, will replace the asphalt pavement at passenger loading Gate B4 with a new concrete ramp. The Gate B4 area was originally intended to be used as a temporary location for parking aircraft when maintenance was being performed on the other passenger loading bridges or ramp surfaces, and as an area to handle emergency flight situations. However, when Allegiant Air began serving the Billings area, due to operational needs, they were placed at Gate B4. The daily use of this passenger loading bridge has caused the asphalt pavement to rut in the areas where the aircraft parks and the passenger loading bridge moves to and from the aircraft. During the hot Summer months, the asphalt softens and the wheels of the aircraft and the passenger loading bridge can sink into the pavement, causing the moving of the equipment to become difficult, which could result in damage to the aircraft due to the inability to move smoothly across the ramp area. The Airport has provided steel plates that were placed over the ruts that the aircraft and bridge park on, but, this provided only a temporary solution. This project will remove the existing asphalt pavement and replace it with a 16" thick concrete ramp that will accommodate all aircraft and equipment. The project will also install new slotted drains to collect the storm water from this ramp. This project was advertised in the *Billings Times* for three weeks, and was posted on the City's Web Site. On February 9, 2010, the following bids on this project were received:

CONTRACTOR	BID
Knife River Construction	\$577,407.20
Riverside Sand and Gravel	\$649,000.00
JEM Contracting	\$724,759.00
COP Construction	\$775,912.00
CMG Construction	\$977,320.00
ESTIMATE	\$1,100,000

ALTERNATIVES ANALYZED

The Council may:

- Approve the award of the Gate B4 Concrete Ramp project; or
- Decline to approve the award of the Gate B4 Concrete Ramp project and not complete the project.

FINANCIAL IMPACT

The total cost of this project is \$577,407.20. The source of the funds for this project are budgeted in the Department's Passenger Facility Charge fund.

RECOMMENDATION

Staff recommends that City Council approve the award of the Passenger Facility Charge Funded Gate B4 Concrete Ramp Project to the low bidder, Knife River Construction, for the amount of \$577,407.20.

APPROVED BY CITY ADMINISTRATOR

Date: 02/22/2010

TITLE: Acceptance of the Blue Creek Transportation Study/PCC Recommendation

PRESENTED BY: Candi Beaudry

Department: Planning & Community Services

Information

PROBLEM/ISSUE STATEMENT

In November of 2007, the City of Billings Planning Division entered into a contract with Interstate Engineering, Inc., to complete a transportation study for the Blue Creek area. This project was identified and requested by the residents of Blue Creek through ongoing discussions of community planning in the Blue Creek area. The Study addresses road and intersection conditions, pedestrian access, and overall traffic safety issues along the Blue Creek Road corridor. Blue Creek Road is the spine of the Blue Creek Transportation Study area. The study area boundary extends on the east as far as the Blue Creek watershed boundary. The Crow Indian Reservation boundary is the southeast extent of the study area with inclusion of Blue Creek Road south to the intersection with Pryor Creek Road. The Study represents a summary of study goals and objectives, specific work efforts, and the short-term and long-term recommendations for transportation infrastructure improvements in the Blue Creek area. The study considers both motorized and non-motorized transportation elements. The Blue Creek Transportation Study was distributed to the council for its February 16, 2010, City Council Work Session. An additional hard copy of the plan is available in the City Clerk's Office.

The Technical Advisory Committee (TAC) at its January 7, 2010, meeting received a presentation on the transportation study from staff. After review and discussion, the TAC unanimously voted to accept the Blue Creek Transportation Study as presented by staff and recommend approval of the study to the governing bodies to incorporate it into the Billings Urban Area Transportation Plan.

The Planning Board at its February 9, 2010, meeting conducted a public hearing on the study to receive public comment. The Planning Board voted to forward a recommendation of approval to the Policy Coordinating Committee. The Board of County Commissioners is scheduled to consider a recommendation to PCC on the Blue Creek Transportation Study at its meeting on February 25.

The Exectue Summary of the Blue Creek Transportation Study is attached to this memo. The full report is available at the Planning Division Office.

ALTERNATIVES ANALYZED

The City Council may:

- Recommend approval of the plan to the Policy Coordinating Committee.
- Recommend denial of the plan to the Policy Coordinating Committee.

FINANCIAL IMPACT

There should be no direct financial impact from the adoption of this plan. However, the plan should assist with transportation project identification and prioritization for the Blue Creek community.

RECOMMENDATION

Staff recommends that City Council recommend approval of the Blue Creek Transportation Study to the Policy Coordinating Committee.

APPROVED BY CITY ADMINISTRATOR

Attachments

Link: [Executive Summary](#)

Blue Creek Area Transportation Study

Draft Executive Summary

Prepared For

City of Billings/Yellowstone County Board of Planning

Prepared By

Interstate Engineering, Inc.
Peaks to Plains Design

October 20, 2009

Blue Creek Area Transportation Study
Executive Summary
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SECTION 1 – PROJECT OVERVIEW

Introduction

The City of Billings / Yellowstone County Planning Department has commissioned a Transportation Study of the Blue Creek area. This document summarizes the planning analysis results and recommendations of the **Blue Creek Area Transportation Study**. The development of this study was based on a series of Working Papers that were prepared to document all of the transportation system evaluation, deficiencies analysis and alternative improvements analysis, as well as input received during the public involvement process.

This project was guided by a Project Guidance Committee (PGC) comprised of members of the City/County Planning Department, emergency service providers, the Montana Department of Transportation, and the general public. An extensive public involvement process was also implemented to obtain input from area residents, business owners, and developers.

Project Guidance Committee (PGC) Members

Scott Walker, City/County Planning Department
Lora Mattox, City/County Planning Department
Sam Johnson, Yellowstone County Public Works Department
Stan Jonutis, Montana Department of Transportation
Bill Iverson, Area Resident
Delores Terpstra, Area Resident
Monica Weldon, Area Resident
Dick Weldon, Area Resident
Dick Schottlaender, Area Resident

Project Purpose

The purposes of this study are: 1) to document and analyze the Blue Creek Area surface transportation system, including the roadway network and pedestrian/bikeway facilities; 2) to identify deficiencies of the existing transportation system; 3) to project future growth and expected transportation demands and system improvements; 4) to identify alternative transportation system improvements to meet existing and future deficiencies; and 5) to recommend a list of transportation system improvements together with planning-level cost estimates for implementation of improvements.

Study Area

The extent of the study area for this project was determined with input from the PGC. Using Blue Creek Road as the spine of the study area, the study area boundary extends on the east as far as the Blue Creek watershed boundary. Although the Crow Indian Reservation boundary is utilized as the southeast extent of the study area, the PGC also suggested that Blue Creek Road itself be considered within the study area all the way to its intersection with Pryor Creek Road. The study area is shown in Figure 1.

Public Involvement Process

The Blue Creek Area Transportation Study was developed with considerable public and agency input. To allow ample opportunity for public involvement throughout the transportation planning process, the following actions were taken:

- Formation of a Project Guidance Committee consisting of representatives from government agencies, emergency service providers, and study area residents.
- Conducted two (2) general public meetings to gain input on current issues and deficiencies, and to provide input/comment regarding the study results.
- Conducted four (4) Stakeholder Meetings to gather study input that was focused on specific geographic areas of the study area.
- Study products (working papers and draft/final reports) were made available on line through the City of Billings' Web site.

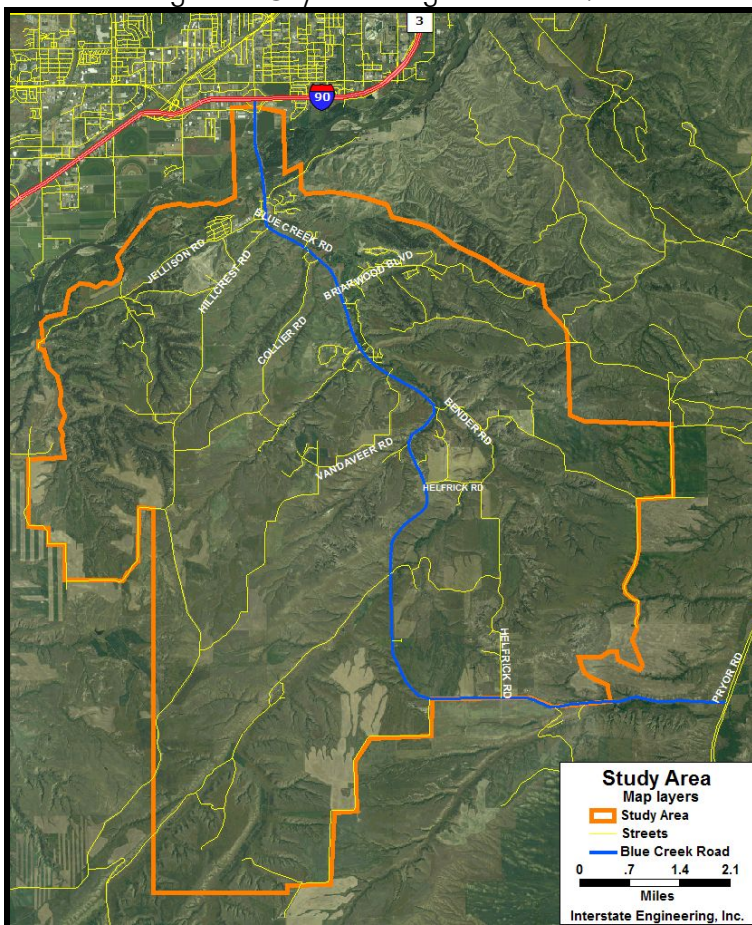


Figure 1 – Study Area

SECTION 2 – EXISTING CONDITIONS

Streets & Highways

The study area includes all or portions of 33 city streets, 60 county roads, and one State Secondary Highway. Blue Creek Road (MT S-416) runs approximately north and south

through the center of the study area for just under 15 miles. Blue Creek Road provides an arterial connection between Interstate 90 and Pryor Creek Road. Blue Creek Road is the only facility within the study area under the jurisdiction of the Montana Department of Transportation (MDT). Blue Creek Road is paved over its entire length and constitutes over half of the total miles of paved roads within the study area.

In total, 124.2 miles of roads exist within the study area. Not including Blue Creek Road, only 7.4 miles of paved roads exist within the study area. The remaining 88 miles of roads in the study area are gravel surfaced. Figure 2 shows surface types for roads within the study area.

Traffic Volume

Average weekday traffic volumes were evaluated on 5 different sections of Blue Creek Road and 8 roads intersecting with Blue Creek Road. Volumes were determined from a seven day count conducted November 1-7, 2007 by the City of Billings Traffic Division. Table 1 summarizes traffic volume counts taken within the study area.

Table 1 - Traffic Count Summary

LOCATION	2007 AVERAGE WEEKDAY TRAFFIC
Blue Creek Rd. south of Midland Rd.	9,400
Santiago Blvd. east of Blue Creek Rd.	700
Jellison Rd. west of Blue Creek Rd.	2,800
Hillcrest Rd. west of Blue Creek Rd.	900
Blue Creek Rd. south of Hillcrest Rd.	5,000
Collier Rd. west of Blue Creek Rd.	120
Briarwood Blvd. east of Blue Creek Rd.	2,300
Robindale Dr. east of Blue Creek Rd.	210
Blue Creek Rd. south of Robindale Rd.	2,700
Aqui Esta Dr. east of Blue Creek Rd.	240
Blue Creek Rd. south of Aqui Esta Dr.	1,700
Blue Creek Rd. south of Bender Rd.	1,300
Bender Rd. east of Blue Creek Rd.	200

Crash History

Three years of crash statistics were obtained from the Montana Department of Transportation for study area roads. The data includes crash information from 7/1/2004 to 6/30/2007, with data provided separately for state highways (Blue Creek Road) and for “off-system” roads (City and County roads). Within this three year time period, Blue Creek Road experienced a total of 37 crashes, with one fatal crash and 12 injury crashes (20 injuries). Three years of crash statistics on off-system roads shows there were a total of 27 crashes with no fatal crashes, and 7 injury crashes (8 injuries).

Existing Population & Employment

The Blue Creek study area lies south of the Billings urban area and is mostly rural in nature. Small pockets of commercial development exist in the study area; in the Blue Creek community area, in the Briarwood area, along Jellison Road west of Blue Creek Road, and near the Santiago Boulevard intersection with Blue Creek Road. As with commercial development, residential development in the study area is largely rural in nature with pockets of significantly denser residential development. Concentrations of residential development exist in the Briarwood area, the Cedar Park / Quanta area, Blain's Mobile Home Court, the Hillcrest area, and the Blue Creek Community area (Aqui Esta / Basin Creek). Outside these pockets of more dense residential development, residential population is scattered in isolated homes across rural portions of the study area.

The population of the study area is estimated to be between 1,600 and 2,000 residents. Estimates vary depending on the source of the information. Employment numbers for the study area are more difficult to estimate. The US Census Bureau does not publish employment by place of employment (only by place of residence). Based on the MDT travel model data available at the time of this study, retail and non-retail employment totaled about 150 employees in 2001.

Land Use

The study area for this project totals about 56 square miles. While the bulk of lands within the study area are currently rural and used primarily as agricultural lands, pockets of dense residential uses and some commercial uses exist. More dense commercial and residential land uses are concentrated along the Blue Creek Road corridor. Only about one half of the study area is subject to land use zoning. Approximate areas for each land use zone represented within the study area are summarized in Table 2.

Table 2 – Study Area Zoning Summary

ZONE DISTRICT	AREA - MI² (Ac)
Public	1.48 (947)
Residential 150000	2.29 (1,466)
Residential 9600	0.42 (269)
Residential 7000	0.28 (179)
Residential Manufactured Home	0.19 (122)
Neighborhood Commercial	0.004 (3)
Community Commercial	0.02 (11)
Planned Unit Development	1.21 (774)
Controlled Industrial	0.05 (32)
Agricultural Open	8.88 (5,683)
Agricultural Suburban	0.39 (250)
District 14	3.37 (2,157)
District 16	1.16 (742)
Not Zoned	36.2 (23,168)

SECTION 3 – FUTURE CONDITIONS

Planned & Programmed System Improvements

Montana Secondary Highway 416 (MT S-416), or Blue Creek Road as it is commonly known, is the only state highway within the study area. One project is currently planned for MT S-416, a safety improvement project near the highway’s crossing of Blue Creek. The MDT project will seek to reduce crashes on the highway curve just south of the Blue Creek crossing. Included is installation of a flashing beacon on the curve warning sign currently installed for northbound traffic, placing curve chevrons around the curve visible to both travel directions, and adding earth fill to reduce the slope of the embankment on the outside of the curve. Also included are guardrail end-treatment improvements for the Blue Creek bridge guardrail and the Yellowstone River bridge guardrail, further to the north. Other than the MDT project discussed above, no other specific projects are planned or programmed for the study area.

Population & Employment Growth Forecast

Numerous sources were consulted to enable reasonable forecasts for growth in the study area. Consulted were US Census data for the years of 1990 and 2000, examination of aerial photography from 2005, data collected/developed for the creation of the Blue Creek Outdoor Recreation Plan, the Billings 2008 Growth Policy, and the MDT travel demand model for the Billings Urban Area. The available data yielded a wide variety of data and projections for the study area. It was determined that a reasonable estimate of growth was to assume growth of the study area at 1.5% per year for the next 20 years, or about an overall growth of 35%. Based on this estimate, it is forecasted that an additional 409 households will be established in the study area in the next 20 years (by year 2030). An examination of available, platted subdivision lots, subdivisions in the planning stage, and available water/sewer services resulted with a distribution of future household growth within the study area. Assumed growth within the study area is shown in Table 3.

Table 3 - Household Growth

Neighborhood			Household Growth	Final 2030 Households
	2005 Households	2005 Vacant Lots	2005-2030	
Aqui Esta - Basin Creek	94	48	45	139
Blains Mobile Home Park	193	N/A	-	193
Briarwood	298	106	200	498
Cedar Park - Quantana	103	15	30	133
Collier - Secret Valley	22	14	14	36
Hillcrest	59	72	50	109
Vandaveer	11	-	5	16
Remaining Rural Area	129	N/A	25	154
Briarridge	-	-	40	40
TOTAL	909	255	409	1,318

Employment growth within the study area is limited. It is assumed that household growth will drive growth of transportation needs and traffic volumes.

Future Traffic Forecasts

Utilizing the forecasts of household growth, estimates of future traffic volumes were formulated. The average trip rate of 10 trips per household was used to forecast daily traffic volumes on selected study area roads. Traffic volume on Blue Creek Road is expected to increase to 13,500 vpd just south of Midland Road, to 8,290 vpd south of Hillcrest Road, and to 3,220 vpd south of Robindale Drive. Connecting roads are also expected to increase in traffic volume, with Briarwood Boulevard increasing the most, from 2,300 vpd to 4,300 vpd. With the increase in traffic volume, impacts to intersection operations are expected along with increasing need for intersection improvements.

Identified System Deficiencies

The identification of needs is broken down into three main categories: capacity/congestion, connectivity/circulation, and safety. Feedback from the Project Guidance Committee (PGC), the first general public meeting, and four stakeholder meetings were used to identify system deficiencies, real or perceived, and receive suggestions for improvements.

Key intersections were examined for level of service (LOS) and general traffic operations. Included with the analysis were queuing lengths, traffic delay, warrants for auxiliary turn lanes, etc. Each intersection assessed was analyzed according to Highway Capacity Manual (HCM) procedures implemented through the Synchro/SimTraffic software platform. Key intersections where traffic counts were obtained were assessed for current as well as future forecasted traffic conditions. For this project, LOS analyses have been performed for intersections and two-lane highway segments. While vehicle delay is the primary measure utilized to report LOS at intersections, percent time-spent-following is the primary measure to report LOS on Class II two-lane highways like Blue Creek Road.

The Montana Department of Transportation and City of Billings strive to maintain conditions of LOS C or better for streets, highways, and intersections. LOS D may be acceptable under some circumstances and doesn't necessarily mean an improvement project is required, reasonable, or feasible.

Blue Creek Road / Santiago Boulevard

Under existing traffic conditions, the Santiago Blvd. approach to Blue Creek Road operates at level of service (LOS) B during both the morning and evening peak period. With increased future traffic, LOS for the Santiago Blvd. approach drops to LOS C during the morning peak and remains at LOS B during the evening peak.

Blue Creek Road / Jellison Road

Under existing traffic conditions, the Jellison Road approach to Blue Creek Road operates at LOS B during both the morning and evening peak period. With expected increases in traffic volumes, LOS will drop to LOS C for both morning and evening peak periods.

Blue Creek Road / Hillcrest Road

Under existing traffic conditions, the Hillcrest Road approach to Blue Creek Road operates at LOS B during both the morning and evening peak period. With expected increases in traffic volumes, LOS will drop to LOS C for both morning and evening peak periods.

Blue Creek Road / Briarwood Boulevard

Under existing traffic conditions, the Briarwood Boulevard approach to Blue Creek Road operates at LOS B during the morning peak period, and at LOS A during the evening peak period.

The MDT Montana Road Design Manual contains guidelines for when separate left turn lanes may or may not be justified. The Manual notes that left turn lanes may be justified based on traffic volumes, capacity analysis, or crash history. At this location, the MDT guidelines indicate this location currently has sufficient through, left turn, and opposing traffic volumes to justify a separate left turn lane. A schematic sketch of a left turn lane at this location is shown in Figure 2.

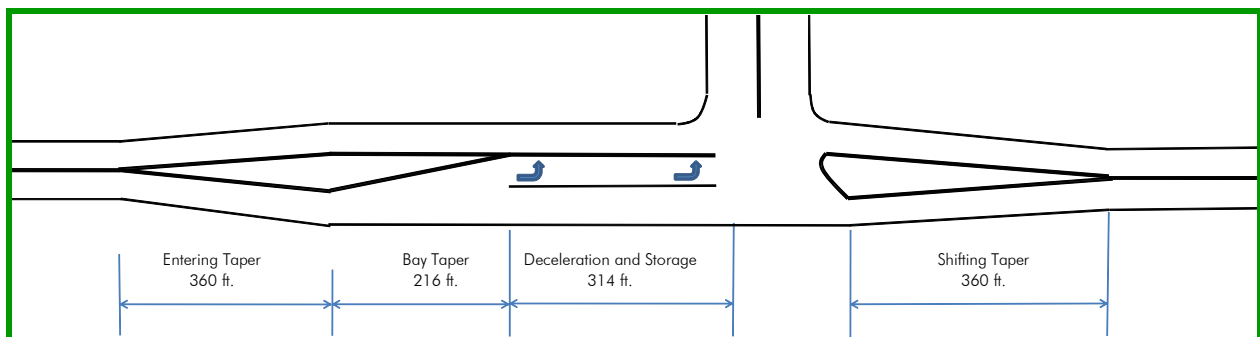


Figure 2 – Left Turn Lane Schematic, 60 mph Design Speed

Blue Creek Road Corridor

Growth in the study area will bring corresponding growth in traffic volume for Blue Creek Road itself, just as it does for the key intersections. Traffic volumes on Blue Creek Road in the future are expected to exhibit the same characteristics as today's volumes, with similar increased volume in the northern portion of the Blue Creek Road, and similar peaking characteristics.

On Blue Creek Road just south of Midland Road, the peak hourly volume occurs during the evening, with a two-way volume of about 850 vehicles per hour (vph), or about 9% of the daily volume. With daily volume expected to increase to 13,400 vpd, the peak hour can be expected to experience 1,200 vph. With the 75/25 directional split typically experienced on this facility at this location, the roadway will carry over 900 vph in a single direction. An estimate of roadway operations on this segment of highway shows it will be operating at LOS D with a volume-to-capacity ratio of 0.43 under future traffic conditions.

The HCM notes that LOS D describes a condition of “unstable traffic flow” where the two opposing traffic streams begin to operate separately at higher volume levels, as passing becomes difficult (if allowed). Even though passing demand is high, passing capacity approaches zero. Turning vehicles and roadside distractions can cause major shock waves in the traffic stream, as motorists are delayed in platoons (time spent following) for nearly 80 percent of their travel time.

SECTION 4 – IMPROVEMENT ALTERNATIVES

Transportation deficiencies identified through public meetings, stakeholder meetings, Project Guidance Committee meetings, and technical assessments have been reviewed and potential improvement alternatives have been identified.

With assistance of the Project Guidance Committee, each identified deficiency and potential improvement alternative was reviewed. The review resulted with a list of 30 specific deficiencies or deficiency areas that, in turn, resulted with 13 separate preferred infrastructure construction projects. It should be noted that not all identified deficiencies resulted with an identified construction project. Many require further study or more detailed investigation to adequately determine a preferred solution. An example is walking routes and safety to Blue Creek Elementary School. It is beyond the scope of this area-wide transportation plan to identify individual routes and necessary improvements to develop adequate safe routes to school for the Blue Creek Elementary School. In this case, it was recommended that a separate Safe Routes to School study be conducted.

The resulting deficiencies and preferred solutions are tabulated in Table 4.

Table 4 - Deficiencies and Resulting Preferred Solution Alternative

PROJ. #	SPECIFIC DEFICIENCY/LOCATION	DEFICIENCY	DEFICIENCY TYPE*	DEFICIENCY PRIORITY	PREFERRED SOLUTION ALTERNATIVE	COST (1,000's)	COMMENTS	RESULTING PROJECT SOLUTION
1	Hillcrest Rd. / Blue Creek Rd. Intersection	Sight distance	S/LOS	1	Eliminate/reduce crest vertical curve on Blue Creek Rd. south of intersection & add southbound right turn lane onto Hillcrest.	1: \$365 2: \$62	Needed to maintain speeds for uphill grade on Hillcrest.	1: Reconstruct Blue Creek Road to eliminate crest vertical curve. 2: Construct southbound right turn lane from Blue Creek Road to Hillcrest Road.
2	Jellison Rd. / Blue Creek Rd. Intersection	Sight distance	S	1	Trim vegetation (trees)	\$9	Sight distance inadequate for heavy trucks	Trim or remove trees to improve sight distance around curve on Blue Creek Road.
3	Speed Limit on BCR - Yell. R. to Blue Ck.	Side street delay, numerous accesses	S/LOS	1	Construct right turn/deceleration Lane(s)	\$339	Need project to improve access safety with posted speeds.	Construct continuous right turn/acceleration/deceleration lane for northbound Blue Creek Road from Santiago Blvd. to Old Blue Creek Road.
4	Blue Creek Rd. - Briarwood Blvd. to Midland Rd.	Capacity for future traffic volume	LOS	1	Right turn / deceleration lanes near Blue Basket, plus left turn lane at Briarwood Blvd.		Need system-wide improvements to handle higher volumes	See above right turn/deceleration lane project. Left turn lane at Briarwood Blvd. is separate project.
5	Santiago Blvd. / Blue Creek Rd. Intersection	Side street delay	LOS	1	Build separate right and left turn lanes on approach to Blue Creek Rd., and add right turn/deceleration lane on Blue Creek Rd.	\$69		Widen Santiago Blvd. approach to Blue Creek Road to add separate right turn lane.
6	Willow Dr. / Blue Creek Rd. Intersection	Side street delay	LOS	1	Build separate right and left turn lanes on approach to Blue Creek Rd.	\$52		Widen Willow Drive approach to Blue Creek Road to add separate right turn lane.
7	Blue Basket	Speed, mixed with right turn traffic slowed/stopped on roadway	S/LOS	1	Construct northbound right turn/deceleration lane on Blue Creek Rd.	N/A		See above continuous northbound right turn / deceleration lane on Blue Creek Road from Santiago to Old Blue Creek Road
8	Blue Creek Rd. at Blue Creek Bridge	Narrow, curved bridge	S	1	Re-align highway & replace bridge	N/A		N/A - Consider if/when Blue Creek Road is totally reconstructed.
9	Blue Creek Rd. - Jellison Rd. to Yellowstone River Bridge	Passing in two way left turn lane	S	1	Construct right turn/acceleration / deceleration lane along Blue Creek Rd. in Blue Basket area	N/A	Distance from Jellison to Old Blue Creek Road is 1,560 ft. Total ROW varies 120-160 feet.	See above continuous northbound right turn/acceleration/ deceleration lane on Blue Creek Road from Santiago to Old Blue Creek Road
10	Yellowstone River Bridge	Passing zone not appropriate this location	S	1	Additional study for passing zone	\$5	Only passing zone between Midland Road and Vandaveer Road.	Conduct passing study on Blue Creek Road in area of Yellowstone River Bridge
11	Blue Basket - School Bus Stop	Inappropriate location	S	1	Secure property easement for school loading/unloading, and sign/mark pedestrian crossing.	N/A		No-cost project for school district and City
12	Yellowstone River Bridge	Lack of Bicycle Lane	S	1	Improve access to existing bicycle/pedestrian facility on bridge.	\$12	Guardrail will be re-positioned with MDT safety project 11/09.	2009 Safety project (MDT) will amend guard rail for easier access.
13	Jellison Rd. / Blue Creek Rd. to Land Fill	Road not adequate for land fill traffic	M	1	Reconstruct to improve structural section and improve maintenance	\$975		Reconstruct Jellison Road from Blue Creek Road to Land Fill Road
14	Briarwood Blvd. / Blue Creek Rd. Intersection	Speed mixed with left turn traffic stopped on roadway, and congestion/delay on Blue Creek Rd.	S/LOS	2	Construct southbound left turn lane on Blue Creek Rd.	\$310		Widen Blue Creek Road to add southbound left turn lane at Briarwood Boulevard intersection.
15	Blue Creek Rd. - Study Area Length	Lack of passing zones	LOS	2	Additional study for passing zones	\$30		Conduct passing study on Blue Creek Road
16	River Front Park / Blue Creek Road	Speed, mixed with left turn traffic stopped on roadway. On-highway parking during "events" presents hazard.	S	2	Construct southbound left turn lane on Blue Creek Rd. at Riverfront Park entrance, and provide increased parking opportunities within park	\$254	Need increased enforcement of on-highway parking prohibition.	Widen Blue Creek Road to add southbound left turn lane at Riverfront Park Access intersection

PROJ. #	SPECIFIC DEFICIENCY/LOCATION	DEFICIENCY	DEFICIENCY TYPE*	DEFICIENCY PRIORITY	PREFERRED SOLUTION ALTERNATIVE	COST (1,000's)	COMMENTS	RESULTING PROJECT SOLUTION
17	Blue Creek Road - Entire Length	Need deer warning signs	S	2	Further study for additional signing.	\$10		Conduct detailed crash study to define need for additional signing.
18	Gravel Roads - Study Area	Road surface condition	S	2	Require paved surfaces for newly constructed subdivision roads, increase maintenance frequency for gravel roads.	N/A		Proposed subdivision regulations will require paving of appropriate new roads.
19	Blue Creek Rd. - South of Cormier Road	Road width & abrupt shoulder edge	S	2	Narrow travel lanes to provide "shoulder", eventually acquire additional ROW and widen roadway lanes and shoulder to current standards.	\$7,597	Length is 4.15 miles. +/- 60 ft. or ROW exists this section.	Reconstruct Blue Creek Road from Cormier to Pryor Road to provide shoulders and in-slopes and out-slopes that meet current design standards.
20	Briarwood Subdivision	Secondary access necessary	C	3	Construct secondary access between McMasters Road and Coleen Drive.	\$5,885	Developer funded - required by City/County Planning.	Construct extension of McMasters Road to Colleen Drive to provide secondary connection...will be required of developer(s) with further planning within Briarwood Subdivision.
21	Cedar Park Subdivision	Secondary access necessary	C	3	Provide secondary access by extending Santiago Blvd. to Blue Creek Road.	\$645	Extend Santiago Blvd. to Blue Creek Rd. to intersect opposite Jellison Road	Construct extension of Santiago Boulevard to Blue Creek Road opposite Jellison Road intersection to provide secondary connection.
22	Blue Creek Community	Safe Route to School	P	3	Multi-use trail along Blue Creek, with connection(s) to Blue Creek School - implement Heritage Trails Plan.	N/A		Encourage implementation of Heritage Trail Plan components to provide non-motorized school routes. Conduct separate Safe Routes to School Study for Blue Creek Elementary School.
23	Briarwood Subdivision	Safe route to Blue Creek School / future school in Briarwood Subdivision	P	3	Multi-use trail along Blue Creek, with connection(s) to Blue Creek School - implement Heritage Trails Plan.	N/A		Encourage implementation of Heritage Trail Plan components to provide non-motorized school routes. Conduct separate Safe Routes to School Study for Blue Creek Elementary School.
24	Community Wide	Lack of multi-use trails	P	3	Implement Heritage Trail Plan	N/A		N/A - Encourage implementation of Heritage Trail Plan components to provide non-motorized facilities.
25	Briarwood Blvd.	Lack of marked on-street bike path	P	3	Stripe bike path along Briarwood Blvd.	N/A	Is in the works now.	Project is programmed.
26	Blue Creek Road	Lack of marked on-street bike path	P	3	Implement the Heritage Trail Plan by constructing off-highway multi-use trail in Blue Creek Rd. corridor from Yellowstone River Bridge to Blue Creek Community.	N/A		Encourage implementation of Heritage Trail Plan.
27	Community Wide	Lack of transit access	M	3	Revise MetTransit "charter" to allow service to Blue Creek Area, and construct park-n-ride near Blue Basket.	N/A		MetTransit service requires change of "charter". Pursue with separate study on feasibility/demand for transit service.
28	Blue Creek School Entrance	Safety for pedestrians at access	S	3	Revise on-site circulation to improve ingress/egress from school property.	\$12	Need to conduct Safe Routes to School Study.	Needs to be addressed with Safe Routes to School Study.
29	Blue Creek Road @ Blue Creek Elem. School	Traffic speeds	S	3	Increased enforcement	N/A		Suggest increased enforcement...also recognize that speed zoning in study area seems appropriate based on speed studies conducted with this Plan.
30	Study Area	Lack of secondary arterial connection Across Yellowstone River.	M	3	Extend Hillcrest Road to provide connection to Duck Creek Road & Yellowstone River Bridge.	\$14,284		Reconstruct Hillcrest Road, Keller Road, and Fritz Road to provide paved arterial connection between Blue Creek Road and Duck Creek Road.

*DEFICIENCY TYPES:
S=Safety
LOS=Capacity
C=Connectivity
P=Pedestrian and/or Bicycle Path
M=Mobility

Qualitative Environmental Assessment of Improvement Alternatives

Construction projects that involve physical construction (road widening, new construction, etc.) may also have environmental impacts. Impacts may be to the natural environment (wetlands, endangered species, prime farmlands, etc.), or may be to the man-made environment (acquisition of right-of-way, demolition of structures, relocation of population, etc.). While it is not within the scope of this study to outline all possible environmental impacts or to develop an environmental assessment, individual projects will be examined for significant environmental impacts that may be a “fatal flaw” and prevent the project from moving forward.

Some of the identified projects will involve roadway widening, typically for construction of auxiliary turn lanes. Some of those will also require acquisition of right-of-way. None of these projects involve demolition of any residential or commercial structures and, are all considered without “fatal flaws” in this respect. Some of the projects listed involving roadway widening may impact sensitive natural areas such as wetlands. While some projects will require environmental documentation, none appear to be fatally flawed such that they aren’t viable projects from an environmental standpoint. Most projects identified can be completed with minimal environmental impacts.

Estimates of Probable Construction Cost of Improvement Alternatives

Planning level cost estimates were developed for projects, whether they involved physical construction or additional studies. Cost estimates included costs for major construction elements such as asphalt, earthwork, utilities, right-of-way, etc. Cost estimates also include costs of engineering and construction as a percentage of construction costs, and included a 20% contingency. Costs for each project were provided previously in Table 4.

SECTION 5 – PREFERRED IMPROVEMENT ALTERNATIVES

Preferred Alternatives and Priorities

Upon formulation of the final list of projects that resulted from identified deficiencies, it became necessary to assign priorities. Rather than prioritize individual projects in a sequential order for implementation, it was decided to identify priorities by geography. Working with the Project Guidance Committee, it was determined that the area along Blue Creek Road between the Yellowstone River bridge and Hillcrest Road should be the highest priority. Improvements on Blue Creek Road at Briarwood Boulevard, Riverfront Park, widening Blue Creek Road south of Cormier Road and improved gravel road maintenance were identified as second tier projects. While non-motorized projects, road reconstruction and paving to improve area access to Duck Creek Road, and including transit service to the area were identified as third tier projects.

Date: 02/22/2010

TITLE: Preserve America Agreement Amendment

PRESENTED BY: Candi Beaudry

Department: Planning & Community Services

Information

PROBLEM/ISSUE STATEMENT

The State of Montana Historic Preservation Office (SHPO) has designated the City of Billings as a Preserve America Community. In 2008, SHPO granted the Old Town Neighbors, Inc. a Preserve America Grant in the amount of \$11,750, with an additional \$15,750 matched by the Old Town Neighbors, Inc., through the redefined Downtown Tax Increment Finance District. The total project amount is \$27,500. The Old Town Neighbors, Inc. , is a non-profit organization composed of property owners along Minnesota Avenue who have a desire to create the Old Town Historic District.

The original grant deadline for the Preserve America grant was March 1, 2010. The Old Town Neighbors, Inc. has requested and received an extension of the grant deadline until May 31, 2010. This extension was requested to complete the National Register Nomination for the Old Town Historic District. While the City has not directly had to provide funds for this project, the City is the sponsor for the grant and must approve any changes to the grant award. SHPO has approved this extension and attached are 2 copies of Amendment A to the Preserve America Agreement for the Authorized Representative (Mayor) to sign.

ALTERNATIVES ANALYZED

The City Council May:

- Approve the amendment to the contract with SHPO to extend the grant deadline.
- Deny the amendment to the contract with SHPO to extend the grant deadline.

FINANCIAL IMPACT

There is no financial impact to approving the amendment. The amendment would allow an additional 2 months to complete the National Register Nomination for the Old Town Historic District.

RECOMMENDATION

Staff recommends that the City Council authorize the Mayor to sign the amended Preserve America Grant for a time extension to May 31, 2010.

APPROVED BY CITY ADMINISTRATOR

Attachments

Link: [Preserve America Grant Amendment](#)

Link: [Preserve America Grant Amendment-2nd copy](#)

Amendment A to Agreement Number: PA III-09-005
October 15, 2008 – May 31, 2010

STATE OF MONTANA AGREEMENT

This is an amendment to Agreement Number PA III-09-005 made between the Old Town Neighbors, Inc., 2 South Broadway, Billings, Montana 59101 (The "Sub-grantee") and the Montana Historic Preservation Office, Montana Historical Society, 1410 8th Ave, PO Box 201202 Helena, Montana 59620-1202 (The "Grantee").

The two parties, in consideration of mutual covenants and stipulations described in the contract and below, agree to amend the contract as follows:

SECTION II: EFFECTIVE DATE, DURATION, AND REMUNERATION

The Agreement shall take effect as of October 15, 2008 and shall terminate May 31, 2010 unless a new termination date is set or the agreement is terminated pursuant to SECTION IV. Total payments by the "Grantee" for all purposes under this contract shall not exceed: \$11,750.00. Payment shall be made on a reimbursement basis by request of Sub-grantee to the SHPO.

To express the parties' intent to be bound by the terms of this Amendment, they have executed this document on the date set out below:

Chief Elected Official Sub-grantee

Date

Administrator, Centralized Services Division
Montana Historical Society

Date

Amendment A to Agreement Number: PA III-09-005
October 15, 2008 – May 31, 2010

STATE OF MONTANA AGREEMENT

This is an amendment to Agreement Number PA III-09-005 made between the Old Town Neighbors, Inc., 2 South Broadway, Billings, Montana 59101 (The "Sub-grantee") and the Montana Historic Preservation Office, Montana Historical Society, 1410 8th Ave, PO Box 201202 Helena, Montana 59620-1202 (The "Grantee").

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To express the parties' intent to be bound by the terms of this Amendment, they have executed this document on the date set out below:

Chief Elected Official Sub-grantee

Date

Administrator, Centralized Services Division
Montana Historical Society

Date

Date: 02/22/2010

TITLE: Approval of Amendment 12 with Morrison-Maierle, Inc. for Engineering Services for Passenger Facility Charge (PFC) Projects

PRESENTED BY: Tom Binford

Department: Aviation & Transit

Information

PROBLEM/ISSUE STATEMENT

Due to the specialized nature of engineering services required for airfield infrastructure design, including knowledge of the Federal Aviation Administration (FAA) design and grant funding process and Passenger Facility Charge (PFC) projects, the City has historically entered into a five-year term contract to provide engineering services at the Airport. On November 13, 2006, the City approved a five-year contract with Morrison-Maierle, Inc. to provide the design surveys for the project, development of projects plans, specifications and bidding documents, contract administration, to include coordination meetings, pay requests, etc. The contract also includes full time on-site inspection, construction surveys, and development and submittal of the final project closeout documents, as required for PFC projects. The base five-year contract is amended each time a new project is undertaken, and Amendment Twelve, for \$332,909, includes all of the services indicated above for Summer 2010 PFC projects. The scope of work and associated engineering fees have been reviewed and negotiated by Airport staff and are acceptable for this type of work. The PFC projects include the Taxiway A South Rehabilitation, Vehicle Access Road Improvements, and Gate B4-PCC Ramp. A portion of Taxiway A south is asphalt pavement that is over sixteen years old and is beginning to break apart, producing loose gravel that could be ingested by jet engines, and possibly causing serious and costly damage to the aircraft. This area will also be constructed to promote storm water drainage into a new slotted drain system. Included with the Taxiway A south project is a project to construct a new vehicle road that will route vehicle traffic away from the aircraft parking ramps on the east side of the Airport, reducing the chance of vehicle/aircraft accidents. Finally, the Gate B4-PCC Ramp project will replace the existing asphalt ramp with a concrete ramp. During the hot Summer months, the asphalt softens and the wheels of the passenger loading bridge and the air carrier aircraft can deform the ramp surface creating rutting and dips that cause operational problems for the airlines. This project will provide an all season concrete surface that all aircraft can safely operate on. This Amendment Twelve will produce approximately \$2,700,000 in Airport improvements.

ALTERNATIVES ANALYZED

The Council may:

- Approve Amendment Twelve; or
- Decline to approve Amendment Twelve and not complete the PFC projects.

FINANCIAL IMPACT

The total cost of Amendment Twelve to the five-year engineering contract with Morrison-Maierle, Inc. is \$332,909. The source of the funds for this engineering work is budgeted in the Department's Passenger Facility Charge fund.

RECOMMENDATION

Staff recommends the City Council approve Amendment Twelve to the Morrison-Maierle, Inc. Engineering Services contract in the amount of \$322,909, for the engineering services required for the PFC projects Taxiway A South Rehabilitation, Vehicle Access Road Improvements, and Gate B4-PCC Ramp.

APPROVED BY CITY ADMINISTRATOR

Date: 02/22/2010

TITLE: W.O. 04-12 Alkali Creek Road Improvements--Easement with Morningside Homeowner's Association

PRESENTED BY: David Mumford

Department: Public Works

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 near Aronson Avenue. To complete these tasks, it is necessary to purchase easements from the Morningside Homeowners Association (MHOA) within their common area along Alkali Creek Road. MHOA has agreed to the Easement Agreement as attached.

ALTERNATIVES ANALYZED

The Council may:

- Approve the easement with Morningside Homeowner’s Association; or,
- Not approve the easement with Morningside Homeowner’s Association.

FINANCIAL IMPACT

An appraisal of the needed "Real Property" was performed and established the fair and marketable value of the land as \$121,410.00. By City Ordinance, we are allowed to offer up to 5% above this value. Therefore, the City will pay MHOA \$127,480.50 for the required easements. Also, the Easement Agreement guarantees that the costs incurred by MHOA for their improvements (curb & gutter, sidewalk/path, pavement widening, etc.) will not exceed \$75,000, excluding any bond costs or administrative fees associated with financing the improvements. The estimate for that work is under \$75,000 so there is no real financial impact associated with that condition.

RECOMMENDATION

Staff recommends that Council approve and authorize the Mayor to execute the Easement Agreement with Morningside Homeowner's Association.

APPROVED BY CITY ADMINISTRATOR

Attachments

Link: [Easement](#)

**ALKALI CREEK DIVERSION AND
ALKALI CREEK ROAD RECONSTRUCTION EASEMENT
FROM MORNINGSIDE HOMEOWNERS ASSOCIATION
TO THE CITY OF BILLINGS**

The Morningside Homeowners Association, (the "Grantors"), through its directors authorized by the Bylaws of the Association to grant easements, permits and licenses on behalf of all owners for any purpose necessary for the proper execution and operation of the Alkali Creek Diversion and Alkali Creek Road Reconstruction Project, for and in consideration of \$10.00 and other valuable consideration, the receipt of which is acknowledged, and the further consideration of the performance of the covenants and agreements by the Grantee, as set out and expressed below, do grant, remise, and relinquish to The City of Billings, Montana of P.O. Box 1178, Billings, Montana 59103, its successors and assigns (the "Grantee"), the right, privilege, and easement to use and occupy, during the diversion of the channel of Alkali Creek away from Alkali Creek Road and the reconstruction of Alkali Creek Road so that the maintenance of the roadway and the roadway itself will not continue to be compromised, undermined or destroyed by further erosion caused by the flows in the channel of Alkali Creek against the roadbed of Alkali Creek Road as it has been so compromised, undermined and destroyed in the past by erosion from creek waters from Alkali Creek, for the accommodation of construction equipment, materials, and excavated earth, and to construct, reconstruct, and maintain the road and the stream channel, adjacent slopes, and immediate surrounding areas over and across the following described real property:

Parcel 1 – East of Morningside Lane

A tract of land for a perpetual ingress and egress easement to divert the course of and 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 divert the course of and 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°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, 147.30 feet to the POINT OF BEGINNING; thence continuing along said north line, South 67°49'47" West, 26.99 feet; thence departing said north line, North 06°11'42" East, 21.72 feet; thence North 26°46'12" East, 28.11 feet; thence North 24°50'27" East, 28.65 feet; thence North 11°31'19" East, 34.08 feet; thence North 13°33'47" West, 22.97 feet; thence North 18°49'26" West, 10.06 feet; thence North 51°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°50'40", an arc distance of 38.34 feet; thence South 18°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°53'08" West, 39.55 feet; thence departing said northerly line of Parcel 2, North 78°34'18" East, 22.02 feet; thence North 18°25'30" East, 152.83 feet; thence South 80°31'40" East, 19.31 feet; thence South 56°29'26" East, 41.33 feet; thence South 51°37'55" East, 27.03 feet; thence South 29°48'40" East, 28.24 feet; thence South 07°13'40" East, 25.79 feet; thence South 07°41'53" West, 24.87 feet; thence South 23°53'50" West, 73.70 feet; thence South 00°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.

As a further consideration of this grant, the Grantee agrees as follows:

**SECTION ONE.
RESTORING THE CONDITION OF THE PROPERTY**

Immediately following the construction referred to above, the Grantee will cause to be removed from the above-described property, all debris, surplus material, and construction equipment and leave such property in a neat and presentable condition. Surplus excavated earth will be employed in the construction and/or landscaping pursuant to the City's work plan for the project or hauled away.

**SECTION TWO.
RESTORATION OF IMPROVEMENTS**

If fences, driveways, or permanent buildings of the grantors are removed or damaged by the grantee's agents during the construction referred to above, the grantee will cause such improvements on the above-described property to be repaired and restored to a condition fully equal to that existing before construction operations were commenced.

**SECTION THREE.
ASSURANCES OF MAXIMUM ASSESSMENTS
FOR CONTRIBUTION OF IMPROVEMENTS BY GRANTOR**

Grantor's individual member's predecessors in interest and Grantee are parties to an Annexation Agreement dated December 22, 1997 wherein Grantor's individual member's predecessors in interest agreed for themselves and their successors in interest, that at the time of redevelopment of Alkali Creek Road, Grantor's individual members would directly participate in the curb, gutter, pavement widening and sidewalk costs along the frontage of Certificate of Survey 2055 (the "SID"). To guarantee their participation in the SID, Grantor's individual member's predecessors in interest executed a Waiver of Rights to Protest the creation of the SID.

This is the time of redevelopment of Alkali Creek Road, which is to occur concurrently with the diversion and realignment of the channel of Alkali Creek referred to above. The Grantee does hereby covenant and agree that the combined liability of the Grantor's individual members for the SID will not exceed the sum of SEVENTY-FIVE THOUSAND AND NO/100s (\$75,000.00), exclusive of bond costs and administrative fees associated with the SID.

**SECTION FOUR.
PAYMENT FOR THE EASEMENT**

Grantee further covenants and agrees to pay to the Trust Fund of Felt, Martin, Frazier & Weldon, P.C., in trust for the Morningside Homeowners' Association and its members, the sum of ONE HUNDRED TWENTY SEVEN THOUSAND FOUR HUNDRED EIGHTY AND 50/100s (\$127,480.50) as full and final payment for the previously described temporary construction access and perpetual operation and maintenance easements on the premises as described above. The distribution of that sum among the members of the Homeowners' Association shall be determined by them.

**SECTION FIVE.
LANDSCAPING MAINTENANCE AND GUARANTEE OF PLANTS**

The intent of the landscaping design being used by Grantee for this area, in keeping with Grantor's original intentions as further expressed in the Annexation Agreement, is to return the area as nearly as possible to a native state after the construction project is completed. The parties agree that native areas do not require routine maintenance. On-going maintenance after re-establishment of the vegetation is not anticipated to be needed. To the extent that such efforts are needed as the vegetation is being re-established, Grantee shall perform any required landscaping maintenance work on the easement

and the Morningside Homeowners Association shall cooperate in making water available to the easement in the event that such an occasion arises. Grantee guarantees the landscaping plants used for the easement for a period of three years from the date of this agreement; to-wit: Grantee will replace any plant that dies within three years from the completion of the work.

**SECTION SIX.
TERMINATION OF EASEMENTS**

The construction access easement is temporary and shall terminate on the completion of the work on Grantee's Alkali Creek Diversion and Alkali Creek Road Reconstruction Project. The ingress and egress easements shall terminate at such time and under such terms and conditions as the U.S. Army Corps of Engineers deems acceptable. The City will cooperate in any efforts to obtain Corps approval of termination of the ingress and egress easements.

**SECTION SEVEN.
BINDING EFFECT**

This instrument, and the covenants and agreements contained in this instrument shall inure to the benefit of and be binding and obligatory on the heirs, executors, administrators, successors, and assigns of the respective parties.

Each party to this instrument has caused it to be executed at Billings, Montana on the date indicated below.

Done and dated this ____ day of February, 2010.

GRANTOR:

MORNINGSIDE HOMEOWNERS ASSOCIATION

_____ (Signature)

_____ (Printed name)

Director

MORNINGSIDE HOMEOWNERS ASSOCIATION

_____ (Signature)

_____ (Printed name)

Director

Date: 02/22/2010

TITLE: \$2500 Donation from Sam's Club Foundation for School Resource Officer Training

PRESENTED BY: Rich St. John

Department: Police

Information

PROBLEM/ISSUE STATEMENT

The Police Department received a \$2,500 donation from the Sam's Club Foundation to help fund the cost of our School Resource Officer (SRO) training. Our SRO's have attended several training opportunities with the assistance of funding such as this. The Donor Verification Form is completed and on file at the City Clerk's Office.

ALTERNATIVES ANALYZED

The City Council may:

- Approve \$2,500 donation from Sam's Club Foundation; or
- Not approve the \$2,500 donation from Sam's Club Foundation.

FINANCIAL IMPACT

The donation from the Sam's Club Foundation will allow the SRO's to attend training that may not be funded through the regular city budget.

RECOMMENDATION

City Council is being asked to approve acceptance of the \$2,500 donation from the Sam's Club Foundation for the School Resource Officer's Training.

APPROVED BY CITY ADMINISTRATOR

Date: 02/22/2010

TITLE: Submittal and Acceptance of Grant Application to the Montana Department of Transportation (MDT) for Paratransit Operating Assistance

PRESENTED BY: Tom Binford

Department: Aviation & Transit

Information

PROBLEM/ISSUE STATEMENT

The Aviation and Transit Department, MET Transit Division, is seeking grant assistance from the Montana Department of Transportation (MDT) Transit Section, for paratransit operations. The deadline for filing applications is March 1, 2010.

The MDT Transit Section has three grant programs, TransADE, Section 5317 New Freedom, and Section 5316 Job Access Reverse Commute (JARC). MET Transit would apply for funding from all three grant programs. The application requests State funds for paratransit operating assistance in the amount of \$315,000. MET Transit is requesting \$100,000 from TransADE, \$65,000 from 5317 New Freedom, and \$150,000 from 5316 JARC. All programs must be applied for annually and MET Transit is awarded the grants based on available funds on a year-to-year basis. The State recognizes the rising costs of transporting elderly and disabled citizens, and the significant impact this has on operating budgets. The intent of this funding is to encourage all agencies to provide coordinated transit service to elderly and disabled citizens. In addition, this funding will help supplement operating expenses for paratransit service provided to newly annexed areas of the City, and to serve low income disabled citizens of Billings. The documentation for these items is available for viewing at the office of the City Clerk, and it is anticipated that the outcome from this grant request will be known by the month of May 2010.

ALTERNATIVES ANALYZED

The Council may:

- Approve the filing of the grant application in the amount of \$100,000 from TransADE, \$65,000 from 5317 New Freedom, and \$150,000 from 5316 JARC, for a total amount of \$315,000 for paratransit operating assistance; or
- Not approve the filing of the grant application in the amount of \$100,000 from TransADE, \$65,000 from 5317 New Freedom, and \$150,000 from 5316 JARC, for a total amount of \$315,000 for paratransit operating assistance.

FINANCIAL IMPACT

These grants, if awarded to MET, would provide varying levels of reimbursement for Paratransit expenses incurred. Under the TransADE grant, MET can be reimbursed on a quarterly basis for \$.5411 for every dollar spent on Operating costs (driver wages and fuel), \$.70 for every Administrative dollar spent, and \$.80 for every dollar spent on Maintenance. Under the JARC and New Freedom grants, MET can receive \$.50 for every dollar spent on these same expenses up to the limit of the grants. Because MET's expenditure budget is significantly larger than the grants, the drawdown against these grants is completed fairly early in the budget year. The local match for these grants would be the offsetting percentage of the incurred, budgeted O&M expenditures that could not be drawn down, which is commonly called a soft match.

RECOMMENDATION

Staff recommends that City Council approve the submittal of this grant application and the subsequent execution by the Mayor of the grant agreement(s) with the MDT upon receipt of the grant offer(s).

APPROVED BY CITY ADMINISTRATOR



Date: 02/22/2010

TITLE: Submittal of Application and Acceptance of 2010 Internet Crimes Against Children (ICAC) Continuation Grant in the amount of \$220,782

PRESENTED BY: Rich St. John

Department: Police

Information

PROBLEM/ISSUE STATEMENT

The City has just been notified that we have been awarded an Internet Crimes Against Children (ICAC) operational continuation grant for 2010 in the amount of \$220,782. This grant is for a twelve (12) month period (April 1, 2010, through March 31, 2011) and will provide monies for overtime for the Montana affiliate task force officers, training, equipment, supplies, and a vehicle lease for the Montana ICAC Task Force Coordinator. The application must be completed, on line, by March 22, 2010. City Council is being asked to approve the submittal of the continuation grant application and acceptance of the grant award in the amount of \$220,782, and when the award documents are received, to authorize the Mayor to sign.

ALTERNATIVES ANALYZED

The City Council may:

- Approve application submittal and finalization of 2010 ICAC Continuation Grant; or
- Do not approve application submittal and finalization of 2010 ICAC Continuation Grant.

FINANCIAL IMPACT

There will be City dollars spent, but these expenditures will be reimbursed on a quarterly drawdown basis. No City match is required.

RECOMMENDATION

Staff recommends that City Council approve the submittal of the 2010 ICAC Continuation Grant application and acceptance of the grant award in the amount of \$220,782, and when the award documents are received, to authorize the Mayor to sign.

APPROVED BY CITY ADMINISTRATOR

Date: 02/22/2010

TITLE: Coal Impact Grant Application for 25th Street Pedestrian Bridge

PRESENTED BY: Candi Beaudry

Department: Planning & Community Services

Information

PROBLEM/ISSUE STATEMENT

The City of Billings is seeking funding for the 25th Street Pedestrian Bridge over the Montana Rail Link (MRL) tracks to connect Montana Avenue in the historic district of downtown Billings with the Minnesota Avenue Old Town Neighborhood District. This bridge will provide the connection to the bike lanes that have been striped along South 25th Street that will eventually link to the Interstate 90 Underpass and the existing trail through Coulson Park along the Yellowstone River. The City Council has previously sponsored two Coal Impact Grant applications for this project. The application has been denied twice by the Coal Board. However, City Council members, County Commissioners, and other interested community stakeholders have agreed to submit the application a third time to seek the grant award. This application deadline is March 1, 2010.

Some initial funding for this project has been secured by BikeNet through two small grants for the bridge from the Homer and Mildred Scott Foundation for \$5,000 and from U.S. Bank for \$2,500, for a total of \$7,500. The bike/pedestrian bridge project will be using an existing, restored, old Carnegie steel bridge structure that had a span across Rock Creek back in the early 1900s. The proposed pedestrian bridge is identified in the Framework Plan for Downtown Billings, is part of the Old Town Neighborhood plans, and is identified in the Heritage Trail Plan, and is included in the City's CIP. It will allow citizens and tourists the ease of accessing shops, restaurants, events, and tourist attractions on both sides of the tracks, as well as the use of a large parking lot on the south side of the tracks where large recreational vehicles can park when they access Billings from Interstate 90. Currently there are no parking lots in the downtown area for tourists with these large vehicles to park and access the amenities located in the downtown vicinity. To complete the bridge project, the City of Billings would lease land from MRL on the south side of the tracks for the parking lot at the bridge access. Funds to develop surface lots traditionally have been included in the Parking Board budget, but have not been used.

ALTERNATIVES ANALYZED

The City Council may:

- Approve this grant application to seek up to \$100,000 for the 25th Street Pedestrian Bridge; or
- Deny this grant application to seek up to \$100,000 for the 25th Street Pedestrian Bridge.

FINANCIAL IMPACT

The 25th Street Pedestrian Bridge Project is estimated to cost approximately \$600,000, with an additional \$120,000 for the construction, paving and lighting of a parking lot on the south side of the railroad tracks. Funds for the parking lot could be secured through the Parking Advisory Board with approval by the Mayor and Council. Under the project proposal, the parking lot is expected to be the only direct City costs for this project. BikeNet has already secured \$7,500 from previous grants and is willing to contribute up to \$25,000 for the bridge. The City of Billings with Board of County Commission support is requesting \$100,000 from the Coal Impact Grant Application. Additional funds are being sought through Community Transportation Enhancement Program (CTEP) funds and from private organizations.

RECOMMENDATION

Staff recommends that Council authorize the Mayor to approve the application submittal of a Coal Impact Grant for up to \$100,000 for the 25th Street Pedestrian Bridge.

APPROVED BY CITY ADMINISTRATOR

Attachments

Link: [Certification Form](#)

**THE COAL IMPACT GRANT APPLICATION FORM
SUBMITTED BY THE CITY OF BILLINGS**

CERTIFICATION

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

In accordance with Section 90-6-205, MCA, the applicant is eligible for Coal Board grants and has the statutory authority to make expenditures to provide for the particular service or facility.

Name: Tom Hanel

Title: Mayor, City of Billings

Signature:

Date:

Date: 02/22/2010

TITLE: W.O. 10-01 - 2010 Water and Sewer Replacement Projects, State Revolving Fund (SRF) Backed Loan Application

PRESENTED BY: David Mumford

Department: Public Works

Information

PROBLEM/ISSUE STATEMENT

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

The current SRF loan terms are 20 year amortization with a 3.75% interest rate. The current rate for an INTERCAP loan is 4.25% with an annual adjustment of the interest rate. The comparative current market rate for 20 year, non-collateralized revenue bonds is 5.5%. The SRF Application and Preliminary Engineering Report are both available at the City Clerk's office.

ALTERNATIVES ANALYZED

The Council may:

- Apply for SRF funding. The cost savings for the SRF loans versus INTERCAP loans is estimated to be \$400,000 over the life of the loans and the cost savings for the SRF loans versus revenue bond financing is more than \$1,260,000 over the life of the loans.
- Do not apply for the SRF loans. An INTERCAP loan would still need to be secured or revenue bonds would need to be sold for \$7,000,000 to complete this project.

FINANCIAL IMPACT

The total cost of this project is \$7,514,496 including \$530,624 of related loan costs for bond counsel, audit fees, and required loan reserves. Wastewater and water revenues will be used to fund \$514,496 of the project, and the remaining \$6,983,872 will be funded through the SRF loans. The estimated annual debt service over the next 20 years for this loans is \$502,000 and will be funded with water and wastewater revenues.

RECOMMENDATION

Staff recommends that Council authorize the Mayor to execute the application for a State Revolving Fund backed wastewater loan for \$3,500,000 and water loan in the amount of \$3,500,000.

APPROVED BY CITY ADMINISTRATOR

Attachments

Link: [Water and wastewater](#)

Link: [Water and wastewater](#)

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

(Please type or print legibly)

SECTION A - CERTIFICATION

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

Name (printed): Thomas W. Hanel

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

Signature: _____

Date: _____

SECTION B - SUMMARY INFORMATION

1. NAME OF APPLICANT(S): City of Billings
2. TYPE OF ENTITY: Municipality
3. FEDERAL TAX ID NUMBER: 81-6001237
4. TYPE OF PROJECT: Wastewater
5. SENATE AND HOUSE DISTRICTS: Senate=24,25,26,27,28; House=46,47,48,49,50,51,52,53
6. POPULATION SERVED BY PROJECT: Approximately 800 residential based on City of Billings sewer video, plus additional commercial.
7. NUMBER OF HOUSEHOLDS SERVED BY PROJECT: Approximately 224 households and several commercial properties will be served.

8. CHIEF ELECTED OFFICIAL OR AUTHORIZED REPRESENTATIVE:

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

10. PROJECT ENGINEER/ARCHITECT:

Casey Hanson, P.E.
(Name of Engineer)
Morrison-Maierle, Inc.
(Name of Firm)
315 N. 25th Street, Suite 102
(Street/PO Box)
Billings, MT 59101
(City/State/Zip)
406-237-1241 (FAX No) 406-237-1201
(Telephone) (FAX No)
chanson@m-m.net
(E Mail address)

12. LEGAL COUNSEL:

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

14. CLERK/CHIEF FINANCIAL OFFICER:

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

9. PRIMARY ENTITY CONTACT PERSON:

Randy Straus
(Name)
Staff Engineer
(Title)
2224 Montana Ave
(Street/PO Box)
Billings, MT 59101
(City/State/Zip)
406-657-8301
(Telephone) (FAX No)
strausr@ci.billings.mt.us
(E Mail address)

11. GRANT/LOAN ADMINISTRATOR:

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

13. BOND COUNSEL:

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

15. ACCOUNTANT:

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

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

Historical Information -

The purpose of the sewer main replacement projects is to implement an ongoing program of maintaining and upgrading the City of Billings'

underground sewer utilities. As sewer mains age, they begin to reach the end of their useful lives. Performance of the mains deteriorates resulting

in high maintenance costs and loss of capacity. The deficiencies of these old sewer mains are listed below.

Problem -

Sewer main deficiencies for this project include: infiltration, pipe settling, cracked and broken pipe, offset joints, inadequate slope,

root growth through joints or cracks, and offset or broken service connections.

Proposed Solution -

The proposed project would replace 2,500' of existing sewer main with 12" PVC, and 8,730' of existing sewer main with 8" PVC. Along with the

sewer main, approximately 36 manholes will also be replaced. The estimated number of service reconnected, based on video analysis

obtained by the City of Billings is 224; however the actual number that will be hooked up is not known until construction has commenced.

SECTION C - FINANCIAL INFORMATION

1. **ESTIMATED TOTAL PROJECT COST:** \$ 3,505,000

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

Source	Type of Funds	Amount	Status of Commitment	Loan Rates and Terms
SRF	Loan	\$3,500,000	Discussed	3.75%, 20 years
City of Billings	Wastewater revenues	\$5,000		

FUNDING STRATEGY NARRATIVE

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

The City of Billings will need an SRF Loan for \$3,500,000. The loan will be at 3.75% interest for 20 years. This funding is needed to complete the Wastewater Main Replacement Project.

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

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

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

No.

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

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

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

No.

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

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

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

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

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

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

3. FUNDING STRATEGY NARRATIVE

- Funding Strategy Narrative (**Complete and attach**)
(Refer to the instructions on page 16 and example on page 17. Answer each question individually.)
 - a. What are the conditions on the use of each source of funds?
 - b. When will each source of funds listed be available (month and year)?
 - c. Is there any additional information on the level of commitment for each source of funds listed?
 - d. How will funding sources be coordinated with each other?
 - e. Will interim-loan funds be required as part of the project? If yes, how will they be used and coordinated with other funding sources?
 - f. What other sources of funds from public and private sources have been considered for this project? Explain why they are not being pursued or used for this project.
 - g. If a particular source of funding is not obtained, how will the applicant proceed? Explain how the funding strategy will change if a particular source of funding is not received.
 - h. What is the level of local financial participation in the project and is that level the maximum that the applicant can reasonably provide?

4. PROJECT BUDGET FORM

- Project Budget Form (**Complete form on next page**)
(Refer to the instructions on page 17 and 18, and example on page 20)
- Project Budget Narrative (**Complete and attach**)
(Refer to the instructions on page 18 and example on pages 21 and 22)

Completed by: Jennifer Duray, CPA

For: City of Billings

Date: 01/13/10

ADMINISTRATIVE and FINANCIAL COSTS:	SOURCE: SRF Loan	SOURCE: City	SOURCE:	SOURCE:	SOURCE:	TOTAL
Personnel Costs						\$ -
Office Costs						\$ -
Professional Services						\$ -
Legal Costs						\$ -
Audit Fees		\$ 5,000				\$5,000
Travel & Training						\$ -
Loan Fees						\$ -
Loan Reserves	\$ 250,312					\$ 250,312
Interim Interest						\$ -
Bond Counsel and Related Costs	\$ 10,000					\$ 10,000
TOTAL ADMINISTRATIVE/FINANCIAL COSTS	\$ 260,312	\$ 5,000				\$ 265,312
ACTIVITY COSTS:						
Land Acquisition						\$ -
Preliminary Engineering	\$ 9,200					\$ 9,200
Engineering/Architectural Design	\$ 356,824					\$ 356,824
Construction Engineering Services	\$ 262,297					\$ 262,297
Construction	\$ 2,373,970					\$ 2,373,970
Contingency	\$ 237,397					\$ 237,397
TOTAL ACTIVITY COSTS	\$ 3,239,688					\$ 3,239,688
TOTAL PROJECT COSTS	\$ 3,500,000	\$ 5,000				\$ 3,505,000

ADMINISTRATIVE AND FINANCIAL COSTS

Audit Fees **\$5,000**

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

Loan Reserves **\$250,312**

\$250,312 has been budgeted for loan reserves. Funds for this budget item will be provided from the SRF loan.

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

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

TOTAL ADMINISTRATIVE AND FINANCIAL COSTS **\$265,312**

Administrative and financial costs represent 7.6% of the total project costs.

ACTIVITY COSTS

Preliminary Engineering **\$9,200**

\$9,200 was incurred from the preparation of the SRF application.

Engineering/Architectural Design **\$356,824**

Based on engineering cost estimates, the total cost of preparing the final design and bidding is estimated at \$356,824.

Construction Engineering Services **\$262,297**

Based on engineering cost estimates, the total cost of construction engineering, including inspecting the construction of the project, is estimated at \$262,297.

Construction **\$2,373,970**

Based on engineering cost estimates, the total cost of construction of the project is estimated at \$2,373,970.

Contingency **\$237,397**

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

TOTAL ACTIVITY COSTS **\$3,239,688**

TOTAL PROJECT COSTS **\$3,505,000**

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

Year Issued	Purpose	Type of Bond/ Security	Amount	Maturity Date (mo/yr)	Debt Holder	Coverage Requirement	Avg. Annual Payment Amount	Outstanding Balance
2005	Wastewater	Revenue	4,515,000	7-2025	DNRC	125%	402,306	3,859,000
2008	Wastewater	Revenue	7,400,000	7-2028	DNRC	125%	527,028	6,062,956
2009	Wastewater	Revenue	359,300	7-2029	DNRC	125%	21,363	359,300
2009	Wastewater	Revenue	5,387,000	7-2029	DNRC	125%	385,295	3,229,828
2010	Wastewater	Revenue	6,136,000	7-2030	DNRC	125%	440,000	6,136,000*
*Anticipated	Loan not closed yet							

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

Cash \$ 1,418,367
 (Details) (as of 6/30/09) SRF loan reserves - \$717,530; restricted for 7/1/09 loan payments - \$359,499

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

Certificates of Deposit \$ _____
 (Details) _____

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

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

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

Balance Sheet (Check if attached)

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

Income and Expense Statement (Check if attached)

SECTION D - CENSUS INFORMATION

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

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

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

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

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

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

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

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

SUBSECTION 1 – EQUIVALENT DWELLING UNIT COMPUTATION

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

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

PART A. CURRENT WATER HOOKUP SUMMARY

<u>Diameter (inches)</u>	<u>Current Total Hookups*</u>			<u>Diameter (inches)</u>	<u>Current Residential Hookups</u>		
	<u>(a) Total Number of Hookups</u>	<u>(b) EDU's per Hookup (from table)</u>	<u>Total EDU's [(a) x (b)]</u>		<u>(c) Number of Residential Hookups</u>	<u>(d) EDU's Per Hookup (from table)</u>	<u>Total Residential EDU's [(c) x (d)]</u>
<u>3/4</u>	<u>29,563</u>	<u>1.00</u>	<u>29,563</u>	<u>3/4</u>	<u>27,844</u>	<u>1.00</u>	<u>27,844</u>
<u>1</u>	<u>1,007</u>	<u>1.79</u>	<u>1,803</u>	<u>1</u>	<u>363</u>	<u>1.79</u>	<u>650</u>
<u>1.5</u>	<u>400</u>	<u>4.00</u>	<u>1,600</u>	<u>1.5</u>	<u>26</u>	<u>4.00</u>	<u>104</u>
<u>2</u>	<u>197</u>	<u>7.14</u>	<u>1,407</u>	<u>2</u>	<u>1</u>	<u>7.14</u>	<u>7</u>
<u>3</u>	<u>123</u>	<u>16.00</u>	<u>1,968</u>	<u>6</u>	<u>1</u>	<u>64.29</u>	<u>64</u>
<u>4</u>	<u>36</u>	<u>28.57</u>	<u>1,028</u>				
<u>6</u>	<u>25</u>	<u>64.29</u>	<u>1,607</u>				
<u>8</u>	<u>5</u>	<u>113.78</u>	<u>569</u>				
<u>Totals</u>	<u>31,356</u>		<u>39,545 (e)</u>		<u>28,235</u>		<u>28,669 (f)</u>

* Includes both residential and non-residential hookups

PART B. PROJECTED WATER HOOKUP SUMMARY

Diameter (inches)	Projected Total Hookups*			Diameter (inches)	Projected Residential Hookups		
	(g) Total Number of Hookups	(h) EDU's per Hookup (from table)	Total EDU's [(g) x (h)]		(i) Number of Residential Hookups	(j) EDU's Per Hookup (from table)	Total Residential EDU's [(i) x (j)]
3/4	29,650	1.00	29,650	3/4	27,914	1.00	27,914
1	1,012	1.79	1,811	1	363	1.79	650
1.5	402	4.00	1,608	1.5	26	4.00	104
2	198	7.14	1,414	2	1	7.14	7
3	123	16.00	1,968	6	1	64.29	64
4	36	28.57	1,029				
6	25	64.29	1,607				
8	5	113.78	569				
Totals	31,451		39,656 (k)		28,305 (l)		28,739 (m)

* Includes both residential and non-residential hookups

Projected average EDU's per residential hookup: $\frac{1.015 (n)}{[(m)/(l)]}$

Provide the following information if applying to the USDA RUS/RD program

Total water system flows (sales) last twelve months _____ [gallons or cubic feet (circle one) for all connections listed in (a) above]

Total residential water flows (sales) last twelve months _____ [gallons or cubic feet (circle one) for all connections listed in (c) above]

SUBSECTION 2 – PROJECTED AVERAGE MONTHLY RESIDENTIAL RATE COMPUTATION

Will debt be used to finance the project? Yes ___ No ___ If no, skip to PART E.

If yes, how will debt for the project be secured:

- A. Revenue Bond _____(complete Part A)
- B. General Obligation Bond _____(complete Part B)
- C. Rural or Special Improvement District Bond _____(complete Part C)
- D. Other (explain) _____(complete Part D)

Debt (Loan) Amount: \$ 3,500,000 Interest Rate: 3.75 % Terms: 20 years, 125% debt coverage requirement

COMPLETE THE APPLICABLE SECTIONS BELOW

PART A. REVENUE BOND SECURING DEBT OBLIGATION:

- 1. Debt election held? Yes ___ No ___ If no, when will election be held (date) n/a _____
- 2. Annual debt service for new loan, including coverage: \$ 313,750 (i)

- | | |
|--|-----------------------|
| 3. Monthly debt service for new loan, including coverage: (line i, 12) | \$ <u>26,146</u> (ii) |
| 4. Total number of <u>projected</u> EDU's after completion of project: | <u>39,656</u> (iii) |
| 5. Average (per total <u>projected</u> EDU's) monthly debt service for new loan: (line ii, line iii) | \$ <u>.66</u> (iv) |

PART B. GENERAL OBLIGATION BOND SECURING DEBT OBLIGATION:

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

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

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

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

9. Existing average monthly residential O&M costs and replacement and depreciation reserves: \$ 8.11 (v)

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

10. Projected average monthly residential user rate after completion of this project: \$ $\frac{15.23}{[(t) + (u) + (v)]}$ (w)

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

CITY OF BILLINGS, MONTANA
Proprietary Funds
Statement of Net Assets
 June 30, 2009
 (Page 1 of 2)

	Business-type Activities							Total	Internal Service Funds
	Solid Waste Fund	Airport Fund	Water Fund	Wastewater Fund	Parking Fund	Nonmajor Enterprise Funds			
Assets									
Current assets:									
Cash and cash equivalents	\$ 1,582,408	\$ 1,813,267	\$ 3,371,316	\$ 1,060,868	\$ 603,850	\$ 562,839	\$ 8,994,548	\$ 1,577,053	
Restricted cash and cash equivalents with fiscal agent	-	775,244	618,519	357,499	-	649	1,751,911	-	
Investments	5,275,989	6,075,189	11,321,622	3,557,203	2,014,540	1,466,058	29,710,601	5,286,423	
Receivables:									
Property taxes	-	-	-	-	-	85,318	85,318	-	
Accounts and unbilled usage	570,549	667,580	2,060,876	1,092,097	5,728	38,999	4,435,829	-	
Accrued interest	33,382	48,119	99,627	29,680	14,969	7,316	233,093	39,723	
Notes	-	-	-	-	-	-	-	50,000	
Due from other funds	4,389,538	-	-	-	-	-	4,389,538	-	
Receivables from other governments	-	1,023,036	744,937	395,160	-	476,871	2,640,004	-	
Inventories	-	7,548	1,133,041	-	-	659	1,141,248	232,052	
Prepaid items	-	-	6,500	6,500	-	4,873	17,873	9,000	
Total current assets	11,851,866	10,409,983	19,356,438	6,499,007	2,639,087	2,643,582	53,399,963	7,194,251	
Noncurrent assets:									
Bond issue costs, net	-	78,564	-	-	-	-	78,564	-	
Notes receivable	-	-	-	-	-	-	-	800,000	
Restricted investments with trustee	2,250,702	-	-	-	-	-	2,250,702	-	
Property and equipment::									
Land	493,448	3,076,010	1,405,918	465,545	4,075,502	1,435,291	10,951,714	1,386,329	
Buildings	188,095	23,576,114	13,927,388	13,839,626	24,020,590	4,621,998	80,173,811	9,349,144	
Improvements other than buildings	3,421,829	71,580,215	1,241,174	2,810,810	400,568	987,849	80,442,445	2,006,539	
Equipment and vehicles	9,969,850	8,445,306	14,647,442	12,562,630	701,133	8,438,164	54,764,525	3,205,753	
Infrastructure	-	-	150,721,017	118,184,776	-	-	268,905,793	-	
Construction in progress	87,054	1,840,378	9,657,997	12,738,491	12,375	3,608,138	27,944,433	-	
Less: accumulated depreciation	(6,918,920)	(66,061,890)	(71,223,151)	(57,072,572)	(11,453,918)	(7,496,225)	(220,226,676)	(4,273,464)	
Total noncurrent assets	9,492,058	42,534,697	120,377,785	103,529,306	17,756,250	11,595,215	305,285,311	12,474,301	
Total assets	21,343,924	52,944,680	139,734,223	110,028,313	20,395,337	14,238,797	358,685,274	19,668,552	

(continued)

CITY OF BILLINGS, MONTANA
Proprietary Funds
Statement of Net Assets
June 30, 2009
(Page 2 of 2)

	Business-type Activities							Total	Internal Service Funds
	Solid Waste Fund	Airport Fund	Water Fund	Wastewater Fund	Parking Fund	Nonmajor Enterprise Funds			
Liabilities									
Current liabilities:									
Accounts payable	141,901	787,562	2,344,522	1,908,736	39,352	654,542	5,876,615	290,972	
Accrued wages and benefits	158,641	148,765	173,080	128,231	26,636	169,730	805,083	132,483	
Compensate absences	288,774	332,413	404,082	276,777	24,351	241,860	1,568,257	292,082	
Accrued interest payable	-	-	283,519	142,499	254,811	-	680,829	90,202	
Incurred but not reported health benefits	-	-	-	-	-	-	-	700,000	
Notes payable	-	-	676,000	399,000	189,622	-	1,264,622	264,809	
Due to other funds	-	-	-	-	-	-	-	-	
Accrued interest payable from restricted assets	-	260,244	-	-	-	-	260,244	-	
Revenue bonds payable from restricted assets	-	515,000	-	-	-	-	515,000	-	
Total current liabilities	589,316	2,043,984	3,881,203	2,855,243	534,772	1,066,132	10,970,650	1,770,548	
Noncurrent liabilities:									
Compensated absences	227,957	262,405	318,980	218,486	19,223	190,923	1,237,974	230,566	
Other post employment benefits	108,862	95,880	112,779	71,337	25,336	100,670	514,864	86,251	
Revenue bonds payable	-	8,120,000	-	-	-	-	8,120,000	-	
Deferred loss on bond refunding	-	(225,673)	-	-	-	-	(225,673)	-	
Notes payable	-	-	14,445,000	8,772,773	5,390,176	-	28,607,949	4,999,915	
Landfill closure and postclosure-payable from restricted assets	2,250,702	-	-	-	-	-	2,250,702	-	
Landfill closure and postclosure	356,451	-	-	-	-	-	356,451	-	
Total noncurrent liabilities	2,943,972	8,252,612	14,876,759	9,062,596	5,434,735	291,593	40,862,267	5,316,732	
Total liabilities	3,533,288	10,296,596	18,757,962	11,917,839	5,969,507	1,357,725	51,832,917	7,087,280	
Net assets									
Invested in capital assets, net of related debt	7,241,356	34,046,806	105,256,785	94,357,533	12,176,452	11,595,215	264,674,147	6,409,580	
Restricted for:									
Bond and notes payable ordinance reserve	-	2,317,183	1,237,994	717,530	-	-	4,272,707	-	
Unrestricted	10,569,280	6,284,095	14,481,482	3,035,411	2,249,378	1,285,857	37,905,503	6,171,692	
Total net assets	\$17,810,636	\$42,648,084	\$ 120,976,261	\$98,110,474	\$14,425,830	\$12,881,072	306,852,357	\$12,581,272	

Some amount reported for business-type activities in the statement of net assets are different because certain Internal fund net assets and liabilities are included with business-type activities is reported with business-type activities.

Net assets of business-type activities 4,427,772

The notes to the financial statement are an integral part of this statement

CITY OF BILLINGS, MONTANA
Proprietary Funds
Statement of Revenues, Expenses, and Changes in Net Assets
For The Fiscal Year Ended June 30, 2009

Business-type Activities

	Solid Waste Fund	Airport Fund	Water Fund	Wastewater Fund	Parking Fund	Nonmajor Enterprise Funds	Totals	Internal Service Funds
Operating revenues:								
Charges for services and use of facilities	\$ 8,169,101	\$ 7,986,909	\$ 19,457,931	\$ 11,479,389	\$ 1,859,732	\$ 1,058,956	\$ 50,012,018	\$ 16,806,845
Operating expenses:								
Salaries and benefits	3,617,268	3,732,876	4,078,875	2,683,107	607,691	3,355,965	18,075,782	11,768,342
Supplies	1,621,922	765,355	2,091,097	1,025,946	375,506	728,622	6,608,448	309,779
Contracted services	1,112,348	1,066,793	1,434,223	916,880	361,314	318,331	5,209,889	1,749,378
Utilities	56,620	756,686	1,714,745	891,170	138,958	123,249	3,681,428	503,948
Other	1,121,943	178,001	1,088,063	583,342	62,347	215,578	3,249,274	2,230,707
Depreciation	1,236,352	4,375,459	4,676,032	3,131,677	842,902	987,643	15,250,065	442,455
Landfill closure and post-closure	187,845	-	-	-	-	-	187,845	-
Total operating expenses	8,954,298	10,875,170	15,083,035	9,232,122	2,388,718	5,729,388	52,262,731	17,004,609
Operating income (loss)	(785,197)	(2,888,261)	4,374,896	2,247,267	(528,986)	(4,670,432)	(2,250,713)	(197,764)
Nonoperating revenue (expenses):								
Taxes	-	-	-	-	-	1,744,254	1,744,254	-
Intergovernmental	-	425,427	37,980	4,460	-	2,125,077	2,592,944	-
Interest expense	-	(558,838)	(573,206)	(149,588)	(307,415)	-	(1,589,047)	(276,907)
Interest and investment income	399,763	186,033	448,115	150,424	62,402	35,800	1,282,537	168,314
Passenger Facilities Charges	-	1,030,321	-	-	-	-	1,030,321	-
Gain (loss) on sale of capital assets	14,996	(138,122)	26,617	-	2,373	(3,932)	(98,068)	1,844
Other	-	188,850	328,945	(1,341)	-	(7,578)	508,876	(22,015)
Total nonoperating revenue (expense)	414,759	1,133,671	268,451	3,955	(242,640)	3,893,621	5,471,817	(128,764)
Income (loss) before capital contributions and transfers	(370,438)	(1,754,590)	4,643,347	2,251,222	(771,626)	(776,811)	3,221,104	(326,528)
Capital contributions	-	2,613,162	551,265	1,249,020	-	2,416,028	6,829,475	5,510
Transfers in	-	-	-	-	-	-	-	532,055
Transfers out	-	-	-	-	(233,308)	(20,000)	(253,308)	(95,769)
Change in net assets	(370,438)	858,572	5,194,612	3,500,242	(1,004,934)	1,619,217	9,797,271	115,268
Net assets, beginning of year	18,181,074	41,789,512	115,781,649	94,610,232	15,430,764	11,261,855	91,264	12,466,004
Net assets, end of year	\$ 17,810,636	\$ 42,648,084	\$ 120,976,261	\$ 98,110,474	\$ 14,425,830	\$ 12,881,072	\$ 9,888,535	\$ 12,581,272

Some amount reported for business-type activities in the statement of activities are different because the net revenue (expense) of certain internal funds is reported with business-type activities.

Change in net assets of business-type activities

The notes to the financial statement are an integral part of this statement

CITY OF BILLINGS, MONTANA
 Proprietary Funds
 Statement of Cash Flows
 For The Fiscal Year Ended June 30, 2009
 (Page 1 of 2)

	Solid Waste Fund	Airport Fund	Water Fund	Wastewater Fund	Parking Fund	Nonmajor Enterprise Funds	Total	Internal Service Funds
Cash flows from operating activities:								
Cash received from customers and users	\$ 8,806,407	\$ 7,410,900	\$ 18,497,785	\$ 10,997,416	\$ 1,854,004	\$ 733,005	\$ 48,299,517	\$ 485,951
Cash received from interfund services provided	-	-	-	-	-	-	-	16,320,893
Cash received from other sources	-	188,850	355,562	-	2,373	2,422	549,207	86,844
Cash paid to employees for services	(3,483,347)	(3,573,627)	(3,963,005)	(2,627,401)	(574,593)	(3,249,005)	(17,470,978)	(11,633,368)
Cash paid to suppliers and contracted services	(4,317,498)	(2,790,304)	(5,042,879)	(2,347,407)	(935,309)	(782,279)	(16,215,676)	(5,175,768)
Cash paid to other sources	-	-	-	(1,341)	-	(10,000)	(11,341)	(108,859)
Net cash provided (used) by operating activities	1,005,562	1,235,819	9,847,463	6,021,267	346,475	(3,305,857)	15,150,729	(24,307)
Cash flows from noncapital financing activities:								
Cash received from tax revenues	-	-	-	-	-	1,752,991	1,752,991	-
Cash received from intergovernmental revenues	-	425,427	37,980	4,460	-	2,125,077	2,592,944	-
Transfers to other funds	-	-	-	-	(233,308)	(20,000)	(253,308)	(95,769)
Loans repaid to other funds	-	-	-	-	-	-	-	(16,084)
Net cash provided (used) by noncapital financing activities	-	425,427	37,980	4,460	(233,308)	3,858,068	4,092,627	(11,853)
Cash flows from capital and related financing activities:								
Capital contributions	-	2,613,162	551,265	1,249,020	-	2,416,028	6,829,475	-
Acquisition and construction of capital assets	(2,921,993)	(3,815,411)	(9,076,209)	(11,860,152)	(12,375)	(3,389,604)	(31,075,744)	(155,455)
Proceeds from sales of capital assets	17,705	-	-	-	-	-	17,705	71,844
Cash paid for interest	-	(533,840)	(583,968)	(169,532)	(315,624)	-	(1,602,964)	(281,220)
Loan proceeds	-	-	-	5,351,773	-	-	5,351,773	-
Principal paid on bonds, notes and capital leases payable	-	(490,000)	(652,000)	(296,000)	(179,771)	-	(1,617,771)	(251,706)
Transfers to other funds	-	-	-	-	-	-	-	-
Transfers from other funds	-	-	-	-	-	-	-	-
Passenger facilities charges	-	1,030,321	-	-	-	-	1,030,321	532,055
Net cash provided (used) by capital and related financing activities	(2,904,288)	(1,195,768)	(9,760,912)	(5,724,891)	(507,770)	(973,576)	(21,067,205)	(84,482)
Cash flows from investing activities:								
Cash received from interest	411,786	155,976	377,486	134,220	56,282	36,067	1,171,817	144,713
Sale of investments	7,729,210	7,156,609	13,688,203	4,264,670	2,739,337	2,084,607	37,662,636	6,508,965
Purchase of investments	(7,601,422)	(8,438,845)	(15,689,920)	(4,937,222)	(2,810,285)	(2,052,935)	(41,530,629)	(7,339,518)
Net cash provided (used) by investing activities	539,574	(1,126,260)	(1,624,231)	(538,332)	(14,666)	67,739	(2,696,176)	(685,840)
Net increase (decrease) in cash and cash equivalents	(1,359,152)	(660,782)	(1,499,700)	(237,496)	(409,269)	(353,626)	(4,520,025)	(906,482)
Cash and cash equivalents, beginning of year	2,941,560	3,249,293	5,489,535	1,655,863	1,013,119	917,114	15,266,484	2,483,535
Cash and cash equivalents, end of year	\$ 1,582,408	\$ 2,588,511	\$ 3,989,835	\$ 1,418,367	\$ 603,850	\$ 563,488	\$ 10,746,459	\$ 1,577,053
Cash and cash equivalents consists of:								
Cash and cash equivalents	\$ 1,582,408	\$ 1,813,267	\$ 3,371,316	\$ 1,060,868	\$ 603,850	\$ 562,839	\$ 8,994,548	\$ 1,577,053
Restricted cash and cash equivalents with fiscal agent	\$ 1,582,408	\$ 2,588,511	\$ 3,989,835	\$ 1,418,367	\$ 603,850	\$ 563,488	\$ 10,746,459	\$ 1,577,053

(continued)

**Proprietary Funds
Statement of Cash Flows
For The Fiscal Year Ended June 30, 2009
(Page 2 of 2)**

	Solid Waste Fund	Airport Fund	Water Fund	Wastewater Fund	Parking Fund	Normal/Enterprise Funds	Total	Internal Service Funds
Reconciliation of operating income to net cash provided (used) by operating activities:								
Operating income (loss)	\$ (785,197)	\$ (2,888,261)	\$ 4,374,896	\$ 2,247,267	\$ (528,986)	\$ (4,670,432)	\$ (2,250,713)	\$ (197,764)
Other nonoperating income (expense)	-	188,850	355,562	(1,341)	2,373	(7,578)	537,866	(22,015)
Adjustments to reconcile operating income (loss) to net cash provided (used) by operating activities:								
Depreciation expense	1,236,352	4,375,459	4,676,032	3,131,677	842,902	987,643	15,250,065	442,455
Landfill closure and postclosure	187,845	-	-	-	-	-	187,845	-
(Increase) decrease in receivables	(179,296)	(188,173)	(72,106)	(80,313)	(5,728)	(14,064)	(539,680)	-
(Increase) decrease in receivables from other governments & other funds	816,602	(380,288)	(744,937)	(395,160)	-	(311,873)	(1,015,656)	87,348
(Increase) decrease in inventories	-	(7,548)	(136,603)	-	-	(14)	(144,151)	(9,000)
(Increase) decrease in prepaid items	-	-	(6,500)	(6,500)	-	(14)	(13,014)	(9,000)
Increase (decrease) in accounts payable	(404,665)	(23,469)	1,285,249	1,066,931	2,816	604,323	2,534,185	(460,306)
Increase (decrease) in accrued liabilities	133,921	159,249	115,870	55,706	33,098	106,138	603,982	134,975
Net cash provided (used) by operating activities	\$ 1,005,562	\$ 1,235,819	\$ 9,847,463	\$ 6,021,267	\$ 346,475	\$ (3,305,857)	\$ 15,150,729	\$ (24,307)
Noncash investing, capital and financing activities:								
Increase (decrease) in investment market value	7,975	22,406	51,563	12,994	6,314	4,115	105,367	18,653
Contribution of capital assets	-	-	4,643,347	2,251,222	-	-	6,894,569	5,510

The notes to the financial statements are an integral part of this statement.

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

(Please type or print legibly)

SECTION A - CERTIFICATION

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

Name (printed): Thomas W. Hanel

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

Signature: _____

Date: _____

SECTION B - SUMMARY INFORMATION

1. NAME OF APPLICANT(S): City of Billings
2. TYPE OF ENTITY: Municipality
3. FEDERAL TAX ID NUMBER: 81-6001237
4. TYPE OF PROJECT: water
5. SENATE AND HOUSE DISTRICTS: Senate=24,25,26,27,28; House=46,47,48,49,50,51,52,53
6. POPULATION SERVED BY PROJECT: Approximately 440 residential, plus additional commercial.
7. NUMBER OF HOUSEHOLDS SERVED BY PROJECT: Approximately 120 households and several commercial properties will be served.

8. CHIEF ELECTED OFFICIAL OR AUTHORIZED REPRESENTATIVE:

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

10. PROJECT ENGINEER/ARCHITECT:

Casey Hanson, P.E.
(Name of Engineer)
Morrison-Maierle, Inc.
(Name of Firm)
315 N. 25th Street, Suite 102
(Street/PO Box)
Billings, MT 59101
(City/State/Zip)
406-237-1241 (FAX No) 406-237-1201
(Telephone) (FAX No)
chanson@m-m.net
(E Mail address)

12. LEGAL COUNSEL:

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

14. CLERK/CHIEF FINANCIAL OFFICER:

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

9. PRIMARY ENTITY CONTACT PERSON:

Randy Straus
(Name)
Staff Engineer
(Title)
2224 Montana Ave
(Street/PO Box)
Billings, MT 59101
(City/State/Zip)
406-657-8301
(Telephone) (FAX No)
strausr@ci.billings.mt.us
(E Mail address)

11. GRANT/LOAN ADMINISTRATOR:

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

13. BOND COUNSEL:

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

15. ACCOUNTANT:

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

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

Historical Information -

The purpose of the water main replacement projects is to implement an ongoing program of maintaining and upgrading the City of Billings' underground water utilities. As water mains age, they begin to reach the end of their useful lives. Performance of the mains deteriorates resulting in high maintenance costs. Old water mains contribute to a degradation in water quality and water loss. The deficiencies of these old water mains are listed below.

Problem -

Water main deficiencies for this project include: aging material, leaking pipe, and bad valves.

Proposed Solution -

The proposed project would replace 2,600' of existing water main with 16" PVC, 3,840' of existing water main with 12" PVC, and 5,000' of existing water main with 8" PVC. Along with the water main, approximately 30 water valves will also be replaced. The estimated number of residential services reconnected is 120, this number is in addition to the multiple commercial services that will need to be reconnected.

SECTION C - FINANCIAL INFORMATION

1. **ESTIMATED TOTAL PROJECT COST:** \$ 4,009,496

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

Source	Type of Funds	Amount	Status of Commitment	Loan Rates and Terms
SRF	Loan	\$3,500,000	Discussed	3.75%, 20 years
City of Billings	Water revenues	\$509,496		

3. FUNDING STRATEGY NARRATIVE

- Funding Strategy Narrative (**Complete and attach**)
(Refer to the instructions on page 16 and example on page 17. Answer each question individually.)
 - a. What are the conditions on the use of each source of funds?
 - b. When will each source of funds listed be available (month and year)?
 - c. Is there any additional information on the level of commitment for each source of funds listed?
 - d. How will funding sources be coordinated with each other?
 - e. Will interim-loan funds be required as part of the project? If yes, how will they be used and coordinated with other funding sources?
 - f. What other sources of funds from public and private sources have been considered for this project? Explain why they are not being pursued or used for this project.
 - g. If a particular source of funding is not obtained, how will the applicant proceed? Explain how the funding strategy will change if a particular source of funding is not received.
 - h. What is the level of local financial participation in the project and is that level the maximum that the applicant can reasonably provide?

4. PROJECT BUDGET FORM

- Project Budget Form (**Complete form on next page**)
(Refer to the instructions on page 17 and 18, and example on page 20)
- Project Budget Narrative (**Complete and attach**)
(Refer to the instructions on page 18 and example on pages 21 and 22)

FUNDING STRATEGY NARRATIVE

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

The City of Billings will need an SRF Loan for \$3,500,000. The loan will be at 3.75% interest for 20 years. This funding is needed to complete the water Main Replacement Project.

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

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

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

No.

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

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

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

No.

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

The City of Billings will use cash revenues to pay for the required loan reserves, related audit fees; and most of the construction contingency. However, the City does not have enough cash reserves to fund the entire project.

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

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

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

The City of Billings will use wastewater revenues of \$509,496 to fund the project. This is the maximum amount of funding the City can provide without cancelling other locally funded projects.

Completed by: Jennifer Duray, CPA

For: City of Billings

Date: 02/02/10

ADMINISTRATIVE and FINANCIAL COSTS:	SOURCE: SRF Loan	SOURCE: City	SOURCE:	SOURCE:	SOURCE:	SOURCE:	TOTAL
Personnel Costs							\$ -
Office Costs							\$ -
Professional Services							\$ -
Legal Costs							\$ -
Audit Fees		\$ 5,000					\$5,000
Travel & Training							\$ -
Loan Fees							\$ -
Loan Reserves		\$ 250,312					\$ 250,312
Interim Interest							\$ -
Bond Counsel and Related Costs	\$ 10,000						\$ 10,000
TOTAL ADMINISTRATIVE/FINANCIAL COSTS	\$ 10,000	\$ 255,312					\$ 265,312
ACTIVITY COSTS:							
Land Acquisition							\$ -
Preliminary Engineering	\$ 9,200						\$ 9,200
Engineering/Architectural Design	\$ 356,699						\$ 356,699
Construction Engineering Services	\$ 262,205						\$ 262,205
Construction	\$ 2,832,800						\$ 2,832,800
Contingency	\$ 29,096	\$ 254,184					\$ 283,280
TOTAL ACTIVITY COSTS	\$ 3,490,000						\$ 3,744,184
TOTAL PROJECT COSTS	\$ 3,500,000	\$ 509,496					\$ 4,009,496

ADMINISTRATIVE AND FINANCIAL COSTS

Audit Fees	\$5,000
<p>\$5,000 of wastewater revenues is budgeted to meet the portion of the organizational audit that can be attributed to the project in accordance with the Single Audit Act.</p>	
Loan Reserves	\$250,312
<p>\$250,312 has been budgeted for loan reserves. Funds for this budget item will be provided from the SRF loan.</p>	
Bond Counsel and Related Costs	\$10,000
<p>\$10,000 has been budgeted for the City's bond counsel costs.</p>	
TOTAL ADMINISTRATIVE AND FINANCIAL COSTS	\$265,312
<p>Administrative and financial costs represent 6.8% of the total project costs.</p>	

ACTIVITY COSTS

Preliminary Engineering	\$9,200
<p>\$9,200 was incurred from the preparation of the SRF application.</p>	
Engineering/Architectural Design	\$356,699
<p>Based on engineering cost estimates, the total cost of preparing the final design and bidding is estimated at \$356,699.</p>	
Construction Engineering Services	\$262,205
<p>Based on engineering cost estimates, the total cost of construction engineering, including inspecting the construction of the project, is estimated at \$262,205.</p>	
Construction	\$2,832,800
<p>Based on engineering cost estimates, the total cost of construction of the project is estimated at \$2,832,800.</p>	
Contingency	\$283,280
<p>Contingency funds are 10% of the construction costs because the project could encounter unknowns during construction. These unknowns usually cannot be predicted and are discovered once construction has commenced. \$254,184 of the contingency will be funded from the water revenues and the remaining \$29,096 will be funded by the SRF Loan.</p>	
TOTAL ACTIVITY COSTS	\$3,744,184
TOTAL PROJECT COSTS	\$4,009,496

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

Year Issued	Purpose	Type of Bond/ Security	Amount	Maturity Date (mo/yr)	Debt Holder	Coverage Requirement	Avg. Annual Payment Amount	Outstanding Balance
2005	Water	Revenue	17,300,000	7-2025	DNRC	125%	1,221,933	14,445,000
2009	Water	Revenue	2,750,000	7-2028	DNRC	125%	195,307	2,703,000
2009	Water	Revenue	333,700	7-2029	DNRC	125%	19,807	327,000
2009	Water	Revenue	416,300		DNRC			Loan forgiven
2010	Water	Revenue	7,412,000	7-2030	DNRC	125%	526,392	1,297,904

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

Cash \$ 3,989,835
 (Details) (as of 6/30/09) SRF loan reserves - \$1,237,994; \$618,519 restricted for 7/1/09 loan payments

Investments \$ 11,321,622
 (Details) _____

Certificates of Deposit \$ _____
 (Details) _____

Accounts Receivable \$ 2,805,813
 (Details) _____

Any other current assets not specifically indicated above \$ 99,627
 (Details) _____

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

Balance Sheet (Check if attached)

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

Income and Expense Statement (Check if attached)

SECTION D - CENSUS INFORMATION

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

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

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

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

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

	<u>Current</u>	<u>Projected</u>
1. Total System Annual Revenue	\$ <u>15,703,649</u>	\$ <u>15,910,512</u>
2. Total System Annual Operation and Maintenance Costs	\$ <u>10,407,003</u>	\$ <u>10,874,360</u>
3. Total System Equivalent Dwelling Units* ☛(e) for current and (k) for projected	<u>36,513</u>	<u>37,325</u>
4. Total Residential Equivalent Dwelling Units* ☛(f) for current and (m) for projected	<u>25,675</u>	<u>25,742</u>
5. Annual Revenue from Residential Hookups	\$ <u>9,015,591</u>	<u>10,000,000</u>
6. Percent of Total Annual Revenue from Residential Hookups	<u>57%</u>	
7. Average Monthly Residential Rate	\$ <u>29.56</u>	\$ <u>32.37</u>
	<input type="checkbox"/> Check box if this is a flat rate.	<u>Projected Average Monthly Residential Rate ☛ (w) or (x)</u>
8. <u>Other System</u> Average Monthly Residential Rate	\$ <u>14.56</u>	\$ <u>14.93</u>

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

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

SUBSECTION 1 – EQUIVALENT DWELLING UNIT COMPUTATION

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

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

PART A. CURRENT WATER HOOKUP SUMMARY

<u>Diameter (inches)</u>	<u>Current Total Hookups*</u>			<u>Diameter (inches)</u>	<u>Current Residential Hookups</u>		
	<u>(a) Total Number of Hookups</u>	<u>(b) EDU's per Hookup (from table)</u>	<u>Total EDU's [(a) x (b)]</u>		<u>(c) Number of Residential Hookups</u>	<u>(d) EDU's Per Hookup (from table)</u>	<u>Total Residential EDU's [(c) x (d)]</u>
3/4	26,522	1.00	26,522	1	24,871	1.00	24,871
1	920	1.79	1,647	1	356	1.79	637
1.5	379	4.00	1,516	1.5	24	4.00	96
2	181	7.14	1,292	2	1	7.14	7
3	119	16.00	1,904	6	1	64.29	64
4	34	28.57	971				
6	27	64.29	1,736				
8	5	113.78	569				
10	2	177.78	356				
Totals	28,189		36,513 (e)		25,253		25,675 (f)

* Includes both residential and non-residential hookups

PART B. PROJECTED WATER HOOKUP SUMMARY

Diameter (inches)	Projected Total Hookups*			Projected Residential Hookups			
	(g) Total Number of Hookups	(h) EDU's per Hookup (from table)	Total EDU's [(g) x (h)]	Diameter (inches)	(i) Number of Residential Hookups	(j) EDU's Per Hookup (from table)	Total Residential EDU's [(i) x (j)]
3/4	26,600	1.00	26,600	3/4	24,900	1.00	24,900
1	1,050	1.79	1,880	1	377	1.79	675
1.5	438	4.00	1,752	1.5	24	4.00	96
2	218	7.14	1,557	2	1	7.14	7
3	119	16.00	1,904	6	1	64.29	64
4	34	28.57	971				
6	27	64.29	1,736				
8	5	113.78	569				
10	2	177.78	356				
Totals	28,493		37,325 (k)		25,303 (l)		25,742 (m)

* Includes both residential and non-residential hookups

Projected average EDU's per residential hookup: $\frac{1.017 (n)}{[(m)/(l)]}$

Provide the following information if applying to the USDA RUS/RD program

Total water system flows (sales) last twelve months _____ [gallons or cubic feet (circle one) for all connections listed in (a) above]

Total residential water flows (sales) last twelve months _____ [gallons or cubic feet (circle one) for all connections listed in (c) above]

SUBSECTION 2 – PROJECTED AVERAGE MONTHLY RESIDENTIAL RATE COMPUTATION

Will debt be used to finance the project? Yes ___ No x If no, skip to PART E.

If yes, how will debt for the project be secured:

- A. Revenue Bond x (complete Part A)
- B. General Obligation Bond _____ (complete Part B)
- C. Rural or Special Improvement District Bond _____ (complete Part C)
- D. Other (explain) _____ (complete Part D)

Debt (Loan) Amount: \$ 3,500,900 Interest Rate: 3.75 % Terms: 20 years, 125% debt coverage requirement

COMPLETE THE APPLICABLE SECTIONS BELOW

PART A. REVENUE BOND SECURING DEBT OBLIGATION:

1. Debt election held? Yes ___ No x If no, when will election be held (date) n/a
2. Annual debt service for new loan, including coverage: \$ 312,900 (i)

- | | |
|--|-----------------------|
| 3. Monthly debt service for new loan, including coverage: (line i, 12) | \$ <u>26,075</u> (ii) |
| 4. Total number of <u>projected</u> EDU's after completion of project: | <u>37,325</u> (iii) |
| 5. Average (per total <u>projected</u> EDU's) monthly debt service for new loan: (line ii, line iii) | \$ <u>.70</u> (iv) |

PART B. GENERAL OBLIGATION BOND SECURING DEBT OBLIGATION:

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

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

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

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

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

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

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

1. Explain how debt will be secured: _____

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

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

1. Estimated increase in average monthly debt service (per projected EDU, monthly assessment per property for General Obligation Bond or SID, or per customer for solid waste projects) as the result of this project. Enter \$0 if no increase is projected: $\frac{\$.70}{\text{[From Part A, B, C, or D]}}$ (o)
2. Estimated increase or decrease in total monthly operation and maintenance (O&M) costs (including depreciation and replacement reserves) as the result of this project: $\$0$ (p)
3. List and explain estimated increases or decreases in O&M costs, including depreciation and replacement reserves (Provide a reasonably detailed explanation regarding the reason for the increase or decrease):

4. Estimated increase or decrease in monthly O&M costs (including depreciation and replacement reserves) (per projected EDU, monthly assessment per property for General Obligation Bond or SID, or per customer for solid waste projects) as the result of this project: $\frac{\$0}{\text{[(p) / (k)]}}$ (q)
5. Estimated increase or decrease in total monthly costs (per projected EDU, monthly assessment per property for General Obligation Bond or SID, or per customer for solid waste projects) as the result of this project: $\frac{\$.70}{\text{[(o) + (q)]}}$ (r)
6. Projected average EDU's per residential hookup: $\frac{\$1.017}{\text{[(n)]}}$ (s)
7. Estimated increase or decrease in total monthly costs per average residential hookup/customer as the result of this project: $\frac{\$1.75}{\text{[(r) x (s)]}}$ (t)
8. Existing average monthly residential debt service, including coverage and bond reserve (subtract any existing debt service if the loan will expire before the completion of the project): $\$7.97$ (u)

9. Existing average monthly residential O&M costs and replacement and depreciation reserves: \$ 21.29 (v)

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

10. Projected average monthly residential user rate after completion of this project: $\frac{\$ 31.01}{[(t) + (u) + (v)]}$ (w)

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

Proprietary Funds

Statement of Net Assets

June 30, 2009

(Page 1 of 2)

Business-type Activities

	Business-type Activities							Total	Internal Service Funds
	Solid Waste Fund	Airport Fund	Water Fund	Wastewater Fund	Parking Fund	Nonmajor Enterprise Funds			
Assets									
Current assets:									
Cash and cash equivalents	\$ 1,582,408	\$ 1,813,267	\$ 3,371,316	\$ 1,060,868	\$ 603,850	\$ 562,839	\$ 8,994,548	\$ 1,577,053	
Restricted cash and cash equivalents with fiscal agent	-	775,244	618,519	357,499	-	649	1,751,911	-	
Investments	5,275,989	6,075,189	11,321,622	3,557,203	2,014,540	1,466,058	29,710,601	5,286,423	
Receivables:									
Property taxes	-	-	-	-	-	85,318	85,318	-	
Accounts and unbilled usage	570,549	667,580	2,060,876	1,092,097	5,728	38,999	4,435,829	-	
Accrued interest	33,382	48,119	99,627	29,680	14,969	7,316	233,093	39,723	
Notes	-	-	-	-	-	-	-	50,000	
Due from other funds	4,389,538	-	-	-	-	-	4,389,538	-	
Receivables from other governments	-	1,023,036	744,937	395,160	-	476,871	2,640,004	-	
Inventories	-	7,548	1,133,041	-	-	659	1,141,248	232,052	
Prepaid items	-	-	6,500	6,500	-	4,873	17,873	9,000	
Total current assets	11,851,866	10,409,983	19,356,438	6,499,007	2,639,087	2,643,582	53,399,963	7,194,251	
Noncurrent assets:									
Bond issue costs, net	-	78,564	-	-	-	-	78,564	-	
Notes receivable	-	-	-	-	-	-	-	800,000	
Restricted investments with trustee	2,250,702	-	-	-	-	-	2,250,702	-	
Property and equipment:									
Land	493,448	3,076,010	1,405,918	465,545	4,075,502	1,435,291	10,951,714	1,386,329	
Buildings	188,095	23,576,114	13,927,388	13,839,626	24,020,590	4,621,998	80,173,811	9,349,144	
Improvements other than buildings	3,421,829	71,580,215	1,241,174	2,810,810	400,568	987,849	80,442,445	2,006,539	
Equipment and vehicles	9,969,850	8,445,306	14,647,442	12,562,630	701,133	8,438,164	54,764,525	3,205,753	
Infrastructure	-	-	150,721,017	118,184,776	-	-	268,905,793	-	
Construction in progress	87,054	1,840,378	9,657,997	12,738,491	12,375	3,608,138	27,944,433	-	
Less: accumulated depreciation	(6,918,920)	(66,061,890)	(71,223,151)	(57,072,572)	(11,453,918)	(7,496,225)	(220,226,676)	(4,273,464)	
Total noncurrent assets	9,492,058	42,534,697	120,377,785	103,529,306	17,756,250	11,595,215	305,285,311	12,474,301	
Total assets	21,343,924	52,944,680	139,734,223	110,028,313	20,395,337	14,238,797	358,685,274	19,668,552	

(continued)

CITY OF BILLINGS, MONTANA
 Proprietary Funds
 Statement of Net Assets
 June 30, 2009
 (Page 2 of 2)

Business-type Activities

	Business-type Activities							Internal Service Funds
	Solid Waste Fund	Airport Fund	Water Fund	Wastewater Fund	Parking Fund	Nonmajor Enterprise Funds	Total	
Liabilities								
Current liabilities:								
Accounts payable	141,901	787,562	2,344,522	1,908,736	39,352	654,542	5,876,615	290,972
Accrued wages and benefits	158,641	148,765	173,080	128,231	26,636	169,730	805,083	132,483
Compensate absences	288,774	332,413	404,082	276,777	24,351	241,860	1,568,257	292,082
Accrued interest payable	-	-	283,519	142,499	254,811	-	680,829	90,202
Incurred but not reported health benefits	-	-	-	-	-	-	-	700,000
Notes payable	-	-	676,000	399,000	189,622	-	1,264,622	264,809
Due to other funds	-	-	-	-	-	-	-	-
Accrued interest payable from restricted assets	-	260,244	-	-	-	-	260,244	-
Revenue bonds payable from restricted assets	-	515,000	-	-	-	-	515,000	-
Total current liabilities	589,316	2,043,984	3,881,203	2,855,243	534,772	1,066,132	10,970,650	1,770,548
Noncurrent liabilities:								
Compensated absences	227,957	262,405	318,980	218,486	19,223	190,923	1,237,974	230,566
Other post employment benefits	108,862	95,880	112,779	71,337	25,336	100,670	514,864	86,251
Revenue bonds payable	-	8,120,000	-	-	-	-	8,120,000	-
Deferred loss on bond refunding	-	(225,673)	-	-	-	-	(225,673)	-
Notes payable	-	-	14,445,000	8,772,773	5,390,176	-	28,607,949	4,999,915
Landfill closure and postclosure-payable from restricted assets	2,250,702	-	-	-	-	-	2,250,702	-
Landfill closure and postclosure	356,451	-	-	-	-	-	356,451	-
Total noncurrent liabilities	2,943,972	8,252,612	14,876,759	9,062,596	5,434,735	291,593	40,862,267	5,316,732
Total liabilities	3,533,288	10,296,596	18,757,962	11,917,839	5,969,507	1,357,725	51,832,917	7,087,280
Net assets								
Invested in capital assets, net of related debt	7,241,356	34,046,806	105,256,785	94,357,533	12,176,452	11,595,215	264,674,147	6,409,580
Restricted for:								
Bond and notes payable ordinance reserve	-	2,317,183	1,237,994	717,530	-	-	4,272,707	-
Unrestricted	10,569,280	6,284,095	14,481,482	3,035,411	2,249,378	1,285,667	37,905,503	6,171,692
Total net assets	\$17,810,636	\$42,648,084	\$ 120,976,261	\$98,110,474	\$14,425,830	\$12,881,072	306,852,357	\$12,581,272

Some amount reported for business-type activities in the statement of net assets are different because certain internal fund net assets and liabilities are included with business-type activities is reported with business-type activities.

Net assets of business-type activities

4,427,772
 \$ 311,280,129

The notes to the financial statement are an integral part of this statement

CITY OF BILLINGS, MONTANA

Proprietary Funds

Statement of Revenues, Expenses, and Changes in Net Assets
For The Fiscal Year Ended June 30, 2009

Business-type Activities

	Solid Waste Fund	Airport Fund	Water Fund	Wastewater Fund	Parking Fund	Nonmajor Enterprise Funds	Totals	Internal Service Funds
Operating revenues:								
Charges for services and use of facilities	\$ 8,169,101	\$ 7,986,909	\$ 19,457,931	\$ 11,479,389	\$ 1,859,732	\$ 1,058,956	\$ 50,012,018	\$ 16,806,845
Operating expenses:								
Salaries and benefits	3,617,268	3,732,876	4,078,875	2,683,107	607,691	3,355,965	18,075,782	11,768,342
Supplies	1,621,922	765,355	2,091,097	1,025,946	375,506	728,622	6,608,448	309,779
Contracted services	1,112,348	1,066,793	1,434,223	916,880	361,314	318,331	5,209,889	1,749,378
Utilities	56,620	756,686	1,714,745	891,170	138,958	123,249	3,681,428	503,948
Other	1,121,943	178,001	1,088,063	583,342	62,347	215,578	3,249,274	2,230,707
Depreciation	1,236,352	4,375,459	4,676,032	3,131,677	842,902	987,643	15,250,065	442,455
Landfill closure and post-closure	187,845	-	-	-	-	-	187,845	-
Total operating expenses	8,954,298	10,875,170	15,083,035	9,232,122	2,388,718	5,729,388	52,262,731	17,004,609
Operating income (loss)	(785,197)	(2,888,261)	4,374,896	2,247,267	(528,986)	(4,670,432)	(2,250,713)	(197,764)
Nonoperating revenue (expenses):								
Fees	-	-	-	-	-	-	-	-
Intergovernmental	-	425,427	37,980	4,460	-	1,744,254	1,744,254	-
Interest expense	-	(558,838)	(573,206)	(149,588)	(307,415)	-	(1,589,047)	(276,907)
Interest and investment income	399,763	186,033	448,115	150,424	62,402	35,800	1,282,537	168,314
Passenger Facilities Charges	-	1,030,321	-	-	-	-	1,030,321	-
Gain (loss) on sale of capital assets	14,996	(138,122)	26,617	-	2,373	(3,932)	(98,068)	1,844
Other	-	188,850	328,945	(1,341)	-	(7,578)	508,876	(22,015)
Total nonoperating revenue (expense)	414,759	1,133,671	268,451	3,955	(242,640)	3,893,621	5,471,817	(128,764)
Income (loss) before capital contributions and transfers	(370,438)	(1,754,590)	4,643,347	2,251,222	(771,626)	(776,811)	3,221,104	(326,528)
Capital contributions	-	2,613,162	551,265	1,249,020	-	2,416,028	6,829,475	5,510
Transfers in	-	-	-	-	-	-	-	532,055
Transfers out	-	-	-	-	(233,308)	(20,000)	(253,308)	(95,769)
Change in net assets	(370,438)	858,572	5,194,612	3,500,242	(1,004,934)	1,619,217	9,797,271	115,268
Net assets, beginning of year	18,181,074	41,789,512	115,781,649	94,610,232	15,430,764	11,261,855	12,466,004	12,466,004
Net assets, end of year	\$ 17,810,636	\$ 42,648,084	\$ 120,976,261	\$ 98,110,474	\$ 14,425,830	\$ 12,881,072	\$ 12,581,272	\$ 12,581,272
Some amount reported for business-type activities in the statement of activities are different because the net revenue (expense) of certain internal funds is reported with business-type activities.								
								\$ 91,264
								\$ 9,888,535

Change in net assets of business-type activities

The notes to the financial statement are an integral part of this statement

CITY OF BILLINGS, MONTANA
 Proprietary Funds
 Statement of Cash Flows
 For The Fiscal Year Ended June 30, 2009
 (Page 1 of 2)

	Solid Waste Fund	Airport Fund	Water Fund	Wastewater Fund	Parking Fund	Nonmajor Enterprise Funds	Total	Internal Service Funds
Cash flows from operating activities:								
Cash received from customers and users	\$ 8,806,407	\$ 7,410,900	\$ 18,497,785	\$ 10,997,416	\$ 1,854,004	\$ 733,005	\$ 48,299,517	\$ 485,951
Cash received from interfund services provided	-	-	-	-	-	-	-	16,320,893
Cash received from other sources	-	188,850	355,562	-	2,373	2,422	549,207	86,844
Cash paid to employees for services	(3,483,347)	(3,573,627)	(3,963,005)	(2,627,401)	(574,593)	(3,249,005)	(17,470,978)	(11,633,368)
Cash paid to suppliers and contracted services	(4,317,498)	(2,790,304)	(5,042,879)	(2,347,407)	(935,309)	(782,279)	(16,215,676)	(5,175,768)
Cash paid to other sources	-	-	-	(1,341)	-	(10,000)	(11,341)	(108,889)
Net cash provided (used) by operating activities	1,005,562	1,235,819	9,847,463	6,021,267	346,475	(3,305,857)	15,150,729	(24,307)
Cash flows from noncapital financing activities:								
Cash received from tax revenues	-	-	-	-	-	1,752,991	1,752,991	-
Cash received from intergovernmental revenues	-	425,427	37,980	4,460	-	2,125,077	2,592,944	-
Transfers to other funds	-	-	-	-	(233,308)	(20,000)	(253,308)	(95,769)
Loans repaid to other funds	-	-	-	-	-	-	-	(16,084)
Net cash provided (used) by noncapital financing activities	-	425,427	37,980	4,460	(233,308)	3,858,068	4,092,827	(111,853)
Cash flows from capital and related financing activities:								
Capital contributions	-	2,613,162	551,265	1,249,020	-	2,416,028	6,829,475	-
Acquisition and construction of capital assets	(2,921,993)	(3,815,411)	(9,076,209)	(11,860,152)	(12,375)	(3,389,604)	(31,075,744)	(155,455)
Proceeds from sales of capital assets	17,705	-	-	-	-	-	17,705	71,844
Cash paid for interest	-	(533,840)	(583,968)	(169,532)	(315,624)	-	(1,602,964)	(281,220)
Loan proceeds	-	-	-	5,351,773	-	-	5,351,773	-
Principal paid on bonds, notes and capital leases payable	-	(490,000)	(652,000)	(296,000)	(179,771)	-	(1,617,771)	(251,706)
Transfers to other funds	-	-	-	-	-	-	-	-
Transfers from other funds	-	1,030,321	-	-	-	-	1,030,321	532,055
Passenger facilities charges	-	-	-	-	-	-	-	-
Net cash provided (used) by capital and related financing activities	(2,904,288)	(1,195,769)	(9,760,912)	(5,724,891)	(507,770)	(973,576)	(21,067,205)	(84,482)
Cash flows from investing activities:								
Cash received from interest	411,786	155,976	377,466	134,220	56,282	36,067	1,171,817	144,713
Sale of investments	7,729,210	7,156,609	13,688,203	4,264,670	2,739,337	2,084,607	37,662,636	6,508,965
Purchase of investments	(7,601,422)	(8,438,845)	(15,689,920)	(4,937,222)	(2,810,285)	(2,052,935)	(41,530,629)	(7,339,518)
Net cash provided (used) by investing activities	539,574	(1,126,260)	(1,624,231)	(538,332)	(14,666)	67,739	(2,696,176)	(685,840)
Net increase (decrease) in cash and cash equivalents	(1,359,152)	(660,782)	(1,499,700)	(237,496)	(409,269)	(353,626)	(4,520,025)	(906,482)
Cash and cash equivalents, beginning of year	2,941,560	3,249,293	5,489,535	1,655,863	1,013,119	917,114	15,266,484	2,483,535
Cash and cash equivalents, end of year	\$ 1,582,408	\$ 2,588,511	\$ 3,989,835	\$ 1,418,367	\$ 603,850	\$ 563,488	\$ 10,746,459	\$ 1,577,053
Cash and cash equivalents consists of:								
Cash and cash equivalents	\$ 1,582,408	\$ 1,813,267	\$ 3,371,316	\$ 1,050,868	\$ 603,850	\$ 562,839	\$ 8,994,548	\$ 1,577,053
Restricted cash and cash equivalents with fiscal agent	-	775,244	618,519	357,499	-	649	1,751,911	-
Cash and cash equivalents, end of year	\$ 1,582,408	\$ 2,588,511	\$ 3,989,835	\$ 1,418,367	\$ 603,850	\$ 563,488	\$ 10,746,459	\$ 1,577,053

(continued)

Proprietary Funds
Statement of Cash Flows
For The Fiscal Year Ended June 30, 2009
(Page 2 of 2)

	Solid Waste Fund	Airport Fund	Water Fund	Wastewater Fund	Parking Fund	Nonmajor Enterprise Funds	Total	Internal Service Funds
Reconciliation of operating income to net cash provided (used) by operating activities:								
Operating income (loss)	\$ (785,197)	\$ (2,888,261)	\$ 4,374,896	\$ 2,247,267	\$ (528,986)	\$ (4,670,432)	\$ (2,250,713)	\$ (197,764)
Other nonoperating income (expense)	-	188,850	355,562	(1,341)	2,373	(7,578)	537,866	(22,015)
Adjustments to reconcile operating income (loss) to net cash provided (used) by operating activities:								
Depreciation expense	1,236,352	4,375,459	4,676,032	3,131,677	842,902	987,643	15,250,065	442,455
Landfill closure and postclosure (increase) decrease in receivables	187,845	-	-	-	-	-	187,845	-
(Increase) decrease in receivables from other governments & other funds	(179,296)	(188,173)	(72,106)	(80,313)	(5,728)	(14,064)	(539,680)	-
(Increase) decrease in inventories	816,602	(380,288)	(744,937)	(395,160)	-	(311,873)	(1,015,656)	-
(Increase) decrease in prepaid items	-	(7,548)	(136,603)	-	-	-	(144,151)	87,348
Increase (decrease) in accounts payable	(404,665)	(23,469)	(6,500)	(6,500)	-	(14)	(13,014)	(9,000)
Increase (decrease) in accrued liabilities	133,921	159,249	1,285,249	1,069,931	2,816	604,323	2,534,185	(460,306)
Net cash provided (used) by operating activities	\$ 1,005,562	\$ 1,235,819	\$ 9,847,463	\$ 6,021,267	\$ 346,475	\$ (3,305,857)	\$ 15,150,729	\$ (24,307)
Noncash investing, capital and financing activities:								
Increase (decrease) in investment market value	7,975	22,406	51,563	12,994	6,314	4,115	105,367	18,653
Contribution of capital assets	-	-	4,643,347	2,251,222	-	-	6,894,569	5,510

The notes to the financial statements are an integral part of this statement.

Date: 02/22/2010

TITLE: Subordination of Community Development Block Grant Loan

PRESENTED BY: Candi Beaudry

Planning & Community

Department: Services

Information

PROBLEM/ISSUE STATEMENT

Housing Development Associates qualified for and received \$75,000 in Community Development Block Grant (CDBG) funding in on July 17, 1996, to support the construction of a 26-unit affordable housing development apartment complex, the Eighth Avenue Apartments, located on 811, 821, 831 and 841 North 17th Street in Billings. This project also qualified for and received financial support from the Low Income Housing Tax Credits program managed by the Montana Board of Housing. As a condition of the use of the City's CDBG funding, the complex was to remain affordable for a minimum of 20 years, at which time the repayment requirement for this loan was to be forgiven on July 17, 2016.

Housing Development Associates, a developer, created the 8th Avenue North Limited Partnership which currently owns the Eighth Avenue Apartments. RGP Partnership will take over management of the complex, with Daniel J. Hickey and Michael Ross identified as principals. Both Mr. Hickey and Mr. Ross were principals in the original Housing Development Associates organization. As part of this restructuring, RGP Partnership would like to refinance the Eighth Avenue Apartments project with a new loan in order to secure ownership under the new partnership, improve interest rates and further combine financing with another 20-unit apartment complex RGP Partnership owns in Great Falls.

The CDBG loan on the Eighth Avenue Apartments project is eligible for subordination, as it was established as a zero percent, no payment, forgivable loan, provided the complex remain affordable for low income tenants throughout the period of affordability. RGP Partnership has provided compliance documentation for several recent years, indicating to City staff that the project is in compliance with the provision of affordable rents to low-income tenants. RGP Partnership has agreed to continue to provide the Community Development Division with annual compliance reporting on low income tenancy throughout the remainder of the affordability period.

The Eighth Avenue Apartments in Billings and the Townsite Apartments in Great Falls collectively have current mortgages totaling approximately \$1,311,302, not including the City of Billings forgivable loan of \$75,000 and a similar loan of \$35,000 to Neighborhood Housing Services in Great Falls. The Eighth Avenue Apartments were appraised in October 2009 for \$1,160,000 and the 20-unit Townsite Apartments in Great Falls has a current appraised value of \$650,000, creating a combined current appraised value of \$1,810,000. The new loan would total \$1,357,500, creating a loan-to-value ratio of 75%, which is acceptable in the current market. The owners would roll over \$26,000 in additional debt into the new first mortgage to accommodate improvements in both apartment complexes; an estimated \$16,000 would be utilized specifically on the Eighth Avenue Apartments to install new carpeting.

After reviewing the value of the combined properties to the total loan amount, City staff analysis confirms that both properties retain enough value to support the new mortgage and will also support the City's interest in the property at \$75,000 in second lien position.

ALTERNATIVES ANALYZED

City Council may:

- Approve the subordination request for a new loan in support of this affordable housing project, furthering the longevity of the project and ensuring the project remain affordable; or
- Deny the subordination request for a new loan.

FINANCIAL IMPACT

There is little financial risk to subordinate the City's \$75,000 investment to the new loan. The City would remain in second position, subordinate to the new loan. The \$75,000 loan would be have to be repaid to the City if the property is sold or if the owner no longer meets affordability / reporting requirements, prior to the end date of the affordability period, which is July 17, 2016.

RECOMMENDATION

Staff recommends that Council subordinate the City's lien securing a \$75,000 Community Development Block Grant Loan to a new First Interstate Bank loan in the amount of \$1,357,500 for the Eighth Avenue Apartments.

APPROVED BY CITY ADMINISTRATOR

Attachments

Link: [Subordination Agreement](#)

After Recording, please return to:

City of Billings
Community Development Division
P.O. Box 1178
Billings, Montana 59103

SUBORDINATION AGREEMENT

Comes now, The City of Billings, a Municipal Corporation, organized under the laws of the State of Montana, represents that it is the secured party under the provisions of a certain Trust Indenture dated July 17, 1996 executed by Housing Development Associates as Grantor, and the City Attorney, James L. Tillotson as trustee, recorded August 8, 1996 under Document 1840775 in the records of the Clerk and Recorder for Yellowstone County, Montana, which was made to secure an indebtedness of \$75,000.00,

DO HEREBY SUBORDINATE the lien of said Trust Indenture to the lien and obligation of a Trust Indenture wherein First Interstate Bank is named as Beneficiary, 8th Avenue North Limited Partnership is Grantor, and American Title & Escrow is Trustee, dated _____, recorded in book __, page _____, under document number _____, Yellowstone County Montana.

The intent of the undersigned is to subordinate the first above described Trust Indenture to the new lien not to exceed \$1,357,500.00 ONLY as it is related to the below described real property; and to retain the priority position of the first above described Trust Indenture as to all other real property described herein; to wit:

That part of NW1/4 of Section 33, Township 1North, Range 26 East, of the Principal Montana Meridian, in the City of Billings, Yellowstone County, Montana, described as Tract B, of Certificate of Survey No. 2237 on file in the office of the Clerk and Recorder of said County, under Document #1297731.

IN WITNESS WHEREOF, this instrument has been executed this _____ day of _____ 2010.

CITY OF BILLINGS

By: _____, Mayor

ATTEST: _____, City Clerk

ACKNOWLEDGEMENT

STATE OF MONTANA
County of YELLOWSTONE

On this day of **February 22, 2010**, before me, a Notary Public for the State of Montana, personally appeared THOMAS W. HANEL and CARI MARTIN, known to me to be the Mayor and City Clerk respectively of the City of Billings, and whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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

Printed name of notary public
Notary public for the state of Montana
Residing at: _____
My commission expires: _____

After Recording, please return to:

City of Billings
Community Development Division
P.O. Box 1178
Billings, Montana 59103

SUBSTITUTION OF TRUSTEE

KNOW ALL MEN THAT THESE PRESENTS:

THAT Housing Development Associates is the Grantor(s), and JAMES L. TILLOTSON of Billings, Montana, an attorney licensed to practice law in the State of Montana, is the Trustee, and the CITY OF BILLINGS, a municipal corporation, organized under the laws of the State of Montana, acting through its Community Development Department, is the Beneficiary under the Deed of Trust dated July 17, 1996 and recorded on August 8, 1996 of the records of Yellowstone County, Montana, as Document No. 1840775 in and to the following described real property:

That part of NW1/4 of Section 33, Township 1North, Range 26 East, of the Principal Montana Meridian, in the City of Billings, Yellowstone County, Montana, described as Tract B, of Certificate of Survey No. 2237 on file in the office of the Clerk and Recorder of said County, under Document #1297731.

The successor Trustee is the City Attorney and the Beneficiary desires to have the City Attorney act as Trustee.

NOW THEREFORE, in view of the premises, the undersigned hereby appoints and substitutes BRENT BROOKS, an attorney licensed to practice law in the State of Montana, whose address is P.O. Box 1178 Billings, MT 59103, as successor trustee, under said Deed of Trust, the successor to have all the powers of said original trustee, effective forthwith.

IN WITNESS WHEREOF, this instrument has been executed this _____ day of _____ 2010.

CITY OF BILLINGS

By: _____, Mayor

ATTEST: _____, City Clerk

ACKNOWLEDGEMENT

STATE OF MONTANA
County of YELLOWSTONE

On this day of **February 22, 2010**, before me, a Notary Public for the State of Montana, personally appeared THOMAS W. HANEL and CARI MARTIN, known to me to be the Mayor and City Clerk respectively of the City of Billings, and whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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

Printed name of notary public
Notary public for the state of Montana
Residing at: _____
My commission expires: _____

Date: 02/22/2010

TITLE: Appoint Distracted Driving Ad-Hoc Committee and Extend Reporting Date

PRESENTED BY: Tina Volek

Department: City Hall Administration

Information

PROBLEM/ISSUE STATEMENT

Complaints nationally and locally about accidents and near-accidents caused by drivers distracted by cell phone calls or texting led the City Council to create a Ad-Hoc Advisory Committee on Distracted Driving Prevention. The committee's goals are to plan a coordinated campaign to raise awareness of the issue and to create a City ordinance complimenting the campaign that would include possible penalties and recommendations on enforcement methods.

BMCC Sec. 2-224 provides that the Mayor appoint the 12 committee members with the consent of the Council. A complete list of those nominated will be included in the Friday packet of Feb. 19, 2010. The original resolution called for the ad-hoc committee to report its findings in March. Because the committee is starting later than planned, it is also requested that the Council extend the deadline for the committee to report to May 24, 2010.

ALTERNATIVES ANALYZED

The Mayor and Council may:

- Approve the nominated committee members and extend the deadline for the committee to report;
- Seek other committee members; or
- change the date for the committee to report.

FINANCIAL IMPACT

There is no immediate financial impact from appointing the committee, but there may be additional enforcement costs and revenue for putting a new distracted driving ordinance into effect.

RECOMMENDATION

Staff recommends approving the committee members and extending the committee's reporting deadline to May 24, 2010.

APPROVED BY CITY ADMINISTRATOR

Date: 02/22/2010

TITLE: New Certificate of Survey at Briarwood Lift Station Site

PRESENTED BY: David Mumford

Department: Public Works

Information

PROBLEM/ISSUE STATEMENT

The City of Billings owns property located at 2229 Blue Creek Road with a combined total area of 11.3 acres that was purchased for \$550,000 in the summer of 2006 for the purpose of siting and constructing the Briarwood sewer lift station site. The Council is being asked to divide the parcel to create Tract 1 (0.482 acres) for the sewer lift station and Tract 2 (10.871 acres) for resale to the development community. In order to do this, the Council must take three steps:

1. Approve the attached proposed lot line adjustments needed to create two new parcels, one of which will be retained for the Briarwood Sewer Lift Station and one of which is intended for sale;
2. Approve two (2) attached Utility Right-of-Way Easements for gas and power; and,
3. Approve the attached Resolution of Intent to Sell the second parcel and set public hearing date for March 22, 2010.

The current legal description of the proposed Certificate of Survey is: Being Tract 1A of Amended Tr. 1 of the 2nd Amendment of C/S No. 566 and Tr. A-2 of Corrected 2nd Amended Tr. A-1 and A-2 of C/S No. 646 Situated in the SE ¼, Section 20, T1S, R26E, PMM, Yellowstone County, MT.

ALTERNATIVES ANALYZED

The Council may:

- Approve the new Certificate of Survey, the Utility Right-of-Way Easements and the Resolution of Intent to Sell; or
- Not approve the new Certificate of Survey, the Utility Right-of-Way Easements, and the Resolution of Intent to Sell.

FINANCIAL IMPACT

The subject property was purchased by the City for \$550,000 in the summer of 2006 using wastewater funds and is the current site of the Briarwood sewer lift station (Tract 1, 0.482 acres). Ongoing inquiries from the development community are being made regarding the timing of the remaining property sale (Tract 2, 10.871 acres). If approved for sale, Tract 2 will be sold through the bidding process and the funds will be placed back in the wastewater fund.

RECOMMENDATION

Staff recommends that the City Council:

- Approve the attached proposed lot line adjustments to create two new parcels, one of which will be retained for the Briarwood Sewer Lift Station and one which is intended for sale;
- Approve the two (2) attached Utility Right-of-Way Easements for gas and power; and,
- Approve of the attached Resolution of Intent to Sell.

APPROVED BY CITY ADMINISTRATOR

Attachments

Link: [MDU Easement](#)

Link: [YVE Easement](#)

Link: New Certificate of Survey No. _____

Link: Resolution

RETURN TO:
CITY OF BILLINGS
CITY CLERK
P.O. Box 1178
Billings, MT 59103

*** UTILITY RIGHT-OF-WAY EASEMENT ***

For valuable consideration, The **CITY OF BILLINGS**, ("Grantor") a political subdivision of the State of Montana, whose address is Post Office Box 1178, Billings Montana 59103, through its City Council, does hereby GRANT, SELL and CONVEY to the **MONTANA DAKOTA UTILITIES CO., a Division of MDU Resources Group, Inc.**, of 5181 Southgate Drive, Billings, MT 59101-4627, ("Grantee") and their successors, assigns and apportionees an easement upon which to construct, operate, maintain, replace, upgrade and remove underground gas service lines and necessary appurtenances, under, along and across that certain real property situated in Section 20, Township 1 South, Range 26 East, P.M.M., Yellowstone County, Montana, being more particularly described as follows:

DESCRIPTION OF EASEMENT
SEE ATTACHED EXHIBIT "A"

Commencing at the southwest corner of Tract 1; thence N 86°59'08"E for a distance of 26.0 feet to the true Point of Beginning; thence N86°59'08"E for a distance of 10.0 feet; thence S03°00'52"E for a distance of 281.3 feet; thence S86°59'08"W for a distance of 10.0 feet; thence N03°00'52"W for a distance of 281.3 feet to the Point of Beginning. Easement is situated in Tract 2 of, Certificate of Survey No. _____, according to the official plat recorded _____, 2009 and now on file in the Office of the Clerk and Recorder of said Yellowstone County under Document No. _____.

The above described parcel contains 2,813 square feet, more or less.

Together with reasonable right of access to and from the easement area over lands of the Grantor using existing roads where practicable, the right to use and keep the easement area free and clear of any and all obstructions or structures, except fences, and the right to clear and remove all timber, brush or vegetation within the easement area that may endanger the gas line, communications system or necessary appurtenances.

In addition, the Grantee, its successors, agents, contractors, and employees agree to the following conditions of entry:

1. **DAMAGE TO PROPERTY**: Grantee shall exercise care to avoid damaging the property in any manner not consistent with the uses for which this agreement is made. If additional damage does occur it shall be the responsibility of the Grantee, its successors, agents, contractors, and employees to remove, replace and/or restore any gravel, vegetation, concrete or asphalt to its original state.
2. **COOPERATION WITH GRANTOR**: Grantee shall at all times cooperate with Grantor and comply with reasonable requests not inconsistent with the purpose for which this agreement is issued.
3. **CLEANUP**: Shall upon completion of the work, clean all ground occupied of all rubbish, excess material, temporary structures and equipment.
4. **ACCEPTANCE**: All parts of the site shall be left in acceptable condition.

The rights, conditions and provisions of this easement shall inure to the benefit of and be binding upon, the successors and assigns of the parties hereto.

Grantor covenants and agrees with Grantee that Grantor is lawfully seized and possessed of the above-described real estate and Grantor has a good and lawful right to convey it, or any part thereof.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on this _____ day of _____, 2009.

CITY: CITY OF BILLINGS, a Montana Municipal Corporation

By: RON TUSSING, Mayor

ATTEST:

By: CARI MARTIN, City Clerk

STATE OF MONTANA)
County of Yellowstone)

On this _____ day of _____, 2009 before me, a Notary Public for the State of Montana, personally appeared **RON TUSSING** and **CARI MARTIN**, known to me to be the Mayor and City Clerk, respectively, of the **City of Billings, Montana**, and acknowledged to me that they executed the foregoing instrument.

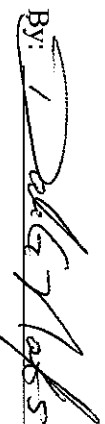
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

(Signature)

(NOTARIAL SEAL)

Notary Public for the State of Montana
Residing in Billings, Montana
My Commission Expires: _____

MONTANA DAKOTA UTILITIES CO.,
a Division of MDU Resources Group, Inc.;

By: 
Printed Name: DALE G NAFFS
Its: GAS ENGINEER ASSOCIATE

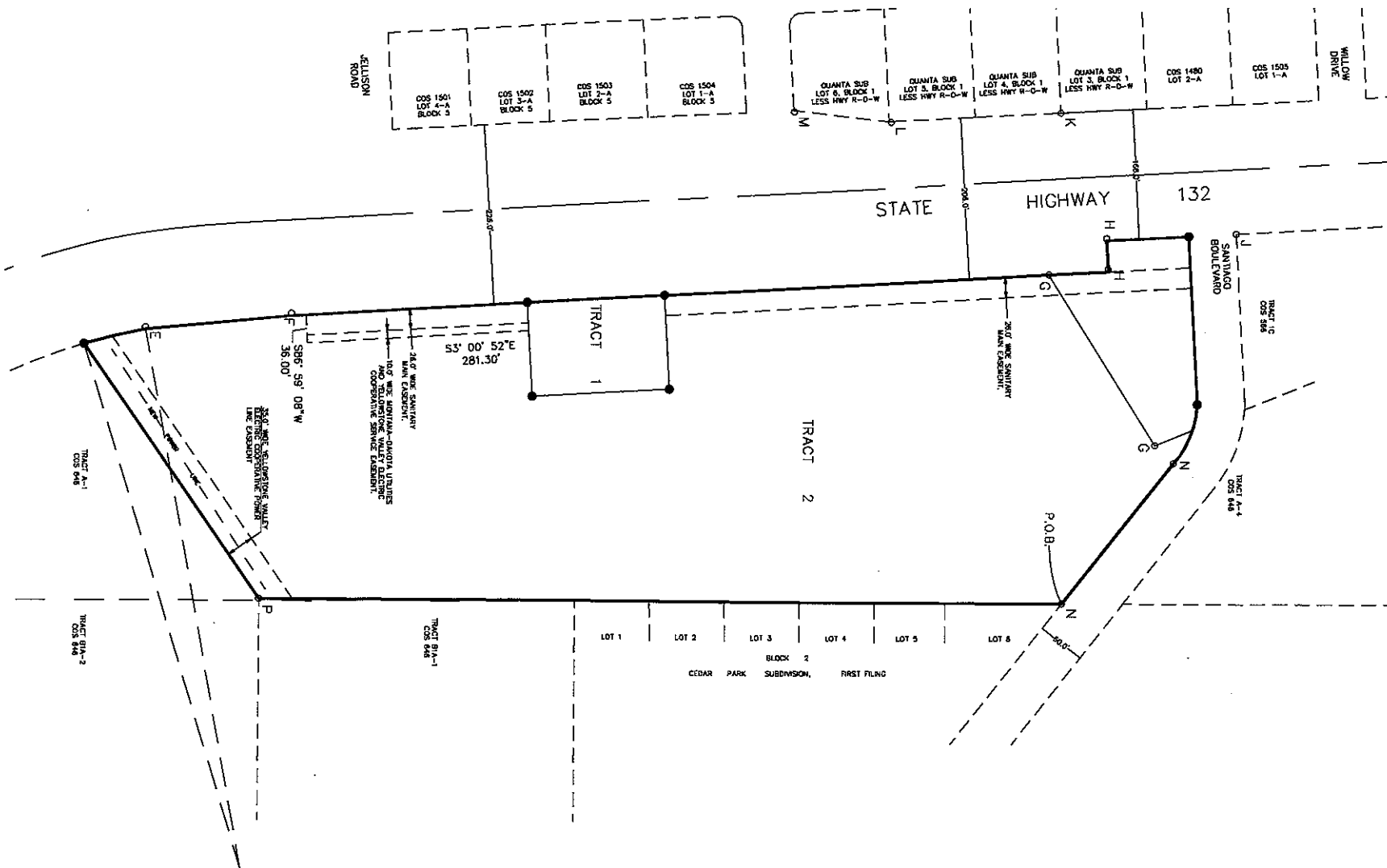
STATE OF MONTANA)
County of Yellowstone)

On this 3rd day of June, 2009 before me, a Notary Public for the State of Montana, personally appeared Dale G. Naffs, known to me to be the Gas Engineer Associate, of MONTANA DAKOTA UTILITIES CO., a Division of MDU Resources Group, Inc., and acknowledged to me that (s)he executed the foregoing instrument as the authorized representative of MONTANA DAKOTA UTILITIES CO.
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.


(Signature)

(NOTARIAL SEAL)
Mark A. Vinger (Printed Name)
Notary Public for the State of Montana
Residing in Billings, Montana
My Commission Expires: 02-20-2012

EXHIBIT "A"



RETURN TO:
CITY OF BILLINGS
CITY CLERK
P.O. Box 1178
Billings, MT 59103

*** UTILITY RIGHT-OF-WAY EASEMENTS ***

For valuable consideration, The **CITY OF BILLINGS**, ("Grantor") a political subdivision of the State of Montana, whose address is Post Office Box 1178, Billings Montana 59103, through its City Council, does hereby **GRANT, SELL** and **CONVEY** to the **YELLOWSTONE VALLEY ELECTRIC COOPERATIVE INC.**, of P.O. Box 249, Huntley, MT 59037-0249, ("Grantee") and their successors, assigns and apportionees an easement upon which to construct, operate, maintain, replace, upgrade and remove a power pole structures, underground power lines and necessary appurtenances, over, under, along and across that certain real property situated in Section 20, Township 1 South, Range 26 East, P.M.M., Yellowstone County, Montana, being more particularly described as follows:

DESCRIPTION OF TWO (2) EASEMENTS
SEE ATTACHED EXHIBIT "A"

Being the south 35.0 feet of Tract 2;

Also Commencing at the southwest corner of Tract 1; thence N 86°59'08"E for a distance of 26.0 feet to the true Point of Beginning; thence N86°59'08"E for a distance of 10.0 feet; thence S03°00'52"E for a distance of 281.3 feet; thence S86°59'08"W for a distance of 10.0 feet; thence N03°00'52"W for a distance of 281.3 feet to the Point of Beginning. Both easements situated in Tract 2 of, Certificate of Survey No. _____, according to the official plat recorded

_____, 2009 and now on file in the Office of the Clerk and Recorder of said Yellowstone County under Document No. _____.

83

The above described parcel contains 16,843 square feet, more or less.

Together with reasonable right of access to and from the easement area over lands of the Grantor using existing roads where practicable, the right to use and keep the easement area free and clear of any and all obstructions or structures, except fences, and the right to clear and remove all timber, brush or vegetation within the easement area that may endanger the power line, communications system or necessary appurtenances.

In addition, the Grantee, its successors, agents, contractors, and employees agree to the following conditions of entry:

1. **DAMAGE TO PROPERTY:** Grantee shall exercise care to avoid damaging the property in any manner not consistent with the uses for which this agreement is made. If additional damage does occur it shall be the responsibility of the Grantee, its successors, agents, contractors, and employees to remove, replace and/or restore any gravel, vegetation, concrete or asphalt to its original state.
2. **COOPERATION WITH GRANTOR:** Grantee shall at all times cooperate with Grantor and comply with reasonable requests not inconsistent with the purpose for which this agreement is issued.
3. **CLEANUP:** Shall upon completion of the work, clean all ground occupied of all rubbish, excess material, temporary structures and equipment.
4. **ACCEPTANCE:** All parts of the site shall be left in acceptable condition.

The rights, conditions and provisions of this easement shall inure to the benefit of and be binding upon, the successors and assigns of the parties hereto.

Grantor covenants and agrees with Grantee that Grantor is lawfully seized and possessed of the above-described real estate and Grantor has a good and lawful right to convey it, or any part thereof.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on this _____ day of _____, 2009.

CITY: CITY OF BILLINGS, a Montana
Municipal Corporation

By: _____
RON TUSSING, Mayor

ATTEST:

By: _____
CARI MARTIN, City Clerk

STATE OF MONTANA)
County of Yellowstone) : ss.

On this _____ day of _____, 2009 before me, a Notary Public for the State of Montana, personally appeared **RON TUSSING** and **CARI MARTIN**, known to me to be the Mayor and City Clerk, respectively, of the City of **Billings, Montana**, and acknowledged to me that they executed the foregoing instrument.

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

(Signature)

(NOTARIAL SEAL)

Notary Public for the State of Montana
Residing in Billings, Montana
My Commission Expires: _____

YELLOWSTONE VALLEY ELECTRIC COOPERATIVE INC.:

By: _____
Printed Name: Tony M. Hedges
Its: Danone Manager

STATE OF MONTANA)
County of Yellowstone) : ss.

On this 5th day of Nov, 2009 before me, a Notary Public for the State of Montana, personally appeared ~~Patricia~~ Tony M. Hedges, known to me to be the General Manager, of **YELLOWSTONE VALLEY ELECTRIC COOPERATIVE INC.**, and acknowledged to me that (s)he executed the foregoing instrument as the authorized representative of **YELLOWSTONE VALLEY ELECTRIC COOPERATIVE INC.**.
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

Penny E. Seader (Signature)

(NOTARIAL SEAL)

Penny E. Seader (Printed Name)
Notary Public for the State of Montana
Residing in Billings, Montana
My Commission Expires: February 15, 2010

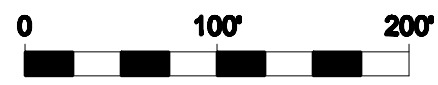
CERTIFICATE OF SURVEY NO. _____
 BEING TRACT 1A OF AMENDED TRACT ONE OF THE SECOND AMENDMENT OF CERTIFICATE OF SURVEY NO.566 AND
 TRACT A-2 OF CORRECTED 2ND AMENDED TRACTS A-1 & A-2 OF CERTIFICATE OF SURVEY NO. 646
 SITUATED IN IN THE SE 1/4, SECTION 20, T.1S., R.26E., P.M.M., YELLOWSTONE COUNTY, MONTANA

PREPARED FOR: THE CITY OF BILLINGS
 PREPARED BY: THE CITY OF BILLINGS
 SCALE: 1"=100' DATE: APRIL, 2009

BASIS OF BEARINGS:
 CORRECTED 2nd AMENDED TRACTS A-1 & A-2 OF CERTIFICATE OF SURVEY NO. 646, EAST SECTION LINE OF SECTION 20 PER DOC #1171064 (S 00°17'00" W).

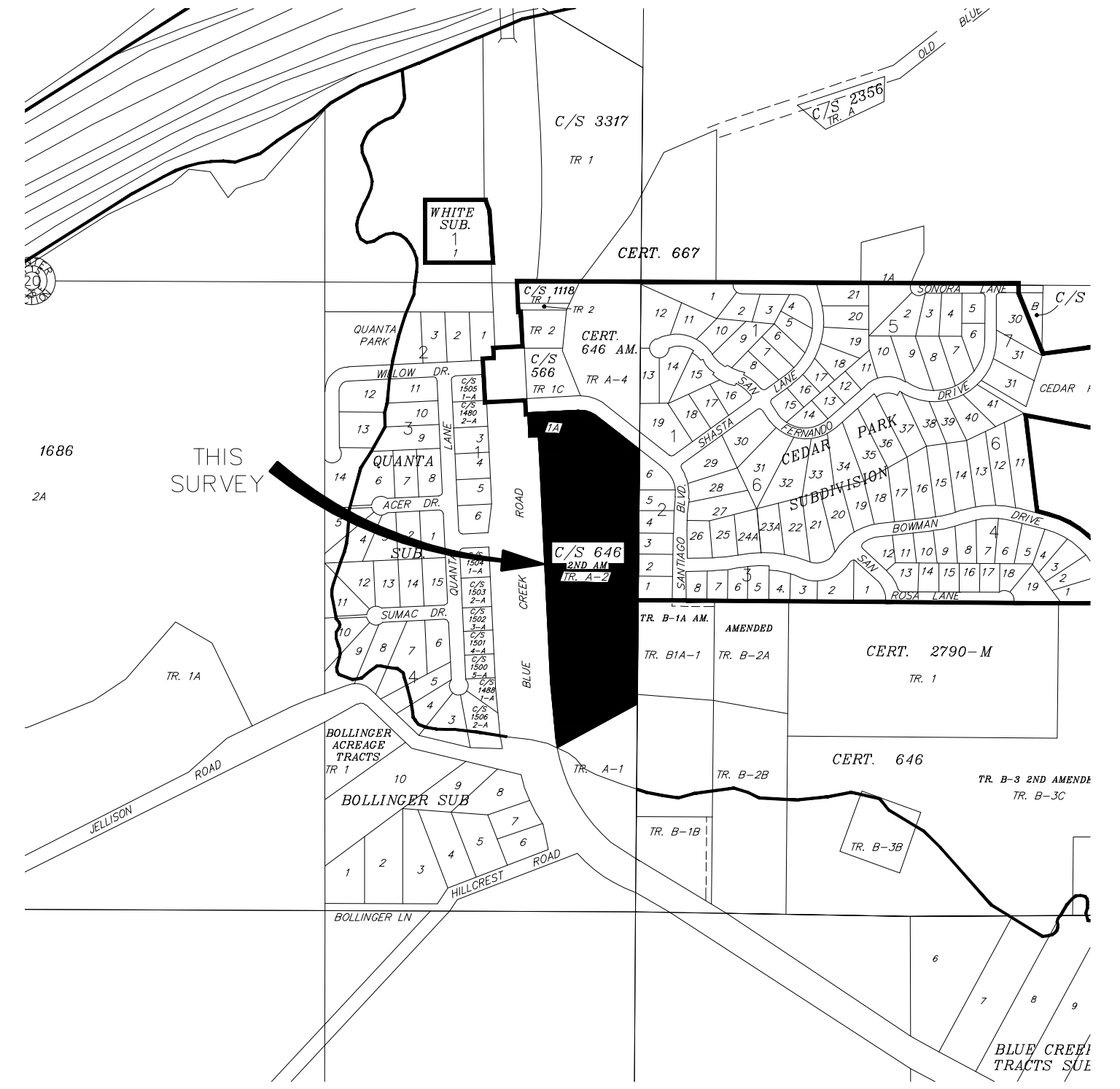
NOTE: THE EAST SECTION LINE OF SECTION 20 T.1S., R.26E., P.M.M. YELLOWSTONE COUNTY, MONTANA WAS USED AS BASIS OF BEARINGS, HOWEVER FROM FOUND MONUMENTS ALONG THE EAST LINE OF THE CORRECTED 2ND AMENDED TRACTS A-1 & A-2 OF CERTIFICATE OF SURVEY NO. 646 THE MONUMENTS DO NOT FALL ON THE SECTION LINE.

- = FOUND PROPERTY CORNER AS NOTED
- = SET 5/8" x 18" REBAR WITH CAP MARKED WITH THE LICENSE NUMBER OF UNDERSIGNED LAND SURVEYOR

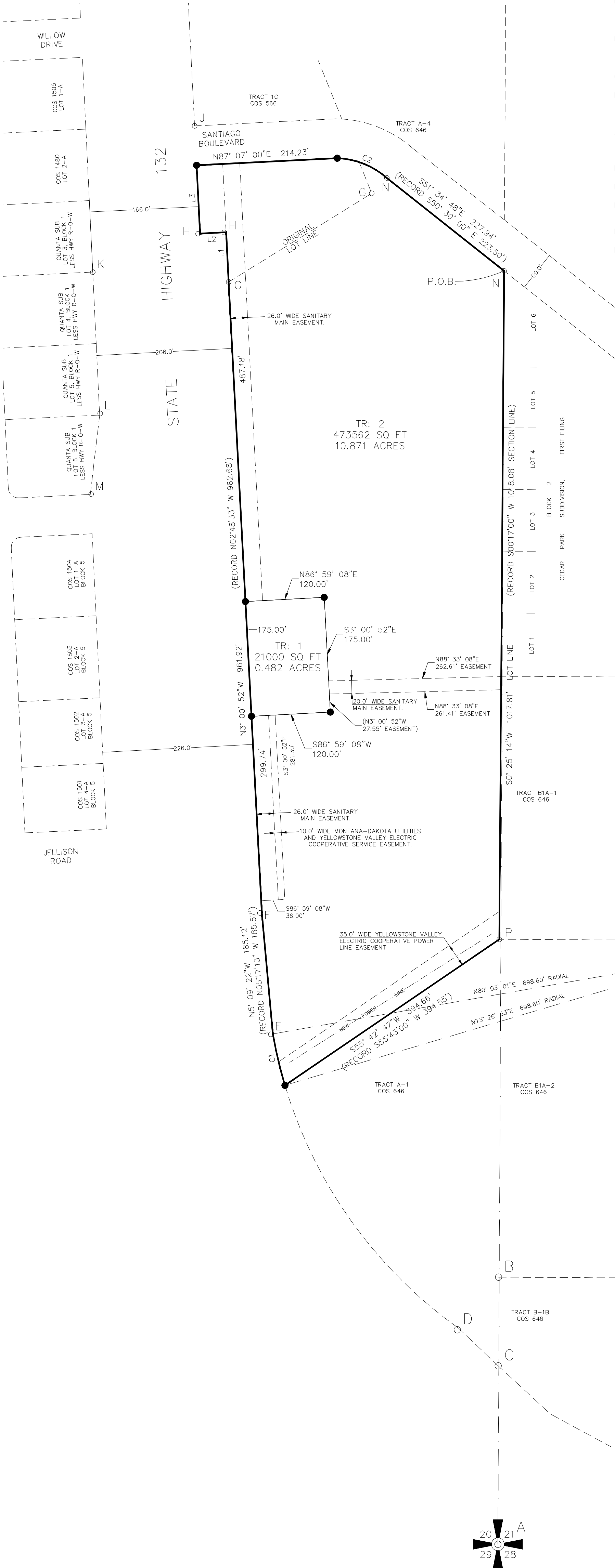


MONUMENT LEGEND

- A FOUND BRASS CAP SECTION CORNER COMMON TO SECTIONS 20, 21, 28 & 29, T.1S., R.26E., P.M.M., 1.0'± ABOVE GROUND AND LEANING IN NE DIRECTION
- B FOUND YPC "KOSZUTA" 1.11' OFF OF SECTION LINE
- C FOUND YPC SS&G 0.81' OFF OF SECTION LINE
- D FOUND 5/8" REBAR SET BY M.D.O.T. 3.0' TOWARD CENTERLINE OFF OF ACTUAL R/W. NO R/W MONUMENT FOUND REBAR BEING 4.7' OFF FENCE LINE
- E FOUND 5/8" REBAR SET BY M.D.O.T. 3.0' TOWARD CENTERLINE OFF OF ACTUAL R/W. NO R/W MONUMENT FOUND REBAR BEING 3.0' OFF FENCE LINE
- F FOUND 5/8" REBAR BENT BURIED 1.0' BELOW GROUND SET BY M.D.O.T. 3.0' TOWARD CENTERLINE OFF OF ACTUAL R/W. EXISTING R/W MONUMENT FOUND LEANING 30'+/- IN NE DIRECTION
- G FOUND 1" IRON PIPE
- H FOUND 5/8" REBAR SET BY M.D.O.T. 3.0' TOWARD CENTERLINE OFF OF ACTUAL R/W. EXISTING R/W MONUMENT FOUND SHEARED OFF FLUSH WITH GROUND BEING 3.0' OFF OF REBAR
- J FOUND REBAR BURIED 1.0' BELOW GROUND BEING THE SW CORNER OF TRACT 1C, OF AMENDED TRACT ONE OF THE SECOND AMENDMENT TO CERTIFICATE OF SURVEY 566
- K FOUND YPC UNREADABLE
- L FOUND CONCRETE R/W NO REBAR TOWARD CENTERLINE
- M FOUND EXISTING R/W MONUMENT SHEARED OFF FLUSH WITH GROUND BENT REBAR TOWARD CENTERLINE
- N FOUND YPC SS&G
- P FOUND YPC SS&G 2.44' OFF OF SECTION LINE



VICINITY MAP
NOT TO SCALE



Line #	DIRECTION	LENGTH
L1	N2° 50' 52"W	75.93
L2	S86° 56' 09"W	39.70
L3	N2° 55' 35"W	104.20

CURVE #	LENGTH	RADIUS	DELTA	CHORD DIRECTION	CHORD LENGTH
C1	80.50	698.60	6°36'08"	N13°15'03"W	80.46
C2	82.81	120.00	39°32'16"	S68°15'44"E	81.17

CERTIFICATE OF SURVEYOR

STATE OF MONTANA)
 County of Yellowstone)

The undersigned, a Montana Registered Land Surveyor being first duly sworn, deposes and says that during the month of April, 2009, a survey was performed under my supervision of a tract of land to be known as CERTIFICATE OF SURVEY _____, situated in the SE 1/4 of Section 20, T. 1 S., R. 26 E., P.M.M., Yellowstone County, Montana, said tract being more particularly described as follows:

Beginning at the northeast corner of Tract A-2, of Corrected 2nd Amended Tracts A-1 & A-2 of Certificate of Survey No. 646, according to the official certificate of survey recorded July 21, 1980 and now on file in the office of the Yellowstone County Clerk & Recorder under Document No. 1171064; thence S 00°25'14" W for a distance of 1017.81 feet; thence S 55°42'47" W for a distance of 394.66 feet; thence along a non-tangent curve to the right with a radius of 698.60 feet and an arc length of 80.50 feet (chord bearing N 13°15'03" W chord distance of 80.46 feet); thence N 05°09'22" W for a distance of 185.12 feet; thence N 03°00'52" W for a distance of 981.92 feet; thence N 02°50'52" W for a distance of 75.93 feet; thence S 86°56'09" W for a distance of 39.70 feet; thence N 02°55'35" W for a distance of 104.20 feet; thence N 87°07'00" E for a distance of 214.23 feet; thence along a curve to the right with a radius of 120.00 feet and an arc length of 82.81 feet (chord bearing S 68°15'44" E chord length 81.17 feet); thence S 51°34'48" E for a distance of 227.94 feet to the Point Of Beginning.

In conformance with Montana Subdivision and Platting Act; said subdivision, description of boundaries and dimensions being in accordance with and as shown on the annexed plat, that the monuments found and set are of the character and occupy the positions shown thereon and that the gross and net area of 11.353 acres.

CITY OF BILLINGS
 By: _____
 Montana Registration No. 17513 LS
 Date: _____

On this _____ day of _____, 2009, before me the undersigned Notary Public for the State of Montana, personally appeared Timothy A Grant, known to me to be the person who signed the foregoing Certificate Of Surveyor and acknowledged to me that he executed the same. Witness my hand and seal the day and year herein above written.

Notary Public in and for the State of Montana _____ Print Name
 Residing in _____
 My commission expires _____

PURPOSE OF SURVEY

The undersigned hereby certifies that the purposes of this survey is to relocate a boundary line and creating a tract of land for a "utility site". Therefore this plot is exempt from review as a subdivision pursuant to 76-3-207(1)(a) M.C.A. "divisions made outside of platted subdivisions for the purpose of relocating common boundary lines between adjoining properties" and 76-3-201 (1)(h) tract 1 "is created for rights-of-way or utility sites".
 Further, this survey is exempt from review by the Department of Environmental Quality pursuant to 76-4-125(2)(a) "the exclusions cited in 76-3-201 and 76-3-204"
 Said tract to be known and designated as TRACT 1 of CERTIFICATE OF SURVEY _____

CITY OF BILLINGS, MONTANA
 By: _____
 Title: _____

On this _____ day of _____, 2008, before me the undersigned Notary Public for the State of Montana, personally appeared _____ known to me to be the person who signed the foregoing Certificate Of Surveyor as Mayor of the City of Billings and acknowledged to me that he executed the same. Witness my hand and seal the day and year herein above written.

Notary Public in and for the State of Montana _____ Print Name
 Residing in _____
 My commission expires _____

HEALTH DEPARTMENT

Riverstone Health Office/Authorized Representative
 Yellowstone City/County Health Department

CERTIFICATE OF COUNTY TREASURER

I hereby certify that all real property taxes and special assessments have been paid per 76-3-207(3) M.C.A.

Date: _____
 Yellowstone County Treasurer
 By: _____
 Deputy

CERTIFICATE OF COUNTY ATTORNEY

STATE OF MONTANA)
 County of Yellowstone)

This document has been reviewed by the County Attorney's office and is acceptable as to form.

Reviewed by: _____
 DATE: _____

RESOLUTION 10-_____

A RESOLUTION PURSUANT TO BILLINGS, MONTANA CITY CODE, ARTICLE 22-900: SALE, DISPOSAL OR LEASE OF CITY PROPERTY, DESCRIBING THE PROPERTY TO BE SOLD, DECLARING THE INTENT OF THE CITY TO DISPOSE OF THE PROPERTY AND AUTHORIZING CITY OFFICIALS TO PROCEED.

WHEREAS, the City of Billings finds it necessary or desirable to dispose of property it currently owns, located along **Blue Creek Road** and described as Tract 2 of Certificate of Survey No. _____; Being Tract 1A of Amended Tr. 1 of the 2nd Amendment of C/S No. 566 and Tr. A-2 of Corrected 2nd Amended Tr. A-1 and A-2 of C/S No. 646 Situated in the SE ¼, Section 20, T1S, R26E, PMM, Yellowstone County, MT

WHEREAS, Article 22-900 BMCC requires the city to declare its intention to dispose of such lands, giving the public the opportunity to be heard regarding such action, and setting a public hearing date, and

WHEREAS, Article 22-900 BMCC also requires that all property owners within three hundred (300) feet of the exterior boundaries of said property, be notified by mail, fifteen (15) days in advance of the time, date, place of public hearing and the existing and proposed use.

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

PUBLIC HEARING. The public hearing date has been set for **March 22, 2010** at 6:30 o'clock p.m. in the Council Chambers, located on the Second Floor of the Police Facility, 220 North 27th Street, Billings, Montana. The City Clerk is hereby directed to publish notice of the public hearing in **The Billings Times** in its regular issue on **March 4 and March 11, 2010** and to mail a copy of such notice to all property owners within the three hundred (300) foot notification area.

APPROVED AND PASSED by the City Council of the City of Billings this 22nd day of February, 2010.

THE CITY OF BILLINGS:

BY: _____
Thomas W. Hanel MAYOR

RES 10-____

ATTEST:

BY: _____
Cari Martin, CITY CLERK

Date: 02/22/2010

TITLE: Second Reading Ordinance Changing Public Utilities Board to Public Works Board

PRESENTED BY: David Mumford

Department: Public Works

Information

PROBLEM/ISSUE STATEMENT

In recognition of the 2003 Public Works/Public Utilities merger, staff is recommending that the current Public Utilities Board be renamed the Public Works Board. This action will recognize the varied functions of Public Works beyond utilities and allow the Board the opportunity to provide input to all operational areas. The Board members will be in a position to offer their perspective on Solid Waste rate and operational issues, Street/Traffic operations, and general administrative items. Staff has discussed this issue with the Board, and the members support this action.

ALTERNATIVES ANALYZED

City Council held a public hearing on February 8. Subsequent to that hearing Council may:

- 1) Approve the ordinance revision on second reading; or
- 2) Not approve the ordinance revision.

FINANCIAL IMPACT

There are no financial impacts associated with the recommended action.

RECOMMENDATION

Staff recommends that the City Council approve the proposed ordinance revision changing the name of the Public Utilities Board to the Public Works Board.

APPROVED BY CITY ADMINISTRATOR

Attachments

Link: [Public Utilities Board Ordinance Revision](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING DIVISION 11, SECTION 2-580, 2-581, 2-582, AND 26-111; PROVIDING THAT THE PUBLIC UTILITIES BOARD BE HEREINAFTER DESIGNATED AS THE PUBLIC WORKS BOARD.

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

Section 1. That Division 11 of the Billings Montana City Code be amended so that such division shall read as follows:

DIVISION 11. PUBLIC UTILITIES WORKS BOARD

Section 2. That section 2-580 of the Billings Montana City Code be amended so that such section shall read as follows:

Sec. 2-580. Created.

There is hereby created a public ~~utilities~~ works board.

Section 3. That section 2-581 of the Billings Montana City Code be amended so that such section shall read as follows:

Sec. 2-581. Composition, appointment.

The public ~~utilities~~ works board shall be composed of five (5) members.

Section 4. That section 2-582 of the Billings Montana City Code be amended so that such section shall read as follows:

Sec. 2-582. Powers and duties.

The public ~~utilities~~ works board shall serve in an advisory capacity to the city with respect to all aspects of public ~~utilities~~ works. The board may recommend to the city the adoption of such rates, fees and charges as it may deem just and proper, subject to other requirements and provisions imposed by law.

Section 5. That section 26-111 of the Billings Montana City Code be amended so that such section shall read as follows:

Sec. 26-111. Adjustment of wastewater charges.

(a) The wastewater rates, charges and rental may be adjusted, as applied to particular premises, by the procedure set forth below, where it appears that:

- (1) The character of the wastewater from any manufacturing, industrial or other plant, building or premises is such that the wastewater rates provided are unfair, inequitable, unreasonable or inadequate to pay the cost of wastewater service to such premises; or
- (2) The entire amount of water delivered through the metered line to any premises is

used for such a purpose and in such a manner as to establish beyond reasonable doubt that such water does not enter the wastewater system; or

(3) The entire amount of water delivered through a secondary meter on any premises is used for such a purpose and in such a manner as to establish beyond reasonable doubt that water so delivered does not enter the wastewater systems. Secondary meters shall be of a type, size and make and set at such place as shall be designated by the city rules and regulations.

(b) Any person who considers the wastewater rates, charges and rental applicable to his premises unfair, inequitable or unreasonable may present his complaints to the public ~~utilities~~ works board, stating the facts and grounds of complaint. The board shall advise the city administrator or his designee of any need for investigation and a report of the investigation shall be made to the board. The public ~~utilities~~ works board shall consider each and all of such complaints and reports and communicate its recommendations to the city administrator. Where the entire amount of water or any metered portion thereof delivered to any premises does not enter the wastewater systems, this fact shall be part of the report. When the board finds that the wastewater rates, charges and rentals applicable to any premises are for other reasons unfair, inequitable, unreasonable or inadequate, it shall communicate its findings to the city administrator. The city administrator shall report the same to the city council and the council shall have the right to order a public hearing as to any such matter and, if convinced that an adjustment of the wastewater rates, charges and rentals for such premises is necessary to provide equality with those charged to others, it shall so provide, either by amendatory ordinance, or by resolutions fixing special wastewater rates and charges for individual premises during the period of continuance of special circumstances which make the standard rates and changes unfair, inequitable, unreasonable or inadequate.

Section 6. EFFECTIVE DATE. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

Section 7. REPEALER. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 8. 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 _____ day of _____, 2010.

PASSED, ADOPTED and APPROVED on second reading this _____ day of _____

_____, 2010.

CITY OF BILLINGS

By _____
Mayor

ATTEST:

By _____
City Clerk

Date: 02/22/2010

TITLE: Recommended Fund/Working Capital Balances and General Fund Balance Policies

PRESENTED BY: Patrick M. Weber

Department: City Hall Administration

Information

PROBLEM/ISSUE STATEMENT

The City of Billings needs to adopt a Fund Balance (“Assigned”) and Working Capital Balance (“Assigned”) Policy (Exhibit A) to provide the City with minimum recommended balances for certain funds. The policy is necessary to provide sufficient cash flow for daily financial needs, secure and maintain investment grade bond ratings, offset revenue shortfalls, and provide funds for unforeseen expenditures related to emergencies.

The City of Billings is also required to adopt a General Fund balance policy (Exhibit B) per Governmental Accounting Standards Board (GASB) 54.

These policies were reviewed with the City Council at its Feb. 8, 2010, work session.

ALTERNATIVES ANALYZED

The Council may:

- Approve the resolution; or
- Not approve the resolution.

FINANCIAL IMPACT

There is no immediate cost to approving this resolution, but maintaining sufficient cash flow for future needs and complying with the GASB 54 requirements help assure the City's financial future.

RECOMMENDATION

Staff recommends approval of the resolution adopting the two policies.

APPROVED BY CITY ADMINISTRATOR

Attachments

Link: [Resolution](#)

RESOLUTION NO. 10- _____

A RESOLUTION OF THE CITY OF BILLINGS, MONTANA, CITY COUNCIL ADOPTING MINIMUM RECOMMEND FUND BALANCES AND WORKING CAPITAL BALANCES AND A GENERAL FUND BALANCE POLICY.

WHEREAS, the City of Billings does not currently have a written policy for Fund Balances and Working Capital Balances; and

WHEREAS, the City of Billings needs to adopt a Fund Balance (“Assigned”) and Working Capital Balance (“Assigned”) Policy (Exhibit A) to provide the City with minimum recommended balances for certain funds. The policy is necessary to provide sufficient cash flow for daily financial needs, secure and maintain investment grade bond ratings, offset revenue shortfalls, and provide funds for unforeseen expenditures related to emergencies.

WHEREAS, the City of Billings is required to adopt a General Fund balance policy (Exhibit B) per Governmental Accounting Standards Board (GASB) 54.

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

That the Fund Balance and Working Capital Balance Policy (Exhibit A) and the General Fund Balance Policy (Attachment B) are hereby adopted.

APPROVED AND PASSED by the City Council of the City of Billings, this ____ day of _____, 2010.

THE CITY OF BILLINGS:

BY: _____
Thomas W. Hanel, MAYOR

ATTEST:

BY: _____
Cari Martin CITY CLERK

Recommended Fund and Working Capital Balances Policy

Recommended Fund and Working Capital Balances policy statement:

The City shall use recommended Fund and Working Balances for certain funds as a best practice. Fund Balance (“Assigned”) and Working Capital Balance (“Assigned”) will be the designations for accounting purposes.

Recommended balances purpose:

The policy is necessary to provide sufficient cash flow for daily financial needs, secure and maintain investment grade bond ratings, offset revenue shortfalls, and provide funds for unforeseen expenditures related to emergencies.

Recommended balances implementation authority:

Upon adoption of this Statement of Policy, the City of Billings Council authorizes the City Administrator to establish recommended balance procedures which may be necessary to support the policy statement and adopt such documents by Administrative Order. The City Administrator will review the procedures with the City Council at a work session every five years or as deemed necessary prior to the five years.

City of Billings Fund Balance Policy for the General Fund February 2010

A fund balance policy helps ensure that the City can:

- Avoid the need for short-term borrowing to cover delays in revenue receipt. The City only receives two major tax payments, which are in December and June. The City must be able to cover five months worth of payroll and operations and maintenance before each December and June tax collection.
- Provide the ability to pre-fund reimbursable grants such as in Community Development.

This policy establishes the amounts the City of Billings will strive to maintain in its fund balance, how the fund balance will be funded, and the conditions under which the fund balance may be spent.

Amounts Held in Fund Balance

The City of Billings (the “City”) will strive to hold a determined percentage of total budget less capital in assigned General Fund balance.

If management’s analysis and forecasting determines that the goal is not being met, or is not likely to be met at some point within a five-year time horizon, then management will develop a plan to meet the goal.

Funding Fund Balance Targets

Funding of General Fund balance targets will typically come from one-time revenues, excess fund balances (e.g., unused or excessive assignments or commitments), and revenues in excess of expenditures.

Use of Fund Balance

It is the intent of the City to limit the use of General Fund balances to address unanticipated, non-recurring needs or known and planned future obligations. Fund balances shall not normally be applied to recurring annual operating expenditures. Fund balances may, however, be used for operations to allow time for the City to restructure its operations in a deliberate manner, but such use will only take place in the context of an adopted long-term plan.

Authority to Use Fund Balance

The City Administrator may propose the use of fund balances to the City Council for purposes deemed necessary for operations of the General and Public Safety Funds.

Replenishment of Fund Balance

In the event the fund balance is used and falls below the recommend level, the City Administrator shall propose a plan for the replenishment of the fund balance to the City Council.

Excess Fund Balance

Prior to the start of each fiscal year budget, Finance will report on the previous fiscal year end audited financial results. Any yearend balance in excess of the recommended fund balance level may:

1. Be used for one-time expenditures in the upcoming fiscal year end budget.
2. Remain in the General Fund as excess above the recommended balance.

Regular City Council Meeting

Consent : 1.Q.

Date: 02/22/2010

TITLE: Authorizing the Issuance and Calling for the Public Sale for SID 1389 Bonds

PRESENTED BY: Patrick M. Weber

Department: City Hall Administration

Information

PROBLEM/ISSUE STATEMENT

The City Council has previously approved Special Improvement District project 1389. Ron Hill, the owner of 36 of the 46 lots in the district, has made a cash contribution of \$442,964. The attached resolution authorizes the sale of \$232,000 in bonds for the remaining cost of financing the project.

ALTERNATIVES ANALYZED

The Council may:

- Approve the resolution; or
- Not approve resolution.

FINANCIAL IMPACT

Without the bond sale proceeds, the project would have to be delayed.

RECOMMENDATION

It is recommended that the City Council approve the attached resolution.

APPROVED BY CITY ADMINISTRATOR

Attachments

Link: [SID 1389 sale](#)

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 \$212,000 SPECIAL IMPROVEMENT DISTRICT NO. 1389 BONDS; AUTHORIZING THE ISSUANCE AND CALLING FOR THE PUBLIC SALE THEREOF AND AUTHORIZING THE PLEDGE OF THE REVOLVING FUND TO THE SECURITY THEREOF" (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 regular meeting on February 22, 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 and seal officially this ____ day of February, 2010.

(SEAL)

City Clerk

RESOLUTION NO. _____

RESOLUTION RELATING TO \$212,000 SPECIAL IMPROVEMENT DISTRICT NO. 1389 BONDS; AUTHORIZING THE ISSUANCE AND CALLING FOR THE PUBLIC SALE THEREOF AND AUTHORIZING THE PLEDGE OF THE REVOLVING FUND TO THE SECURITY THEREOF

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

Section 1. Recitals.

(a) This Council has duly and validly created and established in the City under Montana Code Annotated, Title 7, Chapter 12, Parts 41 and 42, as amended (the “Act”), a special improvement district, designated as Special Improvement District No. 1389 (the “District”), for the purpose of financing costs of certain public improvements of special benefit to the properties within the District (the “Improvements”) and paying costs incidental thereto, including costs associated with the sale and the security of special improvement district bonds of the City. The total costs of the Improvements to be constructed in the District, based on bids received by the City, are \$601,459.92. The costs of the Improvements are to be paid from a cash contribution of Ron Hill, the owner of 36 of the 46 lots in the District, currently in the amount of \$419,199.25. Cost of the Improvements in the amount of \$182,260.67 are to be paid from proceeds of the City’s special improvement district bonds. The City intends to issue its Special Improvement District No. 1389 Bonds in the aggregate principal amount of \$212,000 (the “Bonds”), which will be used to pay \$182,260.67 of the Improvements, a portion of costs of creation and administration of the District, the funding of a deposit to the City’s Special Improvement District Revolving Fund (the “Revolving Fund”) and the costs of the issuance of the Bonds. The Bonds are to be payable primarily from special assessments to be levied against the 10 parcels of property in the District which have not contributed to the costs of the Improvements which property will be specially benefited by the Improvements in an amount not less than \$212,000.

(b) The City is authorized by Montana Code Annotated, Section 7-12-4204(1) to sell the Bonds at a price less than the principal amount thereof, but including interest thereon to the date of delivery, if this Council determines that such sale is in the best interests of the District and the City.

(c) Subject to Subsection 1(b), it is necessary that the Bonds be issued and sold in an aggregate principal amount of \$212,000 to finance a portion of the costs of the Improvements, including incidental costs, described in Subsection 1(a). The proceeds of the Bonds will be expended as follows:

Deposit to Project Construction Fund	\$182,260.67
City Administration	5,450.00
City Engineering	7,630.00
Deposit to Revolving Fund	10,600.00
Costs of Issuance	6,000.00
Rounding Amount	59.33
Total Uses	<u>\$ 212,000</u>

Section 2. Findings and Determination To Pledge the Revolving Fund. In the Resolution of Intention To Create the District, adopted on November 23, 2009, this Council found it to be in the public interest, and in the best interest of the City and the District, to secure payment of principal of and interest on the Bonds by the Revolving Fund and authorized the City to enter into the undertakings and agreements authorized in the Act in respect of the Bonds, based on the factors required to be considered under Section 7-12-4225(4) of the Act. Those findings and determinations were ratified and confirmed in the resolution adopted by this Council on December 14, 2009, creating the District, and are hereby ratified and confirmed. It is hereby covenanted and recited that the City has the power under the Act to pledge the Revolving Fund to payment of the principal of and interest on the Bonds.

Section 3. Terms of the Bonds. This Council hereby authorizes the issuance and sale of the Bonds, to be denominated “Special Improvement District No. 1389 Bonds,” of the City in the aggregate principal amount of \$212,000 for the purpose of financing the costs of the Improvements and costs incidental thereto. The Bonds shall be dated, as of the date of original issuance and delivery, and shall bear interest payable semiannually on January 1 and July 1 of each year, commencing January 1, 2011, at a rate or rates designated by the successful bidder at public sale and approved by this Council. If issued as serial bonds, the Bonds shall mature on July 1 in each of the following years and amounts:

Year	Principal Amount	Year	Principal Amount
2011	\$ 7,000	2019	\$14,000
2012	10,000	2020	15,000
2013	12,000	2021	16,000
2014	12,000	2022	16,000
2015	13,000	2023	18,000
2016	13,000	2024	18,000
2017	14,000	2025	20,000
2018	14,000		

If issued as amortization bonds, the Bonds will be issued as a single bond or divided into several bonds, as the Council may determine at the time of the sale, and the principal of and

interest on the Bonds shall be payable semiannually in equal payments on each January 1 and July 1, commencing January 1, 2011, and concluding July 1, 2025, unless the Bonds are earlier redeemed. Serial bonds shall be in the denomination of \$1,000 each or any integral multiple thereof of single maturities.

The Bonds shall be issuable only as fully registered bonds and shall be executed by the manual or facsimile signatures of the Mayor, Financial Services Manager and the City Clerk. The Bonds shall be secured by the Revolving Fund.

Section 5. Public Sale. All bids for the Bonds shall be submitted to the Financial Services Manager until 11:30 a.m., MT, on March 8, 2010 at which time bids will be opened and tabulated by the Financial Services Manager. The tabulation of bids will be presented to the City Council at a regular meeting of this Council on March 8, 2010, at 6:30 p.m., MT. This Council will consider the bids and, if a responsive and acceptable bid is received, award the sale of the Bonds. The City will receive sealed bids for the Bonds and the Bonds will be sold in accordance with the Official Terms and Conditions attached hereto as Exhibit A (which is hereby incorporated and made a part hereof). The Financial Services Manager is hereby authorized and directed to cause notice of the sale to be published, as required by Montana Code Annotated, Sections 7-12-4204, 7-7-4252 and 17-5-106, in *The Billings Times*, once each week for two successive weeks preceding the week which contains the date of sale. The notice of sale shall be published and mailed in substantially the form set forth as Exhibit B to this resolution (which is hereby incorporated herein and made a part hereof) and this Council hereby adopts the terms and conditions set forth in such notice of sale as the terms and conditions of the sale of the Bonds.

Section 6. Informational Materials. The Financial Services Manager and other officers of the City are hereby authorized and directed to prepare and distribute on behalf of the City an Offering Circular or summary of the transaction, to the extent deemed necessary or appropriate.

Passed by the City Council of the City of Billings, Montana, this 22nd day of February, 2010.

Mayor

ATTEST:

City Clerk

EXHIBIT A

TERMS AND CONDITIONS

\$212,000

SPECIAL IMPROVEMENT DISTRICT NO. 1389 BONDS
CITY OF BILLINGS, MONTANA

NOTICE IS HEREBY GIVEN that the City of Billings, Montana (the "City"), will sell to the lowest responsive bidder for cash, as evidenced by sealed bids, the above-described Bonds drawn against the district fund of Special Improvement District No. 1389 in the aggregate principal amount of \$212,000.

Sealed bids for the purchase of the Bonds will be received at the office of the Financial Services Manager in Billings, Montana, at 1st Floor of Park III, at 210 North 27th Street, Billings, Montana, until 11:30 a.m., MT, on Monday, March 8, 2010, at which time the bids will be opened and tabulated. The City Council of the City will meet at 6:30 p.m., MT, on the same day in the Council Chambers to consider the bids and the award of sale of the Bonds and, if a responsive and acceptable bid is received, award the Bonds to the responsive bidder whose bid reflects the lowest true interest cost (TIC) to the City.

Purpose and Security

The Bonds will be issued for the purpose of financing the cost of construction of certain local improvements (the "Improvements") within or for the benefit of Special Improvement District No. 1389 (the "District"), in accordance with the provisions of Montana Code Annotated, Title 7, Chapter 12, Parts 41 and 42, as amended (the "Act"). The Bonds will be special, limited obligations of the City and do not constitute general obligations of the City.

The Bonds are payable primarily from the collection of a special assessment which is a lien against the assessable real property within the District benefited by the Improvements to be undertaken therein or therefor. The special assessments are payable in semiannual installments over a term not exceeding 15 years, each in semiannual installments of principal, plus interest, with unpaid installments of the special assessments bearing interest at a rate equal, from time to time, to the sum of (i) the average rate of interest borne by the then outstanding Bonds, plus (ii) one-half of one percent (0.50%) per annum.

The Bonds are secured by the Special Improvement District Revolving Fund of the City (the "Revolving Fund") into which \$10,600 will be deposited from the proceeds of the Bonds. The City will agree to make a loan from the Revolving Fund to the District Fund to make good any deficiency then existing in the principal and interest accounts therein and to provide funds for the Revolving Fund by levying a tax or making a loan from the City's general fund to the extent and for the period authorized by the Act.

Date and Type

The Bonds will be dated as of the date of original issuance and delivery, and will be issued as negotiable investment securities in registered form as to both principal and interest.

Maturities and Form

If issued as serial bonds, the Bonds shall mature, subject to redemption, on July 1 in the following years and amounts:

Year	Principal Amount	Year	Principal Amount
2011	\$ 7,000	2019	\$14,000
2012	10,000	2020	15,000
2013	12,000	2021	16,000
2014	12,000	2022	16,000
2015	13,000	2023	18,000
2016	13,000	2024	18,000
2017	14,000	2025	20,000
2018	14,000		

If issued as amortization bonds, the Bonds will be issued as a single bond or divided into several bonds, as the Council may determine at the time of the sale, and the principal of and interest on the Bonds shall be payable semiannually in equal payments on each January 1 and July 1, commencing January 1, 2011, and concluding July 1, 2025, unless the Bonds are earlier redeemed. Serial bonds shall be in the denomination of \$1,000 each or any integral multiple thereof of single maturities.

The Bonds shall be issuable only as fully registered bonds and shall be executed by the manual or facsimile signatures of the Mayor, Financial Services Manager and the City Clerk.

Redemption

Mandatory Redemption. If on any interest payment date there will be a balance in the District Fund after payment of the principal and interest due on all Bonds drawn against it, either from the prepayment of special assessments levied in the District or from the transfer of surplus money from the Construction Account to the Principal Account, outstanding Bonds, or portions thereof, in an amount which, together with the interest thereon to the interest payment date, will equal the amount of such funds on deposit in the District Fund on that date are subject to mandatory redemption on that interest payment date. The redemption price shall equal the amount of the principal amount of the Bonds to be redeemed plus interest accrued to the date of redemption.

Optional Redemption. The Bonds are subject to redemption, in whole or in part, at the option of the City from sources of funds available therefor other than those described under “Mandatory Redemption” and other than from any amounts on deposit in a Reserve Account (e.g., from proceeds of refunding bonds) on the terms of this paragraph. The Bonds with stated maturities on or after July 1, 2017 will be subject to redemption on July 1, 2016, and any date thereafter, at the option of the City, in whole or in part, at a redemption price equal to the principal amount thereof to be redeemed plus interest accrued to the redemption date, without premium.

Selection of Bonds for Redemption. If less than all of the Bonds are to be redeemed, Bonds shall be redeemed in order of the stated maturities thereof. If less than all Bonds of a stated maturity are to be redeemed, the Bonds of such maturity shall be selected for redemption in \$5,000 principal amounts selected by the Registrar by lot or other manner it deems fair.

Interest Payment Dates, Rates

Interest will be payable each January 1 and July 1, commencing January 1, 2011, to the registered owners of the Bonds as such appear in the bond register as of the close of business on the 15th day (whether or not a business day) of the immediately preceding month. All Bonds of the same stated maturity must bear interest from the date of original issue until paid at a single, uniform rate. Each rate must be expressed in an integral multiple of 1/8 or 1/20 of 1%. Interest will be calculated on the basis of a 360-day year consisting of twelve 30-day months. No supplemental or "B" coupons or additional interest certificates will be allowed.

Bond Registrar, Transfer Agent and Paying Agent

The City shall select a bond registrar, transfer agent and paying agent (the "Registrar") in connection with the Bonds. The bond register will be kept, transfers of ownership will be effected and principal of and interest on the Bonds will be paid by the Registrar. The City will pay the charges of the Registrar for such services. The City reserves the right to remove the Registrar and to appoint a successor.

Delivery

Within 30 days after the sale, the City will deliver to the Registrar the printed Bonds ready for completion and authentication. The original purchaser of the Bonds must notify the Registrar, at least five business days before issuance of the Bonds, of the persons in whose names the Bonds will be initially registered and the denominations of the Bonds to be originally issued. If notification is not received by that date, the Bonds will be registered in the name of the original purchaser and, if serial bonds, will be issued in denominations corresponding to the principal maturities of the Bonds. On the day of closing, the City will furnish to the purchaser the opinion of Bond Counsel hereinafter described, an arbitrage certification and a certificate stating that no litigation in any manner questioning the validity of the Bonds is then pending or, to the knowledge of officers of the City, threatened. Payment for the Bonds must be received by the City in immediately available funds at its designated depository on the day of closing. The successful bidder shall submit to the City Clerk not earlier than 48 hours after the award of sale and not later than the day of closing a certificate, in form satisfactory to Bond Counsel, as to the initial reoffering price of each stated maturity of the Bonds and stating that at least ten percent of the principal amount of such Bonds of each stated maturity has been sold at such respective prices.

Legal Opinion

An opinion as to the validity of the Bonds and the exclusion of the interest thereon from gross income for federal income tax purposes and Montana individual income tax

purposes will be furnished by Dorsey & Whitney LLP, of Missoula, Montana, and Minneapolis, Minnesota, as Bond Counsel. The legal opinion will state that the Bonds are valid and binding special, limited obligations of the City enforceable in accordance with their terms, except to the extent to which enforceability thereof may be limited by the exercise of judicial discretion or by state or federal laws relating to bankruptcy, reorganization, moratorium or creditors' rights.

Type of Bid and Good Faith Deposit

Sealed bids for not less than \$212,000 (100% of par) and accrued interest on the principal sum of \$212,000 must be mailed or delivered to the undersigned and must be received at the office of the Financial Services Manager prior to the time stated above. Bidders must bid for all or none of the Bonds. Each bid must be unconditional.

Except for a bid by or on behalf of the Board of Investments of the State of Montana, a good faith deposit (the "Deposit") in the form of money, cashier's check, certified check, bank money order, or bank draft drawn and issued by a federally chartered or state chartered bank insured by the federal deposit insurance corporation or a financial surety bond in the sum of \$4,240 payable to the order of the City is required for a bid to be considered. If money, cashier's check, certified check, bank money order, or bank draft is used, it must accompany the bid and be delivered to the Financial Services Manager. If a financial surety bond is used, it must be from an insurance company licensed and qualified to issue such a bond in the State of Montana and such bond must be submitted to the Financial Services Manager, or the City's financial advisor prior to the opening of the bids. The financial surety bond must identify each bidder whose Deposit is guaranteed by such financial surety bond. If the Bonds are awarded to a bidder utilizing a financial surety bond, then that purchaser is required to submit its Deposit to the City in the form of a cashier's check (or wire transfer such amount as instructed by the City or its financial advisor) not later than 1:00 p.m., Mountain Daylight Time, on the next business day following the award. If such Deposit is not received by that time, the financial surety bond may be drawn by the City to satisfy the Deposit requirement. No interest on the Deposit will accrue to the purchaser. The Deposit will be applied to the purchase price of the Bonds. In the event the purchaser fails to honor its accepted bid, the Deposit will be retained by the City as liquidated damages. The Deposit of the unsuccessful bidders will be returned immediately on award of the Bonds to the purchaser or after rejection of all bids. Instructions for wiring the Deposit may be obtained from the City's Financial Services Manager, Pat Weber, 210 North 27th Street, Billings, Montana 59101, telephone (406) 657-8209.

Award

The City will consider sealed bids. The bid having the lowest true interest cost (TIC) (the net present value of the total interest on all Bonds from March 15, 2010, to their maturities, less any premium or plus any discount), will be deemed the most favorable. In the event that two or more bids state the lowest true interest cost, the sale of the Bonds will be awarded by lot. No oral bid will be considered. The City reserves the rights to reject any and all bids, to waive informalities in any bid and to adjourn the sale.

Informational Materials

The Financial Services Manager and other officers of the City will prepare and distribute on behalf of the City an Offering Circular or summary of the transaction, to the extent deemed necessary or appropriate.

CUSIP Numbers

The City will assume no fee or obligation for the assignment or printing of CUSIP numbers on the Bonds or for the correctness of any numbers printed thereon, but will permit such numbers to be assigned and printed at the expense of the purchaser, if the original purchaser waives any delay in delivery occasioned thereby.

Dated: February 22, 2010.

BY ORDER OF THE CITY COUNCIL

Cari Martin, City Clerk
City of Billings, Montana

EXHIBIT B

NOTICE OF BOND SALE

\$212,000

SPECIAL IMPROVEMENT DISTRICT NO. 1389 BONDS
CITY OF BILLINGS, MONTANA

NOTICE IS HEREBY GIVEN that the City Council (the “Council”) of the City of Billings, Montana (the “City”), will receive sealed bids for the purchase of \$212,000 Special Improvement District No. 1389 Bonds (the “Bonds”) through the City Clerk at 210 North 27th Street, Billings, Montana, or bids for the purchase of the Bonds will be received at the office of the Financial Services Manager in Billings, Montana, at 1st Floor of Park III, at 210 North 27th Street, Billings, Montana, until 11:30 a.m., MT, on Monday, March 8, 2010, at which time the bids will be opened and tabulated. The bids will be presented to the City Council at a regular meeting at 6:30 p.m. on the same day in the Council Chambers, at which time the Council will consider the bids received, and if a responsive and acceptable bid is received, the Council will award sale of the Bonds to the responsive bidder whose bid reflects the lowest true interest cost (TIC).

The Bonds are being issued for the purpose of financing the cost of construction of certain local improvements (the “Improvements”), or reimbursing the City the cost thereof, within Special Improvement District No. 1389 (the “District”); and paying costs associated with the sale and issuance of the bonds. The Bonds shall mature, subject to redemption, on July 1 in the following years and amounts:

Year	Principal Amount	Year	Principal Amount
2011	\$ 7,000	2019	\$14,000
2012	10,000	2020	15,000
2013	12,000	2021	16,000
2014	12,000	2022	16,000
2015	13,000	2023	18,000
2016	13,000	2024	18,000
2017	14,000	2025	20,000
2018	14,000		

The Bonds shall be issuable only as fully registered bonds and shall be executed by the manual or facsimile signatures of the Mayor, Financial Services Manager and the City Clerk. The Bonds shall be secured by the City’s Revolving Fund.

Serial bonds shall be in the denomination of \$1,000 each or any integral multiple thereof of single maturities.

The Bonds shall be dated as of the date of original issuance and delivery , and shall bear interest payable semiannually on January 1 and July 1 of each year, commencing January 1, 2011, to the registered owners of the Bonds as such appear in the bond register as of the close of business on the 15th day (whether or not a business day) of the immediately preceding month. No supplemental or “B” coupons or additional interest certificates are permitted and rates shall

be expressed in integral multiples of 1/8 or 1/20 of one percent per annum. The Bonds with stated maturities on or after July 1, 2017 will be subject to redemption on July 1, 2016, and any date thereafter, at the option of the City, in whole or in part, at a redemption price equal to the principal amount thereof to be redeemed plus interest accrued to the redemption date, without premium. The Bonds are also subject to mandatory redemption on an interest payment date if the amounts in the District Fund, either from prepayment of assessments or transfers from the Construction Account to the Principal Account, are sufficient to pay outstanding Bonds, or portions thereof, with interest thereon to that interest payment date.

The Bonds will be sold for not less than \$212,000 (100% of par) with accrued interest on the principal amount of the Bonds to the date of their delivery. The Council reserves the right to reject any and all bids, to waive any informality in any bid, and to adjourn the sale.

A good faith deposit in the form of money, cashier's check, certified check, bank money order, or bank draft drawn and issued by a federally chartered or state chartered bank insured by the Federal Deposit Insurance Corporation or a financial surety bond in the sum of 2% of the aggregate principal amount of the Bonds (\$4,240) payable to the order of the City is required for each bid to be considered, as further specified in the Official Terms and Conditions of Sale.

Copies of the Official Terms and Conditions of Sale and additional information may be obtained from Financial Services Manager, Pat Weber, 210 North 27th Street, Billings, Montana 59101, telephone (406) 657-8209. Prospective bidders should consult the Official Terms and Conditions of Sale for a detailed description of the Bonds, the security therefor, and the form of legal opinion proposed to be rendered by Dorsey & Whitney LLP, of Missoula, Montana, and Minneapolis, Minnesota, as bond counsel. For further information, potential bidders may contact the Financial Services Manager, Pat Weber, 210 North 27th Street, Billings, Montana 59101, telephone (406) 657-8209.

Dated: February 22, 2010.

BY ORDER OF THE CITY COUNCIL

/s/ Cari Martin
Cari Martin, City Clerk
City of Billings, Montana

Publish: February 25, 2010 and March 4, 2010

Regular City Council Meeting

Consent : 1.R.1.

Date: 02/22/2010

TITLE: Payment of Claims January 22, 2010.

Pat M. Weber, Financial

PRESENTED BY: Services Manager

Department: City Hall Administration

Information

PROBLEM/ISSUE STATEMENT

Claims in the amount of \$669,036.97 have been audited and are presented for your approval for payment. A complete listing of the claims dated January 22, 2010, is available in the Finance Department.

ALTERNATIVES ANALYZED

The Council may:

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

FINANCIAL IMPACT

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

RECOMMENDATION

Staff recommends that Council approve Payment of Claims.

APPROVED BY CITY ADMINISTRATOR

Attachments

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

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
01/22/2010 503-7591-609.93-40	728766 01/21/2010	ACE ELECTRIC INC	40 WO0907 CHEMICAL BLDG MCC	1 - FINAL	266965 07/2010	42,661.08 42,661.08	
01/22/2010 150-2170-441.24-40 150-2112-421.23-20 407-7128-711.94-97 561-7115-711.24-40 150-2112-421.21-20	728767 01/15/2010 01/19/2010 01/20/2010 01/20/2010 01/21/2010	ACORN TECHNOLOGIES LLC	821 OFFICER RADIO BATTERIES MP INVOICE #2178B INVOICE #2178A RADIO SYSTEM FOR LEVY CAR	1001-0046 1001-0073 2178A/2178B 2178A/2178B 2265	271933 07/2010 271995 07/2010 F10418 07/2010 F10418 07/2010 F10422 07/2010	6,120.00 312.00 50.00 1,479.00 1,479.00 2,800.00	
01/22/2010 502-0000-141.00-00	728773 01/15/2010	APSCO INC	19891 WASTEWATER PARTS & SUPPLY	14350	07/2010	5,402.22 5,402.22	
01/22/2010 779-1576-415.76-79	728790 01/21/2010	BILLINGS TOURISM	19895 MISC SERVICES	DEC 09	272043 07/2010	6,374.31 6,374.31	
01/22/2010 541-3121-435.73-90 802-3181-433.73-90	728793 01/19/2010 01/19/2010	BRIGHT & BEAUTIFUL	547 CONTRIBUTION CONTRIBUTION	YEARLY CONTRIB YEARLY CONTRIB	271961 07/2010 271961 07/2010	10,000.00 5,000.00 5,000.00	
01/22/2010 255-2142-421.12-20	728803 01/20/2010	DEPT OF JUSTICE DCI	17163 MISC SERVICES	MAGNUSON NAP OT	272000 07/2010	3,732.45 3,732.45	
01/22/2010 780-1575-415.76-80	728805 01/21/2010	DOWNTOWN BILLINGS BID, INC.	19065 MISC SERVICES	DEC 09	272045 07/2010	6,549.33 6,549.33	
01/22/2010 723-6595-465.62-00	728814 01/20/2010	FIRST INTERSTATE BANK	1303 MISC SERVICES	1100216095	272026 07/2010	6,020.41 6,020.41	
01/22/2010 462-3161-431.93-10	728816 01/21/2010	FOUR BEERS INC	20892 SID1387 ZIMMERMAN TR	1	270919 07/2010	71,518.44 71,518.44	
01/22/2010 150-2150-421.61-00 150-2150-421.62-00 150-2150-421.61-00 150-2150-421.62-00	728820 01/10/2010 01/10/2010 01/10/2010 01/10/2010	GENERAL ELECTRIC CAPITAL CORP	19598 71158064 TOUGHBOOK PYMT # 71158064 TOUGHBOOK PYMT # 71195686 TOUGHBOOK PYMT # 71158064 TOUGHBOOK PYMT #	71158064/95686 71158064/95686 71158064/95686 71158064/95686	F10437 07/2010 F10437 07/2010 F10437 07/2010 F10437 07/2010	9,370.42 4,252.29 432.92 4,252.29 432.92	
01/22/2010 840-3184-431.93-10 432-3110-431.93-10 513-8491-623.93-90 503-7491-603.93-90 513-8491-623.93-90 502-7211-601.35-40 512-8211-621.35-40 845-3186-431.93-10	728831 01/21/2010 01/21/2010 01/21/2010 01/21/2010 01/21/2010 01/21/2010 01/21/2010 01/21/2010	HDR INC	1544 WO0709 BLGS STRM WTR WO0722 KING AVE EAST WO0808 WWTP 2008 ELECTRIC WO0907 CHEMICAL BLD MCC WO0908 WWTP WTR LINE REPL WO0923 ELEC MSTR PLAN WO0923 ELEC MSTR PLAN WO0915 GRAND/ZIMM/SHILOH	27 22 23 11 7 4 4 2	251610 07/2010 254108 07/2010 255506 07/2010 264913 07/2010 266958 07/2010 269621 07/2010 269621 07/2010 270652 07/2010	29,629.26 6,627.86 8,986.64 1,548.85 2,994.68 3,786.71 845.59 845.59 3,993.34	
01/22/2010 251-2186-421.38-22	728832 01/20/2010	HELENA POLICE DEPARTMENT	9703 MISC SERVICES	ICAC ATRAVEL	271914 07/2010	2,680.31 414.29	

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251-2186-421.12-20	01/20/2010	MISC SERVICES	ICAC OT	271914	07/2010	1,753.25	
251-2186-421.21-90	01/20/2010	MISC SERVICES	ICAC SUPPLIES	271914	07/2010	359.74	
251-2186-421.34-50	01/20/2010	MISC SERVICES	ICAC-AIRCARDS	271914	07/2010	153.03	
01/22/2010	728834	HKM ENGINEERING INC	10883			16,195.76	
205-3131-433.93-10	01/21/2010	WO0821 LAKE ELMO	12	261940	07/2010	6,967.82	
840-3184-431.93-10	01/21/2010	WO0821 LAKE ELMO	12	261940	07/2010	9,227.94	
01/22/2010	728840	INTEGRATED INFORMATION SOLUTIO	13770			5,460.00	
620-1911-482.94-80	01/21/2010	MISC SERVICES	63937 63936	271931	07/2010	5,460.00	
01/22/2010	728845	JTL GROUP INC DBA KNIFE RIVER	2417			9,784.61	
211-3134-433.45-20	01/20/2010	ROAD/HIGHWAY MATERIAL	196805	272011	07/2010	4,477.99	
211-3137-433.45-20	01/20/2010	ROAD/HIGHWAY MATERIAL	196805	272011	07/2010	2,238.99	
211-3134-433.45-20	01/20/2010	ROAD/HIGHWAY MATERIAL	196899	272011	07/2010	1,384.80	
211-3134-433.45-20	01/20/2010	ROAD/HIGHWAY MATERIAL	196916	272011	07/2010	875.44	
211-3137-433.45-20	01/20/2010	ROAD/HIGHWAY MATERIAL	196916	272011	07/2010	807.39	
01/22/2010	728846	KADRMAS LEE & JACKSON	14850			39,663.42	
845-3186-431.93-10	01/21/2010	WO 04-12 ALKALI CULTURAL	1	259114	07/2010	7,511.12	
845-3186-431.93-10	01/21/2010	WO 04-12 ALKALI CR CHANNL	6	259114	07/2010	32,152.30	
01/22/2010	728860	MONTANA LAW ENFORCEMENT ACADEM	5092			3,600.00	
150-2140-421.38-22	01/21/2010	3834 - TUITION BASIC - SN	3834/3832/3873	F10426	07/2010	1,200.00	
150-2140-421.38-22	01/21/2010	3832 - TUITION BASIC - RA	3834/3832/3873	F10426	07/2010	1,200.00	
150-2140-421.38-22	01/21/2010	3873 - TUITION BASIC - YA	3834/3832/3873	F10426	07/2010	1,200.00	
01/22/2010	728868	NORTHWESTERN ENERGY	15771			20,267.57	
561-7117-711.34-10	01/19/2010	1341288-7	011910	F10412	07/2010	427.17	
561-7117-711.34-10	01/19/2010	1341289-5	011910	F10412	07/2010	23.81	
561-7117-711.34-10	01/19/2010	1341291-1	011910	F10412	07/2010	356.34	
561-7117-711.34-10	01/19/2010	1341295-2	011910	F10412	07/2010	638.76	
561-7117-711.34-10	01/19/2010	1669567-8	011910	F10412	07/2010	487.66	
561-7113-711.34-10	01/19/2010	0100483-7	011910	F10412	07/2010	2,773.27	
561-7113-711.34-10	01/19/2010	0100484-5	011910	F10412	07/2010	2,340.60	
561-7113-711.34-10	01/19/2010	1647695-4	011910	F10412	07/2010	33.92	
561-7117-711.34-10	01/19/2010	1264299-7	011910	F10412	07/2010	483.51	
10-5127-451.34-10	01/22/2010	NW PARK/REC/PL	07123870		07/2010	37.24	
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10-5122-451.34-10	01/22/2010	NW PARK/REC/PL	07208184		07/2010	48.36	
10-5126-451.34-10	01/22/2010	NW PARK/REC/PL	07208218		07/2010	46.11	
607-2235-486.34-10	01/22/2010	NW FIRE	07215809		07/2010	183.96	
502-7400-603.34-10	01/22/2010	NW PUD-WATER TREAT	07222649		07/2010	1,205.72	
10-5112-452.34-10	01/22/2010	NW PARK/REC/PL	07222870		07/2010	14.21	
502-7400-603.34-10	01/22/2010	NW PUD-WATER TREAT	07230402		07/2010	1,941.53	
10-5112-452.34-10	01/22/2010	NW PARK/REC/PL	07230451		07/2010	8.30	
502-7400-603.34-10	01/22/2010	NW PUD-WATER TREAT	07230592		07/2010	56.11	
211-3137-433.34-10	01/22/2010	NW PUBLIC WORKS	07240575		07/2010	148.12	
211-3133-433.34-10	01/22/2010	NW PUBLIC WORKS	08554040		07/2010	8.34	
10-5112-452.34-10	01/22/2010	NW PARK/REC/PL	09254962		07/2010	182.39	

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502-7400-603.34-10	01/22/2010	NW PUD	11164522		07/2010	304.37
561-7117-711.34-10	01/22/2010	NW PUD	11389269		07/2010	85.65
650-1566-487.34-10	01/22/2010	ACCOUNTS PAYABLE	11608023		07/2010	770.95
650-1566-487.34-10	01/22/2010	ACCOUNTS PAYABLE	11608049		07/2010	3,688.35
650-1566-487.34-10	01/22/2010	NW	12693917		07/2010	3,327.21
01/22/2010	728878	NORTHWESTERN ENERGY	15784			129,627.87
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ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT
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810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0712600-6		07/2010	791.39
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810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0712618-8		07/2010	304.39
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810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0712630-3		07/2010	263.80
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810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0712633-7		07/2010	172.26
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0712634-5		07/2010	55.54
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0712635-2		07/2010	55.54
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0712636-0		07/2010	101.47
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0712637-8		07/2010	59.23
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0712638-6		07/2010	426.14
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0712639-4		07/2010	635.50
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0712640-2		07/2010	14.82

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT		
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0712641-0		07/2010	320.87
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0712642-8		07/2010	29.10
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0712643-6		07/2010	284.08
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0712644-4		07/2010	324.67
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0712645-1		07/2010	231.06
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0712646-9		07/2010	466.72
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0712647-7		07/2010	66.63
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0712648-5		07/2010	37.03
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0712649-3		07/2010	37.03
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0712650-1		07/2010	22.22
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0712651-9		07/2010	403.84
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0712652-7		07/2010	121.76
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0712653-5		07/2010	306.87
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0712654-3		07/2010	242.17
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0712655-0		07/2010	7.27
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0712656-8		07/2010	58.43
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0712657-6		07/2010	88.85
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0712658-4		07/2010	1,527.32
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0712659-2		07/2010	341.14
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0712660-0		07/2010	237.14
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0712661-8		07/2010	582.13
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0712662-6		07/2010	688.52
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0712663-4		07/2010	356.14
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0712664-2		07/2010	830.98
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0712665-9		07/2010	498.59
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0712666-7		07/2010	2,160.54
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0712667-5		07/2010	645.99
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0712668-3		07/2010	379.92
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0712669-1		07/2010	405.75
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0712670-9		07/2010	129.21
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0712671-7		07/2010	344.97
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0712672-5		07/2010	12.52
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0712673-3		07/2010	81.18
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0712674-1		07/2010	310.12
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0712675-8		07/2010	528.08
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0712676-6		07/2010	71.23
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0712677-4		07/2010	94.98
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0712678-2		07/2010	72.80
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0712679-0		07/2010	284.90
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0712680-8		07/2010	977.56
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0712681-6		07/2010	2,074.77
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0718734-7		07/2010	2,350.49
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 1301786-8		07/2010	17.46
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0719001-0		07/2010	157.11
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0718801-4		07/2010	3,368.90
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0719162-0		07/2010	474.84
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0719644-7		07/2010	1,649.74
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0719763-5		07/2010	116.85
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0720813-5		07/2010	129.55
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0720360-7		07/2010	679.79

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0720606-3		07/2010	2,232.63	
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 1301786-8		07/2010	16.10	
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0720810-1		07/2010	1,061.22	
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0720705-3		07/2010	427.35	
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0720937-2		07/2010	2,690.92	
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0720716-0		07/2010	751.47	
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0721427-3		07/2010	127.47	
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0721556-9		07/2010	301.63	
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0721684-9		07/2010	10.28	
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0833098-7		07/2010	60.29	
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0906944-4		07/2010	339.79	
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0995095-7		07/2010	852.58	
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0905005-5		07/2010	2,418.37	
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0926386-4		07/2010	173.48	
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0907926-0		07/2010	51.70	
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0961926-3		07/2010	368.39	
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 1058710-3		07/2010	711.24	
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 1087619-1		07/2010	180.90	
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 1124127-0		07/2010	52.57	
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 1045653-1		07/2010	559.93	
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 1079722-3		07/2010	287.61	
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 1172743-5		07/2010	291.18	
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 1206985-2		07/2010	289.76	
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 1296582-8		07/2010	204.53	
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 1246537-3		07/2010	135.09	
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 1303978-9		07/2010	431.71	
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 1685375-6		07/2010	271.59	
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 1433921-2		07/2010	111.59	
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 1481532-8		07/2010	522.33	
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 1481534-4		07/2010	202.93	
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 1481535-1		07/2010	405.84	
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 1481536-9		07/2010	94.98	
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 1481537-7		07/2010	1,090.75	
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 1481539-3		07/2010	182.63	
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 1481540-1		07/2010	162.34	
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 1662840-6		07/2010	346.70	
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 1687005-7		07/2010	1,533.39	
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 1607534-3		07/2010	252.74	
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 1695873-8		07/2010	838.17	
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 1740353-6		07/2010	296.02	
810-3183-431.34-10	01/31/2010	LIGHT MAINT TRANSFER	NWE 0712569-3		07/2010	42.97	
01/22/2010	728885	SANDERSON STEWART	20446			24,860.99	
416-7493-603.93-40	01/21/2010	WO0913 STAPLES WTR EXTEN	6	267598	07/2010	23,654.70	
205-3131-433.35-90	01/21/2010	WO0921 SAFE RTES TO SCHL	2	270374	07/2010	1,206.29	
01/22/2010	728896	SUNSET EXCAVATION	11477			6,000.00	
505-7515-609.36-71	01/19/2010	MISC SERVICES	930260	271978	07/2010	3,400.00	
505-7515-609.36-71	01/19/2010	MISC SERVICES	930261	271978	07/2010	2,600.00	
01/22/2010	728903	TOWN & COUNTRY SUPPLY ASSOCIAT	18295			48,185.28	
601-0000-141.71-41	01/15/2010	MP	70297		07/2010	13,337.65	

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
601-0000-141.71-41	01/15/2010	MP	70448		07/2010	4,985.34	
601-0000-141.71-41	01/15/2010	MP	70449		07/2010	2,225.69	
601-0000-141.00-00	01/19/2010	MP	69380		07/2010	22,013.50	
601-0000-141.00-00	01/19/2010	MP	69577		07/2010	5,623.10	
01/22/2010	728907	US BANK-REVOLVING LOAN FUND	16715			6,020.41	
723-6595-465.62-00	01/20/2010	MISC SERVICES	53-7240483306	272023	07/2010	6,020.41	
01/22/2010	728913	WELLS FARGO BANK-LOAN PAYMENT	16716			6,020.41	
723-6595-465.62-00	01/20/2010	MISC SERVICES	16-0910824-3	272024	07/2010	6,020.41	
01/22/2010	728915	WESTERN MUNICIPAL CONSTRUCTION	11742			44,089.18	
513-0000-201.10-00	01/21/2010	WO0801 2008 WTR & SWR	RET RELEASE	265602	07/2010	33,259.37	
513-8591-625.93-40	01/21/2010	WO0801 2008 WTR & SWR	CORRECTION	265602	07/2010	25,812.28	
513-8591-625.93-40	01/21/2010	WO0801 2008 WTR & SWR	CORRECTION	265602	07/2010	25,812.28	
513-8591-625.93-40	01/21/2010	WO0801 2008 WTR & SWR	8	265602	07/2010	10,829.81	
01/22/2010	728916	WESTERN SECURITY BANK	16462			6,093.20	
723-6595-465.62-00	01/20/2010	MISC SERVICES	100022110	272027	07/2010	3,046.60	
723-6595-465.62-00	01/20/2010	MISC SERVICES	157011874	272027	07/2010	3,046.60	
01/22/2010	728921	YELLOWSTONE COUNTY GIS	10369			35,000.00	
225-2232-422.35-90	01/13/2010	GIS SERVICES/911 CTR	10-01 GIS/911	271707	07/2010	35,000.00	
01/22/2010	728922	YELLOWSTONE COUNTY SHERIFFS	6218			10,944.34	
717-2166-421.78-65	01/19/2010	MISC SERVICES	DRUG FORF	271957	07/2010	4,024.83	
255-2142-421.12-20	01/20/2010	MISC SERVICES	BENJAMIN NAP OT	272001	07/2010	3,498.88	
255-2142-421.12-20	01/20/2010	MISC SERVICES	SKILLEN NAP OT	272001	07/2010	1,593.75	
255-2142-421.12-20	01/20/2010	MISC SERVICES	SKINNER NAP OT	272001	07/2010	1,133.38	
255-2142-421.79-10	01/20/2010	MISC SERVICES	1/2 NAP PE/PI	272001	07/2010	693.50	
01/22/2010	728923	YELLOWSTONE ELECTRIC CO	4162			4,878.00	
561-7112-711.36-60	01/19/2010	INVOICE #16292	16292	F10409	07/2010	4,878.00	
DATE RANGE TOTAL *						616,749.27 *	

Regular City Council Meeting

Consent : 1.R.2.

Date: 02/22/2010

TITLE: Payment of Claims January 29, 2010.

Pat M. Weber, Financial

PRESENTED BY: Services Manager

Department: City Hall Administration

Information

PROBLEM/ISSUE STATEMENT

Claims in the amount of \$977,141.42 have been audited and are presented for your approval for payment. A complete listing of the claims dated January 29, 2010, is available in the Finance Department.

ALTERNATIVES ANALYZED

The Council may:

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

FINANCIAL IMPACT

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

RECOMMENDATION

Staff recommends that Council approve Payment of Claims.

APPROVED BY CITY ADMINISTRATOR

Attachments

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

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
01/29/2010	728927	A-1 LANDSCAPING & NURSERY	2			6,090.00	
521-1524-493.39-90	01/27/2010	SNOW REMOVAL JAN 2010	2773	272163	07/2010	3,300.00	
521-1591-493.39-90	01/27/2010	SNOW REMOVAL JAN 2010	2773	272163	07/2010	570.00	
521-1592-493.39-90	01/27/2010	SNOW REMOVAL JAN 2010	2773	272163	07/2010	1,080.00	
521-1593-493.39-90	01/27/2010	SNOW REMOVAL JAN 2010	2773	272163	07/2010	570.00	
521-1594-493.39-90	01/27/2010	SNOW REMOVAL JAN 2010	2773	272163	07/2010	570.00	
01/29/2010	728934	ALTERNATIVES INC	105			9,348.00	
248-1263-412.22-90	01/28/2010	SCRAM BAMDUI OCT-DEC 09	2010-7	272158	07/2010	9,348.00	
01/29/2010	728937	APPRAISAL GROUP THE	16403			5,700.00	
845-3186-431.93-10	01/27/2010	WO0412 ALKALI CR	12-04-09	272084	07/2010	5,700.00	
01/29/2010	728948	BILLINGS COMMUNITY CABLE	413			25,000.00	
10-1411-414.72-66	01/25/2010	MISC SERVICES	01202010	272082	07/2010	25,000.00	
01/29/2010	728956	BROWN AND CALDWELL	18626			13,428.92	
503-7491-603.93-90	01/27/2010	WO0816 SCADA REPLACEMENT	9	265225	07/2010	12,988.50	
421-0000-201.10-00	01/28/2010	WWTP STORMWATER MOD	RET RELEASE	263034	07/2010	440.42	
01/29/2010	728963	COLSTRIP ELECTRIC INC	11663			40,031.13	
513-8491-623.93-90	01/28/2010	WO0808 2008 ELECTRICAL	6	257954	07/2010	40,031.13	
01/29/2010	728965	COMMUNITY SOLUTIONS INC	18339			7,384.62	
248-1263-412.35-81	01/28/2010	BAMDUI PROBATION NOV-JAN	2010-7	272132	07/2010	7,384.62	
01/29/2010	728970	D N D SECURITY	16586			3,009.67	
521-1591-493.39-70	01/27/2010	SECURITY JAN 2010	2778	272166	07/2010	969.92	
521-1592-493.39-70	01/27/2010	SECURITY JAN 2010	2778	272166	07/2010	1,014.92	
521-1593-493.39-70	01/27/2010	SECURITY JAN 2010	2778	272166	07/2010	519.92	
521-1594-493.39-70	01/27/2010	SECURITY JAN 2010	2778	272166	07/2010	504.91	
01/29/2010	728979	EBMS	20398			31,078.05	
627-1752-417.35-12	01/25/2010	ADMIN FEES			07/2010	16,552.00	
627-1752-417.35-15	01/25/2010	SPECIFIC PREM			07/2010	200.40	
627-1752-417.51-61	01/25/2010	CARE LINK FEE			07/2010	7,041.40	
627-1752-417.35-11	01/25/2010	FLEX ADMIN FEE			07/2010	2,075.00	
627-1752-417.35-15	01/25/2010	PRO FEE			07/2010	3,451.00	
627-1752-417.35-13	01/25/2010	SCRIPTS			07/2010	1,359.75	
627-1752-417.35-16	01/26/2010	WELLNESS			07/2010	300.00	
627-1752-417.32-10	01/26/2010	PRINTING			07/2010	98.50	
01/29/2010	728985	FERGUSON ENTERPRISES INC	20100			7,212.76	
502-0000-141.00-00	01/27/2010	SYSTEMS	0537510		07/2010	7,212.76	
01/29/2010	728988	GILLIG CORPORATION	18154			3,124.23	
601-0000-141.71-41	01/21/2010	MP	4590814		07/2010	2,508.17	
601-0000-141.71-41	01/21/2010	MP	4590815		07/2010	616.06	
01/29/2010	728990	GRAPHIC-IMPRINTS	17779			3,246.00	
10-5124-451.22-50	01/25/2010	YOUTH T-SHIRTS	17890	268699	07/2010	1,800.00	

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
10-5125-451.22-50	01/25/2010	MOCK TURTLE NECKS	18545	268699	07/2010	1,446.00	
01/29/2010 728995	HDR INC	1544				14,533.26	
416-7493-603.92-20	01/27/2010	WO0426 ZONE 4 & 5	35	247294	07/2010	14,533.26	
01/29/2010 728999	HOFF ALVIN M.	20989				35,000.00	
421-8493-623.93-40	01/27/2010	WO0436 BRIARWOOD SEWER	SETTLEMENT	272122	07/2010	35,000.00	
01/29/2010 729003	IAFF	20196				4,189.05	
900-0000-209.99-20	01/29/2010	PAYROLL SUMMARY	20100129		07/2010	4,189.05	
01/29/2010 729005	INLAND GPS	15901				3,303.00	
502-7500-609.36-90	01/26/2010	MISC SERVICES	TRIMBLE JAN 10	272130	07/2010	1,651.50	
512-8500-625.36-90	01/26/2010	MISC SERVICES	TRIMBLE JAN 10	272130	07/2010	1,651.50	
01/29/2010 729007	INTERFAITH HOSPITALITY NETWORK	18280				67,959.45	
271-6710-464.72-60	01/28/2010	MISC SERVICES	HOUSING FIRST	272102	07/2010	59,771.00	
270-6711-464.72-75	01/28/2010	MISC SERVICES	HOUSING FIRST 8	272103	07/2010	8,188.45	
01/29/2010 729010	JOHNSON ROBERT B & MICHELE	20990				5,767.26	
421-8493-623.93-40	01/27/2010	WO0436 BRIARWOOD SEWER	SETTLEMENT	272118	07/2010	5,767.26	
01/29/2010 729011	KADRMAS LEE & JACKSON	14850				12,705.45	
503-7591-609.93-40	01/27/2010	WO0911 RIMROCK RD	6	268015	07/2010	1,969.34	
840-3184-431.93-10	01/27/2010	WO0911 RIMROCK RD	6	268015	07/2010	3,049.31	
845-3186-431.93-10	01/27/2010	WO0911 RIMROCK RD	6	268015	07/2010	7,686.80	
01/29/2010 729013	KELLS INNOVATIONS INC	20994				11,250.00	
502-7311-602.35-54	01/26/2010	MISC SERVICES	0912.006	272139	07/2010	5,625.00	
512-8311-622.35-54	01/26/2010	MISC SERVICES	0912.006	272139	07/2010	5,625.00	
01/29/2010 729016	KUSTOM SIGNALS INC	7522				4,558.28	
253-2124-421.21-20	01/22/2010	MISC SERVICES	407707 & 407508	270231	07/2010	4,558.28	
01/29/2010 729018	L P ANDERSON TIRE CO	173				2,532.50	
502-7312-602.23-90	01/27/2010	NONSTOCKING ITEMS-P.U.D.	77764	271667	07/2010	920.00	
502-7400-603.23-90	01/27/2010	NONSTOCKING ITEMS-P.U.D.	77764	271667	07/2010	112.50	
502-7500-609.23-90	01/27/2010	NONSTOCKING ITEMS-P.U.D.	77764	271667	07/2010	780.00	
512-8500-625.23-90	01/27/2010	NONSTOCKING ITEMS-P.U.D.	77764	271667	07/2010	720.00	
01/29/2010 729019	LAKE HILLS GOLF CLUB	2086				35,784.34	
840-3184-431.36-60	01/22/2010	STORMWATER IMPROVEMENTS	11609	272063	07/2010	35,784.34	
01/29/2010 729030	MIDLAND WEST MANUFACTURING CO	2421				7,000.00	
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541-3122-435.23-20	01/27/2010	MP	13746-AA	272160	07/2010	7,000.00	
630-1753-485.73-10	01/28/2010	MISC SERVICES	13746	272191	07/2010	7,000.00	
01/29/2010 729032	MODERN MACHINERY	2457				14,083.04	
211-3134-433.23-20	01/25/2010	MP	1452844	272083	07/2010	14,083.04	

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	561-7117-711.34-40	01/25/2010	073858 25	012510	F10443 07/2010	432.44	
	502-7400-603.34-40	01/28/2010	PUD	07162021	07/2010	121.54	
	502-7400-603.34-40	01/28/2010	PUD	07342023	07/2010	22.05	
	502-7400-603.34-40	01/28/2010	PUD	07365822	50% 07/2010	44.93	
	502-7400-603.34-40	01/28/2010	PUD	07365822	50% 07/2010	44.92	
	561-7113-711.34-40	01/28/2010	AIRPORT	07385922	07/2010	2,434.80	
	561-7112-711.34-40	01/28/2010	AIRPORT	07387221	07/2010	9,751.24	
	561-7117-711.34-40	01/28/2010	AIRPORT	07388722	07/2010	1,537.33	
	561-7117-711.34-40	01/28/2010	AIRPORT	07388824	07/2010	166.12	
	660-3110-431.34-40	01/28/2010		07585726	45% 07/2010	167.24	
	670-3141-489.34-40	01/28/2010		07585726	55% 07/2010	204.40	
	10-5127-451.34-40	01/28/2010	REC	07586821	07/2010	653.53	
	650-1567-487.34-40	01/28/2010	FACILITIES	07610421	07/2010	2,965.78	
	260-5512-455.34-40	01/28/2010	LIBRARY	07617521	07/2010	3,347.58	
	521-1595-493.34-40	01/28/2010	PARK 1 LEASE	07624823	07/2010	50.50	
	571-7143-713.34-40	01/28/2010	TRANSIT	07647023	07/2010	3,009.09	
	150-2221-422.34-40	01/28/2010	FIRE	07676421	07/2010	1,718.37	
	150-2221-422.34-40	01/28/2010	FIRE	07935121	07/2010	589.75	
	541-3123-435.34-40	01/28/2010	SW	08073321	07/2010	622.17	
	502-7400-603.34-40	01/28/2010	PUD	31753602	07/2010	71.06	
	150-2171-441.34-40	01/28/2010	ANIMAL SHELTER	32062801	07/2010	1,291.11	
	650-1566-487.34-40	01/28/2010	ADMIN BUILDING	32577402	07/2010	3,729.05	
	650-1566-487.34-40	01/28/2010	EVIDENCE BUILDING	32629302	07/2010	389.08	
	650-1566-487.34-40	01/28/2010	PD1	32708002	07/2010	1,045.71	
	512-8500-625.34-40	01/28/2010	PUD	32739201	07/2010	23.31	
	650-1566-487.34-40	01/28/2010	GARAGE	32781001	07/2010	4,155.62	
	512-8500-625.34-40	01/28/2010	PUD LIFT STATION	33154101	07/2010	23.32	
	521-1592-493.34-40	01/28/2010	PARK II	34941902	07/2010	13.59	
	512-8500-625.34-40	01/28/2010	PUD	35059801	07/2010	22.69	
	150-2221-422.34-40	01/28/2010	FIRE STATION #7	35322001	07/2010	707.81	
	561-7113-711.34-40	01/28/2010		31454301	07/2010	506.81	
	561-7113-711.34-40	01/28/2010		31454401	07/2010	161.68	
	561-7113-711.34-40	01/28/2010		31454601	07/2010	841.34	
	561-7113-711.34-40	01/28/2010		31454701	07/2010	1,030.75	
	561-7113-711.34-40	01/28/2010		31454801	07/2010	445.16	
	561-7113-711.34-40	01/28/2010		31454902	07/2010	726.30	
01/29/2010	729040	MONTANA DEPT OF TRANSPORTATION	2496			3,062.96	
	205-3131-433.93-10	01/27/2010	WO0210 BENCH CONNECTION	AR# 27083	272086 07/2010	2,774.03	
	490-5161-452.93-70	01/27/2010	WO0824 BROADWTR CROSSING	AR#29045	272124 07/2010	230.80	
	490-5161-452.93-70	01/27/2010	WO0830 POLY DR SIDEWALKS	AR# 28198	272125 07/2010	58.13	
01/29/2010	729042	MONTANA STATE FIREMAN'S ASSOC	20195			2,595.84	
	900-0000-209.99-24	01/29/2010	PAYROLL SUMMARY	20100129	07/2010	2,595.84	
01/29/2010	729052	NORTHWESTERN ENERGY	15771			151,646.44	
	502-7400-603.34-10	01/19/2010	MISC SERVICES	01004852 JAN10	271982 07/2010	875.51	

PROGRAM: GM350L
CITY OF BILLINGS

MINIMUM AMOUNT: 2,500.00
FROM 01/29/2010 TO 01/29/2010

BANK CODE 00

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502-7314-602.34-10	01/19/2010	MISC SERVICES	01006063 JAN10	271982 07/2010 1,651.09
502-7400-603.34-10	01/19/2010	MISC SERVICES	01006063 JAN10	271982 07/2010 49,532.95
502-7400-603.34-10	01/19/2010	MISC SERVICES	01006063 JAN10	271982 07/2010 13,208.79
512-8314-622.34-10	01/19/2010	MISC SERVICES	01006063 JAN10	271982 07/2010 1,651.10
150-2221-422.34-10	01/22/2010	FIRE1/ELEC/24520 KWH	0100476-1 10JAN	267531 07/2010 1,936.10
10-5127-451.34-10	01/25/2010	ELECRIC CHARGES	0100506-5	271623 07/2010 1,232.56
660-3110-431.34-10	01/26/2010	2224 MONTANA AVENUE	ACCT# 1741314-7	272091 07/2010 330.66
670-3141-489.34-10	01/26/2010	2224 MONTANA AVENUE	ACCT# 1741314-7	272091 07/2010 270.54
502-7400-603.34-10	01/26/2010	MISC SERVICES	01005404 JAN 10	272148 07/2010 2,137.10
502-7400-603.34-10	01/26/2010	MISC SERVICES	01005404 JAN 10	272148 07/2010 2,137.10
521-1594-493.34-10	01/27/2010	P4 ELECTRIC	1569619 8	272167 07/2010 1,824.49
521-1591-493.34-10	01/27/2010	P1 ELECT.	1569636 2	272167 07/2010 3,244.78
650-1567-487.34-10	01/28/2010	FACILITIES MANAGEMENT	01005073	07/2010 6,208.06
150-2221-422.34-10	01/28/2010	NW FIRE	07125370	07/2010 627.32
10-5122-451.34-10	01/28/2010	NW PARK/REC/PL	07126832	07/2010 84.24
571-7148-713.34-10	01/28/2010	NW AVIATION/TRAN	07127640	07/2010 21.43
561-7117-711.34-10	01/28/2010	NW AVIATION/TRAN	07127921	07/2010 414.13
561-7117-711.34-10	01/28/2010	NW AVIATION/TRAN	07127996	07/2010 37.57
561-7117-711.34-10	01/28/2010	NW AVIATION/TRAN	07128002	07/2010 1,135.19
561-7113-711.34-10	01/28/2010	NW AVIATION/TRAN	07128093	07/2010 7.13
561-7117-711.34-10	01/28/2010	NW AVIATION/TRAN	07128176	07/2010 287.85
561-7113-711.34-10	01/28/2010	NW AVIATION/TRAN	07196165	07/2010 51.20
521-1595-493.34-10	01/28/2010	NW FINANCE	07208291	07/2010 498.25
521-1592-493.34-10	01/28/2010	NW FINANCE	07208341	07/2010 4,974.15
150-2221-422.34-10	01/28/2010	NW FIRE	07208408	07/2010 301.74
10-5112-452.34-10	01/28/2010	NW PARK/REC/PL	07222375	07/2010 8.43
10-5112-452.34-10	01/28/2010	NW PARK/REC/PL	07222474	07/2010 7.10
502-7400-603.34-10	01/28/2010	NW PUD-WATER TREAT	07222524	07/2010 220.05
10-5112-452.34-10	01/28/2010	NW PARK/REC/PL	07222540	07/2010 .42
10-5112-452.34-10	01/28/2010	NW PARK/REC/PL	07222557	07/2010 81.02
10-5112-452.34-10	01/28/2010	NW PARK/REC/PL	07222573	07/2010 45.69
10-5112-452.34-10	01/28/2010	NW PARK/REC/PL	07222607	07/2010 59.85
10-5112-452.34-10	01/28/2010	NW PARK/REC/PL	07222664	07/2010 7.10
10-5112-452.34-10	01/28/2010	NW PARK/REC/PL	07222698	07/2010 7.10
10-5112-452.34-10	01/28/2010	NW PARK/REC/PL	07222920	07/2010 10.32
10-5112-452.34-10	01/28/2010	NW PARK/REC/PL	07222938	07/2010 17.42
10-5112-452.34-10	01/28/2010	NW PARK/REC/PL	07229057	07/2010 7.10
10-5112-452.34-10	01/28/2010	NW PARK/REC/PL	07229339	07/2010 70.97
10-5112-452.34-10	01/28/2010	NW PARK/REC/PL	07230352	07/2010 88.57
10-5112-452.34-10	01/28/2010	NW PARK/REC/PL	07230360	07/2010 8.89
10-5112-452.34-10	01/28/2010	NW PARK/REC/PL	07230378	07/2010 155.92
10-5112-452.34-10	01/28/2010	NW PARK/REC/PL	07230428	07/2010 26.40
502-7400-603.34-10	01/28/2010	NW PUD-WATER TREAT	07230436	07/2010 2,482.47
10-5112-452.34-10	01/28/2010	NW PARK/REC/PL	07230444	07/2010 24.54
10-5112-452.34-10	01/28/2010	NW PARK/REC/PL	07230550	07/2010 7.10
10-5112-452.34-10	01/28/2010	NW PARK/REC/PL	07230568	07/2010 12.79
10-5112-452.34-10	01/28/2010	NW PARK/REC/PL	07230576	07/2010 7.10
10-5112-452.34-10	01/28/2010	NW PARK/REC/PL	07230584	07/2010 7.29
10-5112-452.34-10	01/28/2010	NW PARK/REC/PL	07230907	07/2010 8.34

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ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT
10-5112-452.34-10	01/28/2010	NW PARK/REC/PL	07231624		07/2010	7.10
10-5112-452.34-10	01/28/2010	NW PARK/REC/PL	07231707		07/2010	8.34
10-5112-452.34-10	01/28/2010	NW PARK/REC/PL	07236441		07/2010	7.10
10-5112-452.34-10	01/28/2010	NW PARK/REC/PL	07236458		07/2010	7.10
260-5512-455.34-10	01/28/2010	NW LIBRARY	07244643		07/2010	79.91
10-5112-452.34-10	01/28/2010	NW PARK/REC/PL	07894371		07/2010	17.30
10-5112-452.34-10	01/28/2010	NW PARK/REC/PL	08317026		07/2010	7.25
872-5198-452.34-10	01/28/2010	NW PARK/REC/PL	10590933		07/2010	265.17
10-5112-452.34-10	01/28/2010	NW	15220957		07/2010	224.72
521-1592-493.34-10	01/28/2010	PARK 2 GARAGE	15942824		07/2010	1,899.49
521-1595-493.34-10	01/28/2010	ELECTRIC LEASE SPACE	1381527 9	272192	07/2010	124.62
01/29/2010	729064	QWEST COMMUNICATIONS	6319			13,006.61
225-2232-422.34-50	01/21/2010	QWEST JAN 2010 3RD PAY	252-1190		07/2010	8,972.31
521-1592-493.34-50	01/21/2010	QWEST JAN 2010 3RD PAY	252-2041		07/2010	43.09
561-7110-711.34-50	01/21/2010	QWEST JAN 2010 3RD PAY	252-9412		07/2010	86.18
571-7141-713.34-50	01/21/2010	QWEST JAN 2010 3RD PAY	254-7038		07/2010	44.31
10-5140-436.34-50	01/21/2010	QWEST JAN 2010 3RD PAY	652-0269		07/2010	43.09
10-5112-452.34-50	01/21/2010	QWEST JAN 2010 3RD PAY	652-5507		07/2010	44.11
211-3136-433.34-50	01/21/2010	QWEST JAN 2010 3RD PAY	652-8104		07/2010	29.27
10-5121-451.34-50	01/21/2010	QWEST JAN 2010 3RD PAY	652-8403		07/2010	32.98
150-2225-422.34-50	01/21/2010	QWEST JAN 2010 3RD PAY	655-0728		07/2010	43.09
10-5112-452.34-50	01/21/2010	QWEST JAN 2010 3RD PAY	657-3014		07/2010	28.47
606-1931-484.34-50	01/21/2010	QWEST JAN 2010 3RD PAY	657-8377		07/2010	3,639.71
01/29/2010	729065	REBUILDING TOGETHER	17522			4,155.00
295-6677-463.72-75	01/28/2010	MISC SERVICES	RT FY2010-2	272100	07/2010	4,155.00
01/29/2010	729072	RIMROCK FOUNDATION	3210			12,271.44
245-1257-412.35-75	01/28/2010	BAMHC COUNSELOR - OCT. 09	2010-7	272078	07/2010	1,901.18
737-1265-412.23-10	01/28/2010	CASE MANAGER - JAG GRANT	2010-7	272165	07/2010	114.00
737-1265-412.35-90	01/28/2010	CASE MANAGER - JAG GRANT	2010-7	272165	07/2010	1,925.00
737-1265-412.37-30	01/28/2010	CASE MANAGER - JAG GRANT	2010-7	272165	07/2010	1,962.99
245-1257-412.35-75	01/28/2010	BAMHC - COUNSELORS	2010-7	272169	07/2010	6,368.27
01/29/2010	729078	SANDERSON STEWART	20446			15,786.21
840-3184-431.93-10	01/27/2010	WO0912 INNER BELT LOOP	6	267730	07/2010	2,052.21
845-3186-431.93-10	01/27/2010	WO0912 INNER BELT LOOP	6	267730	07/2010	13,734.00
01/29/2010	729082	SPENCER INDUSTRIES	15928			2,554.24
502-0000-141.00-00	01/22/2010	WATER PARTS AND SUPPLIES	225902500		07/2010	1,715.00
502-0000-141.00-00	01/22/2010	SYSTEMS	225902500		07/2010	31.72
502-7400-603.24-50	01/22/2010	NONSTOCKING ITEMS-P.U.D.	225902500	271991	07/2010	610.43
502-7500-609.23-20	01/22/2010	NONSTOCKING ITEMS-P.U.D.	225902500	271991	07/2010	15.92
211-3132-433.23-20	01/28/2010	MP	2266211-00	272205	07/2010	181.17
01/29/2010	729088	STAR SERVICE INC	3553			246,826.70
416-7493-603.92-20	01/27/2010	WO0426 ZONE 4 RESERVOIR	PYMT 3 & 4	267993	07/2010	246,826.70
01/29/2010	729093	TETRA TECH, INC.	19346			2,500.00
411-7151-713.92-90	01/19/2010	INVOICE# 50320965 PROJEC	50320965	F10410	07/2010	2,500.00

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01/29/2010	729098	TOWN & COUNTRY SUPPLY ASSOCIAT	18295				20,655.62
601-0000-141.00-00	01/25/2010	MP	69391		07/2010		19,708.10
150-2226-422.23-10	01/25/2010	FIRE1/UNLEADED/295 GAL	69559 FIRE1	267496	07/2010		947.52
01/29/2010	729111	YELLOWSTONE COUNTY SHERIFFS	6218				9,147.44
255-2144-421.12-20	01/21/2010	MISC SERVICES	HIDTA OT.BENJAM	272050	07/2010		3,554.12
255-2144-421.12-20	01/21/2010	MISC SERVICES	HIDTA OT.SKILLE	272050	07/2010		1,987.50
255-2144-421.12-20	01/21/2010	MISC SERVICES	HIDTA OT.SKINNE	272050	07/2010		1,003.32
255-2144-421.79-10	01/21/2010	MISC SERVICES	HIDTA PE/PI	272050	07/2010		9,051.50
255-2144-421.79-10	01/21/2010	MISC SERVICES	ERROR PO 272050	272054	07/2010		6,449.00-
01/29/2010	729112	YELLOWSTONE VALLEY ELEC	4174				2,567.06
150-2221-422.34-10	01/22/2010	FIRE 7/ELEC/8818 KWH USED	4179013 09DEC	267472	07/2010		884.35
607-2235-486.34-10	01/22/2010	800MHZ/LANDFILL TWR/2186	4179002 09DEC	267490	07/2010		224.62
541-3123-435.34-10	01/22/2010	LANDFILL ELEC	4179000	271741	07/2010		1,093.42
810-3183-431.34-10	01/26/2010	SILMD 299 VINTAGE ESTATES	ACCT# 4179014	272090	07/2010		364.67

DATE RANGE TOTAL * 913,555.84 *

Date: 02/22/2010

TITLE: Public Hearing and First Reading Ordinance Regulating City's Stormwater Collection System

PRESENTED BY: David Mumford

Department: Public Works

Information

PROBLEM/ISSUE STATEMENT

This ordinance is being presented to the Council for approval and would amend the Billings Municipal Code by adding Chapter 28, Articles 28-100 through 28-700, containing Sections 28-101 through 28-715. These sections would provide for the regulation of the City's stormwater collection system through the development of a stormwater management program, including issuance and enforcement of private and public construction Storm Water Pollution Prevention Plans to address construction site stormwater, enforcement of adopted Best Management Practice (BMP) construction standards, enforcement of post-construction stormwater BMP maintenance, and the detection and elimination of illicit discharges. This ordinance authorizes monitoring and enforcement activities, requires user reporting, protects the state and receiving waters, and establishes penalties and remedies for violations. Fees and penalties for administering the city stormwater program will be reviewed and brought forward to the City Council at a future date. The Municipal Infraction Ordinance (Code Court) may be used for civil violations.

The State of Montana has an established a permit system called the Montana Pollutant Discharge Elimination System (MPDES). This system is administered by the Montana Department of Environmental Quality (MDEQ) and requires any entity discharging stormwater from a point source to obtain coverage under an MPDES general permit. MPDES general permits cover the following discharges:

- Associated with construction activity;
- Associated with industrial activity;
- Associated with mining, oil, and gas activity;
- From small municipal separate storm sewer systems (small MS4s);
- For which the department determines that stormwater controls are needed based on wasteload allocations; or
- That the department determines are contributing to a violation of a water quality standard or are significant contributors of pollutants to surface waters. In order to comply with the General Permit, the ordinance, as well as, an updated stormwater management manual are required.

In September of 2007, the City initiated a private contract with HDR, Inc., to complete an updated Stormwater Management Manual. This manual is currently under review by the development community with an anticipated Council adoption by summer of 2010.

ALTERNATIVES ANALYZED

At the January 19, 2010, City Council Work Session, staff presented the proposed ordinance and answered questions from the Council. Staff was given the directive to move forward with a public hearing for the ordinance. City Council must hold a public hearing and then may:

- Approve the ordinance revision;
- Not approve the ordinance revision; or
- Modify the revised ordinance upon first reading.

FINANCIAL IMPACT

Staff believes it can address the additional workload under this ordinance for the immediate future with existing staff. Fees, penalties, and additional resource needs will be evaluated and brought to the Council at a future date.

RECOMMENDATION

Staff recommends that the City Council conduct a public hearing and approve the ordinance on first reading amending the BMCC by adding Chapter 28, Articles 28-100 through 28-700, containing Sections 28-101 through 28-715.

APPROVED BY CITY ADMINISTRATOR

Attachments

Link: [Ordinance](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY ADDING CHAPTER 28, ARTICLES 28-100 THROUGH 28-700, SECTIONS TO BE NUMBERED 28-101 THROUGH 28-715; **CITY OF BILLINGS STORMWATER MANAGEMENT AND DISCHARGE CONTROL.**

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

Section 1. That the Billings Montana City Code be amended by adding a new chapter 28, Articles 28-100 through 28-700, with sections to be numbered 28-101 through 28-715, to read as follows:

Chapter 28

STORMWATER MANAGEMENT AND CONTROL

ARTICLE 28-100: GENERAL PROVISIONS

Sec. 28-101 Purpose.

This ordinance and its provisions are applicable to any activity by any individual or entity engaging in the disposal of any pollutant that has the potential to adversely impact the water quality of either watercourses, water bodies, or groundwater, as further detailed in 28-101(c).

(a) Purpose and intent of this ordinance is to:

- A. Protect and enhance the water quality of the Yellowstone River, water bodies, groundwater and wetlands in a manner pursuant to and consistent with the Clean Water Act of 1972 and the Phase II Stormwater Regulations.
- B. Minimize non-stormwater discharges to storm drains and minimize pollutants in stormwater discharges. Require the removal of illicit connections to the City's MS4 system.
- C. Provide design, construction, operation, and maintenance criteria for permanent and temporary on-site stormwater management facilities to control stormwater runoff. Prohibit improper disposal of substances into the City's MS4 system.

- D. Establish and maintain a data base and inspection program sufficient to determine compliance with the Phase II Stormwater Regulations and the City's Municipal Separate Storm Sewer System (MS4) Application.
- E. Establish legal authority to conduct inspections, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with this ordinance.
- F. Establish legal authority to develop, implement, and enforce a program to reduce pollutants in stormwater runoff from construction activities.
- G. Establish legal authority to develop, implement, and enforce a program to address stormwater runoff from new developments and redevelopment projects.
- H. Provide an equitable distribution of cost for the program including but not limited to the fee schedule in accordance with Section 22-804, titled "Rates for Storm Sewers".

Discharges into the municipal separate storm sewer system (MS4) may be subject to further regulation by the U.S. Environmental Protection Agency, Montana Department of Environmental Quality and local agencies owning and operating a MS4. Local agencies owning and operating portions of the MS4 in Billings include but are not limited to Yellowstone County and Montana Department of Transportation.

This ordinance provides for the regulation of contributors or dischargers to the City's stormwater collection system through the development of a stormwater management program, including issuance and enforcement of private and public construction Storm Water Pollution Prevention Plans to address construction site stormwater, enforcement of adopted BMP construction standards, enforcement of post-construction stormwater BMP maintenance, and the detection and elimination of illicit discharges. This ordinance authorizes monitoring and enforcement activities, requires user reporting, protects the state and receiving waters, and establishes penalties and remedies for violations of the stormwater ordinance.

Sec. 28-102. Policy.

It is the policy of the City to protect the health and welfare of its citizens and environment by monitoring and regulating discharges that may cause pollution to the environment.

Sec. 28-103. Applicability

This ordinance shall apply to all construction and maintenance activities for industrial, commercial, institutional, single family and multifamily residential developments, as well as subdivision projects with private access which may introduce pollutants into any

private storm drain, or any body of water within the City's MS4 jurisdiction. Exceptions include activities that are contained entirely on federal or state, or county lands and do not impact adjacent jurisdictions or MS4s. Additionally, permanent and temporary stormwater management controls and facilities, constructed as part of any activities listed in this section, which are located within the City's MS4 jurisdiction, are also subject to this ordinance.

Sec. 28-104. Authority

This ordinance shall be construed to assure consistency with the requirements of the Federal Clean Water Act and acts amendatory thereof or supplementary thereto, applicable implementing regulations, and the Municipal MPDES Permit and any amendments, revisions or re-issuance thereof. Activities regulated by this ordinance may be subject to further regulation by the specific public entity owning and operating a MS4. No permit or approval issued pursuant to this ordinance shall relieve a person of the responsibility to secure permits and approvals required for activities regulated by any other applicable rule, code, act, permit or ordinance.

The City's Stormwater Management Manual provides additional policy, criteria and information including specifications and standards for the proper implementation of the requirements of this ordinance and is incorporated by reference herein. The manual includes a list of acceptable stormwater treatment practices, including design criteria. Design and construction of stormwater facilities are to meet minimum water quality performance standards.

Sec. 28-105. Responsibility of Discharger.

The standards set forth in and promulgated pursuant to this ordinance are minimum standards. This ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution or unauthorized discharge of pollutants into waters of the United States caused by that person. This ordinance shall not create liability on the part of the City, or any City agent or employee for any damages that result from any discharger's reliance on this ordinance or any administrative decision lawfully made pursuant to this ordinance.

ARTICLE 28-200. DEFINITIONS

Sec. 28-201. Definitions

Whenever the following words or phrases appear in these regulations, they shall have the meaning assigned to them by this section.

- 1) *Authorized Enforcement Agent* The City Administrator or any individual designated by the City Administrator as an Authorized Enforcement Agent.

- 2) Best Management Practices (or BMPs) Schedule of activities, prohibition of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of state waters." BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
- 3) Billings City Non-Stormwater Disposal Best Management Practices Best management practices adopted by reference by this Ordinance for non-stormwater disposal.
- 4) BMCC Billings, Montana City Code.
- 5) City The City of Billings, Montana.
- 6) CFR The Code of Federal Regulations
- 7) Clean Water Act (CWA) Federal Water Pollution Control Act enacted by Public Law 92-500 as amended by Public Laws 95-217, 95-576, 96-483, and 97-117; 33 USC 1251 et seq.
- 8) Comprehensive Drainage Plan A stormwater management plan that covers all current and anticipated development on a site greater than 5 acres and sites planned for phased development, including the impact on existing off-site infrastructure.
- 9) Concentrated Flow Parameters exceed the median concentration in Table 2 of the General Permit for MS4s and the flow exceeds dry weather flow conditions.
- 10) Construction Activity Any work that results in land disturbance of any nature.
- 11) Control Measure Any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to state waters.
- 12) Development Any construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure within the jurisdiction of the City of Billings as well as any manmade change or alteration to the landscape, including but not limited to, mining, drilling, dredging, grading, paving, excavating and filling.
- 13) Director of Public Works The Director of the Billings City Public Works Department.

- 14) Discharge Any introduction or addition of any pollutant, stormwater, or any other substance into the municipal storm sewer system (MS4), waters of the state, or into waters of the United States by a person.
- 15) Discharger Any person, who causes, allows, permits, or is otherwise responsible for, a discharge, including, without limitation, any operator of a construction site or industrial facility.
- 16) Fire Fighting Water Any water, and any substance or materials contained therein, used in an emergency, to control or extinguish a fire.
- 17) Illicit Connection
 - a) Any drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the MS4 including, but not limited to, any conveyances which allow any stormwater discharge including sewage, process wastewater and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether the drain or connection had been previously allowed, permitted or approved by a government agency; refer to exemptions under 28-102, 01B or
 - b) Any drain or conveyance connected from a commercial or industrial land use to the MS4 which has not been documented in plans, maps or equivalent records and approved, permitted or permitted by the City.
- 18) Illicit Discharge Any discharge to a MS4 that is not composed entirely of stormwater except the following: discharges not identified as significant contributors of pollutants listed in the General Permit and allowable under the City's MS4 program.
- 19) Impervious Surface A surface which prevents or retards the penetration of water into the ground, including, but not limited to, roofs, sidewalks, patios, driveways, parking lots, concrete and asphalt paving, gravel, compacted native surfaces and earthen materials, and oiled, macadam, or other surfaces which similarly impede the natural infiltration of stormwater.
- 20) Major Modification An alteration to an existing or planned stormwater drainage facility that does one or more of the following: changes the volume, surface area, depth, capacity, inflow rates, outflow rates or level of treatment by 5% or more; changes the treatment process; adds more than one thousand (1000) square feet of impervious surface; or increases the tributary impervious drainage area to an individual drainage facility component by more than 10%.

- 21) Maximum Extent Practicable (or MEP) The technology-based discharge standard for Municipal Separate Storm Sewer Systems to reduce pollutants in the stormwater discharges that was established by the Clean Water Act, Section 402(p). A discussion of MEP as it applies to MS4s is found in ARM 17.30.1111(5).
- 22) MDEQ Montana Department of Environmental Quality. A state regulating agency.
- 23) MPDES Permit Montana Pollution Discharge Elimination System. An area-wide MPDES permit that is issued to a government agency or agencies for the discharge of pollutants from any point source into the waters of the State or United States.
- 24) MS4. The Billings, Montana municipal separate storm sewer system.
- 25) Municipal Separate Storm Sewer System (or MS4) A conveyance or system of conveyance (including roads with drainage systems, municipal streets, catch basin, curb, gutters, ditches, manmade channels, or storm drains) owned or operated by a public body (created under State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as sewer district, irrigation district, flood control district or drainage district, or similar entity that discharges to the waters of the United States and which are not part of a Publicly Owned Treatment Works ("POTW") as defined in ARM Title 17, Chapter 30, Sub-chapter 13.
- 26) Permit National Pollutant Discharge Elimination System Permit (or NPDES) A permit issued by MDEQ, in compliance with the Federal Clean Water Act for the discharge of pollutants from any point source into the waters of the State or United States.
- 27) Notice of Intent (or NOI) Submittal required by the State under the General Permit for stormwater discharges associated with construction activity.
- 28) Notice of Termination (or NOT) Submittal required by the State under the General Permit for stormwater discharges associated with construction activity. The construction site has been finally stabilized and the operator desires to be relieved of responsibility on the General Permit coverage period.
- 29) Non-Stormwater Discharge Any discharge that is not entirely composed of stormwater.
- 30) Off-Site Stormwater Any runoff crossing property lines that discharges to public right-of-way, property not included in the SWPPP, or property owned by others.

- 31) Owner or Operator (a) A person who owns, leases, operates, controls, or supervises a point source. (b) For the purpose of permitting “stormwater discharge associated with construction activity” means any “owner or operator” associated with a construction project, who is a person designated as an eligible signatory, who has operational control over the construction plans and specifications and has day to day operational control at the project to ensure compliance with the SWPPP.
- 32) Person Any individual, firm, association, club, organization, corporation, partnership, business trust, company or other entity which is recognized by law as the subject of rights or duties.
- 33) Plan Pertains to Stormwater Management Plan and Comprehensive Drainage Plan.
- 34) Point Source Any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft, from which pollutants are or may be discharged.
- 35) Pollutant Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials [except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.)], heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water, and as otherwise defined in 40 CFR 122.2.
- 36) Premises Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.
- 37) Redevelopment A project that proposes to add, replace and/or alter impervious surfaces affecting an existing drainage system, other than routine maintenance, resurfacing, or repair. A project which meets the criteria of a major modification as defined in this section shall be considered a redevelopment.
- 38) State Waters Any body of water, either surface or underground. State waters" means a body of water, irrigation system, or drainage system, either surface or underground.
- 39) Stormwater Storm water runoff, snowmelt runoff, and surface runoff and drainage.

- 40) Stormwater Management The process of collection, conveyance, storage, treatment, and disposal of stormwater to ensure control of the magnitude and frequency of runoff and to minimize the hazards associated with flooding. Also includes implementing controls to reduce the discharge of pollutants including management practices, control techniques and systems, design and engineering methods.
- 41) Stormwater Management Manual The design standards manual prepared by the Billings City Public Works Department which provides design, performance, and review criteria for stormwater management practices.
- 42) Stormwater Management Plan Details of the on-site drainage system, structures, BMPs, concepts and techniques that will be used to control stormwater, including drawings, engineering calculations, computer analyses, maintenance and operations procedures, and all other supporting documentation for developments equal to or less than five (5) acres.
- 43) Stormwater Pollution Prevention Plan (or SWPPP) Under the State's General Permit for Storm Water Discharges Associated with Construction Activities which characterizes the construction activity, potential sources of pollutants, and Best Management Practices (BMPs) to help ensure pollutants do not reach surface waters.
- 44) Stormwater System Physical facilities, that are both private and public, temporary or permanent, designed to treat, collect and transport stormwater which include but are not limited to; curbs, inlets, pipe, box culverts, swales, ditches, ponds, French drains, boulder pits, wattles, and silt fences.
- 45) Total Maximum Daily Load (or TMDL) The sum of the individual waste load allocations for point sources and load allocations for both nonpoint sources and natural background sources established at a level necessary to achieve compliance with applicable surface water quality standards. as defined in MCA 75-5-103.
- 46) U.S. EPA United States Environmental Protection Agency.
- 47) Variance A modification of the requirements of the Ordinance.
- 48) Watercourse. Any body of water, including, but not limited to lakes, ponds, rivers, streams, and bodies of water delineated by the City of State
- 49) Wetland An area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life

in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

ARTICLE 28-300 DISCHARGE PROHIBITIONS.

Sec. 28-301. Prohibitions of Illicit Discharges.

- A. It shall be unlawful to discharge or cause to be discharged into the MS4 any materials, including, but not limited to, pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards or that could cause the City to be in violation of its MPDES. It shall be unlawful to store, handle or apply any pollutant in a manner that will cause exposure to rainfall or runoff and discharge to the MS4 and to State waters or waters of the United States.
- B. The commencement, conduct or continuance of any discharge not composed entirely of stormwater to the MS4 is prohibited except as follows:
- 1) Discharges pursuant to an MPDES General Permit for MS4's permit and discharges due to firefighting activities.
 - 2) Discharges from the following activities are not be considered a source of pollutants to the MS4 and to State waters when properly managed, and shall not be considered illicit discharges unless determined by the City to be significant contributors of pollutants to the MS4 or to cause a violation of the provisions of the Clean Water Act or this ordinance based on quantity of flow, concentration of pollutants, proximity to a water course, or condition of a receiving water: irrigation water, irrigation ditch return flows, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration to separate storm sewers, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering (excluding over watering), individual residential car washing, individual residential dechlorinated swimming pool and hot tub discharges, individual residential street washing, water line flushing, flows from riparian habitats and wetlands, uncontaminated water from irrigation system meter pits and flows from emergency firefighting activities. Before applying the listed exceptions, the City shall make a determination on a case by case basis as to what is considered significant contributors of pollutants. In addition, the following non-storm water discharges need not be prohibited from entering the MS4, provided approved control measures to minimize the impacts from the sources are implemented: Municipally owned dechlorinated swimming pool discharges, Municipal water tank draining and water from street washing (including sidewalks and medians) that is

conducted by City staff or under contract with the City. This prohibition shall not apply to any non-storm water discharge permitted under an MPDES permit, waiver or waste discharge order issued to the discharger and administered by the State of Montana under the authority of the United States Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver or order and other applicable laws and regulations.

- 3) The City may exempt in writing other non-storm water discharges which are not a significant source of pollutants to the City's MS4 or State waters.

Sec. 28-302. Prohibitions of Illicit Connections and Discharges.

- A. The construction, use, maintenance or continued existence of illicit connections to the MS4 is prohibited.
- B. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- C. A person is in violation of this ordinance if the person connects a line conveying sewage or pollutant to the MS4, or allows an existing connection to continue.
- D. Illicit connections must be disconnected at the owner's expense in a timely manner.
- E. Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice from the City of Billings. The notice will specify a reasonable time period to locate the drain or conveyance, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations shall be documented and provided to the Public Works Department.

No person shall throw, deposit, leave, maintain, wash or rinse, keep any substance that may cause or contribute to pollution, or permit any such substance to be thrown, deposited, left, maintained, washed or rinsed, in or upon any public or private property, driveway, parking area, street, alley, sidewalk, catch basin, manhole, ditch, channel, pond or any other component of the MS4, or State waters. Pollutants for this purpose include but are not limited to oil, solvents, anti freeze, flammables, septage, poisonous or infectious substances, garbage, soaps, acids, bases and sediment. Wastes deposited in streets in a manner allowed by the City for the purpose of collection are exempted from this prohibition. Refer to section 28-102.01 B2 for exemptions.

Sec. 28-303. Parking Lots and Similar Structures.

- A. Persons owning or operating a paved parking lot, gas station pavement, paved private street or road, or similar structure or conducting routine building wash downs, shall clean and maintain those structures or areas consistent with the Billings City Non-Stormwater Disposal Best Management Practices prior to discharging to a storm drain.
- B. Newly constructed and significantly remodeled covered parking garages or other covered structures shall be drained into a stormwater system in accordance with this ordinance and other Billings ordinances. The owner and operator of a private stormwater collection system may be required to construct control structures to ensure the pre-treatment of such discharges prior to entry into the stormwater system. Existing structures are exempt unless deemed by the City to be a significant contributor of pollution to the stormwater system.

Sec. 28-304. Outdoor Storage Areas - Commercial and Industrial Facilities.

In outdoor areas, no person shall store grease, oil or other pollutants in a manner that will or may result in such substances entering a stormwater system. In outdoor areas, no person shall store motor vehicles, machine parts, or other objects in a manner that may leak grease, oil, or other hazardous substances to a storm drain. To prevent the discharge of hazardous substances to the MS4, the City may require the installation of a spill containment system. Spill containment systems may consist of a system of dikes, walls, barriers, berms, or other devices as required. No person shall operate a spill containment system such that it allows incompatible liquids to mix and thereby create a hazardous condition.

Article 28-400. CONSTRUCTION ACTIVITY.

Sec. 28-401. Required Construction Submittals.

- A. Any construction within the City's MS4 area shall comply with the provisions of this ordinance, City's Stormwater Management Manual, and the State's General Permit for Storm Water Discharges Associated with Construction Activity (Montana Code Annotated (MCA) 75-5-101, Administrative Rules of Montana (ARM 17.30.1301 and ARM 17.30.601). The City will require at a minimum an executed copy of the State standard Notice of Intent (NOI) form for a storm water discharge associated with construction activity under the General Permit and a Storm Water Pollution Prevention Plan (SWPPP), and a Notice of Termination (NOT) for construction sites either one acre or larger, for each phase of a construction site that exceeds one acre, or within 50 feet of any water course including irrigation and stormwater ditches for construction sites of less than one acre.

- B. Any person performing support activities related to a construction site (e.g. concrete or asphalt batch plants, equipments staging yards, material storage areas, etc.) within the City's MS4 area may require the following NOI, SWPPP, NOT, similar to the requirements of construction activity provided that:
- 1) The support activity is not a commercial operation serving multiple unrelated construction projects and does not operate beyond the completion of the construction activity.
 - 2) Appropriate controls and measures are identified in the SWPPP for discharge from support activity.
 - 3) The support activity disturbs an area that is one acre or greater in size or is within 50 feet of any water course.
- C. In accordance with the State's reporting requirements the property owner shall also notify the City when there is any facility contact change, any spill or /release, any finding that there has been non-compliance with the SWPPP.
- D. The City shall conduct all inspections of any construction activities requiring a SWPPP for all work within the MS4 area.
- E. The City will enforce the requirements under the State's General Permit for Storm Water Discharges Associated with Construction Activity in whole or in part determined by the City's Enforcement Agent.
- F. The operator shall retain completed and signed copies of the NOI, MDEQ's confirmation letter for receipt of the NOI package, and a SWPPP at the construction activity project site at all times during the coverage period. If the operator does not maintain a permanent office/ or building at the project site, copies of these documents shall be retained at the operator's office and shall be brought to the project site by the operator responsible for implementation of the SWPPP.
- G. Upon failure of the operator to take corrective actions on or prior to a required date on a reported or observed spill or the potential to release pollutants, including sediment, into the stormwater system, the City may either perform the corrective work or employ contractors to do the same. The contractor shall reimburse the City for all expenditures pertaining to the corrective action in accordance with Section 28-104.05 BMCC.
- H. The City's Enforcement Agent has the authority to issue a stop work order pursuant to the remediation of a current violation or the potential of a violation of this ordinance in accordance with 18-300 BMCC.

- I. An Authorized Enforcement Agent shall establish the appropriate frequencies for inspection of construction stormwater pollution prevention measures or BMPs at all active construction sites.
- J. The permittee or his/her agent will be required to perform regularly scheduled site inspections, at least every fourteen (14) calendar days, and within ten (10) calendar days after major storm events to ensure all BMPs have been constructed and are functioning properly. The purpose of such inspections will be to determine the overall effectiveness of the control plan and the need for additional control measures. Permittee shall document all inspections in writing and made available for review by the City.

Sec. 28-402. Construction Activity on Less than One Acre.

The City may apply this ordinance in whole or in part for construction sites or lots that are less than one acre if it is determined that appropriate good housekeeping practices or best management practices are not being implemented to minimize impacts, such as but not limited to, erosion and sediment transport into public right-of-way or any adjoining property that causes stormwater runoff that exceeds pre-construction activities.

Sec 28-403. Construction Activity on Lots Within a Master Plan Development.

Individual lot development regardless of the lot size must follow good housekeeping practices and best management practices as outlined in the SWPPP for the development.

ARTICLE 28-500. REGULATIONS AND REQUIREMENTS

Sec. 28-501. Requirement to Control and Reduce Stormwater Pollutants.

- A. New Development and Redevelopment: The City's Stormwater Management Manual outlines appropriate BMPs to control the volume, rate, and the potential of pollutants in stormwater runoff from new development and redevelopment projects as may be appropriate to minimize the generation, transport and discharge of pollutants.
- B. Responsibility to Implement BMPs: Any person or entity engaged in activities or operations, or owning facilities or property which will or may result in pollutants entering stormwater, the MS4 or State waters, shall implement BMPs to the maximum extent practicable to provide protection from discharge into the MS4. BMPs shall be provided and maintained at the owner's or operator's expense. The Public Works Director or designee shall have the authority to require the installation, operation and/or maintenance of BMPs. The Public

Work Director shall also have the authority to require the removal of temporary BMPs.

Sec. 28-502. Requirement to Eliminate Illicit Discharges.

The City may require by written notice that a person or entity responsible for an illicit discharge immediately, or by a specified date, discontinue the discharge and, if necessary, take measures to eliminate the source of the discharge to prevent the occurrence of future illicit discharges.

Sec. 28-503. Requirement to Eliminate or Secure Approval for Illicit Connections.

A person responsible for an illicit connection to the MS4 shall comply with the requirements of this ordinance ~~to~~ and shall eliminate or secure approval for the connection whether the connection or discharges to it had been established or approved prior to or after the effective date of this ordinance. An application seeking approval for the connection shall be submitted in writing to the City Public Works Department's Environmental Division.

Sec. 28-504. Watercourse Protection.

Any person owning property through which a watercourse passes, or that person's lessee, shall keep and maintain all parts of the watercourse within that property reasonably free of trash, debris, excessive vegetation and other obstacles that would pollute, or significantly restrict the flow of water through the watercourse. The owner or lessee shall maintain any existing privately owned structures within or adjacent to that watercourse, so that those structures will not become a hazard to the use, function or physical integrity of the watercourse. The owner or lessee shall not remove healthy bank vegetation unless it is reasonably necessary for maintenance. The owner or lessee shall not remove vegetation if it will increase the vulnerability of the watercourse to erosion. The property owner shall maintain and stabilize the watercourse within the property owner's property boundaries in a manner that will protect against any erosion and degradation of the watercourse originating on or flowing through their property.

Sec. 28-505. Requirement to Remediate.

Whenever the City finds that a discharge of pollutants, within the MS4 area, is taking place or has occurred which will result in or has resulted in pollution of stormwater, the MS4 or State waters, the City will notify the responsible person or entity in writing and give them a reasonable opportunity to remediate the affected property in accordance with the provisions of this ordinance using a remediation plan pre-approved by the Public Works Director or designee. The City or a designated contractor may remediate the affected property at the owner's or responsible person's or entity's expense if the owner or responsible person does not take corrective actions within a reasonable time. Remediation plans shall be submitted to the City by the owner or responsible person

and approved prior to the start of the remediation. The plan shall include, but may not be limited to, a remediation schedule, a course of action, a list of personnel performing remediation work and a list of equipment to be used.

Whenever a violation of this ordinance constitutes an emergency presenting imminent danger of serious injury to persons or property the City may remediate the conditions giving rise to the violation through an available public agency or by contract or arrangement with private persons, and the cost of such abatement shall be paid by the owner of the property.

Sec. 28-506. Requirement to Monitor and Analyze.

The City may require any person engaged in any activity or owning or operating any facility which may cause or contribute to stormwater pollution, illicit discharges or non-stormwater discharges to the MS4 or State waters, to undertake, at the person's or owner's expense, monitoring and analyses by a State certified laboratory pursuant to the provisions of this ordinance, and furnish reports to the City of Billings as deemed necessary to determine compliance with this ordinance.

Sec. 28-507. Notification of Spills.

Notwithstanding other requirements of law, as soon as any owner of or any person responsible for a facility or operation has information of any known or suspected release of pollutants discharging into stormwater, the MS4, or State waters from that facility, that person shall take all necessary steps to ensure the discovery, containment and cleanup of the release. In the event of a release of a Pollutant, the person shall immediately notify emergency response officials of the occurrence via emergency dispatch services (911). In the event of a release not requiring an emergency response, that person shall notify the City by calling the City's Public Works Department Environmental Division Environmental Division within twenty-four (24) hours, and providing a written notice thereto within five (5) business days. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or responsible person must make and keep an onsite written record of the circumstances of the discharge and the actions taken to prevent its recurrence. These records shall be retained for not less than five (5) years.

Sec. 28-508. Discharge Pursuant to MPDES Permit.

The prohibition of discharges shall not apply to any discharge regulated under an MPDES permit issued and administered by DEQ, provided that the Discharger is in full compliance with all requirements of the permit and other applicable laws or regulations. Compliance with an applicable MPDES permit governing discharges into the MS4 shall be considered compliance with this ordinance.

Sec. 28-509. Noncompliance with MPDES Permits.

Any discharge that would constitute a violation of a MPDES Permit and any amendments, revisions or re-issuance thereto, when either separately considered or when combined with other discharges, is prohibited. Liability for any such discharge shall be the responsibility of the person(s) causing or responsible for the discharge, the permittee shall defend, indemnify and hold harmless the City in any administrative or judicial enforcement action against the permit holder relating to such discharge as provided by applicable rules of law. All persons in charge of a facility are to comply with applicable federal and state laws including facility personnel, training, training record maintenance, training records, maintenance of notification procedures, and implementation of notification requirements for spill response to assure containment, cleanup, and immediate notification to the owner and operator of the MS4. Individuals responsible for spills are to comply with applicable state and federal notification requirements to assure containment, clean up, and immediate notification to the owner and operator of the MS4.

ARTICLE 28-600. STORMWATER MANAGEMENT PLANS AND COMPREHENSIVE DRAINAGE PLANS.

Sec. 28-601. Requirements

To control the quality, volume and rate of stormwater runoff to storm drains and prevent the deterioration of water quality, all new developments and redevelopment projects will be required to submit a stormwater management plan or a comprehensive drainage plan to the City for approval. The Stormwater Management Manual establishes standards and guidelines for implementing BMPs and stormwater management is incorporated by reference and made part of this ordinance.

Sec. 28-602. Maintenance of Stormwater Facilities.

- A. Stormwater facilities shall be maintained by the owner or other responsible party in a condition so that the facilities will function as designed.
- B. Waste shall be disposed of from maintenance of facilities in accordance with applicable federal, state and local laws and regulations.

- C. The owner or other responsible party shall create and maintain records of installation and maintenance and repair for a period of five (5) years and shall be made available to the City Public Works Department upon request.
- D. Any failure to maintain facilities or to correct deficiencies at facilities within a reasonable time after receiving written notice from the City may result in criminal or civil penalties. The City may perform corrective or maintenance work the owner or responsible person fails or refuses to perform within a reasonable time at the owner's expense.

Art. 28-700. INSPECTIONS AND ENFORCEMENT

Sec. 28-701. Inspection.

- A. The owner or other responsible party shall conduct annual inspections of the facilities and shall maintain records of such inspections for a period of five (5) years.
- B. Whenever necessary to make an inspection to enforce any of the provisions of this ordinance, or whenever an Authorized Enforcement Agent has reasonable cause to believe that there exists any condition which may constitute a violation of the provisions of this ordinance in any building or upon any premises, the Authorized Enforcement Agent may enter such building or premises at all reasonable times to inspect the same or perform any duty imposed upon the Authorized Enforcement Agent by this ordinance; provided that (1) if such building or premises is occupied, he or she first shall present proper credentials and request entry; and (2) if such building or premises is unoccupied, he or she first shall make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry.
- C. If permission is refused or denied, or if it is not possible to locate the owner or responsible person and no emergency exists, the Authorized Enforcement Agent shall obtain a warrant before entering the premises. If an emergency exists presenting imminent danger of serious injury to persons or property, the Authorized Enforcement Agent may immediately enter into any building or upon any premises within the jurisdiction of the city for purposes of inspection or abatement.
- D. The City may conduct routine inspections as deemed necessary to carry out the objectives of this ordinance, including but not limited to, random sampling and/or sampling in areas with evidence of stormwater pollution, illicit discharges, or similar factors.

- E. Unreasonable delays in allowing the City access to a permitted facility is a violation of a stormwater discharge permit and of this ordinance.

Sec. 28-702. Enforcement.

Any of the following shall constitute a violation of this Article:

- A. Conducting any land disturbing or construction activity of an area larger than one acre without submitting a notice of intent to the City.
- B. Conducting any land disturbing or construction activity of an area larger than one acre without complying with a NPDES or MPDES general permit for stormwater discharge associated with construction activity requirements at the location where the land disturbance activity has occurred.
- C. Failure to install erosion control devices or to maintain erosion control devices throughout the duration of the soil disturbing activities.
- D. Failure to remove off-site sedimentation that is a direct result of soil disturbing activities where such off-site sedimentation results from the failure to implement or maintain erosion control devices or BMPs.
- E. Failure to repair damaged erosion control devices in a timely manner.
- F. Failure to contain and properly dispose of solid waste, sanitary waste, hazardous waste, chemicals, petroleum products, or concrete truck washout at or from a construction site.
- G. Other situations that result in a non-compliance with this ordinance.

Sec. 28-703. Sampling.

With the consent of the owner or occupant or with authorization from a Court of competent jurisdiction, any City Enforcement Agent may establish on any property such devices as are necessary to conduct sampling or metering operations. During all inspections as provided herein, the City Enforcement Agent may take any samples deemed necessary to aid in the pursuit of the inquiry or to record the on-site activities, provided that owners or occupants shall be entitled to split samples. Samples shall be collected, stored and transported in conformance with accepted sampling and testing standards, including chain-of-custody.

Sec. 28-704. Testing and Monitoring.

- A. Whenever the Director of Public Works or designee determines that any person engaged in any activity or owning or operating any facility that may cause or

contribute to an illicit discharge to the stormwater system, the Director of Public Works or designee may, by written notice, order that such person undertake such monitoring activities and/or analyses and furnish such reports as the Director of Public Works or designee may recommend. The written notice shall be served either in person or by certified or registered mail, return receipt requested, and shall set forth the basis for such order and shall describe the monitoring activities and/or analyses and reports required. The owner or operator shall perform the actions ordered by the Director of Public Works and shall pay for all costs of these activities, analyses and reports. The recipient of such order shall undertake and provide the monitoring, analyses and reports within the time frames set forth in the order.

- B. In the event the owner or operator of a facility fails to conduct the monitoring and/or analyses and furnish the reports required by the Order in the time frames set forth therein, the City may cause such monitoring and/or analyses to occur and assess all costs incurred, including reasonable administrative costs and attorney's fees, to the facility owner or operator. The City may pursue judicial action to enforce the Order and recover all costs incurred.

Sec. 28-705. Notice of Violation.

Whenever the City finds that a person has violated a prohibition or failed to meet a requirement of this ordinance, the City may order compliance by written notice of violation to the responsible person.

- A. The Notice of Violation shall contain:
- 1) The name and address of the alleged violator;
 - 2) The address when available or a description of the building, structure or land upon which the violation is occurring, or has occurred;
 - 3) A statement setting forth the facts which constitute the violation;
 - 4) A description of the remedial measures necessary to restore compliance with this ordinance and a time schedule for the completion of such remedial action;
 - 5) A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed;
 - 6) A statement that the determination of violation may be appealed to the Public Works Director by filing a written notice of appeal within ten (10) calendar days of service of notice of violation; and

- 7) A statement specifying that, should the violator fail to restore compliance within the established time schedule, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

B. Such notice may require, without limitation:

- 1) Monitoring, analyses, and reporting;
- 2) Elimination of illicit connections or discharges;
- 3) That discharges, practices, or operations in violation of this Article shall cease and desist;
- 4) Abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
- 5) Payment of a civil fine to cover administrative and remediation costs; and
- 6) Implementation of source control or treatment BMPs.

Sec. 28-706. Continuing Violations.

Unless otherwise provided, a person shall be deemed guilty of a separate offense for each and every day during any portion of which a violation of this ordinance is committed, continued or permitted by the person and shall be punishable accordingly, as herein provided.

Sec. 28-707. Violations Constituting Misdemeanors.

The knowing violation of any provision of this ordinance, or knowing failure to comply with any of the mandatory requirements of this ordinance shall constitute a misdemeanor.

Sec. 28-708. Concealment.

Causing, permitting, aiding, abetting or concealing a violation of any provision of this ordinance shall constitute a violation of this Article.

Sec. 28-709. Acts Resulting in Violation of Federal Clean Water Act.

Any person who violates any provision of this ordinance, any provision of any permit issued pursuant to this ordinance, or who discharges pollutants, waste or wastewater so as to cause an illicit discharge into the MS4, or who violates any cease and desist order, prohibition, or effluent limitation, also may be in violation of the Federal Clean

Water Act and may be subject to the sanctions of that Act including civil and criminal penalties.

Sec. 28-710. Violations Deemed a Public Nuisance.

- A. In addition to the penalties herein provided, any condition caused or permitted to exist in violation of any of the provisions of this Chapter may be considered a threat to the public health, safety, welfare and the environment, may be declared and deemed a nuisance by the Director of Public Works or designee, and may be summarily abated and/or restored by the City and/or civil action taken to abate, enjoin or otherwise compel the cessation of such nuisance.
- B. The cost of such abatement and restoration shall be borne by the owner of the property and the cost thereof shall be a lien upon and against the property and such lien shall continue in existence until the same shall be paid.
- C. In any administrative or civil proceeding under this ordinance in which the City prevails, the City may be awarded all costs of investigation, administrative overhead, out-of-pocket expenses, costs of administrative hearings, costs of suit and reasonable attorneys' fees.

Sec. 28-711. Civil Actions.

In addition to any other remedies provided in this section, any violation of this section may be enforced by civil action brought by the City. In any such action, the City may seek, and the Court shall grant, as appropriate, any or all of the following remedies:

- A. A temporary and/or permanent injunction.
- B. Assessment of the violator for the costs of any investigation, inspection, or monitoring survey which led to the establishment of the violation, and for the reasonable costs of preparing and bringing legal action under this subsection.
- C. Costs incurred in removing, correcting, or terminating the adverse effects resulting from the violation.
- D. Compensatory damages for loss or destruction to water quality, wildlife, fish and aquatic life. Assessments under this subsection shall be paid to the City to be used exclusively for costs associated with monitoring and establishing stormwater discharge control systems and/or implementing or enforcing the provisions of this Ordinance.
- E. Fines to City for MPDES permit violations.

Sec. 28-712. Administrative Enforcement Powers.

In addition to the other enforcement powers and remedies established by this ordinance, any City Enforcement Agent has the authority to utilize the following administrative remedies.

- A. Cease and Desist Orders. When a City Enforcement Agent finds that a discharge has taken place or is likely to take place in violation of this Ordinance, the agent may issue an order to cease and desist such discharge, or practice, or operation likely to cause such discharge and direct that those persons not complying shall: (a) comply with the requirement; (b) comply with a time schedule for compliance, and/or (c) take appropriate remedial or preventive action to prevent the violation from recurring.

- B. Notice to Clean. Whenever a City Enforcement Agent finds any oil, earth dirt, grass, weeds, dead trees, tin cans, rubbish, refuse, waste or any other material of any kind, in or upon the sidewalk abutting or adjoining any parcel of land, or upon any parcel of land or grounds or in close proximity to any open drain or ditch channel, which may result in an increase in pollutants entering the storm drain or a non-stormwater discharge to the storm drain, he or she may give notice to remove and lawfully dispose of such material in any manner that he or she reasonably may provide. The recipient of such notice shall undertake the activities as described in the notice within the time frames set forth therein. In the event the owner or operator of a facility fails to conduct the activities as described in the notice, the City Director of Public Works or designee may cause such required activities as described in the notice to be performed, and the cost thereof shall be assessed and invoiced to the owner of the property. If the invoice is not paid within sixty (60) calendar days, a lien shall be placed upon and against the property.

Sec. 28-713. Nonexclusivity of Remedies.

Remedies under this Ordinance are in addition to and do not supersede or limit any and all other remedies, civil or criminal. The remedies provided for herein shall be cumulative and not exclusive.

Sec. 28-714. Appeal

Any person notified of non-compliance with this ordinance or required to perform monitoring, analyses, reporting and/or corrective action, who is aggrieved by the decision of the City Enforcement Agent, may appeal such decision in writing to the Public Works Director within 10 business days following the effective date of the decision or written notice. Upon receipt of such request, the City Administrator shall request a report and recommendation from the City Enforcement Agent and shall set the matter for administrative hearing at the earliest practical date. At said hearing, the

City Administrator may hear additional evidence, and may revoke, affirm or modify the City Enforcement Agent's decision. Such decision shall be final.

Sec. 28-715. Disclaimer of Liability.

The degree of protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific, engineering and other relevant technical considerations. The standards set forth herein are minimum standards and this Ordinance does not imply that compliance will ensure that there will be no unauthorized discharge of pollutants into the waters of the United States. This Ordinance shall not create liability on the part of the City, any agent or employee thereof for any damages that result from reliance on this Chapter or any administrative decision lawfully made hereunder.

Section 2. EFFECTIVE DATE. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

Section 3. REPEALER. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 4. 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 22nd day of February 2010.

PASSED, ADOPTED and APPROVED on second reading this 8th day of March, 2010.

CITY OF BILLINGS

By _____
Tom Hanel, Mayor

ATTEST:

By _____
Cari Martin, City Clerk

Date: 02/22/2010

TITLE: Public Hearing for Skate Park Restroom Project

PRESENTED BY: Mike Whitaker

Department: Parks/Rec/Public Lands

Information

PROBLEM/ISSUE STATEMENT

On March 4, 2008, City Council approved reallocating CDBG funds from an initial allocation to renovate the Galles Building, toward providing a restroom building at the Skate Park, utilizing a pre-cast concrete building that is pre-engineered, pre-wired and pre-plumbed. The concept was to provide a permanent, vandal-resistant, fireproof building connected to public water, sewer and electrical utilities with separate mens and womens sides that would serve all visitors to the Skate Park site. Additionally, a Historic Review required by CDBG of the project determined that the restroom structure should incorporate a flag stone like appearance and a two tone color scheme to aesthetically blend with the other historic structures in the downtown area.

Parks Department staff investigated the cost of a pre-cast restroom with several manufacturers and determined that the best combination of cost and design was provided by CXT Precast Concrete Incorporated from Spokane, Washington. Additionally, Parks staff, acting as the general contractor, solicited formal quotes from local contractors for the installation of water service, electrical service, and sewer service to the building. Other portions of the complete project included preparation of an aggregate compacted base for the bathroom, reconfiguration of the irrigation system in the area in which the restroom is placed, and installation of a sidewalk to the bathroom and landscaping around the bathroom once installation is completed. Quote price for the restroom building was \$45,735. Estimated cost for the complete project was \$84,650.

At the regular City Council meeting of January 9, 2010, staff presented the Skate Park restroom proposal to City Council. After much discussion, City Council asked staff to re-evaluate the Skate Park restroom proposal and look at several other alternatives besides the one presented.

ALTERNATIVES ANALYZED

The Council may:

- Decide to not build a restroom at the Skate Park site;
- Install a pre-cast concrete building with a vault holding tank not connected to public utilities, although state codes require connection when a facility is within 200 feet of a sanitary sewer;
- Install a two room, pre-cast concrete building connected to public utilities with separate mens and womens restrooms;
- Install a one room, pre-cast concrete building connected to public utilities with a unisex restroom; or
- Construct on-site a two room, concrete block building with wooden truss rafters and shingles with separate mens and womens restrooms. The roofs of such buildings may be susceptible to fire.

Alternative 1: The original conceptual plan for the Skate Park, which was completed in 2001, included a restroom/concession building. Since then, several studies and plans have indicated the need for a restroom at the Skate Park. A park use survey conducted in 2007 estimated that 10% of Billings's households visited the Skate Park at least once during a sixth month period making it a high use park. The current restroom installation plan supports the City's ten-year plan to impact homelessness, Welcome Home Billings (approved by City Council in October 2009), as the plan calls for more public restrooms downtown.

Alternative 2: Installing a vault toilet at the Skate Park is not allowed under Part II-Building Sewers, Section 713.4 and 713.5 of the State of Montana Uniform Plumbing Codes.

Alternative 3: This alternative provides for the best mix of cost and design for the restroom facility. Having separate male and female rooms provides the best sanitary conditions for both male and female users. Additionally, a pre-cast concrete restroom provides a greater level of vandal resistance, attractiveness, and is fireproof. Funds remaining from construction could be used to further improve the Skate Park site with picnic tables, shade trees and informational kiosk that could be used by visitors to the Billings downtown area. Additionally, if it is ever determined that there is another use for the Skate Park area or that a restroom is no longer needed there, the complete building can be moved in its entirety to another park location.

Alternative 4: This alternative provides all of the features described in Alternative 3 except that it would be a one room unisex configuration. Additionally, if it is ever determined that there is another use for the Skate Park area or that a restroom is no longer needed there, the complete building can be moved in its entirety to another park location.

The use by both males and females may not provide the best sanitary conditions in this high use park especially for female users.

Alternative 5: This alternative would construct on site a concrete block, wood truss, shingled structure, designed by an architect and formally bid as a complete project including the building construction, utility installation, sidewalk installation and finished landscaping. A concrete block building constructed on site is more costly and would not provide the level of vandal resistance, ease of maintenance and fireproof qualities as a pre-cast, pre-engineered restroom. Additionally, if it is ever determined that there is another use for the Skate Park area or that a restroom is no longer needed there, this type of building would have to be demolished as it is not moveable.

FINANCIAL IMPACT

\$80,000 of CDBG funds and \$50,000 in Park Bond Issue funds are available for the project. The General Fund would not be impacted as no General Fund dollars would be used. The initial cost estimate to install the pre-cast concrete building that is pre-engineered, vandal resistant, fireproof, contains separate male and female rooms and all utilities, irrigation system repairs and sidewalk installation is as follows:

CXT Precast Concrete Building	\$45,735.00
Water and Sewer Service Installation and Building Pad Construction	18,720.00
Electrical Service Installation	6,500.00
Irrigation System Modification and Repair	2,000.00
Sidewalk Installation	3,000.00
Landscaping around Building	1,000.00
Project Total	\$76,955.00
10% Contingency	\$7,695.00
TOTAL	\$84,650.00

RECOMMENDATION

Staff recommends that the City Council approve Alternative 3 - Installation of a pre-cast concrete restroom containing separate male and female restrooms and the installation of the necessary public utilities including water, sewer, electrical and re-configuration of the irrigation system and installation of a connecting sidewalk.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Regular : 4.

Date: 02/22/2010

TITLE: Public Hearing and Relocation of Council Work Sessions

PRESENTED BY: Tina Volek

Department: City Hall Administration

Information

PROBLEM/ISSUE STATEMENT

The City Council recently passed an initiative directing staff to hold a public hearing and schedule action on whether to move Council work sessions from the Billings Community Center to the Council Chambers on the second floor of the Police Department, 220 N. 27th St., so they can be televised by Channel 7.

Work sessions are held at 5:30 p.m. the first and third Mondays of each month. They involve in-depth discussions on selected issues and can result only in direction to the staff. Some Council members have expressed concerns that moving the work sessions to the more formal atmosphere of the Chambers will intimidate the public enough to prevent participation in the sessions; others have said that opening up the proceedings through television will make the City's process more transparent to taxpayers.

Business sessions already are held in the Council Chambers at 6:30 p.m. on the second and fourth Mondays of each month, and are televised through an automated camera system in the Chambers. Those meetings involve formal Council votes on a variety of items, such as appointments, bid awards, planning and policy decisions.

The Municipal Court, which occupies the Chambers during the day, has said that it can accommodate the work sessions by using its second courtroom when necessary. Channel 7 also can accommodate adding the work sessions to its schedule. However, Council work sessions would be shown on Channel 8 rather than Channel 7 on the third Monday of the month, which already is scheduled for a School District #2 Board meeting.

ALTERNATIVES ANALYZED

The Council must hold a public hearing and then may:

- Move the City Council work sessions to the Council Chambers at 5:30 p.m. on the first and third Monday of each month;
- Move the Council work sessions to another location or time, although another location likely will not allow the meetings to be televised; or
- Keep the work sessions at 5:30 p.m. the first and third Monday of the month at the Billings Community Center.

FINANCIAL IMPACT

Channel 7 staff has indicated the move would cost the City an additional \$50 per month to pay for staff to monitor and switch cameras for the work sessions if they are moved to the Council Chambers.

RECOMMENDATION

Staff recommends that, if the Council wishes to televise its work sessions as well as its business sessions, it moves the meetings to 5:30 p.m. on the first and third Mondays of the month in the Council Chambers.

APPROVED BY CITY ADMINISTRATOR