

CITY OF BILLINGS

CITY OF BILLINGS VISION STATEMENT:

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

AGENDA

COUNCIL CHAMBERS

September 27, 2010

6:30 P.M.

CALL TO ORDER – Mayor Hanel

PLEDGE OF ALLEGIANCE – Mayor Hanel

INVOCATION – Councilmember Pitman

ROLL CALL

MINUTES: September 13, 2010

COURTESIES

PROCLAMATIONS - National PA Week Proclamation, October 6-12, 2010.

ADMINISTRATOR REPORTS - TINA VOLEK

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Item #1 ONLY. Speaker sign-in required. (Please sign up on the clipboard located at the podium. Comment on items listed as public hearing items will be heard ONLY during the designated public hearing time for each respective item.)

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

1. CONSENT AGENDA -- Separations:

A. Bid Awards:

1. Landfill Track-Type Tractor Purchase for Solid Waste Division. (Opened 9/14/2010) Recommend Tractor & Equipment Company; \$433,997.

2. **Purchase of City Vehicles in the Car and Light Truck Class.** (Opened 9/14/2010) Recommend Fremont Motors for Schedules II, VIII & XIV without trades - \$81,301.20; Archie Cochrane Ford for Schedules I, III, VI & VII without trades and Schedules V and XI with trades - \$242,138.00; Bison Ford for Schedules IV, IX, X, XII & XIII without trades - \$193,031.70.
 3. **Oil and Lubrication Products for City Equipment.** (Opened 9/14/2010) Recommend A & I Distributors; \$112,461.65.
 4. **Gasoline and Diesel Fuel Products for City Equipment.** (Opened 9/14/2010) Recommend Town and Country Supply Association for the next 48 months.
 5. **W.O. 09-14 Wicks Lane and St. Andrews Drive Traffic Signal.** (Opened 9/14/2010) Recommend Ace Electric; \$107,918.
 6. **SID 1370 Interlachen Drive Storm Drain, Curb/Gutter, Asphalt Restoration, Sidewalks, and Drive Approaches.** (Opened 9/14/2010) Recommend Knife River-Billings; \$154,235.
- B. Contract Renewal for Alternative Modes Coordinator Services.** 10/1/2010 through 9/30/2011; \$68,000 for one year (\$42,000 Federal Funding and \$26,000 Local Match from Planning Division.)
- C. Amendment #4, W.O. 03-07: Alkali Creek Multi-Use Path - Professional Services Contract, Dowl HKM, \$32,463.**
- D. Approval** of additional budget authority for 2010 JAG Grant; \$13,980.
- E. Approval of Quarterly Report for Pledged Collateral** for First Interstate Bank Certificates of Deposit, US Bank Certificates of Deposit, and US Bank Repurchase Account.
- F. Approval of Semi Annual Investment Report.**
- G. Street Closures:**
1. **Harvestfest Street Closure Time Extension.** Saturday, October 9, 2010, from 6:00 a.m. to 9:00 p.m.; N. 28th Street between 1st and 3rd Avenues North and 2nd Avenue North from the alley west of N. 27th Street to N. 29th Street.
 2. **Yellowstone Family Dental 5K Fun Run/Walk.** October 16, 2010, from 9:00 a.m. to 12:30 p.m.; beginning on the 1600 block of Rimrock heading east to Virginia Lane, right on Virginia to Park Lane; right on Highwood Drive; back to Rimrock to Wisconsin; right on Yale; right on 13th to Rimrock and finishing in the parking lot of Yellowstone Family Dental.
- H. Acceptance of Donation** from BikeNet to the Main Street Pedestrian Underpass Project to provide a portion of the local matching funds; up to \$36,000.

- I. **Resolution of Intent to Exclude Property** to de-annex a portion of the Briarwood Planned Unit Development property described as Tract 2A of C/S 2544 Amended; and set a public hearing date of October 25, 2010.
- J. **Resolution** respreading assessments on SID 1386, Street and Storm Improvements to East and West MacDonald Drive. (Delayed from 9/13/2010) Staff recommends approval. (**Action:** approval or disapproval of staff recommendation.)
- K. **Approval** of Settlement Agreement with Alternatives, Inc. dismissing the annual \$40,000 payment in lieu of taxes assessment associated with Special Review #813, dated 5/22/2006.
- L. **Approval** of Settlement Agreement for Human Rights Bureau Longevity Discrimination Claim; estimated settlement amount -\$87,100.
- M. **Approval** of Amended Certificate of Survey 3364 accepting dedication of Avenue E and the Development Agreement for proposed construction of a Children's Clinic at the intersection of Avenue E and Zimmerman Trail.
- N. **Final Plat of Lake Hills Subdivision, 32nd Filing.**
- O. **Bills and Payroll:**
 - 1. August 27, 2010
 - 2. September 3, 2010

REGULAR AGENDA:

- 2. **PUBLIC HEARING** to receive input on the City's FY2009-2010 Draft Comprehensive Annual Performance Evaluation Report (CAPER) Community Development Block Grant (CDBG), and HOME Programs. No action is required.
- 3. **PUBLIC HEARING AND RESOLUTION** reducing the arterial construction fee assessments providing relief to commercially-zoned properties being used solely as owner-occupied single family residences located at 2104 Bench Boulevard, 107 South 8th Street West, 922 North 30th Street, 233 Swords Lane, and 704 Logan Lane. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)
- 4. **PUBLIC HEARING AND RESOLUTION** authorizing filing of the annual Federal Transit Administration Section 5307 Grant. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)
- 5. **PUBLIC HEARING AND RESOLUTION** setting mill levy rates for the Public Safety Fund, General Obligation Debt Service Parks, General Obligation Debt Service Streets, General Obligation Debt Service Series A Baseball Stadium, and General Obligation Debt Service Series B Baseball Stadium for tax year 2010. Staff recommends approval. (Action: approval or disapproval of staff recommendation).

6. **PUBLIC HEARING AND RESOLUTION** recapturing the 2009 mill levies for Public Safety II for tax year 2010. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)
7. **PUBLIC HEARING AND RESOLUTION** assessing annual fee for encumbrances, obstructions, or encroachments on, over, across or above the streets, avenues, sidewalks, or alleys of the City of Billings. Staff recommends approval. (Action: approval or disapproval of staff recommendation).
8. **PUBLIC HEARING AND RESOLUTION** assessing the cost of cutting and/or exterminating weeds. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)
9. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #867:** A zone change from Residential 6,000 (R-60) to Neighborhood Commercial (NC) on Lot 6, Block 6, Central Acres Subdivision, 4th Filing, located at 3333 Central Avenue. Paul and Sharon Allen, owners. Zoning Commission recommends approval of the zone change and adoption of the determinations of the 12 criteria. (Action: approval or disapproval of Zoning Commission recommendation).
10. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #868:** A text amendment to Section 27-306 of the Unified Zoning Regulations limiting medical marijuana businesses to a few commercial and industrial zones; providing separation from residential zones, schools and public places; requiring special reviews for some businesses; amortizing legal non-conforming uses over four years; and limiting signage. Zoning Commission recommends denial of Zone Change #868 and recommends prohibiting any new medical marijuana businesses in the city and amortizing out all existing medical marijuana businesses within two years. (Action: approval or disapproval of Zoning Commission recommendation.)
11. **PUBLIC HEARING AND ORDINANCE** extending the interim medical marijuana moratorium for an additional year. 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.

Regular City Council Meeting

Date: 09/27/2010

TITLE: Approval of Award to Purchase Landfill Track-Type Tractor (Dozer)/Sale of Used Dozer

PRESENTED BY: David Mumford

Department: Public Works

Information

PROBLEM/ISSUE STATEMENT

Replacement of the existing Unit #0237, Landfill Track-Type Tractor (Dozer) was approved in the FY2011 budget under the guidelines of the Equipment Replacement Plan (ERP). Specifications were developed by Solid Waste Division staff and distributed to seven vendors. A call for sealed bids was published September 2nd and 9th, with bids opened September 14, 2010. The bid was structured to allow the City to trade the used dozer in on purchase of the new machine or sell the used dozer separately.

ALTERNATIVES ANALYZED

The Council may:

- Award the bid as recommended; or
- Not award the bid.

FINANCIAL IMPACT

The Solid Waste Division's FY2011 budget includes adequate funds to replace the current Landfill Track-Type Tractor (Dozer). We received two bids as follows:

BIDDER	Tractor & Equipment Co	RDO Equipment Co
Provide New Unit		
Base Bid	\$598,997	\$615,000
Trade Credit	(165,000)	(151,000)
Net Bid	\$433,997	\$464,000
Purchase Used Unit	\$165,000	No Bid

RECOMMENDATION

Staff recommends that Council award the contract for purchase of a new Landfill Track-Type Tractor (Dozer) for the Solid Waste Division, with the used dozer Unit #0237 being traded toward purchase of the new machine, to Tractor & Equipment Company in the amount of \$433,997.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Date: 09/27/2010

TITLE: City Vehicles

PRESENTED BY: Larry Deschene

Department: City Hall Administration

Information

PROBLEM/ISSUE STATEMENT

Twenty one City Vehicles in the car and light truck class are scheduled for replacement in the City's Equipment Replacement Program and were approved by City Council during the FY 10/11 budget process.

The bids are for the following types of vehicles:

- One mid size cargo van (Engineering),
- One mid size ext. cab pickup (Engineering),
- Five mid size sedans (Police, Facilities, Engineering, Public Works),
- Two one ton trucks (Parks),
- One full size van (Police),
- One mid size 4x4 pickup (Parking),
- One mid size pickup (Public Works),
- Three ¾ ton pickups w/service bodies (Public Works),
- One ¾ ton 4x4 ext. cab pickup w/service body (Public Works),
- Two 1 ton 4x4 pickups w/plows (Street & Traffic),
- One ¾ ton 4x4 pickup w/plow (Fire),
- One ¾ ton ext. cab pickup w/service body (Public Works),
- One service truck w/service body (Fleet Services)

Staff advertised for sealed bids for City Vehicles on September 2 and 9, 2010, with a bid opening on September 14, 2010.

ALTERNATIVES ANALYZED

The City Council may:

- Approve bid awards for City Vehicles
- Not approve bid awards for City Vehicles

FINANCIAL IMPACT

The City received vehicle bids as outlined in Attachment A.

RECOMMENDATION

Staff recommends retaining twelve of the fifteen vehicles offered for trade and selling them at auction because the dealer trade allowance for these twelve vehicles was only \$8,700 while the trade-in book value is \$27,840. Staff recommends trading three of the trade vehicles because the dealer trade allowance was \$5,000 while the trade-in book value was \$4,840 for the three vehicles.

Staff recommends awarding Bid Schedules II, VIII & XIV without trades to Fremont Motors in Powell Wyoming for the bid amount of \$81,301.20, to award Bid Schedules I, III, VI & VII without trades and V & XI with trades to Archie Cochrane Ford in Billings Montana for the bid amount of \$242,138.00 and to award Bid Schedules IV, IX, X, XII & XIII without trades to Bison Ford in Great Falls Montana for the bid amount of \$193,031.70.

APPROVED BY CITY ADMINISTRATOR

Attachments

A. City Vehicle Bids

BID SCHEDULE I - ONE (1) NEW 2011 CURRENT MODEL MID-SIZE CARGO VAN

<u>Vendor</u>	<u>Total Bid</u>	<u>Trade In</u>	<u>Net Bid</u>
Fremont Motors	\$20,881.82	N/A	\$20,881.82
Archie Cochrane Ford	\$20,685.00	N/A	\$20,685.00
Bison Ford	\$21,251.82	N/A	\$21,251.82

BID SCHEDULE II – ONE (1) NEW 2011 CURRENT MODEL ½-TON MID-SIZE EXTENDED CAB 2WD PICKUP

<u>Vendor</u>	<u>Total Bid</u>	<u>Trade In</u>	<u>Net Bid</u>
Fremont Motors	\$14,770.55	N/A	\$14,770.55
Archie Cochrane Ford	\$16,998.00	N/A	\$16,998.00
Bison Ford	\$20,333.55	N/A	\$20,333.55

BID SCHEDULE III - FIVE (5) NEW 2011 CURRENT MODEL FOUR (4) DOOR MID-SIZE SEDANS

<u>Vendor</u>	<u>Bid Each</u>	<u>Total Bid</u>	<u>Trade Ins</u>	<u>Net Bid</u>
Fremont Motors	\$20,617.55	\$103,087.75	\$3,150.00	\$99,937.75
Archie Cochrane Ford	\$18,150.00	\$ 90,750.00	\$2,800.00	\$87,950.00
Bison Ford	\$18,461.73	\$ 92,308.65	\$1,000.00	\$91,308.65

BID SCHEDULE IV - ONE (1) NEW 2011 CURRENT MODEL 1-TON, DUAL REAR WHEEL, 2-WHEEL DRIVE REGULAR CAB PICKUP WITH STAKE BED, HOIST AND LIFTGATE

<u>Vendor</u>	<u>Total Bid</u>	<u>Trade In</u>	<u>Net Bid</u>
Fremont Motors	\$30,181.10	\$1,500.00	\$28,681.10
Archie Cochrane Ford	\$30,149.10	\$1,500.00	\$28,649.00
Bison Ford	\$29,345.10	\$1,200.00	\$28,145.10

BID SCHEDULE V - ONE (1) NEW 2011 CURRENT MODEL 1-TON, DUAL REAR WHEEL, 2-WHEEL DRIVE REGULAR CAB PICKUP WITH SERVICE BODY

<u>Vendor</u>	<u>Total Bid</u>	<u>Trade In</u>	<u>Net Bid</u>
Fremont Motors	\$29,948.10	\$1,500.00	\$28,448.10
Archie Cochrane Ford	\$29,613.00	\$2,500.00	\$27,113.00
Bison Ford	\$28,805.10	\$ 600.00	\$28,205.10

BID SCHEDULE VI - ONE (1) NEW 2011 CURRENT MODEL ¾TON 250/2500 SERIES FULL SIZE CARGO VAN

<u>Vendor</u>	<u>Total Bid</u>	<u>Trade In</u>	<u>Net Bid</u>
Fremont Motors	\$22,067.46	\$1,700.00	\$20,367.46
Archie Cochrane Ford	\$21,825.00	\$1,500.00	\$20,325.00

Bison Ford	\$22,840.46	\$ 700.00	\$22,140.46
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BID SCHEDULE VII - ONE (1) NEW 2011 CURRENT MODEL ½-TON MID-SIZE REGULAR CAB LONG BOX 4WD PICKUP

<u>Vendor</u>	<u>Total Bid</u>	<u>Trade In</u>	<u>Net Bid</u>
Fremont Motors	No Bid		
Archie Cochrane Ford	\$21,275.00	\$300.00	\$20,975.00
Bison Ford	\$21,482.10	\$ 50.00	\$21,432.10

BID SCHEDULE VIII - ONE (1) NEW 2011 CURRENT MODEL ½-TON MID-SIZE REGULAR CAB 2WD LONG BOX PICKUP

<u>Vendor</u>	<u>Total Bid</u>	<u>Trade In</u>	<u>Net Bid</u>
Fremont Motors	\$14,576.55	\$ 600.00	\$13,976.55
Archie Cochrane Ford	\$16,980.00	\$ 800.00	\$16,180.00
Bison Ford	\$17,549.55	\$ 300.00	\$17,429.55

BID SCHEDULE IX - THREE (3) NEW 2011 MODEL ¾-TON 2 WHEEL DRIVE REGULAR CAB LONG WHEEL BASE PICKUPS WITH SERVICE BODIES

<u>Vendor</u>	<u>Bid Each</u>	<u>Total Bid</u>	<u>Trade In</u>	<u>Net Bid</u>
Fremont Motors	\$24,154.10	\$72,462.30	\$ 750.00	\$71,712.30
Archie Cochrane Ford	\$25,012.00	\$75,036.00	\$2,500.00	\$72,536.00
Bison Ford	\$23,165.10	\$69,495.30	\$ 300.00	\$69,195.30

BID SCHEDULE X - ONE (1) NEW 2011 MODEL ¾-TON 4x4 EXTENDED CAB LONG BOX PICKUP WITH SERVICE BODY

<u>Vendor</u>	<u>Total Bid</u>	<u>Trade In</u>	<u>Net Bid</u>
Fremont Motors	\$39,936.10	\$5,000.00	\$34,936.10
Archie Cochrane Ford	\$41,114.00	\$6,500.00	\$34,614.00
Bison Ford	\$39,123.10	\$1,000.00	\$38,123.10

BID SCHEDULE XI - TWO (2) NEW CURRENT MODEL 2011 ONE-TON 4 X 4 REGULAR CAB PICKUPS WITH SNOW PLOWS

<u>Vendor</u>	<u>Bid Each</u>	<u>Total Bid</u>	<u>Trade In</u>	<u>Net Bid</u>
Fremont Motors	\$32,115.10	\$64,230.20	\$3,400.00	\$60,830.20
Archie Cochrane Ford	\$31,495.00	\$62,990.00	\$2,500.00	\$60,490.00
Bison Ford	\$31,632.10	\$63,264.20	\$1,300.00	\$61,964.20

BID SCHEDULE XII - ONE (1) NEW CURRENT MODEL 2011 3/4-TON 4 X 4 REGULAR CAB PICKUP WITH SNOW PLOW AND LIFTGATE

<u>Vendor</u>	<u>Total Bid</u>	<u>Trade In</u>	<u>Net Bid</u>
Fremont Motors	\$31,141.10	N/A	\$31,141.10
Archie Cochrane Ford	\$32,271.00	N/A	\$32,271.00
Bison Ford	\$29,984.10	N/A	\$29,984.10

BID SCHEDULE XIII - ONE (1) NEW 2011 MODEL ¾-TON 2 WHEEL DRIVE EXTENDED CAB LONG WHEEL BASE PICKUP WITH SERVICE BODY

<u>Vendor</u>	<u>Total Bid</u>	<u>Trade In</u>	<u>Net Bid</u>
Fremont Motors	\$26,142.10	\$1,750.00	\$24,392.10
Archie Cochrane Ford	\$27,042.00	\$2,200.00	\$24,842.00
Bison Ford	\$25,084.10	\$1,000.00	\$24,084.10

BID SCHEDULE XIV - ONE (1) NEW 2011 CURRENT MODEL HD 5500 SERIES DUAL REAR WHEEL, 4X4 REGULAR CAB TRUCK WITH SERVICE BODY

<u>Vendor</u>	<u>Total Bid</u>	<u>Crane Opt.</u>	<u>Trade In</u>	<u>Net Bid</u>
Fremont Motors	\$46,516.10	\$5,438.00	N/A	\$51,954.10
Archie Cochrane Ford	\$46,595.00	\$5,438.00	N/A	\$52,033.00
Bison Ford	\$47,076.10	\$5,438.00	N/A	\$52,514.10

Regular City Council Meeting

Date: 09/27/2010

TITLE: Oil and Lubrication Products

PRESENTED BY: Larry Deschene

Department: City Hall Administration

Information

PROBLEM/ISSUE STATEMENT

The Fleet Services Division administers the annual contracts for all oil and lubrication products for City equipment. The bids are for: Various blends of engine, hydraulic, transmission and gear oils and lubricating greases.

Staff advertised for sealed bids for Oil and Lubrication Products on September 2 and 9, 2010, with a bid opening on September 14, 2010.

ALTERNATIVES ANALYZED

The City Council may:

- Approve the bid award for Oil and Lubrication Products
- Not approve the bid award for Oil and Lubrication Products

FINANCIAL IMPACT

All departments with city equipment budget for oil and lubrication expense. Four bids were received September 14, 2010, as outlined below. A&I submitted bids on two product lines.

OIL AND LUBRICATION PRODUCTS

Cross Petroleum Service:	\$120,084.67
GM Petroleum Dist.:	\$133,793.75
A & I Distributors:	\$112,461.65
A & I Distributors:	\$119,750.35

RECOMMENDATION

Staff recommends that City Council award the oil and lubrication products contract for one year to A & I Distributors for the bid amount of \$112,461.65.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Date: 09/27/2010

TITLE: Gasoline and Diesel Fuel Products

PRESENTED BY: Larry Deschene

Department: City Hall Administration

Information

PROBLEM/ISSUE STATEMENT

The Fleet Services Division administers the annual contracts for all gasoline and diesel fuel products for City equipment. The present contract expires next month, so staff requested bids for gasoline and diesel fuel products.

The prices for gasoline and diesel fuel products are based on the OPIS (Oil Pricing Information Service) pricing index. OPIS is a nationwide information system which monitors and reports fuel prices per gallon and fluctuations at each terminal location on a daily basis. Daily fuel pricing will match the OPIS Daily Average Gross Rack price for each product. Since the OPIS/Rack price and Taxes are pre-established, only the "Vendor Markup" figure is used to establish the bid award recommendation. The Vendor Markup includes: Cost of transportation; Vendor overhead costs; blending and additive fees; and the vendor's margin of profit. The total amount listed is the Vendor Markup per gallon times the estimated annual usage. The City uses about 250,000 gallons of gasoline and 560,000 gallons of diesel fuel per year. The Vendor Markup bid is calculated as a plus or minus number in respect to the posted OPIS Daily Average Rack Price.

Fuel vendors have submitted negative numbers for their vendor markup bids. The negative numbers are the amount per gallon the vendor will discount or subtract from the OPIS Daily Average Rack price. The negative bid number is made possible by refineries offering "Terminal Discounts" to distributors who in turn can pass the discounts on to their large volume customers with good payment histories.

The OPIS Daily Average Rack price for Tuesday, September 14, 2010, for each product bid is included in this document for comparison purposes.

The bid award will be for four years with three one-year renewal options. This is the contract term that the State of Montana uses.

Staff advertised for sealed bids for Gasoline and Diesel Fuel Products on September 2 and 9, 2010, with a bid opening on September 14, 2010.

ALTERNATIVES ANALYZED

The City Council may:

- Approve the bid award for Gasoline and Diesel Fuel Products
- Not approve the bid award for Gasoline and Diesel Fuel Products and advise staff on next steps.

FINANCIAL IMPACT

All departments with city equipment budget for fuel expense. Three bids were received September 14, 2010, as outlined in Attachment A.

RECOMMENDATION

Staff recommends that City Council award the gasoline and diesel fuel products contract to Town and Country Supply Association for the next 48 months. The annual bid award amount for Vendor Markup is -\$39,425.00. The estimated annual fuel cost calculations, based on OPIS pricing on 9/14/10 is \$1,920,738.50. The recommended bid is \$8,787.50 less than the second bid.

The recommended bid amount represents additional discounts of \$0.0200 per gallon for diesel fuel and \$0.0105 for gasoline from the current contract.

APPROVED BY CITY ADMINISTRATOR

Attachments

A. Gasoline & Diesel Fuel Products Bid Amounts

SCHEDULE A - GASOLINE AND DIESEL FUEL PRODUCTS

Bid award is based on the Total Vendor Markup

Bid

Vendor Mansfield Oil Co.

	Vendor Markup per Gal	Annual Est. Gal	Ttl Vendor Markup Bid	Cleanup Fee Tax	L.U.S.T. Tax	Superfund Tax	State Tax	OPIS Price 9/14/10	Total Fuel Cost/Gal	Total Est. Fuel Cost
Regular Unleaded	\$0.0363	5000	\$181.50	0.0010	0.0019	0.0075	0.27	2.2596	2.5763	\$12,881.50
Mid-grade Unleaded	\$0.0363	240000	\$8,712.00	0.0010	0.0019	0.0075	0.27	2.3135	2.6302	\$631,248.00
Super Unleaded	\$0.0363	5000	\$181.50	0.0010	0.0019	0.0075	0.27	2.4529	2.7696	\$13,848.00
Gasoline Total		250000	\$9,075.00							\$657,977.50
#1 Diesel	\$0.0583	50000	\$2,915.00	0.0010	0.0019	0.0075	0	2.5345	2.6032	\$130,160.00
#2 Diesel Summer	\$0.0254	255000	\$6,477.00	0.0010	0.0019	0.0075	0	2.3112	2.347	\$598,485.00
#2 Diesel Winter	\$0.0338	255000	\$8,619.00	0.0010	0.0019	0.0075	0	2.3112	2.3554	\$600,627.00
Diesel Total		560000	\$18,011.00							\$1,329,272.00
Gasoline & Diesel Total		810000	\$27,086.00							\$1,987,249.50

Vendor GM Petroleum

	Vendor Markup per Gal	Annual Est. Gal	Ttl Vendor Markup Bid	Cleanup Fee Tax	L.U.S.T. Tax	Fed. Oil Spill Tax	State Tax	OPIS Price 9/14/10	Total Fuel Cost/Gal	Total Est. Fuel Cost
Regular Unleaded	-\$0.0350	5000	-\$175.00	0.0010	0.0019	0.0075	0.27	2.2596	2.505	\$12,525.00
Mid-grade Unleaded	-\$0.0350	240000	-\$8,400.00	0.0010	0.0019	0.0075	0.27	2.3135	2.5589	\$614,136.00
Super Unleaded	-\$0.0350	5000	-\$175.00	0.0010	0.0019	0.0075	0.27	2.4529	2.6983	\$13,491.50
Gasoline Total		250000	-\$8,750.00							\$640,152.50
#1 Diesel	-\$0.0425	50000	-\$2,125.00	0.0010	0.0019	0.0075	0	2.5345	2.5024	\$125,120.00
#2 Diesel Summer	-\$0.0425	255000	-\$10,837.50	0.0010	0.0019	0.0075	0	2.3112	2.2791	\$581,170.50
#2 Diesel Winter	-\$0.0350	255000	-\$8,925.00	0.0010	0.0019	0.0075	0	2.3112	2.2866	\$583,083.00
Diesel Total		560000	-\$21,887.50							\$1,289,373.50
Gasoline & Diesel Total		810000	-\$30,637.50							\$1,929,526.00

Vendor Town & Country Supply

	Vendor Markup per Gal	Annual Est. Gal	Ttl Vendor Markup Bid	Cleanup Fee Tax	L.U.S.T. Tax	Fed. Oil Spill Tax	State Tax	OPIS Price 9/14/10	Total Fuel Cost/Gal	Total Est. Fuel Cost
Regular Unleaded	-\$0.0280	5000	-\$140.00	0.0010	0.0019	0.0075	0.27	2.2596	2.512	\$12,560.00
Mid-grade Unleaded	-\$0.0280	240000	-\$6,720.00	0.0010	0.0019	0.0075	0.27	2.3135	2.5659	\$615,816.00
Super Unleaded	-\$0.0280	5000	-\$140.00	0.0010	0.0019	0.0075	0.27	2.4529	2.7053	\$13,526.50
Gasoline Total		250000	-\$7,000.00							\$641,902.50
#1 Diesel	-\$0.0620	50000	-\$3,100.00	0.0010	0.0019	0.0075	0	2.5345	2.4829	\$124,145.00
#2 Diesel Summer	-\$0.0620	255000	-\$15,810.00	0.0010	0.0019	0.0075	0	2.3112	2.2596	\$576,198.00
#2 Diesel Winter	-\$0.0530	255000	-\$13,515.00	0.0010	0.0019	0.0075	0	2.3112	2.2686	\$578,493.00
Diesel Total		560000	-\$32,425.00							\$1,278,836.00
Gasoline & Diesel Total		810000	-\$39,425.00							\$1,920,738.50

Regular City Council Meeting

Date: 09/27/2010

TITLE: WO 09-14 Wicks and Saint Andrews Signal Bid Award

PRESENTED BY: David Mumford

Department: Public Works

Information

PROBLEM/ISSUE STATEMENT

Bids were received and evaluated for WO 09-14, Wicks and Saint Andrews Signal, on September 14, 2010. This project will construct a traffic signal at the intersection of Wicks Lane and Saint Andrews Drive. In addition, the project will construct ADA ramps at this intersection.

ALTERNATIVES ANALYZED

The Council may:

- Award the contract for Work Order 09-14 to Ace Electric in the amount of \$107,918; or
- Do not award a contract for Work Order 09-14, reject all bids and advise staff on next steps.

FINANCIAL IMPACT

Funding for WO 09-14 Wicks and Saint Andrews Signal will be provided from Arterial Funds. The City received three bids for this project as follows:

Contractor	Total
Engineer's Estimate	\$125,959.90
Ace Electric	\$107,918.00
Yellowstone Electric	\$112,658.55
Midland Electric	\$121,500.00

RECOMMENDATION

Staff recommends that Council approve the construction contract for WO 09-14 Wicks and Saint Andrews Signal with Ace Electric in the amount of \$107,918.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Date: 09/27/2010

TITLE: SID 1370 - Interlachen, Phase II Bid Award

PRESENTED BY: David Mumford

Department: Public Works

Information

PROBLEM/ISSUE STATEMENT

Bids were received for SID 1370 - Interlachen, Phase II on September 14, 2010. The project consists of street, curb/gutter, drive approach, and storm drain improvements to Lakewood Drive, Constellation Trail, and Keel Drive. The City Council created SID 1370 at its September 13, 2004 meeting, with construction of Phase I being completed in the summer of 2006.

ALTERNATIVES ANALYZED

The Council may:

- Award the contract for SID 1370 - Interlachen, Phase II to Knife River - Billings in the amount of \$154,235.00; or
- Reject all bids and do not award a contract for SID 1370 - Interlachen, Phase II.

FINANCIAL IMPACT

The City received two bids for this project as follows:

Engineer's Estimate \$125,000.00

Contractor	Base Bid
Knife River - Billings	\$154,235.00
H.L. Ostermiller, Inc	\$190,419.00

Costs associated with the improvements will be paid for by assessments levied against the properties with SID 1370 District boundry, and through the use of storm drain funds. Any remaining funds for this project shall be used for construction administration, staking, and change orders. A breakdown of the project funds per the CIP and approved SID 1370 is listed below:

SID 1370 Funding	
SID Assessments	\$ 100,000.00
Storm Drain Funds	\$ 84,000.00
Contract Amount (this memo)	\$(154,235.00)
Remaining Funds	\$ 29,765.00

RECOMMENDATION

Staff recommends that Council award the bid for SID 1370 - Interlachen Phase II to Knife River - Billings in the amount of \$154,235.00.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Date: 09/27/2010

TITLE: Renewal of Alternative Modes Coordinator Services Contract with Active Transportation Alternatives, LLC

PRESENTED BY: Candi Beaudry

Department: Planning & Community Services

Information

PROBLEM/ISSUE STATEMENT

The Alternative Modes Coordinator contract for services is being presented to City Council for renewal. The Planning Division has had a contract in place with Active Transportation Alternatives, LLC for the past year. The Division would like to renew the contract with Active Transportation Alternatives, LLC for another one-year term. Two modifications were made to the contract as per City auditing requirements and Montana Department of Transportation Title VI requirements. Those changes are significant and changed the contract enough to warrant an entirely new contract form. No other material changes were made from the current contract. The cost of the contract remains the same. The contract language allows the City the option to renew the contract for up to an additional three (3), one-year terms by following this process and bringing the contract to the Council for renewal.

The Alternative Modes Coordinator staff position was cut in March, 2009, due to budget limitations in the Planning Division. The Division was able to create a contract position for Alternative Modes Coordinator services with some limited savings to the Division by working with the Montana Department of Transportation and the Federal Highway Administration to determine local and Federal Transportation funding allocations for this contract position. The contract position is currently funded at about a 60% Federal/40% local funding split. The renewed contract has been approved by MDT and will be funded by Federal and local funds to complete the contract services. The contract renewal is set to run from October 1, 2010, to September 30, 2011, to align with the Federal Fiscal Year and with the Planning Division's 2011 Unified Planning Work Program.

ALTERNATIVES ANALYZED

The City Council may:

- Exercise the City's option under the current contract language to renew the Alternative Modes Coordinator contract for services with Active Transportation Alternatives, LLC for another one-year term; or
- Not renew the Alternative Modes Coordinator contract for services with Active Transportation Alternatives, LLC for another one-year term.

FINANCIAL IMPACT

The Alternative Modes Coordinator services contract is being funded from the 2011 Unified Planning Work Program (UPWP). The Division's 2011 UPWP was approved by the City Council and Policy Coordinating Committee earlier this month. The breakdown of funding includes about \$42,000 in PL funds (Federal) and \$26,000 in local match for a total contract of \$68,000 for one year. This is the same contract amount as last year. The Planning Division will pay 100% of the local match spread between FY2011 and FY2012. However, the City reserves the right to terminate the contract with 30 days written notice if local Planning Division funding is not adequate to complete the one-year contract period.

RECOMMENDATION

Staff recommends that the City Council exercise the City's option under the current contract to renew the Alternative Modes Coordinator services contract with Active Transportation Alternatives, LLC for another one-year term starting October 1, 2010, and ending September 30, 2011.

APPROVED BY CITY ADMINISTRATOR

Attachments

Alternative Modes Coordinator Services Contract

SERVICES AGREEMENT

FOR

Alternative Modes Coordinator

THIS AGREEMENT made and entered into on October 1, 2010, by and between the following:

CITY OF BILLINGS, a Municipal Corporation,
Billings, Montana 59103,
hereinafter designated the **CITY**

and

Active Transportation Alternatives, LLC

Billings, MT 59106
hereinafter designated the **CONSULTANT**

WITNESSETH:

WHEREAS, the **CITY** proposes to contract for Alternative Modes Coordinator Services and desires that the **CONSULTANT** furnish the **CITY** certain services as described herein;

WHEREAS, the **CITY** has authority to contract for such services, and;

WHEREAS, the **CONSULTANT** represents that she is fully qualified to perform such services personally and is in compliance with the Montana Statutes relating to provisions of such services;

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

- 1. SCOPE OF CONSULTANT'S SERVICES:** The scope of the work (Attachment A) shall include: Services for Alternate Modes Coordinator.
- 2. CONTRACT TIME:** This Contract, first executed June 8, 2009, and renewed as of **October 1, 2010, shall be effective for one year, expiring on September 30, 2011.** The City further reserves the right to exercise the option to renew the Contract for an additional three (3), one-year terms by mutual, written agreement of both parties.
- 3. PAYMENT:** In consideration of the services provided by the **CONSULTANT** under this Agreement, the **CITY** agrees to pay **CONSULTANT** a price not to exceed **\$5,667/Month.**

In the event scope of work issues arise, the **CONSULTANT** shall immediately discuss them with the Project Manager for the **CITY**. It is understood that the **CONSULTANT** will not perform any work that the **CITY** deems outside the scope prior to receiving written approval from the **CITY**, and at a rate agreed upon by both parties. Any payment for work not agreed upon by the **CITY** shall be denied.

4. INSURANCE

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

5. AGREEMENTS OF CONSULTANT: As an inducement to the execution of this Agreement by the CITY and in consideration of the agreements to be performed by the CITY, the CONSULTANT agrees that:

A. Qualifications

The CONSULTANT is qualified to perform the services to be furnished under this Agreement and is permitted by law to perform such services, and all personnel engaged in the work shall be qualified and so permitted to do the work they perform.

B. Solicitation of Agreement

The CONSULTANT has not employed any person to solicit this Agreement and has not made, and will not make, any payment or any Agreement for the payment of any commission, percentage, brokerage, contingent fee, or other compensation in connection with the procurement of this Agreement.

C. Facilities and Personnel

The CONSULTANT has and will continue to have proper facilities and personnel to perform the services and work agreed to be performed.

D. Subcontracting

None of the work or services covered by this Agreement shall be subcontracted without the prior approval of the CITY.

E. Affidavits of Compliance

The CONSULTANT will, if requested by the CITY, furnish the CITY affidavits certifying compliance with the provisions of this Section 4.

6. **AGREEMENT OF CITY:** Name a Project Manager who shall be the liaison between the Consultant and the City of Billings. For this project, the Project Manager for **CONSULTANT** designated is Darlene Tussing and the Project Manager for **CITY** designated is Scott Walker, Transportation Planner.
7. **NONDISCRIMINATION**
- A. The **CONSULTANT** will not discriminate against any employee or applicant for employment because of race, color, religion, national origin, ancestry, age, sex, or marital status or who is a "qualified individual with a disability" (as that phrase is defined in the Americans With Disabilities Act of 1990). The **CONSULTANT** will take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, color, religion, or mental or physical impairment/disability. Such action shall include, without limitation, employment, upgrading, demotion or transfer, recruitment or recruiting advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training including apprenticeship. The **CONSULTANT** agrees to post, in conspicuous places available to employees and applicants for employment, notices setting forth the provisions of this non-discrimination clause.
- B. The **CONSULTANT** shall state, in all solicitations or advertisements for employees to Work on Agreement jobs, that all qualified applicants will receive equal consideration for employment without regard to race, color, religion, national origin, ancestry, age, sex or marital status, or mental or physical impairment/disability.
- C. The **CONSULTANT** shall comply with any and all reporting requirements that may apply to it that the **CITY** may establish by regulation.
- D. The **CONSULTANT** shall include the provisions of Subsections A through C of this Section in every subcontract or purchase order under this Agreement, so as to be binding upon every such sub-consultant or vendor of the **CONSULTANT** under this Agreement.
- E. The **CONSULTANT** and **CITY** shall comply with all applicable federal, state, and city laws concerning the prohibition of discrimination, including those specified in Attachment B.
8. **PERMITS, LAWS, AND TAXES:** The **CONSULTANT** shall acquire and maintain in good standing all permits, licenses and other entitlements necessary to its performance under this Agreement. All actions taken by the **CONSULTANT** under this Agreement shall comply with all applicable statutes, ordinances, rules and regulations. The **CONSULTANT** shall pay all taxes pertaining to its performance under this Agreement.
9. **NONWAIVER:** The failure of either Parties at any time to enforce a provision of this Agreement shall in no way constitute a waiver of the provision, nor in any way affect the validity of this Agreement or any part hereof, or the right of such Parties thereafter to enforce each and every provision hereof.
10. **DECLARATION OF NO FINANCIAL INTEREST:** The **CONSULTANT** hereby declares that he does not have any interest (including that of real estate agent or broker), direct or indirect, present or prospective, in any property described in Section 1 or in its sale, or any other interest, whether or not in connection with the property, which would conflict in any manner or degree with the performance of the services and the submission of impartial reports, and has not employed and will not employ, in connection with the services to be furnished under this

Agreement, any person having any such interest. Until the property is acquired by the CITY or excluded from its project by resolution of its governing body, the CONSULTANT and any employees of the CONSULTANT, so long as they are employed by the CONSULTANT, will not acquire any such interests and will not, for their own account or for other than the CITY, negotiate for any of the property, perform services in connection with the property, or testify voluntarily as a witness in a condemnation or other proceeding with respect to the property.

11. **SUCCESSORS AND ASSIGNS:** This Agreement and all of the covenants hereof shall inure to the benefit of and be binding upon the CITY and the CONSULTANT respectively and his partners, successors, assigns, and legal representatives. Neither the CITY nor the CONSULTANT shall have the right to assign, transfer, or sublet his interest or obligations hereunder without written consent of the other Parties.
12. **CHANGES IN WORK:** Any change in the scope of CONSULTANT'S services as stated in this Agreement for whatever reason, will be negotiated between the CITY and the CONSULTANT and an amendment to the Agreement will be issued with the appropriate change of services and Agreement fee noted.
13. **LEGAL RELATIONS:** The CONSULTANT shall comply with all Federal, State, and local laws and ordinances applicable to the work to be done.
14. **TERMINATION OF AGREEMENT:** The right is reserved by mutual agreement that either Parties (The CITY or CONSULTANT) can terminate this Agreement at any time upon not less than thirty (30) days written notice to the other Parties.

In the event the CITY terminates this Agreement, the CONSULTANT shall be paid for the amount of work performed or services rendered to date of termination per the Agreement fee.
15. **ENDORSEMENTS:** The CONSULTANT shall furnish signatures, statements, or other suitable means to signify responsible endorsement of work on all reports furnished by him.
16. **OWNERSHIP OF DOCUMENTS:** All information relating to the project and prepared under the terms of the Agreement, including reports, data, recommendations, exhibits, analyses, and plans shall be deemed the property of the CITY. Reproducibles of all notes, reports, and plans shall be made available at the CITY'S request.
17. **PUBLIC INFORMATION:** The CONSULTANT shall not issue any statements, releases, or information for public dissemination without prior written approval of the CITY.
18. **PROPRIETARY RIGHTS:** If patentable discoveries or inventions should result from work required herein, all rights accruing from such discoveries or inventions shall be the property of the CITY.
19. **RECORDS:** The CONSULTANT shall maintain accounting records and other evidence pertaining to the cost incurred and to make the records available at all times during the Agreement term and for three (3) years from the date of final payment. Such accounting records and other evidence pertaining to the cost incurred will be made available for inspections authorized by the CITY and copies thereof shall be furnished if requested.
20. **ATTORNEY'S FEES AND COSTS:** That in the event it becomes necessary for either Parties to this Agreement to retain an attorney to enforce any of the terms or conditions of the Agreement or to give any notice required herein, then the prevailing Parties or the Parties giving notice shall be entitled to reasonable attorney's fees and costs.
21. **LITIGATION LOCATION:** The parties agree that this Agreement shall be governed in all respects by the laws of the state of Montana, and the parties expressly agree that venue shall be in the Montana Thirteenth Judicial District County for Yellowstone County and there shall be no other venue for resolution of disputes arising from the contract or the performance of its terms.

22. **MODIFICATION AND AMENDMENTS:** That any amendment or modification of this Agreement or any provisions herein shall be made in writing and executed in the same manner as this original document and shall after execution become a part of this Agreement.
23. **LIABILITY:** The Consultant shall indemnify, defend, save, and hold Billings harmless from any and all claims, causes of action, lawsuits, damages, judgments, liabilities, and litigation costs and expenses including reasonable attorneys' fees and costs, arising from any wrongful or negligent act, error or omission of the Consultant or any agent, employee or subcontractor as a result of the Consultant's or any subcontractor's performance pursuant to this Agreement.
- A. The Consultant shall not indemnify, defend, save and hold Billings harmless from claims, causes of action, lawsuits, damages, judgments, liabilities, and litigation costs and expenses or attorneys' fees and costs arising from wrongful or negligent acts, error or omission solely of Billings occurring during the course of or as a result of the performance of the Agreement.
- B. Where claims, lawsuits or liability, including attorneys' fees and costs arise from wrongful or negligent act of both Billings and the Consultant, the Consultant shall indemnify, defend, save, and hold Billings harmless from only that portion of claims, causes of action, lawsuits, damages, judgments, liabilities, and litigation costs and expenses including attorneys' fees and costs, which result from the Consultant's or any subcontractor's wrongful or negligent acts occurring as a result from the Consultant's performance pursuant to this Agreement.

CONSULTANT

CITY OF BILLINGS, MONTANA

NAME: Active Transportation Alternatives

BY: _____

BY: Dadene Tussing

Thomas R. Hanel, Mayor

TITLE: Principal

BY: _____

Brent Brooks, City Attorney

ATTACHMENT A

Scope of Work

Monthly Responsibilities

- Support Long Range Transportation Plan development and implementation through a multimodal team of planners, engineers, and volunteers
- Perform community outreach and collect feedback on transportation plans and programs for the MPO area
- Maintain bicycle/pedestrian database of trail locations in conjunction with City GIS staff
- Participate in administration of Billings Area Transportation Plan
- Assess the effects of land use changes on the transportation plan and determine consequences to the Bikeway and Trail Master Plan
- Participate on a variety of boards and commissions, including providing administrative support to the City of Billings and Yellowstone County Bicycle and Pedestrian Advisory Committee
- Investigate problems and complaints along the trail system; conduct field inspections of areas of the trail corridor and individual properties
- Provide monthly reports due by the last working day of each month

Ongoing Responsibilities

- Review and coordinate responses to citizen requests for projects
- Research availability of grants, prepare or oversee grant applications, and administer grants for various city or county Billings Bikeway and Trail Master Plan improvements
- Improve community understanding and awareness of transportation plan goals and objectives through outreach to professional groups; improve professional skills relating to innovations for alternative modes planning
- Prepare graphics, narratives, and other presentations of survey data
- Develop partnerships with community organizations and other agencies (such as the medical and health community, the schools, MET Transit, museums, law enforcement) to sponsor bicycle and pedestrian programs
- Assess land use and development with respect to planned development of long range transportation goals for trail rights-of-way and location easements
- Secure and maintain data relative to various phases of the Billings Bikeway and Trail Master Plan, including information about securing land or easement arrangements for the trail system
- Represent the Billings Bikeway and Trail Master Plan to other City and County departments, city and county elected officials, and outside agencies and organizations
- Coordinate transportation plan relationships with external departments and agencies relating to goals for the Bikeway and Trail Master Plan
- Coordinate surveys, outreach, education and training activities
- Promote cycling and pedestrian activities

Special Responsibilities

- Organize multi-media campaigns and educational programs for special events including preparing press releases, newspaper articles, power-point presentations and photographs for publications
- Prepare surveys and technical studies of community needs, resources, population statistics and trends, as they relate to the Billings Bikeway and Trail Master Plan

- Provide testimony or documentation on non-motorized planning activities, when directed, to state and federal legislators; represent the City of Billings and Yellowstone County on Billings Bikeway and Trail Master Plan issues, as well as, provide a communication link with the public through e-mail, newsletters or other communication links

ATTACHMENT B

NON-DISCRIMINATION NOTICE

During the performance of this Agreement, the CITY and CONTRACTOR (hereafter in this Section “the Parties”), their assignees and successors in interest, agree as follows:

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

(1) Compliance with Regulations: The Parties shall comply with all Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation, 49 Code of Federal Regulations, Part 26, as they may be amended (hereafter referred to as the Regulations), which are incorporated by reference and made a part of this Agreement, even if only state funding is here involved.

(2) Nondiscrimination: The Parties, with regard to the work performed during the Agreement, shall not discriminate on the grounds of sex, race, color, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The Parties shall not participate either directly or indirectly in the discrimination prohibited by 49 CFR 26.5.

(3) Solicitations for Subcontracts, Including Procurement of Materials and Equipment: In all solicitations, whether by competitive bidding or negotiation by the Parties for work to be performed under a subcontract, including procurement of materials or leases of equipment, any potential subcontractor or supplier shall be notified by the Parties of the Parties' obligations under this Agreement and the Regulations relative to nondiscrimination.

(4) Information and Reports: The Parties will provide all reports and information required by the Regulations, or directives issued pursuant thereto, and permit access to its books, records, accounts, other sources of information and its facilities as may be determined by State or the Federal Highway Administration (FHWA) to be pertinent to ascertain compliance with Regulations or directives. Where any information required of the Local Agency is in the exclusive possession of another who fails or refuses to furnish this information, the Parties shall so certify to the Department or the FHWA as requested, setting forth what efforts it has made to obtain the information.

(5) Sanctions for Noncompliance: In the event of the Parties' noncompliance with the nondiscrimination provisions of this Agreement, State may impose sanctions as it or the FHWA determines appropriate, including, but not limited to,

(a) Withholding payments to the Parties under the Agreement until the Parties comply, and/or

(b) Cancellation, termination or suspension of the Agreement, in whole or in part.

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

Parties may request the State to enter into the litigation to protect the interests of the State, and, in addition, the Parties or the State may request the United States to enter into such litigation to protect the interests of the United States.

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

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

C) COMPLIANCE WITH AMERICANS WITH DISABILITIES ACT (ADA)

(1) The Parties will comply with all regulations relative to implementation of the AMERICANS WITH DISABILITIES ACT.

(2) The Parties will incorporate or communicate the intent of the following statement in all publications, announcements, video recordings, course offerings or other program outputs: "The Parties will provide reasonable ACCOMMODATIONS FOR ANY KNOWN DISABILITY THAT MAY INTERFERE with a person in participating in any service, program or activity offered by the Parties. In the case of documents, recordings or verbal presentations, alternative accessible formats will be provided. For further information call the Parties."

8. All video recordings produced and created under contract and/or agreement will be closed-captioned.

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

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

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

MONTANA LIMITED LIABILITY COMPANY ANNUAL REPORT - 2010

FILED ELECTRONICALLY IN ORDER FOR YOUR LIMITED LIABILITY COMPANY TO REMAIN ACTIVE AND IN GOOD STANDING AND PREVENT INVOLUNTARY DISSOLUTION/REVOCAION PER 35-8-208, MCA.

Filed Date 03/09/2010
Document No. 1061850
Filing Time 08:07PM

ACTIVE TRANSPORTATION ALTERNATIVES, L.L.C.

DARLENE TUSSING
3033 DEMARET PLACE
BILLINGS MT 59106

FOLDER ID NUMBER: C193995
STATE/COUNTRY OF JURISDICTION: MT

1. **Address of principal office:** 3033 DEMARET PLACE BILLINGS MT 59106
2. **The limited liability company is managed by:** LLC MANAGED BY MEMBERS
3. **Names and Addresses of individual Managers or Members:**

NAME DARLENE TUSSING
ADDRESS 3033 DEMARET PLACE
CITY BILLINGS MT 59106

4. **Names and Addresses of registered business Managers or Members: Businesses listed in this section would be registered with the Secretary of State's Office.**

By submitting this filing electronically to the Montana Secretary of State's Office, I state that I, an authorized agent of the above limited liability company am authorized to execute documents on its behalf. Any and all statements herein are true and are based upon actions taken by the LLC in accordance with its Articles of Organization or Operating Agreement, and with the laws of the State Montana.

I further state that the LLC remains in existence and has taken the necessary actions during the past year to preserve this status. I make all of the statements herein under penalty of false swearing in accordance with 45-7-202, MCA.

Electronically Submitted by: DARLENE TUSSING
BILLINGS MT 59106

Submitter Address: 3033 DEMARET PLACE

ALL INFORMATION PROVIDED, INCLUDING NAMES AND ADDRESSES OF MEMBERS OR MANAGERS, WILL BE MADE AVAILABLE ON THE SECRETARY OF STATE'S WEBSITE <http://www.sos.mt.gov> OR UPON REQUEST.

**SPECIFIED PROFESSIONS PROFESSIONAL LIABILITY
POLICY RENEWAL CERTIFICATE**

Please attach this Renewal Certificate to your expiring Policy.

**MOUNT VERNON FIRE
INSURANCE COMPANY**

WAYNE, PENNSYLVANIA

ORIGINAL

In consideration of the renewal premium stated below, expiring Policy Number **SP 2009613** is renewed for the Policy Period stated below. The Company will issue a complete copy of this Policy upon receipt of a written request from the Insured.

The New Policy Number is **SP 2009613A**.

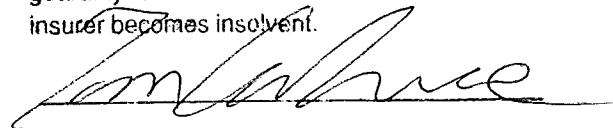
The Application (if any) for this renewal, and all previous Applications made to the Company for this insurance, including any material submitted therewith, shall be made a part of this Renewal Policy as if physically attached hereto. PLEASE REFER TO YOUR POLICY FOR THE DEFINITION OF "APPLICATION."

~~Issued in an unauthorized insurer under The~~

POLICY DECLARATIONS

ITEM I. NAMED INSURED AND PRINCIPAL ADDRESS
**Active Transportation Alternatives
3033 Demarat Place
Billings, MT 59106**

Surplus Lines Insurance Law, under surplus lines insurance producer license No #~~SP1180~~ and NOT covered by the property and casualty guaranty fund of this state if the unauthorized insurer becomes insolvent.



ITEM II. POLICY PERIOD: (MM/DD/YYYY)
FROM **6/9/2010** TO **6/9/2011**

12:01 AM STANDARD TIME AT
YOUR MAILING ADDRESS SHOWN

ITEM III. LIMITS OF LIABILITY:	\$1,000,000 EACH CLAIM	Surplus Fee 9.93
	\$1,000,000 ANNUAL AGGREG	State Tax 54.62
		Total 2,050.55

ITEM IV. DEDUCTIBLE: **\$5,000** EACH CLAIM

ITEM V. PREMIUM: **\$1,986**

ITEM VI. RETROACTIVE DATE **6/9/2009**

ITEM VII. Coverage Form(s)/Part(s) and Endorsement(s) made a part of this policy at time of issue:

2110 (11-99) Service of Suit Endorsement	SP-224 (10-99) Additional Insured Endt
PROF-001 (06-01) Absolute Poll. Exclusion	SP-230 (10-99) Architects and Engineers Excl.
PROF-002 (06-01) Mold, Fung., Bact., Virus, and Org. Path. Exc	SP-260 (01-00) Professional Services Exclusion Endt
SP-210 (10-99) Retroactive Date Endt	SP-273 (07-07) Defense Costs Within The Limit Of Liability E
SP-219 (10-99) USA & Territories Endt	SP-POL (10-99) Policy Jacket


Endorsements marked with an asterisk(*) have been added to the policy or have a new edition date and are attached with this certificate.

ITEM VIII. Solely in the performance of Professional Services as a(n) **Real Estate Consultant & Trail Planning Consultant/Grant Writer** for others for a fee.

Date Issued: **6/9/2010**

Agent: **COCHRANE AND COMPANY [1677]**

USU - SPILPRC (11/00)

By 
Authorized Representative



INDEPENDENT CONTRACTOR PROGRAM
State of Montana

Department of Labor and Industry

INDEPENDENT CONTRACTOR EXEMPTION CERTIFICATE

THIS CERTIFICATE CERTIFIES THAT

DARLENE R TUSSING
3033 DEMARET PLACE
BILLINGS, MT 59106

has sworn to the Department of Labor and Industry that this person is:

- engaged in an independently established trade, occupation, profession or business; and
- is free from control or direction by hiring agents over the performance of the person's services, both under contract and in fact, when acting as an independent contractor.

The certificate holder has provided the Department of Labor and Industry sufficient documentation to conclude the certificate holder has an established business. In reliance on that evidence, the Department of Labor and industry has granted this Independent Contractor Exemption Certificate to the person named above.

The certificate holder has waived all rights and benefits under the Workers' Compensation Act of Montana and is not required to be personally covered by workers' compensation insurance. The certificate holder has acknowledged the certificate holder is responsible for all taxes related to work performed under the Certificate.

Any certificate holder, hiring agent, employer, or any other person who violates the independent contractor provisions of Title 39, Chapter 71, MCA may be subject to a \$1,000 fine and other penalties provided by law.

This Certificate is effective for the following occupation(s):

ALTERNATIVE MODES COORDINATOR Effective: 04/16/2009 through 04/15/2011

Effective Dates: 04/16/2009 through 04/15/2011

This certificate only applies to the above named person for the listed occupation(s) and does not include any employees the person may hire or any other subcontractors hired by the above named person. Montana law provides that this Certificate creates a conclusive presumption of this person's status as an independent contractor.

ATTENTION HIRING AGENTS:

It is advisable to verify that this is valid and effective. Please call (406) 444-7734 or visit our website at: www.mtcontractor.com

Please notify the Department of Labor and Industry of any changes to this Certificate.

(406) 444-7734 - (406) 444-3465 fax - (406) 444-5549 (TTD) - PO Box 8011, Helena, MT 59604-8011

POST IN A CONSPICUOUS
PLACE. NOT
TRANSFERRABLE

CITY OF BILLINGS
BUSINESS TAX RECEIPT
BILLINGS, MONTANA

Business name	ACTIVE TRANSPORTATION	City nbr	26309
Owner Name	TUSSING DARLENE R		
Location addr	3033 DEMARET PL		
Bus. Nbr/Class	10 00027625 SERVICE		
Issue date	4/09/10	Expiration date	4/30/11
Bus. Tax	\$5.00		
Total	\$5.00		



ACTIVE TRANSPORTATION
ALTERNATIVES LLC
3033 DEMARET PLACE
BILLINGS MT 59106

Thomas W. Hanel
Edward J. Tobey

Regular City Council Meeting

Date: 09/27/2010

TITLE: W.O. 03-07—Alkali Creek Multi-Use Path, Amendment #4 to Dowl HKM Contract

PRESENTED BY: David Mumford

Department: Public Works

Information

PROBLEM/ISSUE STATEMENT

The City of Billings and Dowl HKM (HKM) agreed to a Professional Services Contract on June 9, 2003 for the Design Study phase of the Alkali Creek Multi-Use Path project (W.O. 03-07). This included extensive coordination and public input for selection of the path alignment. Amendment One was approved December 23, 2003. Amendment Two, approved July 23, 2007, provided services for a bicycle/pedestrian tunnel under Main Street at Alkali Creek and a path on the west side of Main Street connecting the tunnel to the at-grade sidewalk. Amendment Three, approved January 25, 2010, included updating and rebidding the project that was initially bid in September 2008, as well as designing a path extension through Earl Guss Park.

This project was approved to receive ARRA (American Recovery and Reinvestment Act) funding. Amendment Four includes tasks associated with research and more stringent specifications needed to comply with all the ARRA regulations. Amendment Four also includes tasks related to the extensive efforts involved with coordinating the path design with the Bench Extension project during its design phase. Finally, the contract time for the tunnel construction was increased from 90 to 120 calendar days. As such, Amendment Four includes the additional inspection and construction administration related to the expanded construction time.

ALTERNATIVES ANALYZED

The Council may:

- Approve Amendment 4 to the Professional Services Agreement with HKM for additional services on W.O. 03-07; or
- Do not approve Amendment 4 to the Professional Services Agreement with HKM and instruct staff to return to negotiations with the consultant.

FINANCIAL IMPACT

The project is being funded by a variety of sources, including ARRA, a Transportation and Community and System Preservation Pilot Program (TCSP) grant, the Community Transportation Enhancement Program (CTEP), and multiple local donors and grants. Professional services for this project are funded by the TCSP grant, which is a federal aid program funded through the Federal Highway Administration and administered by MDT. Amendment No. 4 represents an increase in the amount of the contract by \$32,463.00. There are TCSP funds available to cover the increase.

Original Contract Amount: \$ 90,495.00

Approved Amounts

Amendment 1: \$ 0.00
 Amendment 2: \$168,000.00
 Amendment 3: \$ 40,465.00

Requested Amount

Amendment 4: \$ 32,463.00

Total Revised Contract Amount: \$331,423.00

RECOMMENDATION

Staff recommends that Council authorize the Mayor to execute Amendment No. 4 to the Professional Services Contract with Dowl HKM in the amount of \$32,463.00.

APPROVED BY CITY ADMINISTRATOR

Attachments

HKM Amendment 4

AMENDMENT NO. 4
TO
CONTRACT FOR PROFESSIONAL ARCHITECTURAL AND
ENGINEERING SERVICES
CITY OF BILLINGS WORK ORDER 03-07,
ALKALI CREEK MULTI-USE PATH

THIS AGREEMENT, made and entered into on this _____ day of _____, 2010, by and between the following:

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

and

DOWL HKM
PO Box 31318
Billings, Montana 59101-1318
hereinafter designated the Contractor, Consultant and/or Engineer

WITNESSETH:

WHEREAS, the City and Consultant have entered into a contract dated May 27, 2003, including Contract Amendments One, Two and Three for Consultant to provide engineering services to the City for Work Order 03-07, Alkali Creek Multi-Use Path, and;

WHEREAS, the City has need for additional engineering services, and;

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

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

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

Part I, Section 2.A is amended as follows:

Changes to the scope of work for Engineering Design and Construction Administration services are attached as Appendix A to this amendment.

Part I, Section 3.C is amended as follows:

The contract shall terminate at midnight on December 31, 2011.

Appendix A, Section 3.B is amended as follows:

Additional services are stipulated in Appendix A, attached to and made a part of this amendment.

Appendix B, Section 1 is amended as follows:

Include the fee information shown Appendix B, attached to and made a part of this amendment.

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

CONSULTANT

NAME: DOWL HKM

BY: _____

TITLE: Vice President

DATE: _____

CITY OF BILLINGS, MONTANA

BY: _____
Thomas W. Hanel, Mayor

DATE: _____

APPROVED AS TO FORM:

By: _____
Brent Brooks, City Attorney

Appendix A

Additional services covered by this amendment include:

- Section 3B, Engineering Design Services
 - Additional survey and mapping at the east end of the project for the new trail connection to the existing trail. The original design survey for this project was completed based on tying in at the back of sidewalk where the existing trail currently ties in. The Bench Extension project and specifically the bridge location resulted our trail segment having to tie in further to the east.
 - Integrating trail with Bench Extension South Abutment. Since the Bench Extension Project was still in the preliminary design process, the trail horizontal and vertical alignments went through multiple iterations to accommodate alternatives to the abutment design. DOWL HKM was tasked with completing a workable design for both the bridge abutment and the trail acceptable to all parties as well as coordinating with consultants and stakeholders. In order to evaluate the possible solutions we had to merge design information from both projects, develop alternatives for review and comment and coordinate the final decision with the Bench consultant which resulted in additional design for this project.
 - Address comments to the plans and specifications from FHWA, Parks & Engineering. FHWA requested several changes to material requirements and all items which incorporated steel had to be able to certify that the raw material through the finished product were American made. Likewise, Parks requested several changes late in the process such as the fabrication of steel cages to protect tunnel lighting, anti-graffiti coatings for the tunnel which had to be researched and specified, method of revegetation, and access and circulation. These comments and requests resulted in additional effort for DOWL HKM and the electrical subconsultant, Ritter Engineering.
- Section 3C, Construction Administration. Contract time for the tunnel construction was increased by 30 calendar days resulting in a 150 calendar day construction contract versus the previous 120 calendar day construction contract and the bid outcome resulted in award of Schedule 1 and Schedules 2A & 2B to two separate Contractors. The changes in construction administration services address these two issues, primarily related to additional inspection.

Appendix B

Additional Engineering Design Services	\$7,952.00
Additional Construction Administration	\$22,351.00
East Side Access Rd.	\$2,160.00
Amendment No.4 Total	\$32,463.00

The amounts shown above increase the current contract total for Engineering Design from \$130,345 to \$140,457 and Construction Administration from \$78,120 to \$100,471.

Regular City Council Meeting

Date: 09/27/2010

TITLE: Additional Budget Authority Request for 2010 JAG Grant - \$13,980

PRESENTED BY: Rich St. John

Department: Police

Information

PROBLEM/ISSUE STATEMENT

On July 26, 2010, City Council approved the application submittal and the acceptance of the award for the 2010 Justice Assistance Grant (JAG) in the amount of \$66,520. This grant is a joint application between the Billings Police Department and Yellowstone County Sheriff's Office (YCSO). The Interlocal Agreement was signed by the Mayor for the \$66,520 amount. When the award documents were received, the grant amount was \$80,500, with Yellowstone County receiving the additional \$13,980. YCSO will be purchasing a multi-purpose utility vehicle with the added dollars. Since the amount of the grant has changed, a new Interlocal Agreement will need to be signed by both the City and the County. The Agreement is currently at the Sheriff's office for the Commissioners for signature. When returned, it will be given to the City Clerk for the Mayor's signature. A copy of this Agreement is in the City Clerk's Office. Staff is requesting additional budget authority in the amount of \$13,980 for the 2010 JAG Grant.

ALTERNATIVES ANALYZED

Council may:

- . Approve the request for \$13,980 in additional budget authority for the 2010 JAG Grant; or
- . Not approve the request for \$13,980 in additional budget authority for the 2010 JAG Grant.

FINANCIAL IMPACT

There will be no cost to the City as no match is required for this grant.

RECOMMENDATION

Staff recommends Council approve the request for additional budget authority for the 2010 JAG Grant in the amount of \$13,980.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Date: 09/27/2010

TITLE: Quarterly Report for Pledged Collateral

PRESENTED BY: Patrick M Weber

Department: City Hall Administration

Information

PROBLEM/ISSUE STATEMENT

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

On June 30, 2010, the City had certificates of deposit at First Interstate Bank for \$2,530,883.56; \$44,977,198.07 in the US Bank Repurchase Account; and \$11,500,000 in two certificates of deposit at US Bank, Billings.

Because First Interstate Bank and US Bank's net worth ratios to total assets ratio are over 6%, the City is required to have a minimum of 50% of the deposits covered by pledged securities. First Interstate Bank has collateralized the City's deposits with 99% in pledged securities. US Bank has collateralized the City's Municipal Investor Account and two certificates of deposit with 128% in pledged securities. The Repurchase Account is collateralized with 102% in pledged securities.

ALTERNATIVES ANALYZED

The Council may:

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

FINANCIAL IMPACT

There is no financial impact to the City.

RECOMMENDATION

Staff recommends that Council approve the quarterly report for pledged collateral.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Date: 09/27/2010

TITLE: Semi Annual Investment Report

PRESENTED BY: Patrick M Weber

Department: City Hall Administration

Information

PROBLEM/ISSUE STATEMENT

The City of Billings Investment Policy states the Finance Division shall submit semi-annually an investment report describing investments in terms of type and interest rate. On June 30, 2010, the City had the following amounts invested:

Montanan Short Term Investment Pool	\$ 6,242
US Government and Agency	\$ 57,770,000
Certificates of Deposit	\$ 14,030,884
Repurchase	\$ 44,977,198
Total Investments	\$116,784,324

ALTERNATIVES ANALYZED

The Council may:

- Approve the semi annual investment report; or
- Not approve the semi annual investment report.

FINANCIAL IMPACT

The investment portfolio for the City is designed to maintain the safety of investments while obtaining a market average rate of return throughout budgetary and economic cycles. As of June 30,2010, the average yield to maturity was 1.167%.

RECOMMENDATION

It is recommended that the City Council approve the investment report.

APPROVED BY CITY ADMINISTRATOR

Attachments

investments



City of Billings, MT
Summary by Issuer
June 30, 2010
Grouped by Fund

City of Billings
 210 North 27th Street
 Billings, MT 59101

Issuer	Number of Investments	Par Value	Book Value	% of Portfolio	Average YTM 365	Average Days to Maturity
Fund: Pooled fund						
Federal Farm Credit Bank	11	19,500,000.00	19,500,000.00	27.16	1.135	608
Federal Home Loan Bank	26	32,270,000.00	32,270,000.00	44.94	1.056	521
Federal Home Loan Mtg Corp	2	3,000,000.00	3,000,000.00	4.18	0.875	605
Fiirst Interstate Bank	2	2,530,883.56	2,530,883.56	3.52	1.714	144
Federal National Mtg Assn	3	3,000,000.00	3,001,641.67	4.18	1.058	634
Short Term Investment Pool	1	6,242.29	6,242.29	0.01	1.841	1
US Bank	4	11,500,000.00	11,500,000.00	16.01	1.516	862
Subtotal	49	71,807,125.85	71,808,767.52	100.00	1.167	594
Total and Average	49	71,807,125.85	71,808,767.52	100.00	1.167	594

Regular City Council Meeting

Date: 09/27/2010

TITLE: Harvestfest Request for Street Closure Time Extension

PRESENTED BY: David Mumford

Department: Public Works

Information

PROBLEM/ISSUE STATEMENT

This street closure was previously approved at the May 10th council meeting for Saturday, October 9th, from 6:00 a.m.-5:00 p.m. A time extension until 9:00 p.m. has been requested. The event will include closing N. 28th between 1st and 3rd Avenues North and 2nd Ave from the alley west of N. 27th Street to N. 29th Street.

ALTERNATIVES ANALYZED

The Council may:

- Approve request to extend the time of the street closure; or
- Deny the time extension for the street closure

FINANCIAL IMPACT

No costs to the City of Billings. Police, traffic control and litter removal are to be paid for by the DBA.

RECOMMENDATION

Staff recommends that Council approve the time extension for the street closure as stated.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Date: 09/27/2010

TITLE: Yellowstone Family Dental 5K Run/Walk

PRESENTED BY: David Mumford

Department: Public Works

Information

PROBLEM/ISSUE STATEMENT

Yellowstone Family Dental would like to have a 5K Fun Run/Walk for Dental Hygiene Month to promote good dental hygiene. The event will be on October 16, 2010, from 9:00 a.m. to 12:30 p.m. The route begins on the 1600 block of Rimrock heading east to Virginia Lane, right on Virginia to Park Lane; right on Highwood Drive; back to Rimrock to Wisconsin; right on Yale; right on 13th to Rimrock and finishing in the parking lot of Yellowstone Family Dental.

Recommended conditions of approval include Yellowstone Family Dental:

1. Have no alcohol consumption in the right of way.
2. Clean area to be used and provide and empty waste cans.
3. Notify all emergency facilities, bus lines and media as soon as possible.
4. Provide and install adequate traffic barricades and signs directing motorists around closure.
5. All course guards (flaggers) shall wear safety apparel and use approved STOP/SLOW paddles.
6. Provide a certificate of insurance naming City of Billings as additional insured.

ALTERNATIVES ANALYZED

The Council may:

- Approve request to have the fun run on the streets as noted for the event; or
- Deny the fun run event

FINANCIAL IMPACT

There are no costs to the city other than administrative time to process the application. Police, traffic control and litter removal for are to be paid for by the Yellowstone Family Dental.

RECOMMENDATION

Staff recommends that Council approve the Fun Run on the streets noted above for Yellowstone Family Dental.

APPROVED BY CITY ADMINISTRATOR

Attachments

Yellowstone Family Dental



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

Please check the type of activity you are applying for:

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

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

PERSON MAKING APPLICATION Teresa M. Carlson

ORGANIZATION MAKING APPLICATION Yellowstone Family Dental

PHONE 406-245-7026

ADDRESS 1190 Rimrock Rd. Ste F Billings, MT 59102

EMAIL ADDRESS Yellowstonefamilydental@bresnan.net

APPROXIMATE TIME EVENT WILL:

Assemble 9:00 am Start 10:00 am Disband 12:30 pm

DATE OF EVENT 10-16-10

PURPOSE/DESCRIPTION OF EVENT: (Description and detail of the event.)
Dental Hygiene Month 5K Fun Run/Walk
Run to promote good dental hygiene and
its importance

EVENT ROUTE DESIRED (IF APPLICABLE): (Please attach map.)
Start e 1190 Rimrock down Rimrock to Virginia lane right
on Virginia, right on Park lane down Park lane and right on
Highwood Dr back to Rimrock down Rimrock to Wisconsin (left)
Then right on Yale, down Yale and right on 13th, left on Rimrock
Finish at Radcliff

BLOCK PARTY STREET LOCATION (IF APPLICABLE): N/A

CLEAN UP IMPLEMENTATION: (Company contracted or services you will provide)
All clean-up will be done by staff members

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

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

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

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

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

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

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

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

APPLICANT SIGNATURE Terese M. Carlson DATE 8-23-10

APPLICATION APPROVED _____ DATE _____

APPLICATION DENIED _____ DATE _____

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

FOR CITY USE ONLY

FEE: _____

APPLICANT NOTIFIED BY: _____

DATE: _____

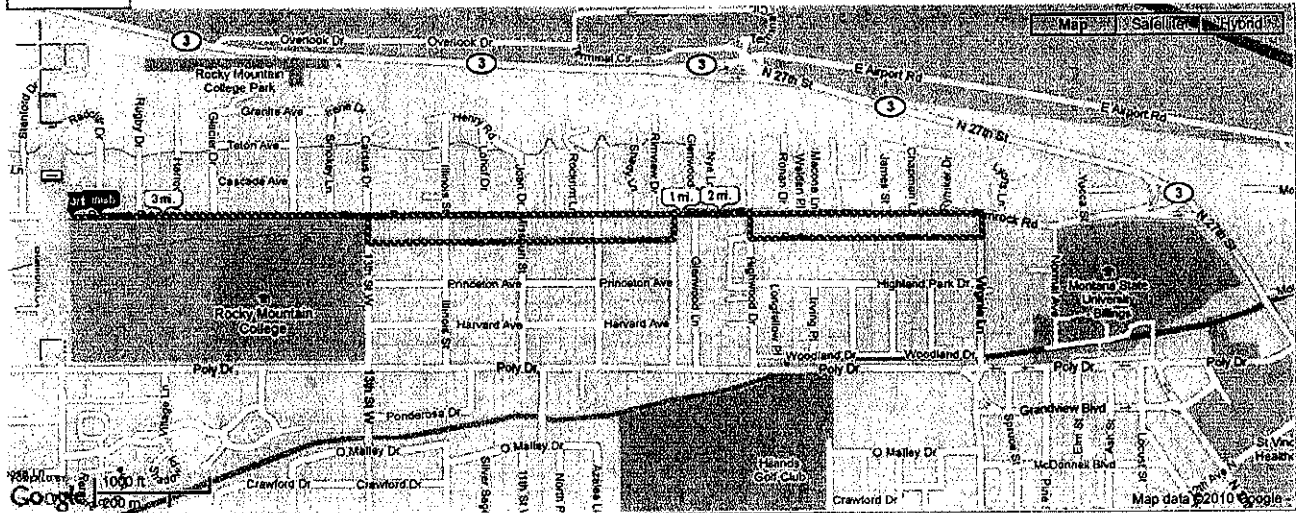
- COPIES TO:**
CITY ADMINISTRATOR
DEPUTY CITY ADMINISTRATOR
POLICE CHIEF
FIRE CHIEF
FIRE MARSHALL
MET TRANSIT MANAGER
STREET/TRAFFIC SUPERINTENDANT
TRAFFIC ENGINEER
PRPL DIRECTOR
PARKING SUPERVISOR
CITY ATTORNEY



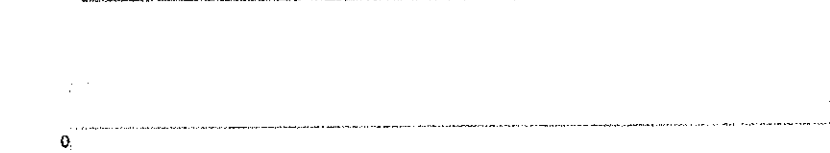
Search

Create a New Route

Distance:
3.11 miles
5.00 km



Elevation Profile



Total climb: 0 feet / 0 m
Total elevation change: 0 feet / 0 m

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Privacy Statement | Terms of Use | Other Policies

Course Route:
Start: 1690 Rimrock → Rimrock to Virginia - Park Lane -
Highwood - Rimrock - Wisconsin - Yale - 13th - Rimrock
Finish at Radcliff and Rimrock.

ACORD™ CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
 08/19/2010

PRODUCER Hoiness LaBar Insurance A Member of Payne Financial Group P.O. Box 30638 Billings, MT 59107-0638	THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.	
	INSURERS AFFORDING COVERAGE	NAIC #
INSURED Yellowstone Family Dentistry LLC 1690 Rimrock Road, Suite F Billings, MT 59102	INSURER A: Cincinnati Insurance Company	
	INSURER B:	
	INSURER C:	
	INSURER D:	
	INSURER E:	

COVERAGES

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

INSR ADD'L LTR	INSRC	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
A		GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	EDN0041945	07/01/10	07/01/11	EACH OCCURRENCE	\$1,000,000
						DAMAGE TO RENTED PREMISES (Ea occurrence)	\$1,000,000
						MED EXP (Any one person)	\$5,000
						PERSONAL & ADV INJURY	\$1,000,000
						GENERAL AGGREGATE	\$2,000,000
						PRODUCTS - COMP/OP AGG	\$2,000,000
		AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS				COMBINED SINGLE LIMIT (Ea accident)	\$
						BODILY INJURY (Per person)	\$
						BODILY INJURY (Per accident)	\$
						PROPERTY DAMAGE (Per accident)	\$
		GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT	\$
						OTHER THAN AUTO ONLY: EA ACC	\$
						AGG	\$
A		EXCESS/UMBRELLA LIABILITY <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> DEDUCTIBLE <input type="checkbox"/> RETENTION \$	EDN0041945	08/17/10	07/01/11	EACH OCCURRENCE	\$1,000,000
						AGGREGATE	\$1,000,000
							\$
							\$
		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below				WC STATU-TORY LIMITS	OTH-ER
						E.L. EACH ACCIDENT	\$
						E.L. DISEASE - EA EMPLOYEE	\$
						E.L. DISEASE - POLICY LIMIT	\$
		OTHER					

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

Re: 5k Run sponsored by the insured being held 10/16/10.
 Certificate holder is an additional insured as per form GA429.

CERTIFICATE HOLDER

City of Billings
 P.O. Box 1178
 Billings, MT 59103

CANCELLATION 10 Days for Non-Payment

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

Matthew Allen

Regular City Council Meeting

Date: 09/27/2010

TITLE: BikeNet Matching Funds Donation of up to \$36,000 for Main Street Underpass Project

PRESENTED BY: Candi Beaudry

Department: Planning & Community Services

Information

PROBLEM/ISSUE STATEMENT

The City of Billings is required to provide a local match of 13.42% for Federal CTEP (Community Transportation Enhancement Program) dollars that are used for trail projects. BikeNet, a local advocacy group for trails, has secured donations through its Ales for Trails fundraising event to help develop trails in the Billings community. At its August 18th meeting, the BikeNet Board of Directors voted to provide up to \$36,000 to the City of Billings for the local match for the Main Street Underpass project. About \$75,400 in local funds from grants and other local sources will be leveraged against \$562,800 in CTEP funds to help fund this approximate \$1.6 million project. This trail project is part of the city- approved Capital Improvements Program and is currently under construction. The Main Street Underpass provides the connection between Earl Guss Park on the east side of Main Street and the trail link up to the sidewalk on the west side of Main Street. Council approval is needed to accept the BikeNet contribution for the local CTEP match to help cover the construction of the bike/pedestrian underpass. The project is expected to be completed in October 2010.

ALTERNATIVES ANALYZED

The City Council may:

- Approve acceptance of the \$36,000 donation from BikeNet to provide a portion of the local matching funds to complete the Main Street Pedestrian Underpass project through the CTEP program; or
- Deny acceptance of the \$36,000 donation from BikeNet to provide a portion of the local matching funds to complete the Main Street Pedestrian Underpass project through the CTEP program and find another local source of matching funds.

FINANCIAL IMPACT

A portion of the Main Street Underpass project has been funded through \$562,800 of CTEP funding. The CTEP program requires a local match of 13.42% or \$75,528.30. BikeNet has voted to provide the City with up to \$36,000 towards that required match to complete the project.

RECOMMENDATION

Staff recommends that the City Council approve the donation of up to \$36,000 from BikeNet for the required match to leverage \$562,800 in CTEP funds for the Main Street Underpass project.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Date: 09/27/2010

TITLE: Resolution of Intent to Exclude Tract 2A of C/S 2544 and Set a Public Hearing

PRESENTED BY: Candi Beaudry

Department: Planning & Community Services

Information

PROBLEM/ISSUE STATEMENT

The Planning Division is requesting the City Council approve a Resolution of Intent to Exclude Property to deannex a portion of the Briarwood Planned Unit Development (PUD) property that is described as Tract 2A of C/S 2544 Amended and set a public hearing for October 25, 2010. The deannexation will result in about 122 acres of undeveloped land being taken out of the City and reverted to Agricultural Open Space zoning as it was before it was annexed and made part of the Briarwood PUD. Petitioners and property owners Max Thornton, Co-Trustee of the Katherine Thornton Trust, and Richard Paasch, Manager of PM&M, LLC have signed the attached petition to request that this property be deannexed.

The requested deannexation is consistent with the City's deannexation policy in that:

1. The property is not currently connected to City water, wastewater or storm drainage facilities, and cannot connect to these facilities without a significant expenditure of personal or public funds, and
2. The property is not adjacent to public rights-of-way (however, the City is expected to condition this deannexation to maintain a road right-of-way for a future connection between McMasters Blvd. and Colleen Drive), and
3. The property is not encumbered by any indebtedness of any improvement district of which the territory is a part, and
4. The property is located on the outer perimeter of the City limits and upon exclusion of the property will not result in a parcel wholly surrounded by City limits.

The requested deannexation is not consistent with the City's deannexation policy in that:

The property is adjacent on the west side to acceptable limits of annexation as defined on the most recent update of the Limits of Annexation Map (If deannexed, this will mainly result in the Briarwood Golf Course being the defining City Limits along a portion of the west, north and east portion of the Briarwood PUD.

ALTERNATIVES ANALYZED

The City Council may:

- Approve the Resolution of Intent to Exclude Property to deannex the above mentioned property and set a public hearing for October 25, 2010; or
- Not approve the Resolution of Intent.

FINANCIAL IMPACT

There is no financial impact to approving the Resolution of Intent and setting this public hearing.

RECOMMENDATION

Staff recommends that Council approve the Resolution of Intent to Exclude a portion of the Briarwood PUD property that is described as Tract 2A of C/S 2544 Amended from the city limits, and set a public hearing for October 25, 2010.

APPROVED BY CITY ADMINISTRATOR

Attachments

Resolution of Intent to De-Annex

Exhibit A

De-Annexation Petition

RESOLUTION 10 - _____

A RESOLUTION OF INTENT TO EXCLUDE TERRITORY UNDER THE PROVISIONS OF TITLE 7, CHAPTER 2, PART 48 OF THE MONTANA CODE ANNOTATED, AND FIXING A DATE FOR A PUBLIC HEARING ON THE QUESTION OF EXCLUSION.

WHEREAS, the City Council of the City of Billings has determined that a petition to exclude the territory now within the City of Billings was signed by the requisite number of qualified electors of the City, and that granting of the petition is in the best interest of the City of Billings and will not materially mar the symmetry of the City; and

WHEREAS, the Billings City Council intends to consider excluding said territory from the City of Billings pursuant to Title 7, Chapter 2, Part 48 of the Montana Code Annotated; and

WHEREAS, the boundaries of the territory that the Billings City Council intends to consider excluding is particularly described as follows:

A tract of land situated in the SE1/4 and the SW1/4 of Section 22, and the NE1/4 and the NW1/4 of Section 27, T.1S., R.26E., P.M.M., City of Billings, Yellowstone County, Montana, more particularly described as:

Portions of Certificate of survey 2544, annexed under Resolution No. 02-17819, Recorded April 18, 2002, Under Document No. 3173017, Records of Yellowstone County, Montana,

Said portion being Tract 2A of Amended Tracts 2, 3, 4, 5, 6A-1, 7A, 12 & 13A, of Certificate of Survey No. 2544 4th and 5th Amended, Recorded December 17, 2004, Under Document No. 3315777, Records of Yellowstone County, Montana,

Said Tract containing 121.78 acres.

(# 10-03) See Exhibit "A" Attached

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

1. The Billings City Council intends to consider excluding the above described contiguous territory.
2. All registered voters in the territory to be embraced are to be immediately notified, in writing.
3. Notice of the City Council's intent to exclude said territory shall be published as provided in Section 7-1-4127, MCA, with notice that for a period of twenty (20) days after first publication of the notice, the Billings City Clerk shall accept written comments approving

or disapproving the proposed exclusion of the above described territory from the City of Billings from registered voters residing in the area proposed to be excluded.

- 4. The City Clerk shall forward all written communication received by the Clerk to the City Council for consideration.

A public hearing on the question of exclusion of said territory shall be held on October 25, 2010.

APPROVED AND PASSED by the City Council of the City of Billings this 27th day of September, 2010.

THE CITY OF BILLINGS

BY: _____

Thomas W. Hanel, MAYOR

ATTEST:

BY: _____

Cari Martin, CITY CLERK

EXHIBIT "A"

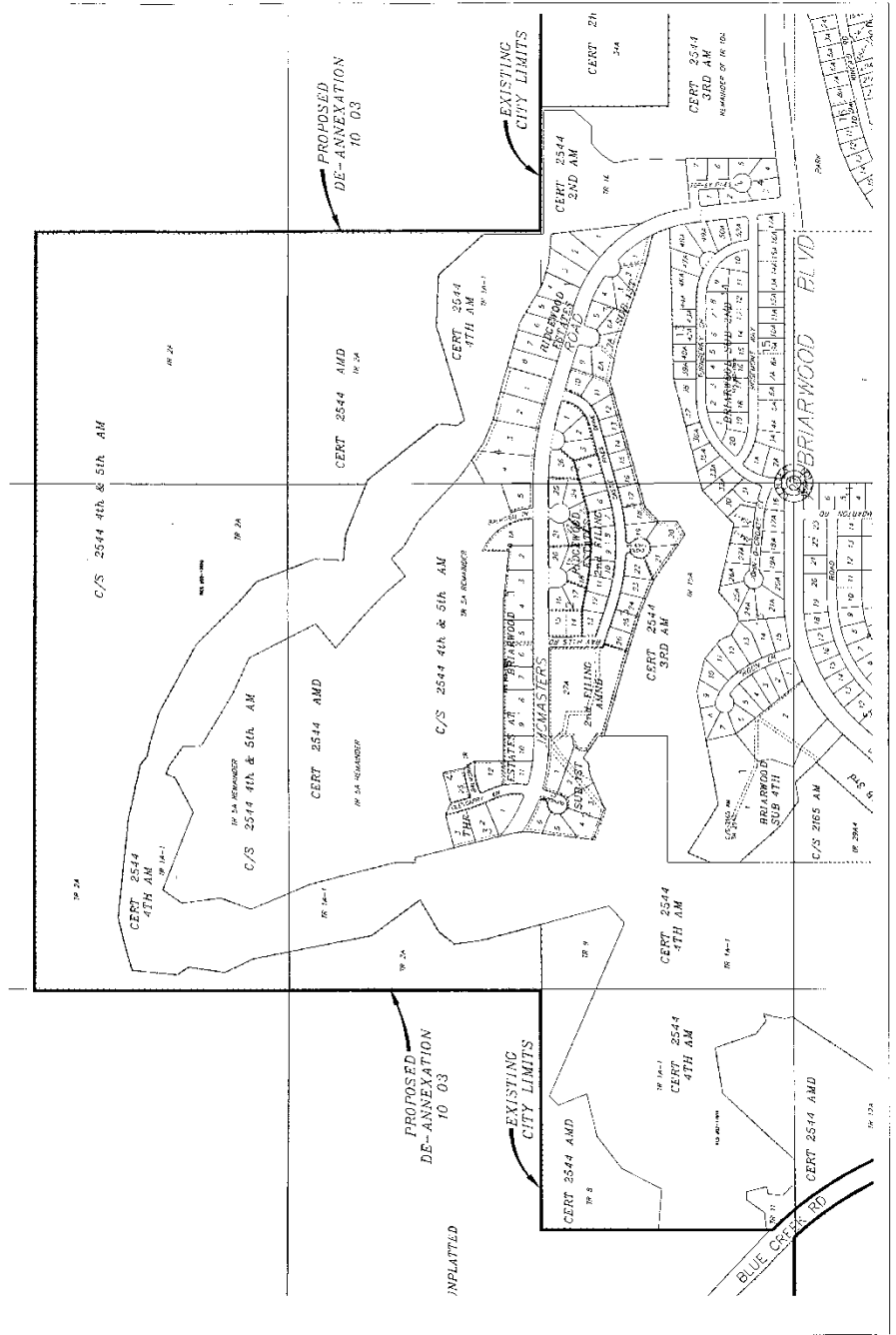
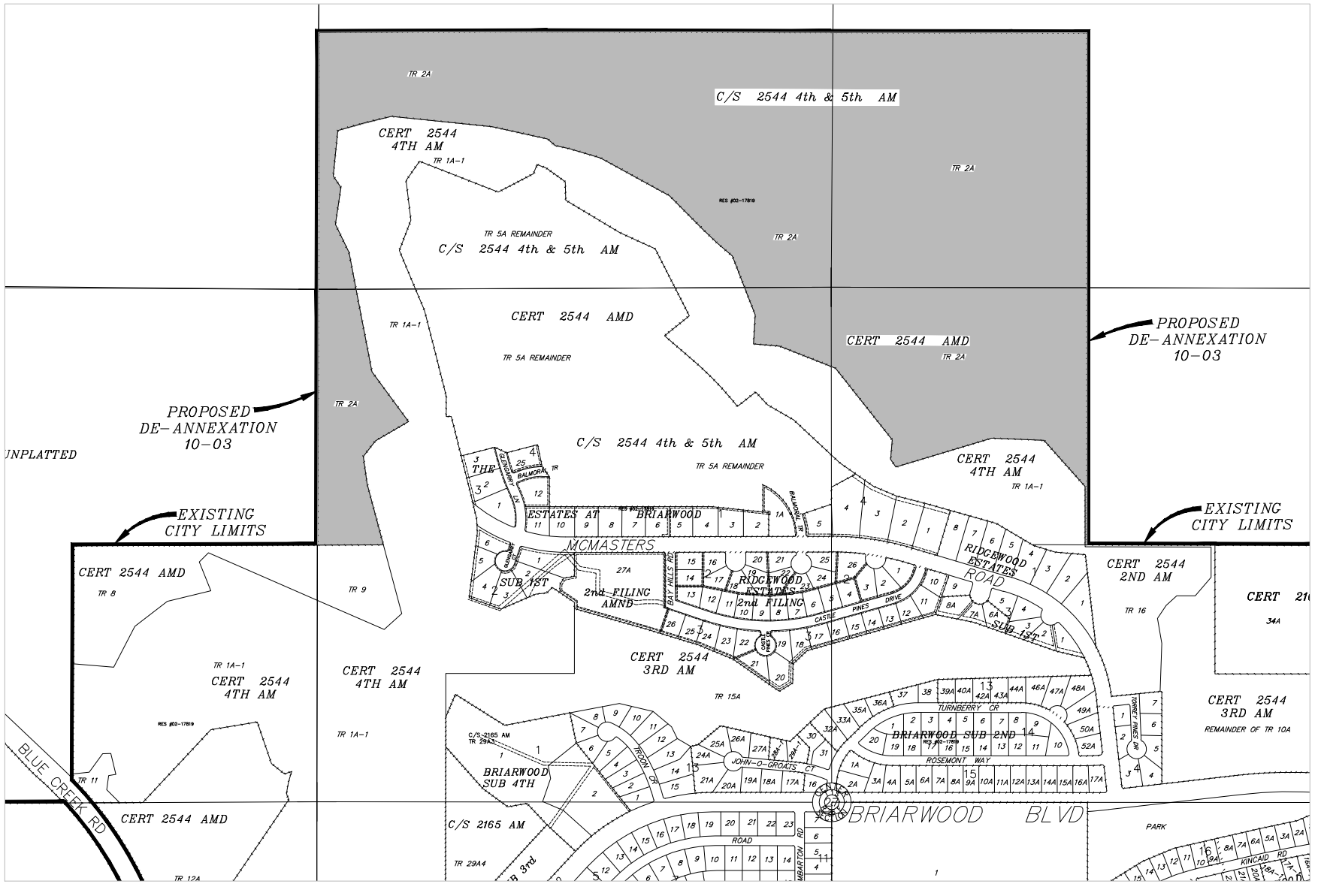


EXHIBIT "A"





PETITION
FOR-DE-ANNEXATION
FROM THE CITY OF BILLINGS

This is a Petition to the City of Billings requesting the De-annexation of property from the City, pursuant to MCA Title 7, Chapter 2, Part 48. Procedures for de-annexation are governed by the Statutes of the State of Montana. This petition contains the signatures of 100% of the Resident Freeholder Electors to be considered for de-annexation.

The Resident Freeholder(s) desire to de-annex Tract 2A of C of S 2544, 4th and 5th Amended. (See attachment # 1 & 2). The boundary of Tract 2A is highlighted in yellow. There are no streets, major trunk - water or sewer mains on this property.

Mc Masters Street is planned for future development from its current stoppage at the beginning of Tract 5A, in the future it would then cross Briarwood Golf Course, proceed northerly on Tract 2A where it would cross onto property owned by the Bowman family. Easements have been obtained for this road. (See attach #3, Briarwood Land Use Map). Easements are also filed for Southland Parkway and Culloden Road which would give another access point to Tract 5A.

The property is currently zoned "PUD", the property immediately adjacent to it is zoned "Agricultural Urban, R-15 & R-7". (atch 4)

The Briarwood Golf Course Board has been informed of this action, given a similar offer to purchase, and no response has been received by the sellers.

Additional Information in regards Property to be considered for De-Annexed from the City of Billings:

1. Legal Description. Section 27, Town 01 S, Range 26 E, S27 T01 S, R26 E, 2544 AMD, PARCEL 02A, TR 2A COS 2544 4TH & 5TH AMD (05) 121,78 ANNEXED (03) (Atch #5)
2. Tax Code. D11579. (Atch #5)
3. Address of General Location. North and West of Briarwood Golf Course, Fairways #10-15. (Atch #1)
4. Use of Property. Currently none.

5. Legal Property Owners:

Max Thornton (30.25%)
11842 Pryor Road
Billings, MT 59101

Katherine K. Thornton Trust (19.25%)
Max Thornton Co-Trustee w/
First Interstate Bank of Commerce
P.O. Box 30918
Billings, Mt 59116

PM&M LLC (50%)
Richard W. Paasch, Mgr
2060 Rimrock Road
Billings, Mt 59102

6. The below signed property owners respectfully request favorable action on the Petition for De-Annexation from the City of Billings:

Max Thornton

Max E. Thornton

Katherine Thornton Trust
Max Thornton, Co-Trustee

Max E. Thornton, Co-Trustee

First Interstate Bank of Commerce
Billings, Montana, Co Trustee

By: [Signature]
Trust Officer

By: Carina G. Gange, VP & WA
Trust Officer

Richard W. Paasch
PM&M LLC, Mgr

[Signature]

Attachments:

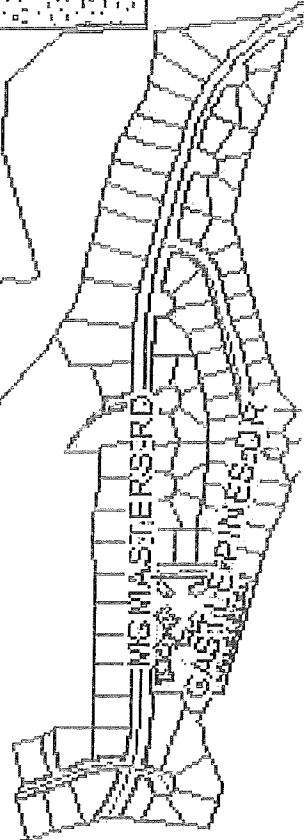
1. Limits of Annexation
2. C Of S #2544
3. Property Map Showing McMasters Ext, Southland Parkway & Culloden
4. Zoning Map
5. Yellowstone County Tax Stmt

R₁ Urban

Subtract
Tract
#2A

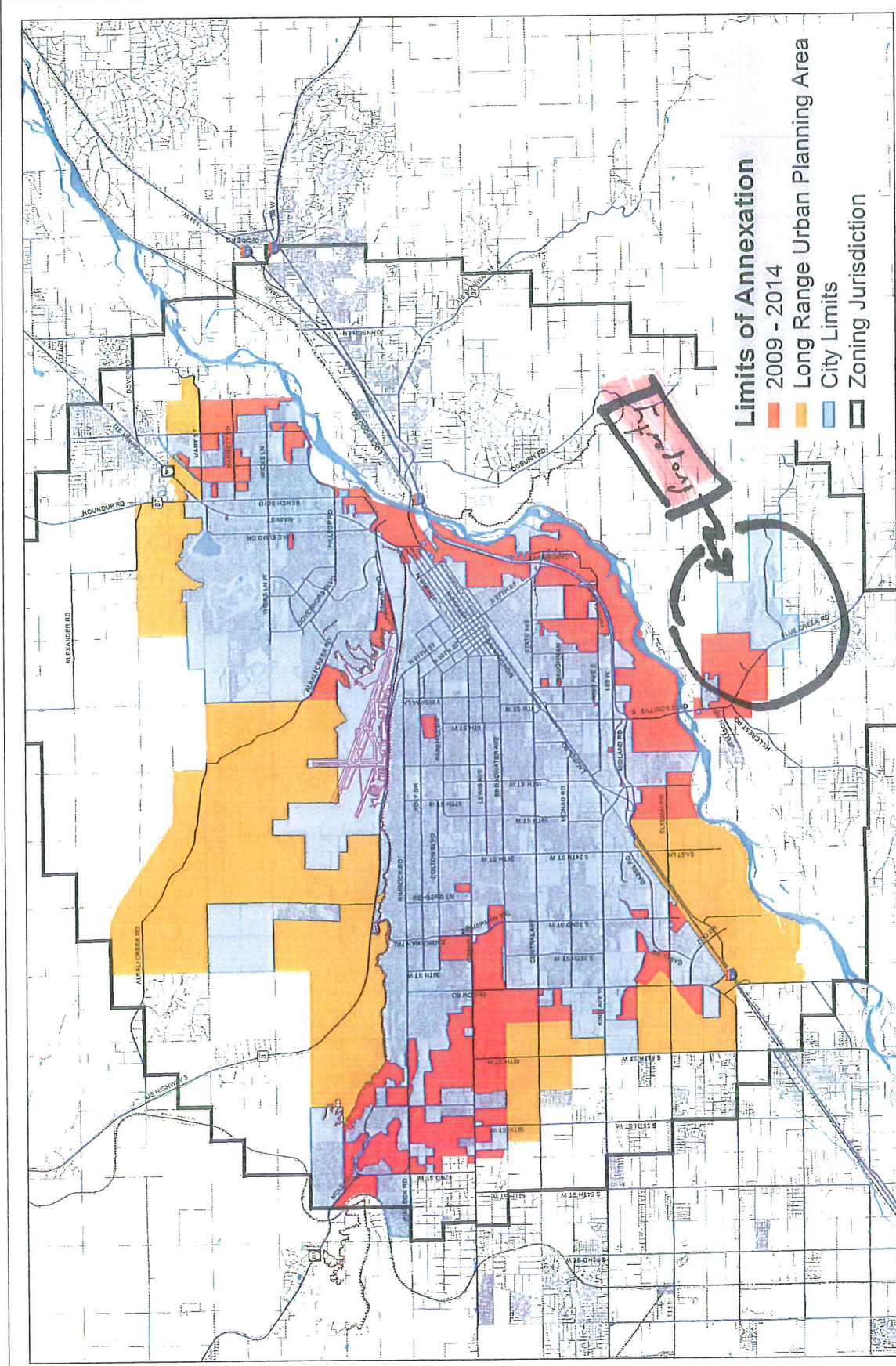


PUD



R-

R-



0 1 2
Miles

Map Document: GIS-Annexation/Annexation/Annexation_Map_10_10_09.mxd
10/10/09

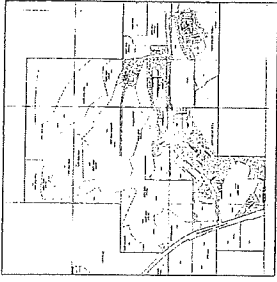
Limits of Annexations

Revised June 8, 2009



AMENDED TRACTS 2, 3, 4, 5, 6A-1, 7A, 12 & 13A
 of CERTIFICATE OF SURVEY NO. 2544 4th AND 5th AMENDED
 BEING ALL OF THE SAID TRACTS OF SURVEY NO. 2544 4th AMENDED
 LOCATED IN THE N 1/2, SECTION 27, S 1/2, SECTION 22, AND E 1/2, SECTION 28, T.1S., R.26E., P.M.M.,
 CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA
 AUGUST, 2004

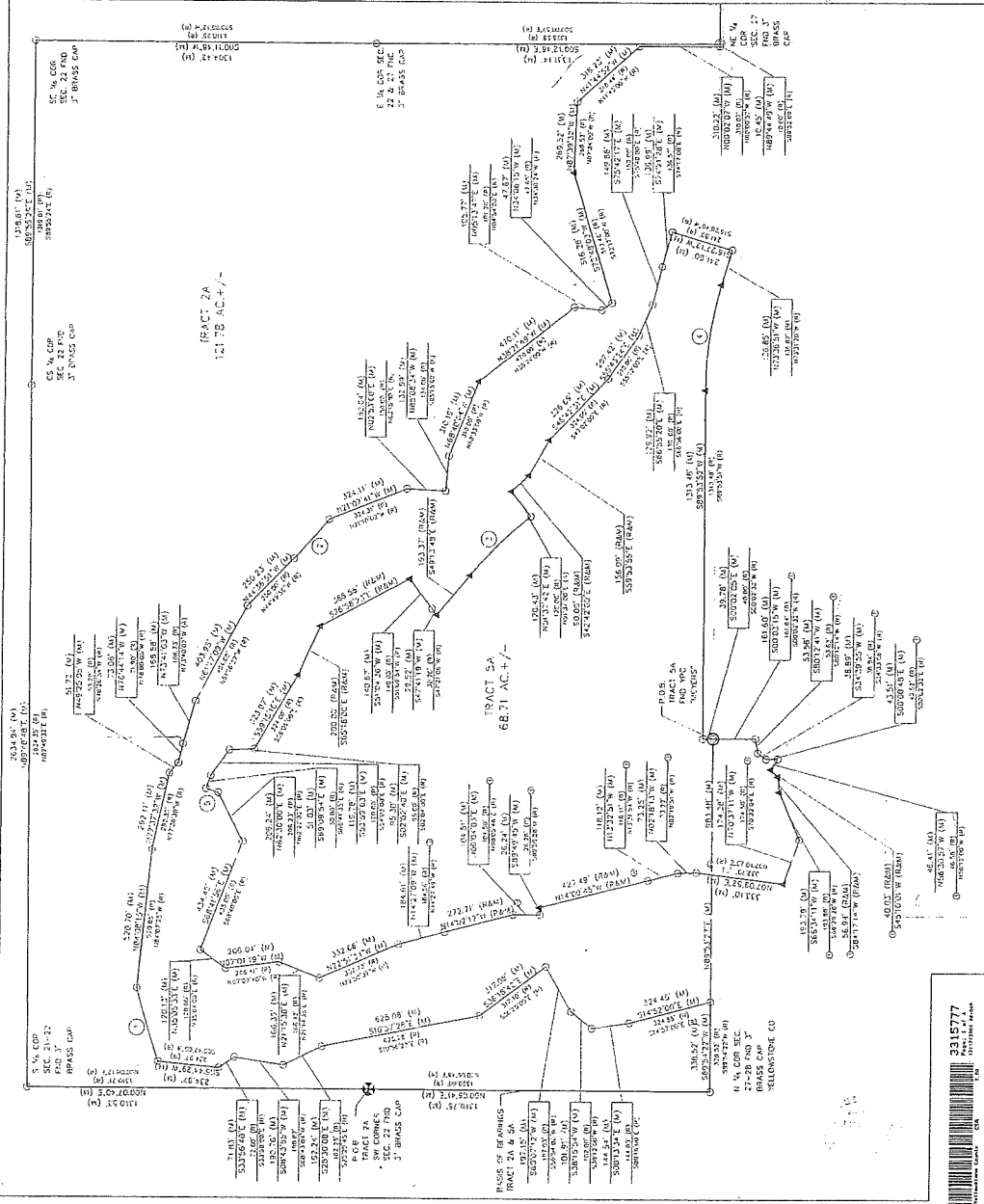
VICINITY MAP



- ▲ SEE 3" x 24" RECORD SURVEY DRAWING 15258-15
- FOUND SURVEY MONUMENTS
- RECORDED PERIOD NO. 2544 4th AMENDED
- MEASURED
- YELLOW PLASTIC CAP
- RECORDED PERIOD NO. 2544 4th AMENDED
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 4th AMENDED

FOR TRACTS 2, 3, 4, 5, 6A-1, 7A, 12 & 13A
 THE BEARING OF WHICH IS UNCORRECTED

NUMBER	BEARING	RADIUS	CHORD BEARING
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intorsubate engineering, inc.
 Engineering - Surveying
 1111 N. 24th Street
 Billings, MT 59102
 (406) 251-1111
 FAX (406) 251-1112
 E-MAIL: info@intorsubate.com
 WWW: www.intorsubate.com

DATE: AUGUST 12, 2004
 SCALE: AS SHOWN
 DRAWN: J.S.B.
 CHECKED: J.S.B.
 PROJECT NO.: 20041128

FOR THE ESTATE OF ROBERT BRASCH
 TRACT 2A
 TRACT 3A
 TRACT 5A
 YELLOWSTONE COUNTY

3316777
 ORIGINAL PLAN

- Subject Property
- Easement
- Blue Creek, Briarwood I
- F.H.C. Plans
- McHarris-14 Easement

Southland Parkway

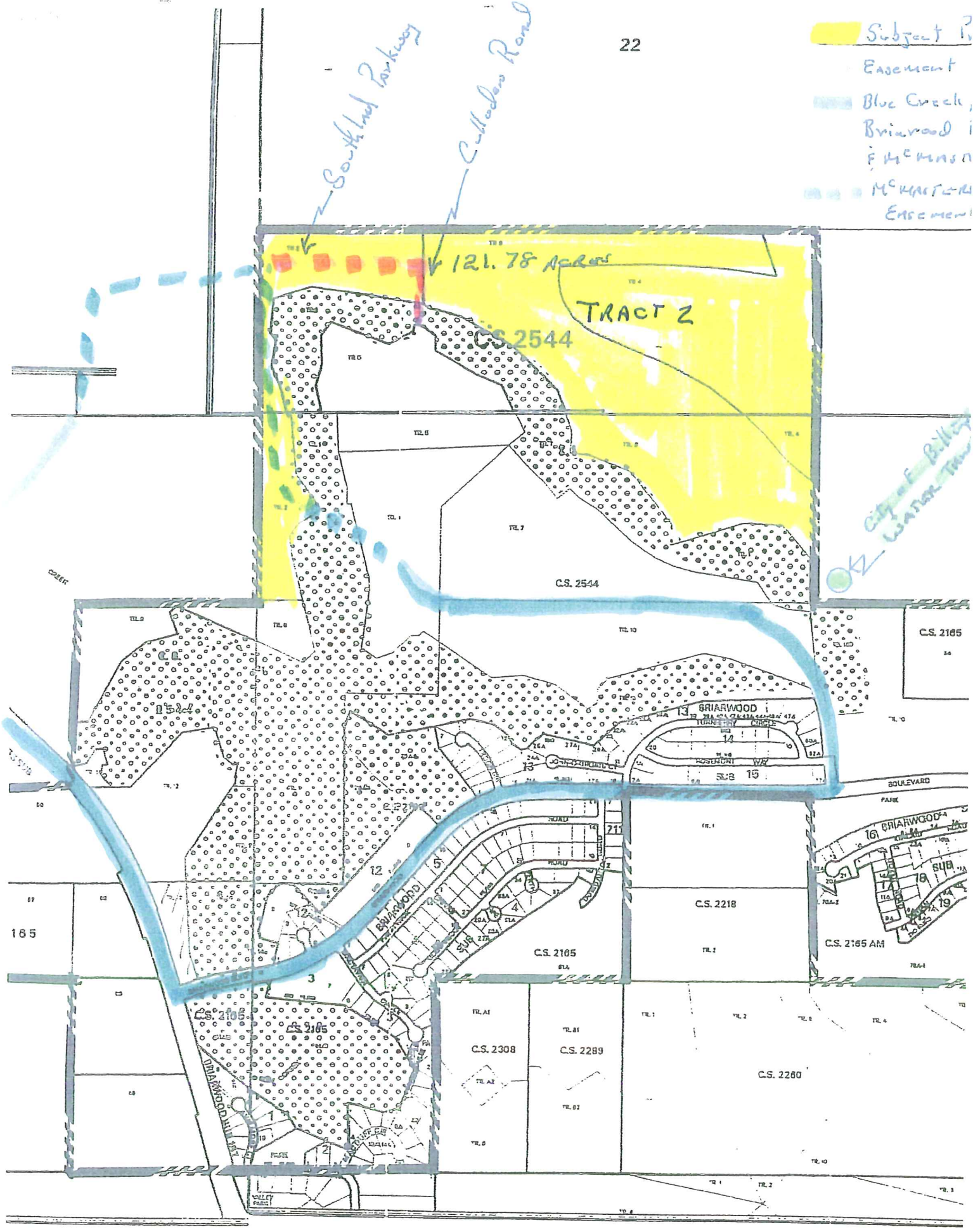
Calladans Road

121.78 Acres

TRACT 2

C.S. 2544

*City of Dallas
Water Dept*



Regular City Council Meeting

Date: 09/27/2010

TITLE: Respread of SID 1386, East & West MacDonald Drive

PRESENTED BY: Patrick M. Weber, Financial Services Manager

Department: City Hall Administration

Information

PROBLEM/ISSUE STATEMENT

The public hearing for this item was held at the regular meeting on September 13, 2010. The public hearing was opened, no one testified, and the public hearing was closed. At staff's recommendation, council delayed action on the item until the meeting of September 27, 2010, so further analysis of the assessment amounts could be made. The assessment for SID 1386 (East & West MacDonald) has been completed by the Finance Division and is ready to spread on the tax rolls. SID 1386 was originally spread based on estimated or bond cost and is now being re-spread based on the completed construction cost. This project is for street and storm improvements along East & West MacDonald.

ALTERNATIVES ANALYZED

The Council may:

- Approve the resolution; or
- Not approve the resolution, the tax payers will not be assessed, and the General Fund will be responsible for paying for the improvements.

FINANCIAL IMPACT

The costs associated with SID 1386 are assessed per lot. The net effective interest rate is 5.28%. Under the State statute 7-12-4189, the City is required to add ½ of 1% for a total rate of 5.78%. The ½ of 1% will be used as additional security on bond issues, as stated in the final bond resolution. Interest earnings and prior collections are subtracted from the final construction cost and allocated to the appropriate properties. Any remaining fund balances are used to call bonds.

RECOMMENDATION

Staff recommends Council pass the proposed resolution.

APPROVED BY CITY ADMINISTRATOR

Attachments

Resolution

RESOLUTION 10 _____

A RESOLUTION RELEVYING AND REASSESSING A SPECIAL ASSESSMENT TAX UPON ALL BENEFITED PROPERTY IN A SPECIAL IMPROVEMENT DISTRICT OR PROJECT KNOWN AS 1386, IN THE CITY OF BILLINGS, MONTANA.

WHEREAS, the City created a special improvement district or project known as 1386 and;

WHEREAS, it is necessary to relevy and reassess a special assessment tax upon each benefited property in the district or project area to defray the cost and expenses of said district or project. The original assessment was calculated on the bond sale cost. After construction was completed, the City adjusted the assessment by using the project cost; and

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

1: RELEVY AND REASSESSMENT. That for the purpose of defraying the cost and expense of making improvements in a special improvement district or project known as 1386 of the City of Billings, Montana, there is hereby relevied and reassessed upon each lot or parcel of land described below, owned by persons respectively indicated, a special assessment tax payable in semi-annual installments with interest. Each lot and parcel assessed and the owner thereof is hereinafter described:

Tax Code /Owner Name /Legal Description	Assessment Amount	Interest Rate	Years Assessed
A08359 THOMPSON, STANLEY L & MARY E GREGORY SUBD 1ST FILING, S26, T01 N, R25 E, BLOCK 001, Lot 001	\$6,088.97	5.780	14
A0836 SAYLOR, SCOTT & ANNETTE D GREGORY SUBD 1ST FILING, S26, T01 N, R25 E, BLOCK 001, Lot 002, LT 2 BLK 1	\$5,320.69	5.780	14
A08361 KLATT, BRUCE K & SALLY E GREGORY SUBD 1ST FILING, S26, T01 N, R25 E, BLOCK 001, Lot 003	\$5,914.08	5.780	14

A08362	\$6,470.93	5.780	14
MARTINEZ, LORENZO R JR & LISA L GREGORY SUBD 1ST FILING, S26, T01 N, R25 E, BLOCK 001, Lot 004, LOT 4 BLK 1			
A08363	\$6,057.64	5.780	14
SPEER, DOUGLAS T & DEBORAH G GREGORY SUBD 1ST FILING, S26, T01 N, R25 E, BLOCK 001, Lot 005, L:5 B:1 GRE			
A08364	\$5,506.89	5.780	14
BOWER, DAMON E & TENNYSON A GREGORY SUBD 1ST FILING, S26, T01 N, R25 E, BLOCK 001, Lot 006, LT 6 BLK 1			
A08365	\$6,651.90	5.780	14
HONAKER, JAMES W GREGORY SUBD 1ST FILING, S26, T01 N, R25 E, BLOCK 001, Lot 007, LT 7 BLK 1			
A08366	\$5,985.44	5.780	14
POLLY, WILLIAM R JR & LYNNE I GREGORY SUBD 1ST FILING, S26, T01 N, R25 E, BLOCK 001, Lot 008			
A08368	\$6,107.24	5.780	14
RICHTER, KLAUS P & ROBIN L GREGORY SUBD 1ST FILING, S26, T01 N, R25 E, BLOCK 001, Lot 011			
A08369	\$4,191.35	5.780	14
WOHLGENANT, DUNCAN GREGORY SUBD 1ST FILING, S26, T01 N, R25 E, BLOCK 001, Lot 012, L:12 B:1 GR			
A08370	\$4,191.35	5.780	14
GORMLEY, BEVERLY M GREGORY SUBD 1ST FILING, S26, T01 N, R25 E, BLOCK 001, Lot 013, L:13 & 14 B			
A08371A	\$4,191.35	5.780	14
GRUBBS, JASON W & PERRIN L GREGORY SUBD 1ST FILING 718, S26, T01 N, R25 E, BL			
A0837	\$4,191.35	5.780	14
RYAN, MARGARET R TRUST GREGORY SUBD 1ST FILING, S26, T01 N, R25 E, BLOCK 001, Lot 018, LT 18 BLK 1			
A08373	\$4,191.35	5.780	14
RYAN, MARGARET R TRUST GREGORY SUBD 1ST FILING, S26, T01 N, R25 E, BLOCK 001, Lot 019, LT 19 BLK 1			
A08374A	\$4,191.35	5.780	14
STEINMETZ, KENNETH A & TERRI L MURPHY SUBD, S26, T01 N, R25 E, BLOCK 001, Lot 002, LT 2 BLK 1 MURPHY SUB			
A08376	\$6,573.59	5.780	14
SCHUSTER, RONALD L & VIRGINIA K GREGORY SUBD 1ST FILING, S26, T01 N, R25 E, BLOCK 001, Lot 026, L:26 B:1 GR			
A08377	\$6,055.91	5.780	14
DEBOO, JOHN C & ANNE M GREGORY SUBD 1ST FILING, S26, T01 N, R25 E, BLOCK 001, Lot 027			
A08379A	\$5,103.18	5.780	14
WALTON, RICHARD M &			

LTS 29 - 30 BLK 1 GREGORY SUBD 1ST FIL (COMBO W/A08379) (08)

A08379B	\$3,022.16	5.780	14
WILLIAMSON, MILES BRETT & STACEY GREGORY SUBD 1ST FILING, S26, T01 N, R25 E, BLOCK 001, Lot 031, LT 31 BLK 1			
A08380	\$6,684.10	5.780	14
LACKMAN, EILEEN BELLE GREGORY SUBD 1ST FILING, S26, T01 N, R25 E, BLOCK 001, Lot 032			
A08381	\$5,148.42	5.780	14
HURLBURT, EMILY L & GREGORY SUBD 1ST FILING, S26, T01 N, R25 E, BLOCK 001, Lot 033			
A08382	\$3,022.16	5.780	14
TOSTENGARD, KAY & GREGORY SUBD 1ST FILING, S26, T01 N, R25 E, BLOCK 001, Lot 034			
A08384	\$5,810.54	5.780	14
ANDERSON, DARRELL, TRUDY GREGORY SUBD 1ST FILING, S26, T01 N, R25 E, BLOCK 001, Lot 036, ALSO S 10FT			
A08387	\$7,364.48	5.780	14
KAHN, FREDERICK W & PATRICIA A GREGORY SUBD 1ST FILING 718, S26, T01 N, R25 E, BL			
A08388	\$3,022.16	5.780	14
SULLIVAN, JEAN C GREGORY SUBD 1ST FILING, S26, T01 N, R25 E, BLOCK 001, Lot 040, LT 40 BLK 1			
A08390	\$3,022.16	5.780	14
STERHAN, DONALD J & MARJORIE A GREGORY SUBD 1ST FILING, S26, T01 N, R25 E, BLOCK 001, Lot 042, LT 42 BLK 1			
A08391	\$3,022.16	5.780	14
GALL, DANIEL L & KAREN SANFORD GREGORY SUBD 1ST FILING, S26, T01 N, R25 E, BLOCK 001, Lot 043, LT 43 BLK			
A08392	\$3,022.16	5.780	14
SCHILTZ, JOHN A GREGORY SUBD 1ST FILING, S26, T01 N, R25 E, BLOCK 001, Lot 044, LT 44 BLK 1			
A08393	\$3,022.16	5.780	14
DIETRICH, JANET L & GREGORY SUBD 1ST FILING, S26, T01 N, R25 E, BLOCK 001, Lot 045			
A08394	\$3,022.16	5.780	14
HARPER, P BRUCE & BARBARA A GREGORY SUBD 1ST FILING, S26, T01 N, R25 E, BLOCK 001, Lot 046, ALSO E 10FT			
A08394A	\$3,022.16	5.780	14
LAR, LINDA A GREGORY SUBD 1ST FILING 718, S26, T01 N, R25 E, BL			

2: DISPOSITION OF COLLECTION. All monies collected from the assessment shall be paid into a special improvement district or project Fund. Assessments become

delinquent based on the semi-annual due dates of real property taxes, currently December 1 and June 1 of each year.

3: NOTICE AND HEARING. On Monday, September 27, 2010 at 6:30 p.m., or as soon thereafter as the matter was considered on the agenda of the City Council at a regular meeting held in the Council Chambers of the Police Facility, 220 N. 27th St., Billings, Montana, the City Council held a public hearing to hear comments and/or objections to the adoption of this resolution. The City Clerk published notice of the public hearing twice with at least six (6) days separating each publication in a newspaper of general paid circulation with a periodicals mailing permit. The final publication was made at least 10 days prior to the public hearing per MCA 7-12-4177.

SECTION 4: EFFECTIVE DATE. This resolution shall be effective upon adoption.

ADOPTED AND APPROVED this 27th day of September, 2010.

CITY OF BILLINGS:

BY: _____
Thomas W. Hanel, Mayor

ATTEST:

BY: _____
Cari Martin, City Clerk

Regular City Council Meeting

Date: 09/27/2010

TITLE: Proposed Settlement with Alternatives, Inc.

PRESENTED BY: Brent Brooks

Department: Legal

Information

PROBLEM/ISSUE STATEMENT

Alternatives, Inc. is a non-profit community prerelease center located in Billings which provides various services involving male and female criminal defendants. In April 2006, Alternatives applied for a Special Review permit relating to a second floor assessment center it operates in the former Howard Johnsons Hotel on South 27th Street known as Passages. The Special Review was granted by the Mayor and City Council on May 22, 2006. One of the conditions of approval imposed a "PILT" or payment in lieu of taxes assessment in the amount of \$40,000.000 per year. Alternatives challenged the legality of this condition as part of a Special Review application and eventually filed civil litigation against the city arguing that the PILT had no relationship to mitigating any potential negative land use impacts of the second floor assessment center within the Passages building. Since the filing of this litigation, several discussions have occurred between Alternatives and the City as to how the matter can be resolved. The Mayor and Council have been briefed on and advised of options concerning the case several times and in late 2009 ultimately determined that the best course of action is to eliminate the PILT as a condition of Special Review approval if Alternatives agreed to dismiss its case against the City with each party bearing their own litigation costs and attorneys fees. All other Special Review conditions imposed on this facility would remain in effect. Alternatives and its Board of Directors have agreed to this disposition and recently submitted two related documents that resolve this case: 1) a modified Settlement Agreement and Mutual Release that formally settles the case and 2) a Stipulation and Order of Dismissal with Prejudice which will be submitted to the presiding District Court Judge for approval and signature. These documents have been previously reviewed and slightly modified by the City Attorney, are acceptable in their present form and are included with this memo as Attachments One and Two respectively.

ALTERNATIVES ANALYZED

The Council may:

1. Approve the settlement and dismissal of the case with prejudice; or
2. Disapprove the settlement and dismissal, and proceed with the current litigation which would likely be resolved through cross motions for summary judgment.

FINANCIAL IMPACT

The financial impact to the City is prospective because the \$40,000 annual PILT payment imposed as a Special Review condition has not been paid annually due to the litigation challenging its assessment. Approval of the settlement and dismissal of the case will eliminate this prospective annual payment.

RECOMMENDATION

Staff recommends that the Council approve the settlement and dismissal of this case and authorize the Mayor and City Attorney to execute the attached Settlement Agreement and Mutual Release. (Attachment One).

APPROVED BY CITY ADMINISTRATOR

Attachments

Settlement Agreement

Stipulation & Order of Dismissal with Prejudice

SETTLEMENT AGREEMENT AND MUTUAL RELEASE

This Settlement Agreement and Mutual Release (“Agreement”) is made as of the date it has been signed by all of the parties hereto, including ALTERNATIVES, INC. (hereafter “Alternatives”), and the CITY OF BILLINGS (hereafter “City”).

RECITALS

A. WHEREAS, Alternatives is a Montana nonprofit corporation with its principal office in Billings, Montana, and the City is a Montana municipality;

B. WHEREAS, on April 3, 2006 Alternatives submitted an application for special-review zoning approval to the City to relocate the Billings Assessment and Sanction Center (BASC) to the second floor of the old Howard Johnsons Express Inn at 1001 South 27th Street now known as Passages;

C. WHEREAS, on May 22, 2006 the Billings City Council approved Special Review #813 with four conditions, including the following:

1. “The applicant shall make an annual payment to the City of Billings in the amount of \$40,000 for as long as Alternatives, Inc. operates a facility at this location. This payment is in lieu of property taxes and is intended to fund improvements in the South Side Task Force area. The City Council shall decide each fiscal year how the \$40,000 shall be appropriated”;

D. WHEREAS, a dispute arose between Alternatives and the City concerning the legality of the \$40,000 payment condition, and Alternatives initiated a civil action captioned Alternatives, Inc. v. The City of Billings, Cause No. DV 06-1202, in the Montana Thirteenth Judicial District Court, Yellowstone County (hereafter “Civil Action”) seeking a determination that the condition is unlawful;

E. WHEREAS, the parties have now reached an agreement to resolve all issues of dispute between them involving the contested payment condition;

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL PROMISES AND COVENANTS CONTAINED HEREIN, THE PARTIES AGREE AS FOLLOWS:

1. **Recitals and Authority.** The Recitals stated above are true and correct, and are hereby incorporated into this Agreement.

2. **Settlement and Mutual Releases.** By this Agreement and effective immediately the City agrees to vacate and forever remove Condition No. 1 (quoted above) requiring an annual payment to the City of \$40,000. In exchange, Alternatives shall dismiss the Civil Action with prejudice. The approval of the special review zoning application and the remaining three conditions shall remain in full effect and are not modified by this Agreement. Neither party shall be required to take any further action other than approval of this Agreement to effect the removal of Condition No. 1. Alternatives and the City hereby mutually release each other from any and all existing or potential claims, liabilities, damages, or liens of any kind whatsoever resulting from or related to Condition No. 1, and neither party shall have any further obligation to the other concerning the condition. The parties' covenants made herein are being made as consideration to compromise a disputed claim and shall not be considered as an admission of liability.

3. **Scope of Releases.** Any release granted pursuant to this Agreement shall, in addition to releasing the party specifically identified as the grantee, also release the grantee's employees, attorneys, and agents. Any release included herein shall be fully binding and enforceable without regard to whether the subject claim or alleged liability is existing, known, potential, unknown, civil, criminal, regulatory, or contingent, and regardless of whether the damages arising out of or related to the claim or liability are known or unknown to the granting party.

4. **Stipulation of Dismissal.** After this Agreement has been executed, counsel for the parties shall file with the Clerk of District Court a stipulation requesting an order of dismissal with prejudice of the claims asserted in the Civil Action. Said stipulation shall be substantially similar to Exhibit A.

5. **No Additional Claims.** The parties represent that no additional claims of any kind or type are contemplated against any other party potentially liable for the losses, damages, and injuries for which any release is given pursuant to the terms of this Agreement. This representation applies to any claim that might be brought, asserted, assigned, encouraged, or assisted by the party granting the release or any other person or entity affiliated with or known to that party.

6. **Entire Agreement; Amendments.** This Agreement contains the entire understanding of the parties with respect to the subject matter of this Agreement. There are no restrictions, agreements, promises, warranties, covenants, or undertakings other than those expressly set forth herein. This Agreement supersedes all prior agreements and understandings between the parties with respect to its subject matter. This Agreement may

be amended only by a written instrument duly executed by the affected parties or their successors or assigns.

7. **Specific Performance.** Each party acknowledges and agrees that the other party may be damaged irreparably if any of the provisions of this Agreement are not performed in accordance with their specific terms or are otherwise breached. Accordingly, each party agrees that in the event of a breach the other party shall be entitled to specifically enforce the terms of this Agreement, in addition to any other remedy to which it may be entitled at law or in equity.

8. **Attorneys' Fees.** The parties acknowledge that each party has incurred attorney fees and costs prior to the effective date of this Agreement and agree that each party shall pay their own attorney fees and costs. In the event that any party commences litigation to enforce the terms and conditions of this Agreement, or if any party is required to defend against any litigation or claim that has been improperly asserted in violation of the release or releases granted by this Agreement, each party shall bear its own attorneys fees, costs and related litigation expenses.

9. **Binding on Successors.** This Agreement shall be binding upon each party's successor, corporate affiliates, attorneys in fact, and assigns. The parties may not assign their rights or delegate their duties under this Agreement without the express written consent of the other party.

10. **Construction.** This Agreement has been jointly drafted by the parties following negotiations between them. It shall be construed according to the fair intent of the language as a whole, and not for or against any party based on authorship of any provision.

11. **Authority.** Any person who signs this Agreement on behalf of a party to the Agreement hereby certifies that he or she is fully authorized to enter into the terms and conditions of this Agreement on behalf of the party.

12. **Counterparts/Facsimile Signature.** This Agreement may be signed using separate signature pages for each party without having original signatures on the same signature page, including separate signature pages received or delivered by facsimile.

PLEASE READ CAREFULLY. THIS SETTLEMENT AGREEMENT AND MUTUAL RELEASE INCLUDES A RELEASE OF KNOWN AND UNKNOWN CLAIMS.

ALTERNATIVES, INC.

Dated: 9/1/2010

By: David Q. Armstrong
Its: Administrator

THE CITY OF BILLINGS

Dated: _____

By: _____
Its: Mayor

Dated: _____

By: _____
Cari Martin
Its: City Clerk

1 William A. Cole
2 Cole Law Firm, PLLC
3 3860 Avenue B, Suite C West
4 Billings, Montana 59102-6273
5 Telephone: (406) 294-5700

6 Attorneys for Plaintiff

7
8 MONTANA THIRTEENTH JUDICIAL DISTRICT COURT,
9 YELLOWSTONE COUNTY

10 ALTERNATIVES, INC.,

11 Plaintiff,

12 vs.

13 THE CITY OF BILLINGS,

14 Defendants.

15 Cause No. DV 06-1202

16 Judge: RUSSELL G. FAGG

17 **STIPULATION AND ORDER OF**
18 **DISMISSAL WITH PREJUDICE**

19 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff
20 Alternatives, Inc. and Defendant The City of Billings, through their respective
21 counsel, that this action has been fully settled on the merits and all claims by and
22 between these parties may be dismissed with prejudice and without costs or
23 attorney fees to any party.
24

25 Dated: September 3, 2010

26 William A Cole
27 WILLIAM A. COLE
28 Attorney for Alternatives, Inc.

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Dated: _____

By: _____

C. BRENT BROOKS
City Attorney

IT IS SO ORDERED.

Dated: _____

RUSSELL C. FAGG

Regular City Council Meeting

Date: 09/27/2010

TITLE: Approval of Settlement in a Human Rights Bureau Longevity Discrimination Claim

PRESENTED BY: Tina Volek

Department: City Hall Administration

Information

PROBLEM/ISSUE STATEMENT

The City Council is being asked to approve a settlement about a claim of discrimination in longevity payments brought in the Montana Department of Labor & Industry Human Rights Bureau by six female employees in the Fire Department. Since 1999, the Fire Chief and Assistant Fire Chief have been paid Public Safety command longevity, while the claimants and other non-represented employees throughout the City have been paid a longevity rate adopted by Administrative Order 89 in 2004. While the City does not admit any unlawful discrimination in the case, a Human Relations Bureau investigator found reasonable cause to believe discrimination occurred. If the City does not agree to the settlement, the case would proceed to hearing in the Human Rights Bureau and possibly to litigation.

The cost of the proposed settlement is \$55,600, including benefits and interest, for the difference between the command staff and non-represented employees from 2007, when the discrepancy was discovered, until 2010. The payments are shown in Attachment A. In addition, each of the six claimants would receive \$5,000 in damages, and one plaintiff would receive \$1,500 for an alleged City failure to produce public records. The claimants would continue to receive command longevity pay for as long as longevity benefits are provided to City non-bargaining employees. In addition, City Administration employees are required by the Human Relations Bureau to attend 2 hours of training on equal pay and the Government Code of Fair Practices.

The Council is being asked to address the proposed settlement at this time because, if it is not approved, pre-hearing statements are due to the Human Rights Bureau by Oct. 1.

ALTERNATIVES ANALYZED

The City Council may:

- Approve the settlement; or
- Deny the settlement, leading to a Human Rights Bureau hearing in which the Bureau could assign damages to the claimants and lead to possible additional litigation.

FINANCIAL IMPACT

Cost of the estimated \$87,100 settlement would come from the Fire Department's budget.

RECOMMENDATION

Staff recommends approval of the proposed settlement.

APPROVED BY CITY ADMINISTRATOR

Attachments

Attachment A

1.	Difference							
	Total	Interest	FICA	Medicare	Retirement	FUTA	Workers Comp	Total
AMAN, MICHELLE R	7,479.44	1,310.32	463.73	108.45	528.80	22.44	205.68	10,118.87
GIBSON, KATHY E	7,904.22	1,397.27	490.06	114.61	558.83	7.90	217.37	10,690.26
GUY, DIANE L	9,918.88	1,778.74	614.97	143.82	701.26	9.92	272.77	13,440.36
KINDNESS, ANNE H	8,023.02	1,411.59	497.43	116.33	567.23	8.02	220.63	10,844.26
MARTINEZ, PRISCILLA M	4,109.60	753.33	254.80	59.59	290.55	4.11	113.01	5,584.99
RONQUILLO, VALERIE K	3,643.58	640.26	225.90	52.83	257.60	3.64	100.20	4,924.02
								<u>55,602.76</u>

Regular City Council Meeting

Date: 09/27/2010

TITLE: Children's Clinic Plat

PRESENTED BY: David Mumford

Department: Public Works

Information

PROBLEM/ISSUE STATEMENT

A Children's Clinic is proposed to be constructed at the intersection of Avenue E and Zimmerman Trail. A portion of Certificate of Survey 3364 was subdivided out and annexed into the city for this building site and the extension of Avenue E west of Zimmerman Trail. The attached amended plat is for the new site along Avenue E. It is necessary for City Council to accept the dedication of Avenue E to finalize the amended Certificate of Survey. Also attached is the Development Agreement which was a requirement of the annexation of the property.

ALTERNATIVES ANALYZED

The Council may:

- Approve the amended Certificate of Survey dedicating Avenue E and the development agreement; or
- Do not approve the amended Certificate of Survey and the development agreement.

FINANCIAL IMPACT

There are only minor administrative costs associated with the acceptance of this Certificate of Survey and approval of the development agreement.

RECOMMENDATION

Staff recommends that Council accept the amended Certificate of Survey dedicating Avenue E and approve the development agreement.

APPROVED BY CITY ADMINISTRATOR

Attachments

Copy of Certificate of Survey

Development Agreement

CERTIFICATE OF SURVEY NO. _____

AMENDING TRACT 2A OF C.O.S. 3364 AMENDED IN THE SW 1/4 OF SECTION 34, T. 1 N., R. 25 E., P.M.M. CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

FOR: MED-MAP, LLC.

**BY: DOWL/HKM
P.O. BOX 31318
BILLINGS, MT 59101**

DATE: JULY, 2010

PURPOSE OF SURVEY: TO CREATE A PUBLIC ROAD TRACT

CERTIFICATE OF SURVEYOR

STATE OF MONTANA)
County of Yellowstone) ss
I, Scott Bloomer, being a Registered Land Surveyor in the State of Montana, do hereby certify that the attached Certificate of Survey is a true and correct copy of the original as shown to me in accordance with the Montana Subdivision and Platting Act (Sections 76-3-101 through 76-3-614, MCA).

DESCRIPTION OF LAND BEING ALL OF TRACT 2A OF C.O.S. No. 3364 AM. AND LOCATED IN THE SW 1/4 OF SECTION 34, T. 1 N., R. 25 E., P.M.M., CITY OF BILLINGS, MONTANA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
Commencing at the Center 1/4 of Section 34, T. 1 N., R. 25 E., P.M.M. then N89°52'17"W, a distance of 50.00 feet, then S00°24'59"E, a distance of 1032.52 feet to the Northeast Corner of Tract 2A of Certificate of Survey No. 3364 Amended, being the Point of Beginning, then S00°24'59"E, a distance of 325.62 feet to the Southeast Corner of said Tract 2A, then N89°35'01"W, a distance of 255.62 feet to the Northwest Corner of said Tract 2A, then N89°35'01"W, a distance of 325.62 feet to the Point of Beginning. Herein described tract contains 1.911 acres gross and 1.500 acres net.

Scott Bloomer, Registration No. 9005LS

STATE OF MONTANA)
County of Yellowstone) ss
Date _____

On this _____ day of _____, 2010, before me, a notary public in and for the State of Montana, personally appeared Scott Bloomer known to be the person who signed the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed. Witness my hand and seal the day and year herein written.

Residing at _____

Notary Public in and for the State of Montana

Printed Name of Notary _____

My Commission expires _____

CERTIFICATE OF CITY COUNCIL APPROVAL

STATE OF MONTANA) ss
County of Yellowstone)
We hereby certify that we have examined the amended and foregoing Certificate of Survey No. _____ of the form and find that said Certificate of Survey conforms with the provisions of the Montana Subdivision and Platting Act. It is therefore approved and the dedication to public use of any and all lands shown on this Certificate of Survey as being dedicated to such use are accepted.

IN WITNESS WHEREOF, we have set our hands and the seal of the CITY OF BILLINGS, MONTANA, this _____ day of _____, 2010.

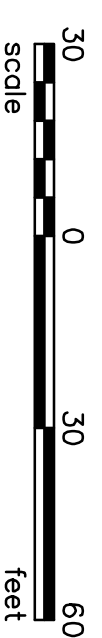
CITY OF BILLINGS, MONTANA

By: _____ Mayor

Attest: _____ City Clerk

LEGEND:

- SET 5/8" x 24" REBAR W/ HKM ENG. YPC (900LS)
- FOUND 5/8" x 24" REBAR W/ HKM ENG. YPC (900LS)
- ORIGINAL TRACT LINE



BASIS OF BEARING

BEARINGS ARE BASED ON:
Certificate of Survey 3364 Amended, all bearings shown herein being relative to.

CERTIFICATE OF DEDICATION

STATE OF MONTANA)
County of Yellowstone) ss

The undersigned hereby certify that the purpose of this survey is to create Avenue E as shown herein for transfer to the City of Billings for public road purposes. Therefore, this division of land is exempt from review as a subdivision pursuant to Section 76-3-201(1)(b), M.C.A. and is not subject to review by the State Department of Environmental Quality pursuant to Section 76-4-1292(c) which exempts parcels "created for rights-of-way or utility purposes".

KNOW ALL MEN BY THESE PRESENTS, We the undersigned of the following described tract of land, do hereby certify that they have caused to be surveyed, subdivided and platted into lots and blocks and streets as shown on the attached plat, said tract being Tract 1 of Tract 2A of Certificate of Survey No. 3364 Amended, being the Point of Beginning, then S00°24'59"E, a distance of 1032.52 feet to the Southeast Corner of said Tract 2A, then N89°35'01"W, a distance of 255.62 feet to the Northwest Corner of said Tract 2A, then N89°35'01"W, a distance of 325.62 feet to the Point of Beginning. Herein described tract contains 1.911 acres gross and 1.500 acres net. Said tract to be known and designated as the Certificate of Survey C of S of S set hereby created and dedicated to the public forever. No park requirement for this said tract. We, the undersigned hereby grant unto all utility companies, as such are defined and established by Montana Law, and cable television companies, and easement for the location, maintenance, repair and removal of their lines over, under and across the area designated on the C. of S. as road dedication.

BY: _____ MED-MAP, LLC. (Co-Manager)

STATE OF MONTANA)
County of Yellowstone) ss

Notary Public in and for the State of Montana

Printed Name _____

Reading at _____

My commission expires _____

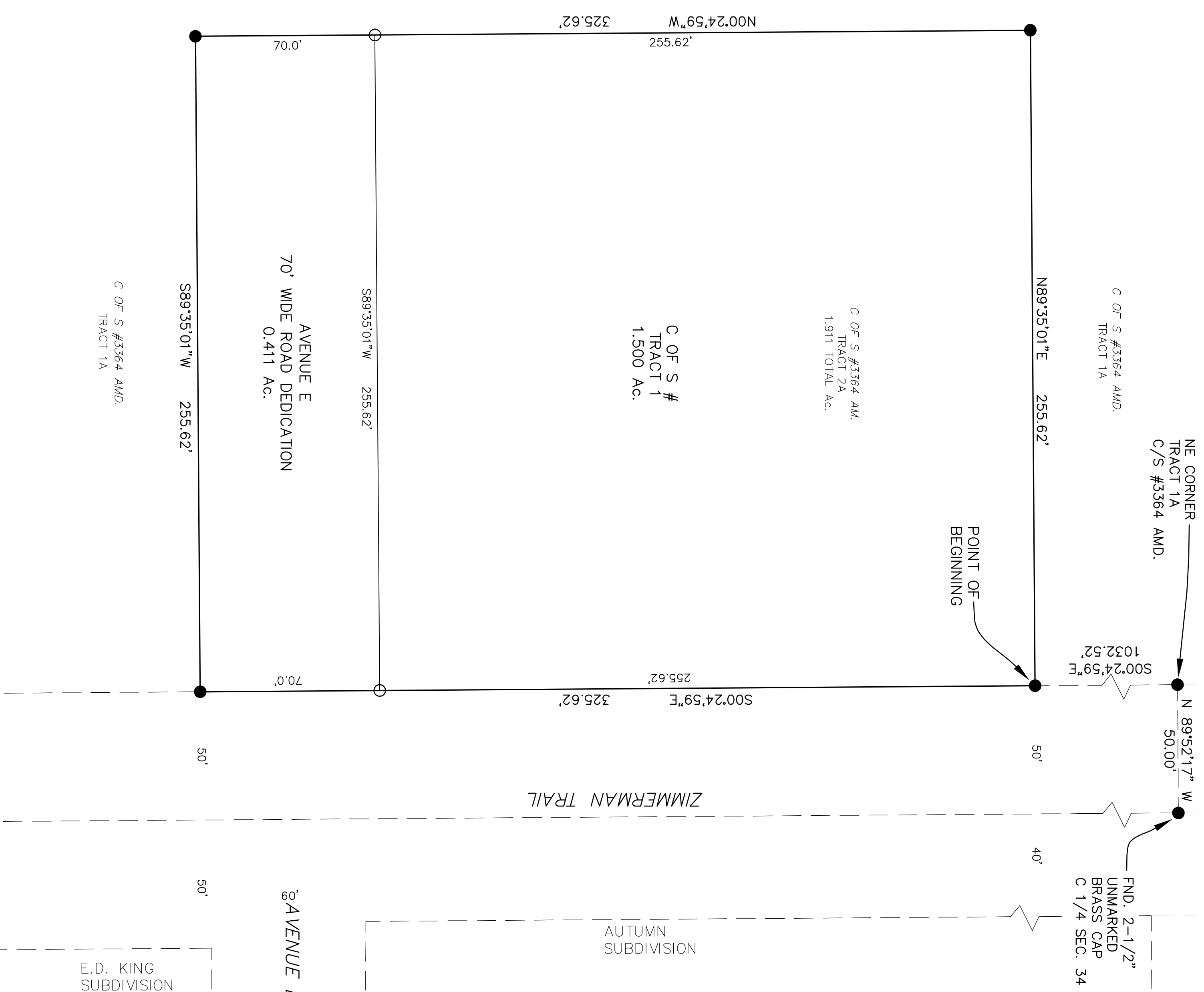
Errors and Omissions Review

I hereby certify that I have examined the amended and foregoing plat for errors and omissions in computations and drafting and find that said plat conforms to the provisions of the Montana Subdivision and Platting Act. It is therefore approved and the dedication to public use of any and all lands shown on this Certificate of Survey as being dedicated to such use are accepted.

Examining Land Surveyor, Registration No. _____ Date _____

CLERK AND RECORDER

C OF S #3364 AMD
TRACT 1A



CERTIFICATE OF CITY ATTORNEY

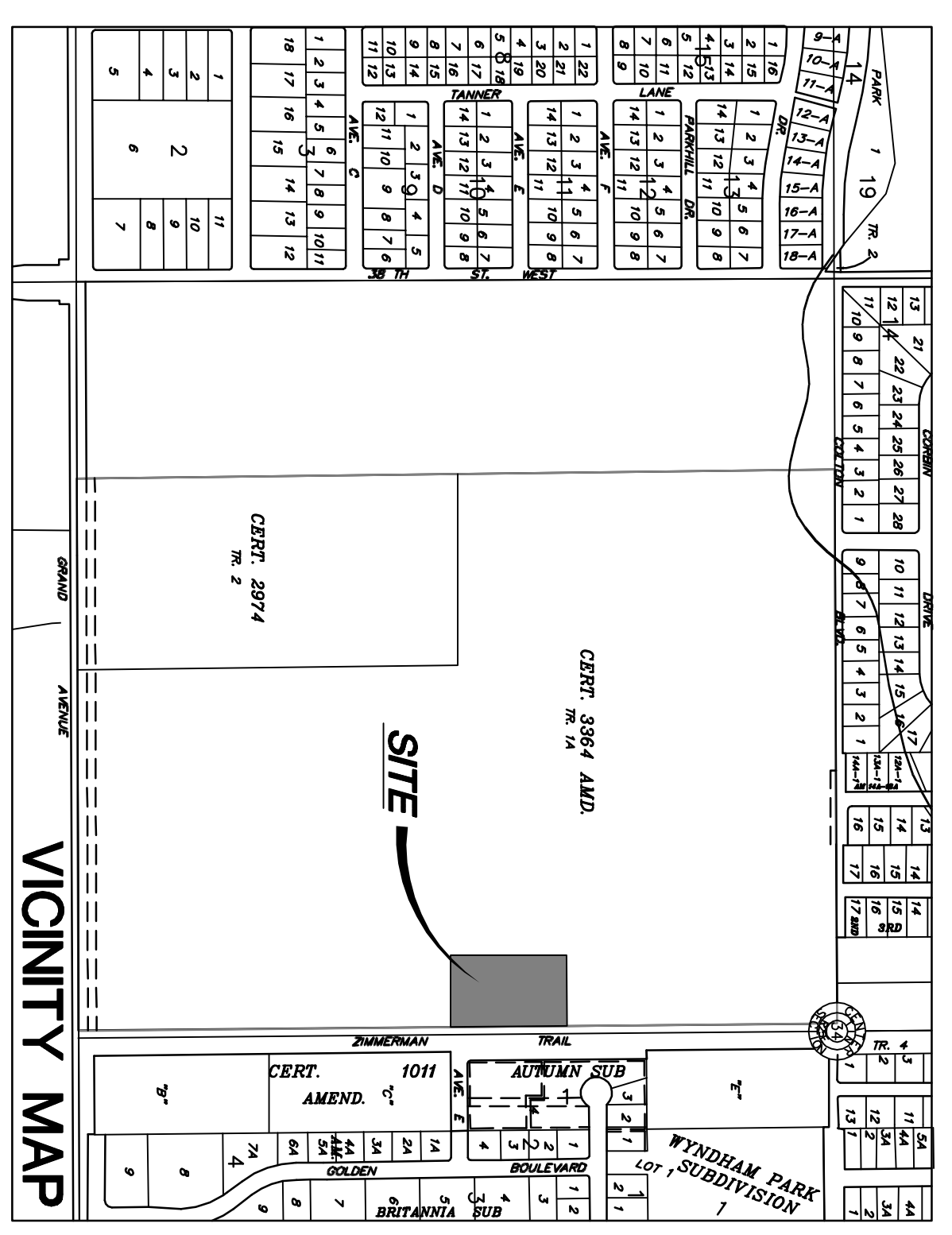
This Document has been reviewed by the City Attorney's Office and is acceptable as to form.

Reviewed by: _____ Date: _____

CERTIFICATE OF COUNTY TREASURER

I hereby certify that all real property taxes and special assessments assessed and levied on the land included in this survey have been paid pursuant to MCA 76-3-201(3).

STATE OF MONTANA) ss
County of Yellowstone)
County Treasurer _____



DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT is made and entered into this ____ day of _____, 2010, by and between **THE CHILDREN'S CLINIC, LLC, A MED-MAP PROPERTY**, hereinafter referred to as "Owner" and **THE CITY OF BILLINGS**, hereinafter referred to as "City".

WHEREAS, Owner owns and intends to develop certain real property situated in the City of Billings, Yellowstone County, Montana, more particularly described as follows:

Tract 2A of Certificate of Survey No. 3364 Amended (COS 3364 Am.) situated in the SW ¼ Section 34, T-1N, R-25E, P.P.M., Yellowstone County, Montana (hereinafter the "property"); and

WHEREAS, the City Council conditionally approved the Resolution of Annexation of the Property at a meeting held May 10, 2010.

WHEREAS, a condition of said annexation approval is that a Development Agreement be executed between Owner and the City requiring specific infrastructure improvements and providing guarantees for said improvements.

WHEREAS, Owner desires to develop a children's clinic, and the City and Owner desire to place mutually agreeable requirements on said development.

NOW THEREFORE, in consideration of the mutual promises and covenants contained herein, the parties do hereby agree as follows:

1. *Streets*

Owner will enter into Private Contract No. 619 for the construction of all required improvements for Avenue E which is adjacent to the development. Said improvements shall include 30-foot wide asphalt pavement with standard curb and gutter along the street's north side adjacent to the property.

Except as otherwise provided, Owner shall install and construct said required improvements with cash or private contracts secured by a letter of credit or a letter of commitment to lend funds from a commercial lender.

All engineering and legal work in connection with such improvements shall be paid by the contracting parties pursuant to said private contract, and the improvements shall be installed as approved by the city engineer and utility department manager.

2. *Storm Drainage*

A new storm drain main shall be installed in Avenue E under Private Contract 619 and connected to the existing storm drain line in Zimmerman Trail. All engineering and legal work in connection with such improvements shall be paid by the contracting parties pursuant to said private contract, and the improvements shall be installed as approved by the city engineer and utility department manager.

All development within Tract 2A of COS 3364 Am. will meet the criteria of the City of Billings Stormwater Management Manual. The sizing, number of laterals, their location, and the total discharge allowed from the site will be subject to review and approval by the engineering department in conformance with the Stormwater Management Manual. Drainage details will be in accordance with the stormwater management report prepared at the time of site plan submittal.

3. *Water and Sanitary Sewer*

A water main and a sanitary sewer main in Avenue E shall be constructed under Private Contract No. 619. All engineering and legal work in connection with such improvements shall be paid by the contracting parties pursuant to said private contract, and the improvements shall be installed as approved by the city engineer and utility department manager.

Owner may apply for reimbursement for a portion of the cost of installing said water and sanitary sewer mains, as outlined within Section 26-500 of the Billings City Code, "Reimbursement and Compensation of Water and Wastewater Extensions and Replacement Costs."

4. *Sidewalks*

A 5-foot wide boulevard style sidewalk shall be installed on north side of Avenue E adjacent to the property at the time of street construction.

5. *Landscaping*

Open areas in the public right-of-way, generally between the back of the curb and gutter and the new sidewalk, adjacent to the property will be landscaped at the time of site development. Maintenance of all site landscaping, including that in the public right-of-way, shall be the responsibility of the lot owner.

6. *Street Lighting*

Construction or installation of street lights shall not be required at this time.

7. *Private Utilities*

All power, telephone, gas, and cable television lines within the public right-of-way shall be installed underground prior to street paving. Appropriate private utility easements will be provided across the property for service to the proposed development.

8. *Assignment and Transfer*

Owner may assign its rights and obligations in this Agreement to a third party. In the event of such assignment or in the event of any transfer or conveyance of the Property by Owner to a third party, Owner shall be released from its obligations under this Agreement, and the City agrees to execute and deliver any and all documents reasonably requested to effectuate such release.

9. *Binding Effect*

Owner, by signature subscribed herein below agrees, consents, and shall be bound by the provisions of this Agreement. The covenants, agreements, and all statements in this Agreement shall run with the land and shall be binding on the personal representatives, successors, and assigns of the respective parties.

10. *Attorney's Fees*

If any arbitration, suit or action is instituted to interpret or enforce the provisions of this Agreement, to rescind this Agreement, or otherwise with respect to the subject matter of this Agreement, the party prevailing on an issue shall be entitled to recover with respect to such issue, in addition to costs, reasonable attorney fees incurred in preparation or in prosecution or defense of such arbitration, suit, or action as determined by the arbitrator or trial court, and if any appeal is taken from such decision, reasonable attorney fees as determined on appeal.

11. *Amendments and Modifications*

Any amendments and modifications of this Agreement or any provisions herein shall be made in writing and executed in the same manner as this original document and shall after execution become a part of this Agreement.

12. *Signatures and Counterparts*

The parties agree that the signatures to this Agreement transmitted by facsimile shall have the same force and effect as original signatures. At the request of either Party, the Party delivering this Agreement by facsimile will confirm facsimile transmission by signing and delivering a duplicate original agreement. This Agreement may be executed in counterparts, each of which shall constitute an original, all of which together shall constitute one and the same Agreement.

IN WITNESS WHEREOF, the parties hereto have set their hands and official seals on the date first above written.

“OWNER”

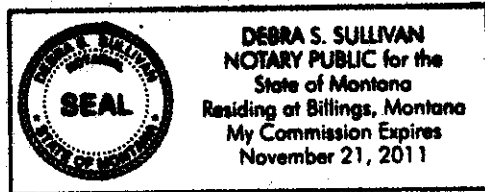
CHILDREN’S CLINIC, LLC
A MED-MAP PROPERTY

By: [Signature]

Its: Co-Manager

STATE OF MONTANA)
 : SS
County of Yellowstone)

On this 30th day of August, 2010, before me, a Notary Public for the State of Montana, personally appeared Brian T. Pelczar, known to me to be the Co-Manager of CHILDREN’S CLINIC, LLC – A MED-MAP PROPERTY, who executed the foregoing instrument and acknowledged to me that they executed the same.



[Signature]
Notary Public for the State of Montana
Residing at _____
My commission expires _____

This Agreement is hereby approved and accepted by the City of Billings, this ____ day of _____, 2010.

“CITY”
THE CITY OF BILLINGS, MONTANA

By _____
Mayor

Approved as to Form _____
City Attorney

STATE OF MONTANA)
 : ss
County of Yellowstone)

On this ____ day of _____, 2010, before me, a Notary Public for the State of Montana, personally appeared _____ and _____, known to me to be the Mayor and City Attorney, respectively of the City of Billings, Montana, whose names are subscribed to in the foregoing instrument in such capacity and acknowledged to me that they executed the same on behalf of the City of Billings, Montana.

Notary Public for the State of Montana
Residing at Billings
My commission expires _____

Regular City Council Meeting

Date: 09/27/2010

TITLE: Final Plat of Lake Hills Subdivision, 32nd Filing

PRESENTED BY: Candi Beaudry

Department: Planning & Community Services

Information

PROBLEM/ISSUE STATEMENT

The final plat for Lake Hills Subdivision, 32nd Filing, is being presented to City Council for approval. On April 12, 2010, the Council conditionally approved the replatting of 13 lots originally platted in the Lake Hills Subdivision, 15th and 16th Filings, into 21 lots. The subject property is located near the intersection of Clubhouse Way and Cherry Hills Road, at the north end of Lake Hills Subdivision in the Heights. The property is zoned Residential Multi-family (RMF), Residential-6000 (R-60), and Residential-9600 (R-96). The owner is Ron Hill, and the representing agent is Sanderson Stewart.

The Planning Division and other applicable City Departments have reviewed this final plat and find that the plat and supporting documents conform to the conditions of preliminary plat approval and comply with MCA 76-3-611 and BMCC Section 23-307. Upon City Council approval, the plat and supporting documents are appropriate as to form for filing with the Clerk and Recorder.

ALTERNATIVES ANALYZED

The City Council may approve or deny the final plat of Lake Hills Subdivision, 32nd Filing. If the City Council chooses to deny the final plat, it must base the denial on the criteria outlined in MCA 76-3-611 and BMCC Section 23-307.

FINANCIAL IMPACT

Should the City Council approve the final plat, additional residences will be built on the property and will result in increased tax revenues for the City.

RECOMMENDATION

Staff recommends that the City Council approve the final plat of Lake Hills Subdivision, 32nd Filing.

APPROVED BY CITY ADMINISTRATOR

Attachments

Final Plat

PLAT OF LAKE HILLS SUBDIVISION, THIRTY-SECOND FILING

BEING LOT 13, BLOCK 16 AND LOTS 12 & 13, BLOCK 46 OF LAKE HILLS SUBDIVISION, FIFTEENTH FILING,
LOTS 3, 4, & 5, BLOCK 15 AND LOTS 14, 15, 19, & 20, BLOCK 16 OF LAKE HILLS SUBDIVISION, SIXTEENTH FILING,
AND LOT 16-A OF AMENDED PLAT OF LOTS 5, 7, & 16, BLOCK 16 OF LAKE HILLS SUBDIVISION, SIXTEENTH FILING
SITUATED IN THE NW1/4 OF SECTION 16, T. 1 N., R. 26 E., P.M.M.
IN THE CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

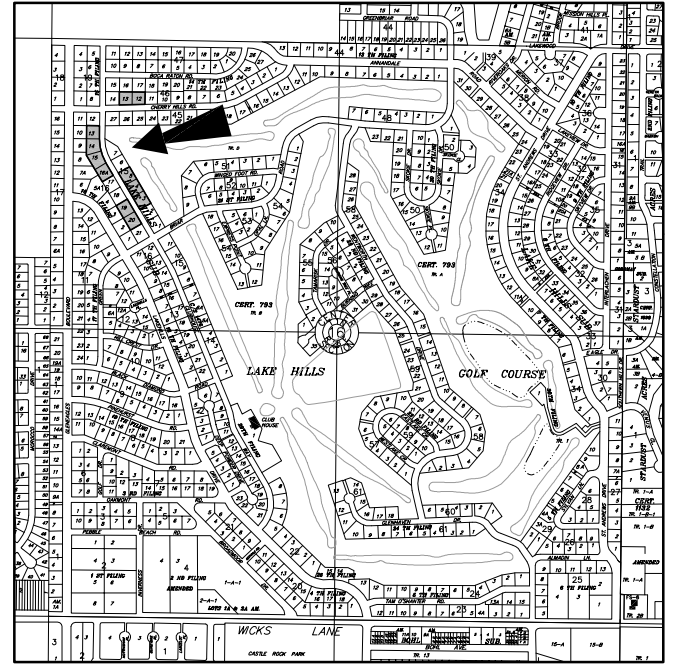
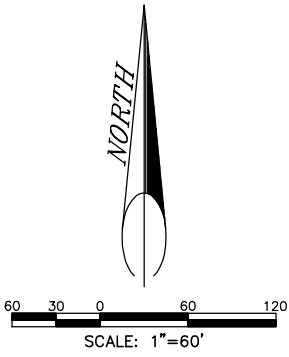
PREPARED FOR : RON HILL

PREPARED BY : SANDERSON STEWART

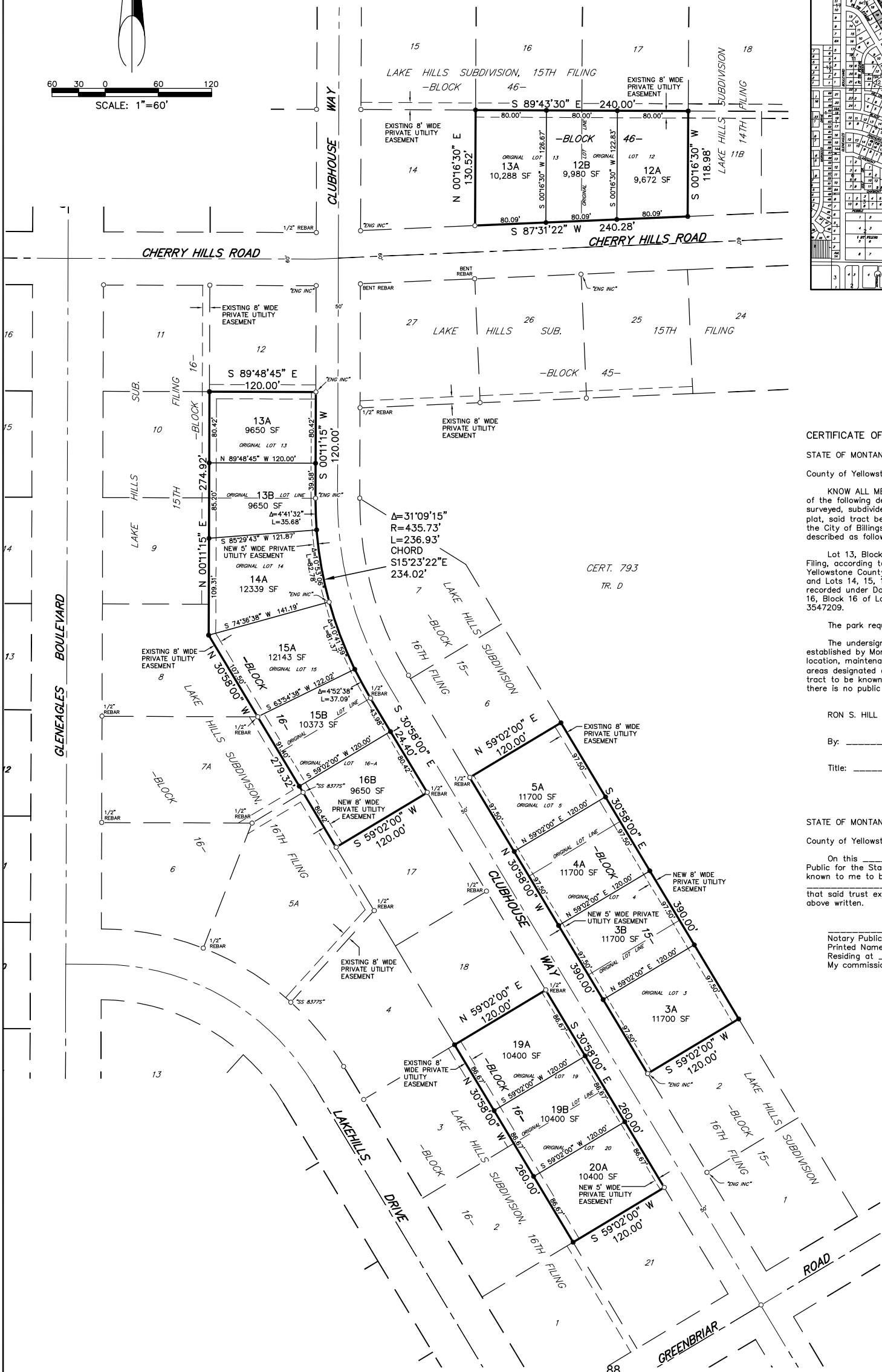
AUGUST, 2010
BILLINGS, MONTANA

BASIS OF BEARING: LAKE HILLS SUBDIVISION, 16TH FILING

- FOUND SURVEY MONUMENT, 120d NAIL, OR AS NOTED
- SET 1/2" X 18" REBAR WITH CAP MARKED WITH THE LICENSE NUMBER OF THE UNDERSIGNED LAND SURVEYOR AND "SANDERSON STEWART BILLINGS MT"



VICINITY MAP
NOT TO SCALE



CERTIFICATE OF DEDICATION

STATE OF MONTANA)
County of Yellowstone) ss

KNOW ALL MEN BY THESE PRESENTS: That RON S. HILL LIVING TRUST, the owner of the following described tract of land, does hereby certify that it has caused to be surveyed, subdivided and platted into lots, blocks and streets as shown on the annexed plat, said tract being situated in the NW1/4 of Section 16, T. 1 N., R. 26 E., P.M.M., in the City of Billings, Yellowstone County, Montana, said tract being more particularly described as follows, to-wit:

Lot 13, Block 16 and Lots 12 & 13, Block 46 of Lake Hills Subdivision, Fifteenth Filing, according to the official plat on file in the Office of the Clerk and Recorder of Yellowstone County, Montana, under Document No. 600127; Lots 3, 4, & 5, Block 15 and Lots 14, 15, 19, & 20, Block 16 of Lake Hills Subdivision, Sixteenth Filing, as recorded under Document No. 612466; and Lot 16-A of Amended Plat of Lots 5, 7, & 16, Block 16 of Lake Hills Subdivision, Sixteenth Filing, as recorded under Document No. 3547209.

The park requirement for this subdivision has been previously met.

The undersigned hereby grants unto all utility companies, as such are defined and established by Montana Law, and cable television companies, an easement for the location, maintenance, repair and removal of their lines over, under and across the areas designated on the plat as "UTILITY EASEMENT" to have and hold forever. Said tract to be known and designated as LAKE HILLS SUBDIVISION, THIRTY-SECOND FILING; there is no public land dedication made with this plat.

RON S. HILL LIVING TRUST

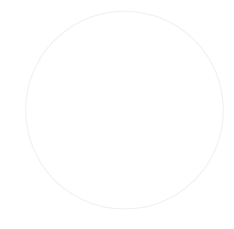
By: _____
Title: _____

STATE OF MONTANA)
County of Yellowstone) ss

On this ____ day of _____, 20____, before me, the undersigned Notary Public for the State of Montana, personally appeared _____, known to me to be the person who signed the forgoing instrument as _____ of RON S. HILL LIVING TRUST, and acknowledged to me that said trust executed the same. Witness my hand and seal the day and year herein above written.

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

RESERVED FOR CLERK AND RECORDER



Regular City Council Meeting

Date: 09/27/2010

TITLE: Payment of Claims August 27, 2010

PRESENTED BY: Pat M. Weber, Financial Services Manager

Department: City Hall Administration

Information

PROBLEM/ISSUE STATEMENT

Claims in the amount of \$2,211,099.26 have been audited and are presented for your approval for payment. A complete listing of the claims dated August 27, 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

List of claims greater then \$2500

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
08/27/2010	736315	A & I DISTRIBUTORS	16			12,730.16	
601-0000-141.00-00	07/14/2010	MP	1933615		01/2011	1,460.58	
150-2112-421.23-20	07/14/2010	MP	1933615	275715	01/2011	21.65	
211-3132-433.23-20	07/14/2010	MP	1933615	275715	01/2011	21.65	
541-3122-435.23-20	07/14/2010	MP	1933615	275715	01/2011	21.65	
601-1553-481.26-50	07/14/2010	MP	1933615	275715	01/2011	.33-	
561-7113-711.23-10	07/20/2010	NONSTOCKING ITEMS-P.U.D.	1935139	275715	01/2011	1,255.28	
541-3123-435.23-10	07/21/2010	MP	1938067	275715	01/2011	1,165.60	
601-1553-481.26-50	07/21/2010	MP	1938067	275715	01/2011	.23-	
601-0000-141.00-00	07/23/2010	MP	1938160		01/2011	4,745.62	
601-0000-141.00-00	07/23/2010	MP	1938160		01/2011	93.19	
601-1553-481.26-50	07/23/2010	MP	1938160	275715	01/2011	.57-	
561-7113-711.23-10	07/26/2010	NONSTOCKING ITEMS-P.U.D.	1937895	275715	01/2011	580.11	
571-7144-713.23-20	07/28/2010	MP	1937146	275715	01/2011	530.86	
601-0000-141.00-00	08/03/2010	MP	1940753		02/2011	2,154.41	
601-0000-141.00-00	08/03/2010	MP	1940753		02/2011	51.48	
150-2226-422.23-10	08/03/2010	MP	1940753	275715	02/2011	346.29	
601-1553-481.26-50	08/03/2010	MP	1940753	275715	02/2011	2.67	
10-5112-452.23-20	08/25/2010	MP	1938154	275715	02/2011	180.00	
571-7144-713.23-20	08/25/2010	MP	1938154	275715	02/2011	100.25	
08/27/2010	736322	ALTA PLANNING & DESIGN INC	21295			3,122.50	
240-4301-419.72-14	08/06/2010	INV 10-067-1	I 10-067-1	277072	02/2011	3,122.50	
240-4301-419.72-14	08/19/2010	CANCEL PO 277072	CANCEL 277072	277435	02/2011	3,122.50-	
240-4301-419.72-14	06/30/2010	INV 10-067-1	INV 10-067-1	277436	13/2010	3,122.50	
08/27/2010	736325	AMWEST CONTROL INC	9489			27,202.00	
513-8491-623.93-90	08/24/2010	TP0050 BLOWER PANEL	6671	274911	02/2011	27,202.00	
08/27/2010	736342	BORDER STATES ELECTRIC	509			4,581.12	
502-7400-603.23-60	07/16/2010	NONSTOCKING ITEMS-P.U.D.	901061976	275717	01/2011	39.27	
512-8400-623.23-60	07/16/2010	NONSTOCKING ITEMS-P.U.D.	901073453	275717	01/2011	52.82	
512-8400-623.23-60	07/19/2010	NONSTOCKING ITEMS-P.U.D.	901043790	275717	01/2011	326.14	
512-8400-623.23-60	07/19/2010	NONSTOCKING ITEMS-P.U.D.	901048907	275717	01/2011	107.79	
512-8400-623.23-60	07/19/2010	NONSTOCKING ITEMS-P.U.D.	901048933	275717	01/2011	4.26	
502-7400-603.23-60	07/19/2010	NONSTOCKING ITEMS-P.U.D.	901078995	275717	01/2011	915.24	
512-8400-623.23-60	07/19/2010	NONSTOCKING ITEMS-P.U.D.	901079567	275717	01/2011	221.13	
512-8400-623.23-60	07/21/2010	NONSTOCKING ITEMS-P.U.D.	901097872	275717	01/2011	111.12	
512-8400-623.23-60	07/22/2010	NONSTOCKING ITEMS-P.U.D.	901104618	275717	01/2011	542.32	
512-8400-623.23-60	07/22/2010	NONSTOCKING ITEMS-P.U.D.	901104627	275717	01/2011	250.77	
512-8400-623.23-60	07/22/2010	NONSTOCKING ITEMS-P.U.D.	901110108	275717	01/2011	250.01	
502-7400-603.23-60	07/27/2010	NONSTOCKING ITEMS-P.U.D.	901130201	275717	01/2011	124.88	
502-7400-603.23-60	07/27/2010	NONSTOCKING ITEMS-P.U.D.	901130215	275717	01/2011	133.98	
502-7400-603.23-60	07/29/2010	NONSTOCKING ITEMS-P.U.D.	901143659	275717	01/2011	124.47	
211-0000-141.31-83	07/30/2010	STREET LIGHTS	901030867		01/2011	51.06	
211-0000-141.31-83	07/30/2010	STREET LIGHTS	901048183		01/2011	332.84	
211-0000-141.31-83	07/30/2010	STREET LIGHTS	901090870		01/2011	107.52	
512-8500-625.23-60	07/30/2010	NONSTOCKING ITEMS-P.U.D.	901116869	275717	01/2011	243.45	
211-3136-433.23-20	08/02/2010	MP	1910-183709	275717	02/2011	8.55	

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
502-7400-603.23-60	08/09/2010	NONSTOCKING ITEMS-P.U.D.	901091128	275717	02/2011	593.34	
211-3132-433.23-20	08/17/2010	MP	1910-183709-A	275717	02/2011	8.55-	
512-8400-623.23-60	08/24/2010	MISC SERVICES	901050880	275717	02/2011	48.71	
08/27/2010	736343	BRENNTAG PACIFIC INC	17236			4,725.38	
211-3132-433.45-30	08/24/2010	ROAD AND HIGHWAY MATERIAL	BPI021870	277487	02/2011	4,725.38	
08/27/2010	736345	BROWN AND CALDWELL	18626			4,167.13	
503-7491-603.93-90	06/30/2010	WO0816 SCADA REPLACEMENT	13	265225	13/2010	4,167.13	
08/27/2010	736347	BUSINESS TAX SECTION	2449			9,844.21	
463-3161-431.93-10	08/18/2010	SID1389 CLUBHOUSE WAY	3	273325	02/2011	1,064.07	
463-3161-431.93-10	06/30/2010	SID1389 CLUBHOUSE WAY	3	273325	13/2010	966.57	
463-0000-201.10-00	06/30/2010	SID1389 CLUBHOUSE WAY	RET CORRECTION	273325	13/2010	51.30	
463-3161-431.93-10	06/30/2010	SID1389 CLUBHOUSE WAY	RET CORRECTION		13/2010	51.30-	
463-0000-201.10-00	08/19/2010	SID1389 CLUBHOUSE WAY	RET CORRECTION	273325	02/2011	55.58	
463-3161-431.93-10	08/19/2010	SID1389 CLUBHOUSE WAY	RET CORRECTION		02/2011	55.58-	
463-3161-431.93-10	08/19/2010	SID1389 CLUBHOUSE WAY	CORRECTION	273325	02/2011	1,119.65-	
463-3161-431.93-10	08/19/2010	SID1389 CLUBHOUSE WAY	3	273325	02/2011	966.57	
210-5151-452.93-90	08/19/2010	WO0307 ALKALI CREEK PATH	2	274411	02/2011	183.56	
490-5161-452.93-70	08/19/2010	WO0307 ALKALI CREEK PATH	2	274411	02/2011	45.89	
463-3161-431.93-10	06/30/2010	SID1389 CLUBHOUSE WAY	CORRECTION	273325	13/2010	1,017.87-	
463-3161-431.93-10	06/30/2010	SID1389 CLUBHOUSE WAY	3	273325	13/2010	1,064.07	
210-5151-452.93-90	06/30/2010	WO0307 ALKALI CREEK PATH	2	274411	13/2010	57.36	
490-5161-452.93-70	06/30/2010	WO0307 ALKALI CREEK PATH	2	274411	13/2010	14.34	
205-3131-433.93-10	08/23/2010	WO0902 2009 MISC DEVELOPE	2	274944	02/2011	397.14	
437-3165-431.93-11	08/23/2010	WO0902 2009 MISC DEVELOPE	2	274944	02/2011	437.86	
421-8493-623.93-40	08/24/2010	WO0822 WWTP DISINFEC SYS	4	272597	02/2011	1,331.05	
562-7120-711.92-90	08/24/2010	MISC SERVICES	125	275464	02/2011	436.09	
463-3161-431.93-10	08/25/2010	SID1389 CLUBHOUSE WAY	RET CORRECTION	273325	02/2011	55.58	
435-3165-431.93-11	08/25/2010	WO0412 ALKALI CR RD	3	274581	02/2011	59.55	
845-3186-431.93-10	08/25/2010	WO0412 ALKALI CR RD	3	274581	02/2011	4,850.73	
463-3161-431.93-10	06/30/2010	SID1389 CLUBHOUSE WAY	RET CORRECTION	273325	13/2010	51.30	
08/27/2010	736349	CASCADE ENGINEERING INC.	21221			65,772.00	
541-3122-435.42-70	08/17/2010	522 YARDWASTE BARRELS	10177932/C82614	275685	02/2011	21,924.00	
541-3122-435.42-70	08/17/2010	522 YARDWASTE BARRELS	10177945/C82613	275685	02/2011	21,924.00	
541-3122-435.42-70	08/17/2010	522-YARDWASTE BARRELS	10178171/C82615	275685	02/2011	21,924.00	
08/27/2010	736355	CMG CONSTRUCTION, INC.	17342			515,931.38	
210-5151-452.93-90	08/19/2010	WO0307 ALKALI CREEK PATH	2	274408	02/2011	18,172.25	
490-5161-452.93-70	08/19/2010	WO0307 ALKALI CREEK PATH	2	274408	02/2011	4,543.06	
210-5151-452.93-90	06/30/2010	WO0307 ALKALI CREEK PATH	2	274408	13/2010	5,678.83	
490-5161-452.93-70	06/30/2010	WO0307 ALKALI CREEK PATH	2	274408	13/2010	1,419.71	
435-3165-431.93-11	08/25/2010	WO0412 ALKALI CR RD	3	274580	02/2011	5,895.31	
845-3186-431.93-10	08/25/2010	WO0412 ALKALI CR RD	3	274580	02/2011	480,222.22	
08/27/2010	736360	CRM SERVIES INC	20946			43,172.91	
562-7120-711.92-90	08/24/2010	MISC SERVICES	125	275462	02/2011	43,172.91	
08/27/2010	736367	DELL COMPUTER L P	13426			2,773.28	
296-6501-463.29-25	08/12/2010	MISC SERVICES	XF24J78T9	277186	02/2011	124.18	

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	DESCRIPTION	INVOICE	PO #	PER/YEAR	CHECK AMOUNT
620-1911-482.29-25	08/12/2010			MISC SERVICES	XF24J78T9	277186	02/2011	180.12
10-1512-415.29-25	08/12/2010			MISC SERVICES	XF25156M4	277187	02/2011	2,468.98
08/27/2010	736369	DORSEY & WHITNEY LLP	8347					70,000.00
820-1572-479.55-10	08/25/2010			MISC SERVICES	1672010	277581	02/2011	5,000.00
421-8493-623.93-40	08/25/2010			MISC SERVICES	1672015	277581	02/2011	10,000.00
503-7591-609.93-40	08/25/2010			MISC SERVICES	1672024	277581	02/2011	10,000.00
568-7123-476.55-10	08/25/2010			MISC SERVICES	1672030	277581	02/2011	45,000.00
08/27/2010	736370	DP PRODUCTS INC	21205					8,736.89
512-8400-623.22-23	08/24/2010			COMPOSITE SAMPLER	107	275341	02/2011	8,793.25
512-8400-623.22-23	06/30/2010			SHIPPING REDUCTION	REDUCTION	275341	13/2010	56.36-
08/27/2010	736371	DXP ENTERPRISES, INC.	13779					4,321.30
150-2229-422.26-40	08/20/2010			FIRE:LEVEL A HAZMAT SUITS	3485536 HAZMAT	275997	02/2011	4,174.12
150-2229-422.26-40	08/20/2010			FIRE:LEVEL A HAZMAT SUITS	3485536 HAZMAT	275997	02/2011	147.18
08/27/2010	736374	EDGE CONSTRUCTION SUPPLY	19808					2,597.83
150-2224-422.24-50	08/18/2010			FIRE:4X4&6X6 GALV/JACKS	472567 FIRE/RES	276840	02/2011	799.40
150-2224-422.24-50	08/18/2010			FIRE:FINFORM/TRENCH RESCU	473198 RESCUE	276840	02/2011	770.38
150-2224-422.24-50	08/18/2010			FIRE:FINFORM/TRENCH RESCU	473198 RESCUE	276840	02/2011	172.85
502-7400-603.23-60	08/24/2010			MISC SERVICES	472959	277530	02/2011	16.20
512-8400-623.23-60	08/24/2010			MISC SERVICES	473877	277530	02/2011	839.00
08/27/2010	736379	FIELD OF DREAMS TREE FARM	13818					4,302.00
211-3134-433.36-50	08/24/2010			NURSERY STOCK & SUPPLIES	886302	275916	02/2011	1,809.00
211-3139-454.36-50	08/24/2010			NURSERY STOCK & SUPPLIES	886302	275916	02/2011	2,493.00
08/27/2010	736382	FIRST INTERSTATE BANK	1303					48,163.27
723-6595-465.62-00	08/25/2010			MISC SERVICES	1100216095	277575	02/2011	48,163.27
08/27/2010	736383	GILLIG CORPORATION	18154					7,158.88
601-0000-141.71-41	08/23/2010			MP	4648552		02/2011	66.04
601-0000-141.71-41	08/23/2010			MP	4648553		02/2011	569.29
571-7144-713.23-20	08/23/2010			MP	4646768	277481	02/2011	524.19
571-7144-713.23-20	08/23/2010			MP	4647560	277481	02/2011	15.68
601-0000-141.71-41	08/24/2010			MP	4647212		02/2011	5,983.68
08/27/2010	736387	GRANITE PEAK PUMP SERVICE INC	19933					2,711.85
10-5112-452.22-90	08/18/2010			PUMP WORKED ON	10142	276502	02/2011	653.64
10-5112-452.22-90	08/23/2010			LABOR CHARGES	10138	276502	02/2011	1,257.30
10-5112-452.39-90	08/23/2010			LABOR CHARGES	10138	276502	02/2011	412.00
10-5112-452.39-90	08/26/2010			REPAIR & REBUILD PUMP	10159	277548	02/2011	388.91
08/27/2010	736392	HDR INC	1544					25,870.98
513-8491-623.93-90	08/24/2010			WO0908 WWTP WTR LINE	14	266958	02/2011	4,197.67
845-3186-431.93-10	08/24/2010			WO0915 GRAND/ZIM/SHILOH	8	270652	02/2011	8,192.92
503-7491-603.93-90	08/24/2010			WO1006 STAPLES RESERVOIR	222334-H	273997	02/2011	2,512.39
845-3186-431.93-10	08/24/2010			WO0914 WICKS & ST ANDREWS	1	276249	02/2011	10,968.00
08/27/2010	736394	HKM ENGINEERING INC	10883					10,611.08
210-5151-452.93-90	08/25/2010			WO0307 ALKALI CR MULTI	45	250043	02/2011	9,171.92

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	CHECK AMOUNT
	490-5161-452.93-70				08/25/2010	WO0307 ALKALI CR MULTI	45	250043	02/2011	1,439.16	
08/27/2010	736397	HUNTCO SUPPLY LLC	21325							4,694.00	
	521-1592-493.24-50				08/26/2010	BIKE LOCKERS	17090	277593	02/2011	4,694.00	
08/27/2010	736398	IAFF	20196							4,149.90	
	900-0000-209.99-20				08/27/2010	PAYROLL SUMMARY	20100827		02/2011	4,149.90	
08/27/2010	736404	JONES CONSTRUCTION	11314							3,000.00	
	650-1566-487.39-90				08/19/2010	MISC SERVICES	2438	277425	02/2011	3,000.00	
08/27/2010	736405	JTL GROUP INC DBA KNIFE RIVER	2417							3,983.37	
	211-3132-433.45-20				08/24/2010	ROAD/HIGHWAY MATERIAL	218859	277488	02/2011	106.04	
	211-3132-433.47-10				08/24/2010	ROAD AND HIGHWAY MATERIAL	218862	277488	02/2011	589.47	
	211-3132-433.45-20				08/24/2010	ROAD/HIGHWAY MATERIAL	218899	277488	02/2011	97.81	
	211-3132-433.45-20				08/24/2010	ROAD/HIGHWAY MATERIAL	218916	277488	02/2011	72.03	
	211-3132-433.47-10				08/24/2010	ROAD AND HIGHWAY MATERIAL	218921	277488	02/2011	586.53	
	211-3132-433.47-10				08/24/2010	ROAD AND HIGHWAY MATERIAL	218925	277488	02/2011	328.60	
	211-3132-433.45-20				08/24/2010	ROAD/HIGHWAY MATERIAL	218952	277488	02/2011	91.37	
	211-3132-433.47-10				08/24/2010	ROAD AND HIGHWAY MATERIAL	218967	277488	02/2011	197.47	
	211-3132-433.45-20				08/24/2010	ROAD/HIGHWAY MATERIAL	219471	277488	02/2011	161.42	
	211-3132-433.45-20				08/24/2010	ROAD/HIGHWAY MATERIAL	219472	277488	02/2011	106.36	
	211-3132-433.45-20				08/24/2010	ROAD/HIGHWAY MATERIAL	219527	277488	02/2011	163.91	
	211-3132-433.47-10				08/24/2010	ROAD AND HIGHWAY MATERIAL	219538	277488	02/2011	588.49	
	211-3132-433.45-20				08/24/2010	ROAD/HIGHWAY MATERIAL	219575	277488	02/2011	119.60	
	211-3132-433.45-20				08/24/2010	ROAD/HIGHWAY MATERIAL	220145	277488	02/2011	153.09	
	211-3132-433.45-20				08/24/2010	ROAD/HIGHWAY MATERIAL	220222	277488	02/2011	84.20	
	211-3132-433.45-20				08/24/2010	ROAD/HIGHWAY MATERIAL	220423	277488	02/2011	116.91	
	211-3132-433.45-20				08/24/2010	ROAD/HIGHWAY MATERIAL	220727	277488	02/2011	173.05	
	211-3132-433.45-20				08/24/2010	ROAD/HIGHWAY MATERIAL	220740	277488	02/2011	102.60	
	211-3132-433.47-10				08/24/2010	ROAD AND HIGHWAY MATERIAL	220751	277488	02/2011	49.98	
	211-3132-433.45-20				08/24/2010	ROAD/HIGHWAY MATERIAL	220907	277488	02/2011	94.44	
08/27/2010	736412	L N CURTIS & SONS	10392							5,774.38	
	150-2229-422.24-90				08/19/2010	ML4GAV LP/MINI-MATE PWR	3103042-00 HRST	275220	02/2011	5,500.00	
	150-2229-422.24-90				08/19/2010	FIRE:SUSPENDERS/RUDDOCK	3103454 SUSPNDR	276841	02/2011	219.90	
	150-2229-422.24-90				08/19/2010	FIRE:SUSPENDERS/RUDDOCK	3103454 SUSPNDR	276841	02/2011	10.10	
	150-2229-422.24-90				08/23/2010	VEST/STAGING OFFICR/FIRE	3103454-01 VEST	276841	02/2011	33.00	
	150-2229-422.24-90				08/23/2010	VEST/STAGING OFFICR/FIRE	3103454-01 VEST	276841	02/2011	11.38	
08/27/2010	736415	LAW ENFORCEMENT EQUIPMENT	21213							2,922.96	
	710-2133-421.29-20				08/20/2010	PRIOR YEAR ENCUMBRANCES	40 MM	275374	02/2011	2,922.96	
08/27/2010	736420	MALCOLM PIRNIE INC.	19176							31,453.43	
	512-8211-621.35-90				08/24/2010	WTR&WWTR RATE & FEE STUDY	2	269620	02/2011	31,453.43	
08/27/2010	736430	MERIT FINANCIAL PRESS INC	16890							2,957.03	
	568-7123-476.55-10				08/25/2010	MISC SERVICES	3653	277580	02/2011	2,957.03	
08/27/2010	736445	MONTANA STATE FIREMAN'S ASSOC	20195							2,700.57	
	900-0000-209.99-24				08/27/2010	PAYROLL SUMMARY	20100827		02/2011	2,700.57	

PROGRAM: GM350L
CITY OF BILLINGS

MINIMUM AMOUNT: 2,500.00
FROM 08/27/2010 TO 08/27/2010

BANK CODE 00

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
08/27/2010	736446	MORRISON MAIERLE INC	2572			234,472.40	
406-7119-711.92-90	08/25/2010	MISC SERVICES	101283/101284	277318	02/2011	234,472.40	
405-7125-711.96-72	08/26/2010	MISC SERVICES	CORRECTION	274777	02/2011	.54	
405-7125-711.96-72	08/26/2010	MISC SERVICES	CORRECTION	274777	02/2011	.54-	
405-7125-711.96-73	08/26/2010	MISC SERVICES	CORRECTION	274777	02/2011	.03	
405-7125-711.96-73	08/26/2010	MISC SERVICES	CORRECTION	274777	02/2011	.03-	
08/27/2010	736450	MT WATERWORKS	21227			4,570.00	
512-8500-625.23-30	08/24/2010	MISC SERVICES	4495	277515	02/2011	4,570.00	
08/27/2010	736456	NORMONT EQUIPMENT COMPANY	2738			3,836.02	
211-3132-433.23-20	08/24/2010	MISC SERVICES	200800074	277484	02/2011	1,493.50	
211-3132-433.23-20	08/24/2010	MISC SERVICES	200800102	277484	02/2011	988.08	
211-3132-433.24-20	08/24/2010	MISC SERVICES	200800102	277484	02/2011	463.49	
211-3132-433.22-90	08/24/2010	MISC SERVICES	200800118	277484	02/2011	185.40	
211-3132-433.23-20	08/24/2010	MISC SERVICES	200800118	277484	02/2011	566.50	
211-3132-433.23-80	08/24/2010	MISC SERVICES	200800118	277484	02/2011	139.05	
08/27/2010	736459	NORTHWEST PIPE FITTINGS	2758			60,031.86	
502-0000-141.00-00	07/16/2010	WATER PARTS AND SUPPLIES	1576647		01/2011	320.99	
502-0000-141.00-00	07/19/2010	WATER PARTS AND SUPPLIES	1565564		01/2011	116.10	
502-0000-141.00-00	07/19/2010	WATER PARTS AND SUPPLIES	15742301		01/2011	35.80	
512-8400-623.24-50	07/16/2010	NONSTOCKING ITEMS-P.U.D.	1572511	275723	01/2011	962.74	
503-7591-609.93-40	07/16/2010	NONSTOCKING ITEMS-P.U.D.	1574113	275723	01/2011	1,152.35	
503-7591-609.93-40	07/16/2010	NONSTOCKING ITEMS-P.U.D.	1574965	275723	01/2011	15.78	
503-7591-609.93-40	07/16/2010	NONSTOCKING ITEMS-P.U.D.	1576386	275723	01/2011	108.72	
502-7400-603.24-50	07/19/2010	NONSTOCKING ITEMS-P.U.D.	1570056	275723	01/2011	204.58	
502-7400-603.24-50	07/19/2010	NONSTOCKING ITEMS-P.U.D.	1572573	275723	01/2011	165.00	
503-7591-609.93-40	07/19/2010	NONSTOCKING ITEMS-P.U.D.	1572772	275723	01/2011	511.00	
503-7591-609.93-40	07/19/2010	NONSTOCKING ITEMS-P.U.D.	1572780	275723	01/2011	391.24	
502-7400-603.24-50	07/19/2010	NONSTOCKING ITEMS-P.U.D.	1572827	275723	01/2011	70.00	
502-7400-603.24-50	07/19/2010	NONSTOCKING ITEMS-P.U.D.	1573261	275723	01/2011	31.08	
502-7500-609.24-10	07/20/2010	NONSTOCKING ITEMS-P.U.D.	1578297	275723	01/2011	9.01	
502-0000-141.00-00	07/21/2010	WATER PARTS AND SUPPLIES	1574230		01/2011	835.78	
502-0000-141.00-00	07/21/2010	SYSTEMS	1574230		01/2011	56.75	
512-8400-623.24-50	07/21/2010	NONSTOCKING ITEMS-P.U.D.	1577896	275723	01/2011	257.80	
502-7500-609.44-10	07/22/2010	NONSTOCKING ITEMS-P.U.D.	1580290	275723	01/2011	26.20	
502-7312-602.23-80	07/23/2010	NONSTOCKING ITEMS-P.U.D.	1539027	276599	01/2011	5,587.80	
502-0000-141.00-00	07/26/2010	SYSTEMS	1581178		01/2011	26.70	
502-0000-141.00-00	07/27/2010	WATER PARTS AND SUPPLIES	1582121		01/2011	10,180.00	
512-8400-623.24-50	07/27/2010	NONSTOCKING ITEMS-P.U.D.	15778961	275723	01/2011	131.10	
502-7500-609.42-20	07/27/2010	NONSTOCKING ITEMS-P.U.D.	1580108	275723	01/2011	6.88	
502-0000-141.00-00	07/29/2010	WATER PARTS AND SUPPLIES	1582623		01/2011	10,180.00	
502-0000-141.00-00	07/29/2010	WATER PARTS AND SUPPLIES	1582610		01/2011	10,180.00	
502-0000-141.00-00	07/30/2010	WATER PARTS AND SUPPLIES	1577870		01/2011	18,303.12	
211-3132-433.23-80	08/05/2010	MISC SERVICES	1577351	275723	02/2011	114.94	
512-8400-623.23-60	08/24/2010	MISC SERVICES	1558396-1	275723	02/2011	50.40	
08/27/2010	736463	NORTHWESTERN ENERGY	15771			41,801.96	
150-2221-422.34-10	08/23/2010	FIRE1:ELBC/38,080 KWH	0100476-1 10AUG	276426	02/2011	3,159.03	

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO # PER/YEAR TRN AMOUNT
660-3110-431.34-10	08/24/2010	MONTHLY ELECTRICITY	1741314-7	277489 02/2011 460.34
670-3141-489.34-10	08/24/2010	MONTHLY ELECTRICITY	1741314-7	277489 02/2011 690.51
10-5127-451.34-10	08/25/2010	ELETRIC BILL	0100506-5	277540 02/2011 1,551.18
650-1567-487.34-10	08/26/2010	FACILITIES MANAGEMENT	01005073	02/2011 8,401.14
150-2221-422.34-10	08/26/2010	NW FIRE	07125370	02/2011 542.48
10-5122-451.34-10	08/26/2010	NW PARK/REC/PL	07126832	02/2011 90.44
571-7148-713.34-10	08/26/2010	NW AVIATION/TRAN	07127640	02/2011 22.98
561-7117-711.34-10	08/26/2010	NW AVIATION/TRAN	07127921	02/2011 365.45
561-7117-711.34-10	08/26/2010	NW AVIATION/TRAN	07127996	02/2011 66.49
561-7117-711.34-10	08/26/2010	NW AVIATION/TRAN	07128002	02/2011 1,228.15
561-7113-711.34-10	08/26/2010	NW AVIATION/TRAN	07128093	02/2011 7.70
561-7117-711.34-10	08/26/2010	NW AVIATION/TRAN	07128176	02/2011 53.01
561-7113-711.34-10	08/26/2010	NW AVIATION/TRAN	07196165	02/2011 55.38
521-1595-493.34-10	08/26/2010	NW FINANCE	07208291	02/2011 313.42
521-1592-493.34-10	08/26/2010	NW FINANCE	07208341	02/2011 2,856.55
150-2221-422.34-10	08/26/2010	NW FIRE	07208408	02/2011 298.89
607-2235-486.34-10	08/26/2010	NW FIRE	07215809	02/2011 260.53
10-5112-452.34-10	08/26/2010	NW PARK/REC/PL	07222375	02/2011 13.93
10-5112-452.34-10	08/26/2010	NW PARK/REC/PL	07222474	02/2011 7.59
10-5112-452.34-10	08/26/2010	NW PARK/REC/PL	07222516	02/2011 243.17
502-7400-603.34-10	08/26/2010	NW PUD-WATER TREAT	07222524	02/2011 3,495.79
10-5112-452.34-10	08/26/2010	NW PARK/REC/PL	07222540	02/2011 .35
10-5112-452.34-10	08/26/2010	NW PARK/REC/PL	07222557	02/2011 86.81
10-5112-452.34-10	08/26/2010	NW PARK/REC/PL	07222573	02/2011 474.72
10-5112-452.34-10	08/26/2010	NW PARK/REC/PL	07222607	02/2011 341.13
10-5112-452.34-10	08/26/2010	NW PARK/REC/PL	07222615	02/2011 46.17
10-5112-452.34-10	08/26/2010	NW PARK/REC/PL	07222623	02/2011 34.49
10-5112-452.34-10	08/26/2010	NW PARK/REC/PL	07222631	02/2011 125.74
10-5112-452.34-10	08/26/2010	NW PARK/REC/PL	07222656	02/2011 36.49
10-5112-452.34-10	08/26/2010	NW PARK/REC/PL	07222664	02/2011 17.61
10-5112-452.34-10	08/26/2010	NW PARK/REC/PL	07222680	02/2011 17.40
10-5112-452.34-10	08/26/2010	NW PARK/REC/PL	07222698	02/2011 14.67
10-5112-452.34-10	08/26/2010	NW PARK/REC/PL	07222920	02/2011 11.11
10-5112-452.34-10	08/26/2010	NW PARK/REC/PL	07222938	02/2011 71.53
10-5112-452.34-10	08/26/2010	NW PARK/REC/PL	07229057	02/2011 10.04
10-5112-452.34-10	08/26/2010	NW PARK/REC/PL	07229339	02/2011 284.09
10-5112-452.34-10	08/26/2010	NW PARK/REC/PL	07230352	02/2011 296.65
10-5112-452.34-10	08/26/2010	NW PARK/REC/PL	07230360	02/2011 9.11
10-5112-452.34-10	08/26/2010	NW PARK/REC/PL	07230378	02/2011 177.53
10-5112-452.34-10	08/26/2010	NW PARK/REC/PL	07230386	02/2011 46.26
10-5112-452.34-10	08/26/2010	NW PARK/REC/PL	07230428	02/2011 45.41
502-7400-603.34-10	08/26/2010	NW PUD-WATER TREAT	07230436	02/2011 6,892.98
10-5112-452.34-10	08/26/2010	NW PARK/REC/PL	07230444	02/2011 521.09
10-5112-452.34-10	08/26/2010	NW PARK/REC/PL	07230485	02/2011 94.69
10-5112-452.34-10	08/26/2010	NW PARK/REC/PL	07230501	02/2011 158.29
10-5112-452.34-10	08/26/2010	NW PARK/REC/PL	07230519	02/2011 3.31
10-5112-452.34-10	08/26/2010	NW PARK/REC/PL	07230527	02/2011 50.14
10-5112-452.34-10	08/26/2010	NW PARK/REC/PL	07230543	02/2011 479.24
10-5112-452.34-10	08/26/2010	NW PARK/REC/PL	07230550	02/2011 7.54
10-5112-452.34-10	08/26/2010	NW PARK/REC/PL	07230568	02/2011 30.45

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ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT
10-5112-452.34-10	08/26/2010	NW PARK/REC/PL	07230576		02/2011	7.54
10-5112-452.34-10	08/26/2010	NW PARK/REC/PL	07230584		02/2011	23.97
10-5112-452.34-10	08/26/2010	NW PARK/REC/PL	07230907		02/2011	9.00
10-5112-452.34-10	08/26/2010	NW PARK/REC/PL	07231624		02/2011	7.54
10-5112-452.34-10	08/26/2010	NW PARK/REC/PL	07231707		02/2011	1,261.43
10-5112-452.34-10	08/26/2010	NW PARK/REC/PL	07236441		02/2011	7.54
10-5112-452.34-10	08/26/2010	NW PARK/REC/PL	07236458		02/2011	7.54
260-5512-455.34-10	08/26/2010	NW LIBRARY	07244643		02/2011	85.87
10-5112-452.34-10	08/26/2010	NW PARK/REC/PL	07894371		02/2011	30.57
10-5112-452.34-10	08/26/2010	NW PARK/REC/PL	07931348		02/2011	243.02
10-5112-452.34-10	08/26/2010	NW PARK/REC/PL	08317026		02/2011	7.70
872-5198-452.34-10	08/26/2010	NW PARK/REC/PL	10590933		02/2011	393.00
521-1595-493.34-10	08/26/2010	NW	13815279		02/2011	107.31
10-5112-452.34-10	08/26/2010	NW	15220957		02/2011	135.05
521-1592-493.34-10	08/26/2010	PARK 2 GARAGE	15942824		02/2011	1,555.46
521-1591-493.34-10	08/26/2010	P1 ELEC	08202010	277585	02/2011	1,852.53
521-1594-493.34-10	08/26/2010	P4 ELEC.	08202010A	277585	02/2011	1,381.74
521-1595-493.34-10	08/26/2010	LEASE SPACE ELEC.	08202010B	277585	02/2011	70.81
521-1595-493.34-10	08/26/2010	LEASE SPACE ELEC.	08202010C	277585	02/2011	45.15
08/27/2010	736473	NORTHWESTERN ENERGY	15784			134,538.06
211-3136-433.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE SIGNALS		02/2011	10,268.80
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712544-6		02/2011	444.93
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712545-3		02/2011	460.76
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712546-1		02/2011	1,332.02
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0721276-4		02/2011	3,592.34
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0721277-2		02/2011	1,732.91
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712553-7		02/2011	1,091.90
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712554-5		02/2011	81.12
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712556-0		02/2011	392.14
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712557-8		02/2011	12,690.38
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712558-6		02/2011	1,411.84
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712559-4		02/2011	2,314.66
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712560-2		02/2011	1,590.31
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712561-0		02/2011	3,926.06
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712562-8		02/2011	153.68
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712563-6		02/2011	844.87
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712564-4		02/2011	198.78
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712565-1		02/2011	521.83
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712566-9		02/2011	2,878.71
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712567-7		02/2011	205.78
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712568-5		02/2011	134.65
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712570-1		02/2011	2,236.36
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712571-9		02/2011	169.84
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712572-7		02/2011	298.17
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712573-5		02/2011	869.69
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712574-3		02/2011	347.90
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712575-0		02/2011	173.94
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712576-8		02/2011	636.93
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712577-6		02/2011	445.86

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ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712578-4		02/2011	298.17
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712579-2		02/2011	128.45
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712580-0		02/2011	770.30
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712581-8		02/2011	208.76
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712582-6		02/2011	481.71
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712583-4		02/2011	467.07
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712584-2		02/2011	413.64
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712585-9		02/2011	329.93
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712586-7		02/2011	670.92
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712587-5		02/2011	223.67
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712588-3		02/2011	519.28
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712589-1		02/2011	24.73
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712590-9		02/2011	424.62
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712591-7		02/2011	323.04
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712592-5		02/2011	415.80
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712593-3		02/2011	1,299.10
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712594-1		02/2011	679.39
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712595-8		02/2011	571.50
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712596-6		02/2011	3,889.54
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712597-4		02/2011	488.30
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712598-2		02/2011	1,104.03
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712599-0		02/2011	447.26
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712600-6		02/2011	828.01
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712601-4		02/2011	720.62
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712602-2		02/2011	968.17
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712603-0		02/2011	646.05
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810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712605-5		02/2011	53.27
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712606-3		02/2011	558.85
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712607-1		02/2011	339.73
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712608-9		02/2011	795.15
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712609-7		02/2011	212.32
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712610-5		02/2011	509.54
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810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712612-1		02/2011	1,061.55
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712613-9		02/2011	891.71
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712614-7		02/2011	297.25
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712615-4		02/2011	38.04
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712616-2		02/2011	233.54
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712617-0		02/2011	467.07
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712618-8		02/2011	318.50
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712619-6		02/2011	1,515.77
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712620-4		02/2011	530.78
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712621-2		02/2011	1,061.52
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712622-0		02/2011	339.73
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712623-8		02/2011	127.39
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712624-6		02/2011	522.74
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712625-3		02/2011	212.32
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712626-1		02/2011	254.76
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712627-9		02/2011	212.32

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810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712628-7		02/2011	1,104.03
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712629-5		02/2011	379.23
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712630-3		02/2011	276.02
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712631-1		02/2011	679.39
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712632-9		02/2011	216.31
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712633-7		02/2011	180.27
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712634-5		02/2011	58.10
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712635-2		02/2011	58.10
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712636-0		02/2011	106.15
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712637-8		02/2011	61.97
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712638-6		02/2011	445.86
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712639-4		02/2011	665.02
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712640-2		02/2011	15.50
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712641-0		02/2011	313.98
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712642-8		02/2011	30.44
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712643-6		02/2011	297.25
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712644-4		02/2011	339.73
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712645-1		02/2011	213.66
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810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712647-7		02/2011	69.70
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712648-5		02/2011	38.73
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712649-3		02/2011	38.73
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712650-1		02/2011	23.23
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712651-9		02/2011	422.60
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712652-7		02/2011	127.39
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712653-5		02/2011	321.14
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712654-3		02/2011	193.24
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712655-0		02/2011	7.61
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712656-8		02/2011	61.12
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712657-6		02/2011	92.93
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712658-4		02/2011	1,598.69
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712659-2		02/2011	328.38
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712660-0		02/2011	248.15
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712661-8		02/2011	502.07
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712662-6		02/2011	720.62
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712663-4		02/2011	372.76
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712664-2		02/2011	869.70
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712665-9		02/2011	521.83
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712666-7		02/2011	2,261.22
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712667-5		02/2011	675.81
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712668-3		02/2011	397.55
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712669-1		02/2011	424.58
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712670-9		02/2011	135.20
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712671-7		02/2011	360.89
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712672-5		02/2011	13.11
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712673-3		02/2011	84.93
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712674-1		02/2011	324.48
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712675-8		02/2011	552.60
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712676-6		02/2011	74.57
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712677-4		02/2011	99.40

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT		
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712678-2		02/2011	76.19
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712679-0		02/2011	298.17
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712680-8		02/2011	1,022.97
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712681-6		02/2011	2,171.17
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0718734-7		02/2011	2,460.01
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 1301786-8		02/2011	10.76
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0719001-0		02/2011	164.40
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0720813-5		02/2011	3,525.91
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0719162-0		02/2011	496.97
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0719644-7		02/2011	1,726.64
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0719763-5		02/2011	122.22
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0720813-5		02/2011	120.84
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0720360-7		02/2011	711.35
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0720606-3		02/2011	2,336.60
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 1301786-8		02/2011	9.94
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0720810-1		02/2011	1,110.28
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0720705-3		02/2011	447.26
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0720937-2		02/2011	2,816.32
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0720716-0		02/2011	786.28
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0721427-3		02/2011	133.34
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0721556-9		02/2011	315.61
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0721684-9		02/2011	31.21
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0833098-7		02/2011	63.08
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0906944-4		02/2011	355.49
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0995095-7		02/2011	892.27
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0905005-5		02/2011	2,530.96
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0926386-4		02/2011	181.51
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0907926-0		02/2011	54.08
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0961926-3		02/2011	385.52
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 1058710-3		02/2011	744.34
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 1087619-1		02/2011	189.28
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 1124127-0		02/2011	55.06
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 1045653-1		02/2011	585.87
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 1079722-3		02/2011	300.95
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 1172743-5		02/2011	314.64
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 1206985-2		02/2011	303.18
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 1296582-8		02/2011	214.07
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 1246537-3		02/2011	74.06
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 1303978-9		02/2011	1,609.36
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 1685375-6		02/2011	284.21
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 1433921-2		02/2011	74.43
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 1481532-8		02/2011	546.66
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 1481534-4		02/2011	212.32
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 1481535-1		02/2011	424.62
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 1481536-9		02/2011	99.40
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 1481537-7		02/2011	1,141.22
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 1481539-3		02/2011	191.11
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 1481540-1		02/2011	169.84
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 1662840-6		02/2011	362.73
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 1687005-7		02/2011	1,636.11

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
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810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 1607534-3		02/2011	150.94	
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810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 1740353-6		02/2011	188.94	
810-3183-431.34-10	08/31/2010	LIGHT MAINT TRANSFER	NWE 0712569-3		02/2011	44.95	
08/27/2010	736475	OSTERMILLER CONST	2839			201,032.99	
463-3161-431.93-10	08/18/2010	SID1389 CLUBHOUSE WAY	3	273324	02/2011	105,343.31	
463-3161-431.93-10	06/30/2010	SID1389 CLUBHOUSE WAY	3	273324	13/2010	95,689.68	
463-0000-201.10-00	06/30/2010	SID1389 CLUBHOUSE WAY	RET CORRECTION	273324	13/2010	5,078.73	
463-3161-431.93-10	06/30/2010	SID1389 CLUBHOUSE WAY	RET CORRECTION		13/2010	5,078.73-	
463-0000-201.10-00	08/19/2010	SID1389 CLUBHOUSE WAY	RET CORRECTION	273324	02/2011	5,501.95	
463-3161-431.93-10	08/19/2010	SID1389 CLUBHOUSE WAY	RET CORRECTION		02/2011	5,501.95-	
463-3161-431.93-10	08/19/2010	SID1389 CLUBHOUSE WAY	CORRECTION	273324	02/2011	110,845.26-	
463-3161-431.93-10	08/19/2010	SID1389 CLUBHOUSE WAY	3	273324	02/2011	95,689.68	
463-3161-431.93-10	06/30/2010	SID1389 CLUBHOUSE WAY	CORRECTION	273324	13/2010	100,768.41-	
463-3161-431.93-10	06/30/2010	SID1389 CLUBHOUSE WAY	3	273324	13/2010	105,343.31	
463-3161-431.93-10	08/25/2010	SID1389 CLUBHOUSE WAY	RET CORRECTION	273324	02/2011	5,501.95	
463-3161-431.93-10	06/30/2010	SID1389 CLUBHOUSE WAY	RET CORRECTION	273324	13/2010	5,078.73	
08/27/2010	736488	PUBLIC UTILITIES	5022			126,028.49	
805-1570-425.53-50	08/26/2010	4430 HI-LINE DR	6712510003200		02/2011	124,411.07	
512-8500-625.34-20	08/26/2010	4430 HI-LINE DR	671274846		02/2011	507.30	
211-3132-433.34-20	08/26/2010	4430 HI-LINE DR	671294847		02/2011	133.76	
872-5198-452.34-20	08/26/2010	2100 CANYON DR SP/IR	490833852		02/2011	543.90	
872-5198-452.34-20	08/26/2010	ASPEN GROV PK-393 32 WEST	8934540476600		02/2011	396.72	
295-6698-463.72-75	08/26/2010	COM DEV 1128 LYNN AVE	9731511377600		02/2011	35.74	
08/27/2010	736492	QWEST COMMUNICATIONS	18343			3,350.00	
210-5151-452.93-90	08/25/2010	WO0307 ALKALI PATH/TUNNEL	C04AA03	277555	02/2011	2,900.43	
490-5161-452.93-70	08/25/2010	WO0307 ALKALI PATH/TUNNEL	C04AA03	277555	02/2011	449.57	
08/27/2010	736498	RIMROCK ENGINEERING INC	16562			3,105.00	
205-3131-433.93-10	08/24/2010	WO0821 LAKE ELMO DRIVE	VARIOUS	277462	02/2011	1,175.00	
438-3165-431.93-11	08/24/2010	WO0821 LAKE ELMO DRIVE	VARIOUS	277462	02/2011	1,395.00	
205-3131-433.93-10	08/24/2010	WO0902 2009 MISC DEVELOPE	03-13430/13443	277465	02/2011	85.00	
437-3165-431.93-11	08/24/2010	WO0902 2009 MISC DEVELOPE	03-13430/13443	277465	02/2011	450.00	
08/27/2010	736499	RIMROCK FOUNDATION	3210			34,255.51	
248-1263-412.22-90	08/25/2010	BAMDUI COUNSELOR JULY	2011-2	277533	02/2011	10,555.22	
738-1264-412.35-60	08/25/2010	SAMHSA COUNSELOR - JULY	2011-2	277535	02/2011	5,052.93	
738-1264-412.35-90	08/25/2010	SAMHSA COUNSELOR - JULY	2011-2	277535	02/2011	5,424.73	
738-1264-412.39-90	08/25/2010	SAMHSA COUNSELOR - JULY	2011-2	277535	02/2011	1,739.60	
737-1265-412.23-10	08/25/2010	JAG CASE MGR - JULY	2011-2	277536	02/2011	57.00	
737-1265-412.35-90	08/25/2010	JAG CASE MGR - JULY	2011-2	277536	02/2011	1,480.16	
737-1265-412.37-30	08/25/2010	JAG CASE MGR - JULY	2011-2	277536	02/2011	1,028.17	
245-1257-412.35-75	08/25/2010	BAMHC COUNSELOR/ASST JULY	2011-2	277537	02/2011	3,490.95	
246-1253-412.35-90	08/25/2010	BAMDC COUNSELOR - JULY	2011-2	277538	02/2011	5,426.75	
08/27/2010	736503	SANDERSON STEWART	20446			4,052.78	
414-1519-493.35-90	08/26/2010	DEHLER PARK STRIPING	31427	275280	02/2011	4,052.78	

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
08/27/2010	736512	SKYLINE SERVICES INC	10740			2,940.00	
650-1567-487.36-90	08/19/2010	MISC SERVICES	29002	277424	02/2011	235.00	
650-1567-487.36-90	08/19/2010	MISC SERVICES	29003	277424	02/2011	325.00	
561-7112-711.36-60	08/23/2010	INVOICE #29086	29086	F11475	02/2011	2,380.00	
08/27/2010	736519	TASK FORCE 1 INC	21229			20,250.00	
221-2238-422.38-22	08/23/2010	TRENCH/RESCUE TECH/AUG10	TRENCH/CLASS/10	275966	02/2011	20,250.00	
08/27/2010	736523	TOTAL ASPHALT REPAIR INC	13249			5,343.25	
502-7500-609.36-80	08/24/2010	MISC SERVICES	3761	277508	02/2011	1,331.00	
503-7591-609.93-40	08/24/2010	MISC SERVICES	3772	277508	02/2011	1,299.50	
502-7500-609.36-80	08/24/2010	MISC SERVICES	3778	277508	02/2011	1,808.75	
502-7500-609.36-80	08/24/2010	MISC SERVICES	3779	277508	02/2011	904.00	
08/27/2010	736524	TOWN & COUNTRY SUPPLY ASSOCIAT	18295			42,579.52	
601-0000-141.00-00	08/19/2010	MP	82375		02/2011	18,692.72	
561-7118-711.23-13	08/23/2010	INVOICE #82346	82346	F11474	02/2011	8,082.90	
601-0000-141.71-41	08/25/2010	MP	82360		02/2011	15,803.90	
08/27/2010	736530	US BANK-REVOLVING LOAN FUND	16715			48,163.27	
723-6595-465.62-00	08/25/2010	MISC SERVICES	53-7240483306	277573	02/2011	48,163.27	
08/27/2010	736532	VERIZON WIRELESS	14490			5,924.57	
571-7147-713.31-60	08/18/2010	INVOICE# 0894971150	0894971150	F11460	02/2011	173.10	
150-2170-441.34-50	08/20/2010	VERIZON WSCA AUGUST 2010	AN SHELTER MDT		02/2011	213.40	
717-2166-421.34-50	08/20/2010	VERIZON WSCA AUGUST 2010	CCSIU AIR CARD		02/2011	545.32	
717-2166-421.34-50	08/20/2010	VERIZON WSCA AUGUST 2010	CCSIU RAVEN		02/2011	85.36	
150-2221-422.34-50	08/20/2010	VERIZON WSCA AUGUST 2010	FIRE DEPT AIR C		02/2011	42.68	
150-2221-422.34-50	08/20/2010	VERIZON WSCA AUGUST 2010	FIRE MDT		02/2011	554.86	
620-1911-482.34-50	08/20/2010	VERIZON WSCA AUGUST 2010	ITD AIR CARD		02/2011	75.49	
260-5517-455.34-50	08/20/2010	VERIZON WSCA AUGUST 2010	LIBRARYOUTREACH		02/2011	128.04	
150-2111-421.34-50	08/20/2010	VERIZON WSCA AUGUST 2010	MDT TOUGHBOOK		02/2011	3,432.24	
150-2111-421.34-50	08/20/2010	VERIZON WSCA AUGUST 2010	POLICE ICAC		02/2011	43.05	
150-2111-421.34-50	08/20/2010	VERIZON WSCA AUGUST 2010	POLICE AIR CARD		02/2011	42.68	
150-2111-421.34-50	08/20/2010	VERIZON WSCA AUGUST 2010	POLICE USM MDT		02/2011	164.95	
10-5112-452.34-50	08/20/2010	VERIZON WSCA AUGUST 2010	PARKS PMD AIR		02/2011	42.68	
209-4451-428.34-50	08/20/2010	VERIZON WSCA AUGUST 2010	BUILDING AIR		02/2011	338.04	
502-7500-609.34-50	08/20/2010	VERIZON WSCA AUGUST 2010	PUD AIR CARD		02/2011	42.68	
08/27/2010	736534	WELLS FARGO BANK-LOAN PAYMENT	16716			48,163.27	
723-6595-465.62-00	08/25/2010	MISC SERVICES	16-0910824-3	277574	02/2011	48,163.27	
08/27/2010	736537	WESTERN SECURITY BANK	16462			48,745.58	
723-6595-465.62-00	08/25/2010	MISC SERVICES	100022110	277577	02/2011	24,372.79	
723-6595-465.62-00	08/25/2010	MISC SERVICES	157011874	277577	02/2011	24,372.79	
08/27/2010	736539	WILLIAM BROTHERS CONSTRUCTION	8323			131,774.11	
421-8493-623.93-40	08/24/2010	WO0822 WWTP DISINFEC SYS	4	272596	02/2011	131,774.11	
08/27/2010	736540	YELLOWSTONE BANK-LOAN PAYMENT	16714			6,764.61	
723-6595-465.62-00	08/25/2010	MISC SERVICES	2500234	277576	02/2011	6,764.61	

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
08/27/2010	736544	YELLOWSTONE ELECTRIC CO	4162			4,596.21	
561-7114-711.36-60	08/23/2010	INVOICE #6742	6742	F11473	02/2011	4,596.21	
08/27/2010	736546	ZENTZ LUMBER COMPANY	4195			3,691.50	
150-2224-422.24-50	08/19/2010	EQUIP/TRENCH/RESCUE CLASS	2196372	TRENCH	275665 02/2011	3,691.50	
DATE RANGE TOTAL *						2,160,142.75 *	

Regular City Council Meeting

Date: 09/27/2010

TITLE: Payment of Claims September 03, 2010

PRESENTED BY: Pat M. Weber, Financial Services Manager

Department: City Hall Administration

Information

PROBLEM/ISSUE STATEMENT

Claims in the amount of \$1,212,696.34 have been audited and are presented for your approval for payment. A complete listing of the claims dated September 3, 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

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	
09/03/2010 840-3184-431.93-10	736548 09/01/2010	AHANU CONSTRUCTION INC WO0515 HOWARD HEIGHTS	21317	1	277162 03/2011	311,121.81 311,121.81	
09/03/2010 571-7147-713.23-20 150-2112-421.23-20 150-2112-421.23-20 150-2112-421.23-20 150-2112-421.23-20 150-2112-421.23-20 150-2112-421.23-20 150-2112-421.23-20 541-3123-435.23-20 571-7147-713.23-20 630-1753-485.73-10 630-1753-485.73-10	736556 08/18/2010 08/26/2010 08/26/2010 08/26/2010 08/26/2010 08/26/2010 08/26/2010 08/26/2010 08/26/2010 08/30/2010 09/02/2010 09/02/2010	ARCHIE COCHRANE MP MP MP MP MP MP MP MP MP MISC SERVICES MISC SERVICES	800	5027343-A 5029590 5030380 5030423 5030534 5030555 5030557 5030958 5032338 805730/1 806259/1	277375 02/2011 277610 02/2011 277610 02/2011 277610 02/2011 277610 02/2011 277610 02/2011 277610 02/2011 277610 02/2011 277610 02/2011 277643 02/2011 277702 03/2011 277702 03/2011	7,727.18 67.56- 485.42 225.69 40.39 12.00 132.02 50.85 52.71 18.12 5,469.04 1,308.50	
09/03/2010 251-2127-421.94-40	736567 09/01/2010	BISON MOTOR COMPANY MISC SERVICES	12046	080520101-A	275679 03/2011	29,155.29 29,155.29	
09/03/2010 503-7491-603.93-90	736571 08/31/2010	BROWN AND CALDWELL WO0816 SCADA REPLACEMENT	18626	14	265225 02/2011	5,689.53 5,689.53	
09/03/2010 407-0000-201.10-00 562-0000-201.10-00 562-7120-711.92-90 503-7391-602.93-40 513-8491-623.93-90 562-7120-711.92-90 407-7128-711.94-97 562-7120-711.92-90 840-3184-431.93-10	736575 09/03/2010 09/03/2010 08/31/2010 08/31/2010 08/31/2010 08/31/2010 08/31/2010 09/01/2010 09/01/2010	BUSINESS TAX SECTION Retainae Release - RELEASE RETAINAGE MISC SERVICES WO1003 2010 ST MAINT PRGM TP0049 DIGESTER BOILER MISC SERVICES MISC SERVICES MISC SERVICES WO0515 HOWARD HEIGHTS	2449	APPLICATION #9 #3 FINAL FINAL 3 4 276056-1 277070-F2 274776-3 1	267113 03/2011 267080 03/2011 267080 02/2011 272599 02/2011 272993 02/2011 276056 02/2011 277070 02/2011 274776 03/2011 277164 03/2011	4,614.56 352.71 77.61 39.40 36.80 142.50 800.00 13.18 9.72 3,142.64	
09/03/2010 710-2133-421.22-70	736576 09/01/2010	BVAC INC PRIOR YEAR ENCUMBRANCES	20054	BV223-1	277220 03/2011	4,055.88 4,055.88	
09/03/2010 830-1572-479.78-20	736579 08/31/2010	CARL P & M SHERLON ORTH REFUND SID 1386 A08386	9991386	A08386	02/2011	2,944.76 2,944.76	
09/03/2010 840-3184-431.93-10	736580 08/31/2010	CARL THUESEN ASLA WO1024 RIMPOINT PRK IRRG	6707	1	276514 02/2011	11,193.60 11,193.60	
09/03/2010 289-6581-464.72-77	736585 09/01/2010	CHICAGO TITLE INSURANCE CO WILLIS, WILLIAM	754	WILLIS, WILLIAM	277652 03/2011	15,000.00 15,000.00	
09/03/2010 289-6581-464.72-77	736586 09/01/2010	CHICAGO TITLE INSURANCE CO HERGENRAEDER, TANA	754	HERGENRAEDER, T	277653 03/2011	15,000.00 15,000.00	
09/03/2010 289-6581-464.72-77	736587 09/01/2010	CHICAGO TITLE INSURANCE CO MISC SERVICES	754	ROBINSON, JERAM	277654 03/2011	10,000.00 10,000.00	

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
09/03/2010 289-6581-464.72-77	736588	CHICAGO TITLE INSURANCE CO	754				10,000.00
		MISC SERVICES	RENOVA, TESSA	277655	03/2011		10,000.00
09/03/2010 562-0000-201.10-00 562-7120-711.92-90	736592	COMMERCIAL ROOFING	816				11,584.24
		MISC SERVICES	#3 FINAL	266984	03/2011		7,683.64
			FINAL	266984	02/2011		3,900.60
09/03/2010 805-1570-425.53-50	736596	COUNTY WATER DISTRICT OF	881				19,483.20
		MISC SERVICES	1371	277710	03/2011		19,483.20
09/03/2010 606-1931-484.34-50	736602	DIAL PRO NORTHWEST INC	15887				4,800.00
		MISC SERVICES	13063	277248	02/2011		4,800.00
09/03/2010 627-1752-417.35-12 627-1752-417.35-15 627-1752-417.51-61 627-1752-417.35-11 627-1752-417.35-15 627-1752-417.35-13	736605	EBMS	20398				62,418.95
			ADMIN FEES		03/2011		17,024.50
			SPECIFIC PREM		03/2011		31,532.55
			CARE LINK FEE		03/2011		6,986.40
			FLEX ADMIN FEE		03/2011		2,095.00
			PRO FEE		03/2011		3,423.00
			SCRIPTS		03/2011		1,357.50
09/03/2010 562-7120-711.92-90	736609	EMPIRE LATH & PLASTER INC.	1185				79,200.00
		MISC SERVICES	276053-1	276053	02/2011		79,200.00
09/03/2010 260-5511-455.35-88	736613	JANICE FEYE-STUKAS	21222				4,900.00
		LIBRARY SITE SURVEY	#3 CITY OF BLGS	275590	02/2011		4,900.00
09/03/2010 289-6581-464.72-77	736615	FIRST MONTANA TITLE CO	1304				10,000.00
		MISC SERVICES	EVANS, BRITTANY	277700	03/2011		10,000.00
09/03/2010 407-0000-201.10-00 407-7128-711.94-97	736618	GENERAL CONTRACTORS CONSTR	1415				36,223.05
		Retainage Release -	APPLICATION #9	266985	03/2011		34,918.23
		MISC SERVICES	277069-F2	277069	02/2011		1,304.82
09/03/2010 571-7144-713.23-20	736620	GILLIG CORPORATION	18154				2,653.85
		MP	4653310	277685	03/2011		2,653.85
09/03/2010 502-7211-601.35-40 502-7400-603.24-50 502-7211-601.35-40 512-8211-621.35-40 513-8491-623.93-90 503-7491-603.93-90 503-7591-609.93-40	736623	HDR INC	1544				33,211.80
		DRINKING WTR SOURCE STUDY	222332-H	258046	02/2011		8,138.63
		WO1006 STAPLES RESERVOIR	222335-H	271831	02/2011		951.70
		WO0923 ELECTRICAL MSTR	8	269621	02/2011		2,077.63
		WO0923 ELECTRICAL MSTR	8	269621	02/2011		2,077.63
		WWTP T-5 TRSFRMR REPLCMNT	6	273263	02/2011		4,276.59
		WO1011 WTP HIGH SRVC PUMP	5	273326	02/2011		588.85
		WO1012 BLGS LOW SRVC PUMP	1	276189	02/2011		15,100.77
09/03/2010 513-8491-623.93-90	736625	HIGH-TECH BOILERMAKERS	1678				14,107.50
		TP0049 DIGESTER BOILER	4	272992	02/2011		14,107.50
09/03/2010 260-5519-455.33-33	736633	INGRAM BOOK COMPANY	1820				4,252.61
		PUBLICATIONS/AUDIOVISUAL	52647425	276075	02/2011		8.99

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO # PER/YEAR TRN AMOUNT
260-5519-455.33-33	08/27/2010	PUBLICATIONS/AUDIOVISUAL	52850340	276075 02/2011 14.72
260-5519-455.33-33	08/27/2010	PUBLICATIONS/AUDIOVISUAL	52850341	276075 02/2011 21.45
260-5519-455.33-33	08/27/2010	PUBLICATIONS/AUDIOVISUAL	52850343	276075 02/2011 28.32
260-5519-455.33-33	08/27/2010	PUBLICATIONS/AUDIOVISUAL	52850344	276075 02/2011 15.60
260-5519-455.33-33	08/27/2010	PUBLICATIONS/AUDIOVISUAL	52850345	276075 02/2011 24.26
260-5519-455.33-33	08/27/2010	PUBLICATIONS/AUDIOVISUAL	52850346	276075 02/2011 267.73
260-5519-455.33-33	08/27/2010	PUBLICATIONS/AUDIOVISUAL	52850347	276075 02/2011 160.37
260-5519-455.33-33	08/27/2010	PUBLICATIONS/AUDIOVISUAL	52947424	276075 02/2011 35.28
260-5519-455.33-33	08/27/2010	PUBLICATIONS/AUDIOVISUAL	52947426	276075 02/2011 329.44
260-5519-455.33-33	08/27/2010	PUBLICATIONS/AUDIOVISUAL	52947427	276075 02/2011 8.97
260-5519-455.33-33	08/27/2010	PUBLICATIONS/AUDIOVISUAL	52947428	276075 02/2011 23.11
260-5519-455.33-33	08/27/2010	PUBLICATIONS/AUDIOVISUAL	52947429	276075 02/2011 534.00
260-5519-455.33-33	08/27/2010	PUBLICATIONS/AUDIOVISUAL	52947431	276075 02/2011 75.96
260-5519-455.33-33	08/27/2010	PUBLICATIONS/AUDIOVISUAL	52984051	276075 02/2011 9.00
260-5519-455.33-33	08/27/2010	PUBLICATIONS/AUDIOVISUAL	52984052	276075 02/2011 67.40
260-5519-455.33-33	08/27/2010	PUBLICATIONS/AUDIOVISUAL	53030665	276075 02/2011 29.75
260-5519-455.33-33	08/27/2010	PUBLICATIONS/AUDIOVISUAL	53030666	276075 02/2011 11.99
260-5519-455.33-33	08/27/2010	PUBLICATIONS/AUDIOVISUAL	53030667	276075 02/2011 838.13
260-5519-455.33-33	08/27/2010	PUBLICATIONS/AUDIOVISUAL	53030672	276075 02/2011 29.50
260-5519-455.33-33	08/27/2010	PUBLICATIONS/AUDIOVISUAL	53030673	276075 02/2011 58.93
260-5519-455.33-33	08/27/2010	PUBLICATIONS/AUDIOVISUAL	53030674	276075 02/2011 8.97
260-5519-455.33-33	08/27/2010	PUBLICATIONS/AUDIOVISUAL	53041932	276075 02/2011 169.04
260-5519-455.33-33	08/27/2010	PUBLICATIONS/AUDIOVISUAL	53041933	276075 02/2011 105.02
260-5519-455.33-33	08/27/2010	PUBLICATIONS/AUDIOVISUAL	53064091	276075 02/2011 9.57
260-5519-455.33-33	08/27/2010	PUBLICATIONS/AUDIOVISUAL	53064092	276075 02/2011 15.93
260-5519-455.33-33	08/27/2010	PUBLICATIONS/AUDIOVISUAL	53077258	276075 02/2011 104.94
260-5519-455.33-33	08/27/2010	PUBLICATIONS/AUDIOVISUAL	53118511	276075 02/2011 71.99
260-5519-455.33-33	08/27/2010	PUBLICATIONS/AUDIOVISUAL	53118512	276075 02/2011 25.45
260-5519-455.33-33	08/27/2010	PUBLICATIONS/AUDIOVISUAL	53223862	276075 02/2011 21.99
260-5519-455.33-33	08/27/2010	PUBLICATIONS/AUDIOVISUAL	53223863	276075 02/2011 284.07
260-5519-455.33-33	08/27/2010	PUBLICATIONS/AUDIOVISUAL	53223864	276075 02/2011 84.25
260-5519-455.33-33	08/27/2010	PUBLICATIONS/AUDIOVISUAL	53223865	276075 02/2011 13.17
260-5519-455.33-33	08/27/2010	PUBLICATIONS/AUDIOVISUAL	53223866	276075 02/2011 18.00
260-5519-455.33-33	08/27/2010	PUBLICATIONS/AUDIOVISUAL	53223867	276075 02/2011 8.97
260-5519-455.33-33	08/27/2010	PUBLICATIONS/AUDIOVISUAL	53223868	276075 02/2011 104.42
260-5519-455.33-33	08/27/2010	PUBLICATIONS/AUDIOVISUAL	53223869	276075 02/2011 61.30
260-5519-455.33-33	08/27/2010	PUBLICATIONS/AUDIOVISUAL	53223870	276075 02/2011 504.04
260-5519-455.33-33	08/27/2010	PUBLICATIONS/AUDIOVISUAL	53223872	276075 02/2011 24.87
260-5519-455.33-33	08/27/2010	PUBLICATIONS/AUDIOVISUAL	53223873	276075 02/2011 15.33
260-5519-455.33-33	08/27/2010	PUBLICATIONS/AUDIOVISUAL	53223874	276075 02/2011 8.39
09/03/2010	736641	JTL GROUP INC DBA KNIFE RIVER	2417	
503-7391-602.93-40	08/31/2010	WO1003 2010 ST MAINT PRGM	3	272598 02/2011 3,643.66
09/03/2010	736642	KENNEDY & GRAVEN CHARTERED	20245	
568-7123-476.55-10	09/02/2010	MISC SERVICES	072810	277712 03/2011 12,000.00
09/03/2010	736646	LESMAN IRON WORKS	2156	
541-3123-435.22-90	08/30/2010	REPAIR ON CONTAINER SITE	29284	277449 02/2011 3,589.00
09/03/2010	736648	M-B CO INC OF WISCONSIN	2235	
561-7113-711.23-20	08/31/2010	MISC SERVICES	147796	276507 02/2011 4,835.69

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
09/03/2010	736667	NATALIE GOULDING	9991386			3,019.95	
830-1572-479.78-20	08/31/2010	REFUND SID 1386 A08367	A08367		02/2011	3,019.95	
09/03/2010	736671	NORTHWESTERN ENERGY	15771			235,650.73	
502-7314-602.34-10	08/24/2010	MISC SERVICES	01006063	AUG10	277501 02/2011	5,333.48	
502-7400-603.34-10	08/24/2010	MISC SERVICES	01006063	AUG10	277501 02/2011	133,337.12	
502-7400-603.34-10	08/24/2010	MISC SERVICES	01006063	AUG10	277501 02/2011	35,556.56	
512-8314-622.34-10	08/24/2010	MISC SERVICES	01006063	AUG10	277501 02/2011	3,555.66	
260-5512-455.34-10	08/26/2010	ELECTRIC USAGE	100467-0	9/10	F11483 02/2011	11,131.61	
502-7400-603.34-10	08/30/2010	MISC SERVICES	01005404	AUG10	277627 02/2011	7,000.69	
502-7400-603.34-10	08/30/2010	MISC SERVICES	01005404	AUG10	277627 02/2011	7,000.69	
561-7112-711.34-10	08/30/2010	0100482-9	083010		F11491 02/2011	28,603.29	
10-5141-436.34-10	09/02/2010	NW PARK/REC/PL	07125396		03/2011	57.32	
10-5126-451.34-10	09/02/2010	NW PARK/REC/PL	07208416		03/2011	1,086.39	
10-5112-452.34-10	09/02/2010	NW PARK/REC/PL	07222565		03/2011	195.78	
10-5112-452.34-10	09/02/2010	NW PARK/REC/PL	07222581		03/2011	9.58	
10-5112-452.34-10	09/02/2010	NW PARK/REC/PL	07222599		03/2011	25.49	
10-5112-452.34-10	09/02/2010	NW PARK/REC/PL	07222722	50%	03/2011	8.80	
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DATE RANGE TOTAL *						1,149,838.86 *	

Regular City Council Meeting

Date: 09/27/2010

TITLE: Public Hearing for the FY2009-2010 Draft Comprehensive Annual Performance Evaluation Report (CAPER) Community Development Block Grant (CDBG) and HOME

PRESENTED BY: Brenda Beckett, Community Development Manager

Department: Planning & Community Services

Information

PROBLEM/ISSUE STATEMENT

Each year the City of Billings is required to report on the results of its federally funded CDBG and HOME programs and submit a report to HUD within 90 days of the end of the program year, June 30, 2010. As part of this report process, the City of Billings must make the report available for public comment for a minimum 15-day period and hold a public hearing on this performance during this period. The public hearing will be undertaken in conjunction with the public review and comment period extending from September 10 through September 27, 2010. A notice of the availability of the draft report has been published and provided to community partners. No further action is required.

ALTERNATIVES ANALYZED

Alternatives to the public hearing, which is required for receipt of federal CDBG and HOME funds, have not been considered.

FINANCIAL IMPACT

The Annual Performance Report reports on the City's progress in achieving the goals of its Five Year Consolidated Plan. The period covered by this year's report represents progress under the City's Five Year Consolidated Plan for fiscal years 2005-2009. The City received \$711,449 in new federal CDBG funding and \$538,612 in new HOME funding for FY2009-2010 activities. The City also received an additional \$190,430 in stimulus funds through the American Recovery and Reinvestment Act of 2009 for weatherization activities.

RECOMMENDATION

Staff recommends that Council hold a public hearing on September 27, 2010, to receive input on the City's Draft Comprehensive Annual Performance Evaluation Report available for public comment beginning September 10 through September 27, 2010. No further action is required.

APPROVED BY CITY ADMINISTRATOR

Attachments

Draft FY2009-2010 Comprehensive Annual Performance Evaluation Report

HUD Form SF272 - CDBG

HUD Form SF272 - HOME



**COMPREHENSIVE ANNUAL PERFORMANCE &
EVALUATION REPORT
FY 2009-2010 CDBG & HOME PROGRAMS**



Community Development Division

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Web: www.ci.billings.mt.us

DUNS#: 194782780

September 2010

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Introduction

Presented herein is the City of Billings FY 2009-2010 Comprehensive Annual Performance and Evaluation Report (CAPER) for the City's federally funded Community Development Block Grant (CDBG) and Home Investment Partnership Programs (HOME). The FY 2009-2010 CAPER covers the period from July 1 to June 30 and reports on the City of Billings' progress in meeting the goals established in the FY 2005-2009 Consolidated Plan. The City's Consolidated Plan is a strategic planning document that identifies housing and community development needs and proposes strategies to address those needs with available resources.

The Consolidated Plan initiative of the U.S. Department of Housing & Urban Development (HUD) combines the planning, application and reporting requirements of the Community Development Block Grant (CDBG) and Home Investment Partnership (HOME) Programs. Although the Consolidated Plan initiative also covers the Emergency Shelter Grant Program and Housing Opportunities for Persons with AIDS Program, the City of Billings is not an Entitlement City or Participating Jurisdiction for these programs and, as such, strategies for these programs are not included in the City's Consolidated Plan. Consolidated Plans are also submitted by the cities of Great Falls and Missoula and by the State of Montana. The State's Plan covers areas of Montana, outside Billings, Great Falls, and Missoula.

The consolidation of the submission and reporting requirements for the CDBG and HOME Programs allows the City of Billings to report on its various housing and community development activities in an effective and coordinated manner. It also reduces the duplication of effort for planning and reporting for these programs and affords the opportunity for citizen participation on the CDBG and HOME Programs to take place in a comprehensive context. The CDBG, HOME, McKinney, and HOPWA programs covered by the Consolidated Plan must primarily benefit low and moderate-income persons and are intended nationally to provide decent housing, a suitable living environment, and expand economic opportunities for lower-income individuals.

The needs and strategies described in the City of Billings Consolidated Plan outline a specific course of action for the community's housing and community development activities. The City's Consolidated Plan sets forth goals and objectives that are used to measure progress in achieving the strategies described in the plan. The CAPER provides a report on the City's progress in meeting these goals and objectives.

The structure and content of the Consolidated Plan and this CAPER are based on specific requirements of HUD. Many terms used in this document are specific to the CAPER process and HUD Programs, and the reader should consult the City of Billings Community Development Office for assistance.

Summary of FY 2005-2009 Consolidated Plan

The Billings City Council approved the FY 2005-2009 Consolidated Plan on May 9, 2005. The development process included the completion of the *Billings Housing Needs Assessment* completed by the Center for Applied Economic Research, Montana State University-Billings in January of 2005. The *Billings Housing Needs Assessment* highlighted: 1) the affordability of housing; 2) the condition of the housing stock; and 3) demographic trends related to elderly / disabled households. Study results of the needs assessment formed the basis for the development of the strategies for the Consolidated Plan. The Executive Summary for the City's FY 2005-2009 Consolidated Plan is attached in the Appendices.

The following five strategies are proposed by the City of Billings in its FY 2005-2009 Consolidated Plan to address the housing and community development needs in Billings:

Strategy #1

Promote the preservation of the existing supply of affordable housing in the community by:

- Providing affordable financing to allow low and moderate-income homeowners to perform needed repairs to their homes;
- Providing affordable financing to encourage rehabilitation of multi-family units affordable to lower-income residents in the community; and,
- Reducing the loss of existing standard housing units affordable to lower-income households due to redevelopment activities.

Strategy #2

Promote the preservation and revitalization of the community's older neighborhoods where the affordable housing stock is located by:

- Preserving the housing stock in older lower-income neighborhoods;
- Providing incentives to encourage development of vacant lots and redevelopment of substandard properties in lower-income neighborhoods;
- Supporting activities that provide amenities and address infrastructure needs of older lower-income neighborhoods; and,
- Supporting efforts of residents of lower-income neighborhoods to work together to address needs and respond to opportunities.

Strategy #3

Promote new affordable housing opportunities by:

- Encouraging the development of new affordable single, multi-family, and special needs housing in the community through private developers and non-profits; and,
- Promoting homeownership.

Strategy #4

Work as an active partner with non-profits, neighborhood groups, and others to address housing, community, and neighborhood needs by:

- Encouraging housing and community development organizations to work together to build strong community structures to better address needs and to respond to opportunities; and,
- Supporting activities that promote fair housing and increase awareness of the rights and responsibilities of protected classes.

Strategy #5

Improve the economic conditions of lower-income households in the community by:

- Supporting efforts of community organizations to address the human service needs of lower-income residents of the community in general and our lower-income neighborhoods in particular; and,
- Supporting the efforts of economic development and non-profit agencies to undertake strategies that will result in job training and employment opportunities for lower-income households.

Specific actions for each of these strategies for Fiscal Years FY 2005 through FY 2009 are described in detail in Section II along with the City's progress in FY 2009-2010 in meeting the five-year goals and objectives that were established. The complete FY 2005-2009 Consolidated Plan can be viewed [online](#). Other reports online include the [Billings Housing Needs Assessment](#) and the [Analysis of Impediments to Fair Housing Choice](#).

The Billings Housing Needs Assessment and the City's FY 2005-2009 Consolidated Plan are available by contacting the Community Development Division at the address below:

Community Development Division, City of Billings
P.O. Box 1178, Billings, MT 59103
Phone: 406-657-8281, TTY Users: 711

Substandard Housing Definition

For the purposes of this report, substandard condition of housing is defined by the City of Billings as properties requiring more than \$20,000 in funding to complete all required code related improvements to the property. Substandard condition but suitable for rehab would be those properties where \$20,000 invested would address all safety hazard conditions and related items associated with the house within primary systems ranging from electrical, plumbing, heating, roofing, and foundation repairs.

SECTION II: FY 2009-2010 ACCOMPLISHMENTS

The City of Billings' FY 2005-2009 Consolidated Plan consists of five strategies to utilize CDBG and HOME resources to address Billings' housing and community development needs. These five strategies and the City's goals and objectives to undertake each strategy are identified below followed by the City of Billings' accomplishments and progress in FY 2009-2010 in meeting the goals and objectives that are established.

FFY 2009-2010 ANNUAL PLAN			
Strategy #1 - Promote the preservation of the existing supply of affordable housing in the community.			
Objective	Implementation Plan	2009-2010 Goals	2009-2010 Accomplishments
Provide affordable financing to lower income homeowners to perform needed repairs.	Complete substantial rehabilitation through the Housing Rehabilitation Loan Program.	Housing Rehab: 15 homes CDBG-R Weatherization: 9 homes	Substantial rehabilitation work was completed to 12 homes in the community with the CDBG Housing Rehabilitation Loan Program. Nine additional homes received CDBG-R funding to make extensive weatherization improvements to their homes.
	Complete minor rehabilitation work through the Minor Home Repair Program.	15 homes	Even though the Minor Home Repair program received no new funding in the program this fiscal year, minor home repairs were completed in 14 homes.
	Provide funding for single purpose rehabilitation projects targeted to elderly and special needs lower income homeowners. Providing funding to organizations increases the total leveraged funding available for repair programs.	Assist with repairs for the elderly and disabled by working with non-profit organizations such as: LIFTT (7 ramps) and Rebuilding Together (4 homes).	Funding was provided to LIFTT which resulted in the construction of 3 new ramps and home modifications for disabled homeowners. Rebuilding Together completed 4 projects this year for the elderly and disabled utilizing CDBG funding. The organization completed 11 total projects during their fiscal year, October 1 through September 30. Eight of the projects were located in Billings, 1 project in Worden and 1 in Laurel.
	Pursue grant and private funding to support activities that increase resources available for housing rehabilitation activities.	Staff support & coordination to Rebuilding Together and other organizations performing rehabilitation.	The City of Billings continues to coordinate housing rehabilitation activities with organizations such as Rebuilding Together. Billings continued to implement the new Low Interest Loan established in June 2002 through a partnership with Wells Fargo. Since this program was not utilized, the loan was repaid in 2009. The City continues to pursue additional resources for affordable financing for home repairs.

<p>Provide affordable financing to rehabilitate rental units affordable to lower income residents.</p>	<p>Complete substantial rehabilitation work to rental units for occupancy by lower income, elderly and special needs households through the Affordable Housing Development Program.</p>	<p>5 rental units</p>	<p>The revised Rental Rehab Program was adopted by the City in the fall of 2003 and funding remained available for use until December 31, 2009. This program was integrated with the Affordable Housing Development program in order to strengthen programming and procedures.</p>
<p>Reduce the loss of existing standard housing units affordable to lower income households due to redevelopment activities.</p>	<p>Continue to work with organizations involved with redevelopment activities to promote the preservation of the existing supply of affordable housing and to mitigate the effects of demolition or conversion when it does occur.</p>	<p>Continue working with the Affordable Housing Task Force to continue work on housing guidelines.</p>	<p>The Affordable Housing Task Force met monthly this fiscal year and has worked on identifying regulatory barriers affecting affordable housing development in Billings.</p>
<p>Utilize the State of Montana's Neighborhood Stabilization Program (NSP).</p>	<p>Pursue project opportunities to utilize the NSP program to purchase and renovate homes that have been abandoned and foreclosed.</p>	<p>5 homes</p>	<p>The City of Billings' application to the Montana Department of Commerce (MDOC) for NSP funding was approved in January 2010. City staff reviewed 7 qualified vacant, foreclosed homes for purchase and closed on 3 homes located in low-income neighborhoods. The City's cumulative grant award from the MDOC to facilitate acquisition and rehabilitation of these homes is \$555,665.</p>

Strategy #2 - Promote the preservation and revitalization of the community's older neighborhoods where the affordable housing stock is located.

<i>Objective</i>	<i>Implementation Plan</i>	<i>2009-2010 Goals</i>	<i>2009-2010 Accomplishments</i>
Preserve the housing stock in older lower income neighborhoods.	See also implementation plan for strategy #1.	-	-
	Support house painting program for lower income homeowners.	5 homes	The Paint Program was rejuvenated in 2004 after being suspended due to lack of volunteers and lead based paint program requirements. This program remained funded until December 31, 2008. The program was redesigned for implementation in FY2009-2010 in order to offer the program to lead-positive properties, utilizing lead-safe contractors to perform the work. This year, 6 households were assisted through this program.
	Support Tree Program to remove and replace diseased or dangerous trees for lower income homeowners.	6 trees through public service activity	Although this activity did not receive new funding in FY2009-2010, 13 individuals were assisted with the removal of dangerous trees during the program year.
	Support activities that help preserve historic properties.	Support annual Yellowstone Historic Preservation Board work plan.	The historic preservation work plan has been updated and completed this fiscal year and is available at the City of Billings' Planning Division.
Provide incentives to encourage development of vacant lots and redevelopment of substandard properties in lower income neighborhoods.	See also implementation plan for strategy #3.	-	-
	Provide support for the Affordable Housing Task Force to make recommendations for a developer incentive program in conjunction with the Planning Department's Smart Growth initiative.	The Affordable Housing Task Force will review incentive programs for infill and affordable housing development.	The Affordable Housing Task Force meets on a monthly basis to report on housing market conditions and recommends strategies to the City on programs. The Workforce Housing Committee finalized recommendations last fiscal year and is expected to implement affordable housing development strategies.

Support activities that provide amenities and address the infrastructure needs of older lower income neighborhoods.	Support planned neighborhood improvements included in City's Capital Improvement Plan (CIP).	Implement City's FY2009-2010 CIP and projects funded through CDBG.	Funding for an accessible bathroom for the Skate Park has been retained and reviewed by the City Council this fiscal year. The project is expected to be complete by March of 2011.
	Provide Special Assessment Grants for lower income households to help pay for Special Improvement District Assessments (SIDs) resulting from the City's public improvement projects.	30 homeowners	Special Assessment Grants were provided to 5 low-income homeowner to pay for special assessments resulting from infrastructure development. The number of assisted homes varies from year to year as improvements are made within Special Improvement Districts in low-income areas.
	Encourage the redevelopment of the South 27 th Street Corridor.	Complete one new redevelopment project (500, 700 and 1000 blocks of South 27 th Street).	The City of Billings has facilitated several projects through land sales, swap, and donation for the redevelopment of the 27 th Street Corridor including: - A new Northern Plains Resource Council building. - A new MTS building. - Expansion of the RiverStone Health building. - Donation of land for Southern Lights, an affordable housing development.
	Encourage the implementation of the Heritage Trail Bike Plan in lower income areas in conjunction with the Healthy Communities "Built Environment" initiative.	Plan and seek funding for needed improvements in task force neighborhoods.	Neighborhood Plans were completed for several neighborhoods. Completed plans can be viewed online . Due to budget constraints, no further neighborhood planning projects was undertaken in 2008, 2009 or 2010.
	Promote historic preservation activities in a coordinated manner through Historic Preservation Organizations.	Support annual Yellowstone Historic Preservation Board work plan.	Historic preservation activities completed during the program year through the activities of the Yellowstone Historic Preservation Board (YHPB) include: - Completed the development of a draft amendment to the existing Billings Historic Preservation Ordinance.

<p>Support activities that provide amenities and address the infrastructure needs of older lower income neighborhoods, continued.</p>	<p>Promote historic preservation activities in a coordinated manner through Historic Preservation Organizations, continued.</p>	<p>Support annual Yellowstone Historic Preservation Board work plan, continued.</p>	<ul style="list-style-type: none"> - Assisted the North Elevation Task Force in the development of a Historic Residential District. - Completed historic review of the Old Town Neighborhood - a proposed historic district adjacent to the Montana Avenue Historic District, south of the railroad tracks along Minnesota Avenue. - Reviewed 15 CDBG Housing Rehabilitation projects for compliance with impacts on possible historic resources. - Completed an initial survey of agricultural structures (barns) in Yellowstone County was completed. - Completion and distribution of a Historic Downtown Banner Brochure. - Hosted the annual Yellowstone Historic Preservation Board Roundtable. This annual event presents two awards, one for Best Practices in historic preservation projects and the Eugene Carroll award to an individual who has contributed to local historic preservation. - Completed State Historic Preservation Office review of the local Certified Local Government (CLG) program, which occurs every 3 years. The YHPB CLG received an excellent review rating.
<p>Support efforts of residents of lower income neighborhoods to work together to address needs and respond to opportunities.</p>	<p>Support Neighborhood Planning efforts and provide on-going support for monthly task force meetings.</p>	<p>Staff support for newsletter monthly mailings.</p>	<p>The Billings City Council continued to provide \$12,000 in City General Funds to help support the activities of existing task forces. The City of Billings provided staff support for the Adjacent Neighborhood Committee. The committee meets bi-monthly to provide a forum for representatives of the City's neighborhood groups to identify and address problems and share concerns.</p>
<p>Utilize the State of Montana's Neighborhood Stabilization Program (NSP).</p>	<p>Pursue project opportunities to utilize the NSP program to demolish units built prior to 1978 requiring more than \$25,000 in rehabilitation.</p>	<p>3 homes</p>	<p>Demolition activities were not supported during the implementation of NSP due to the federal requirement to ensure 25% of the beneficiaries were households with less than 50% of the area median income. Demolition projects may result in the report of beneficiaries several years after completion, and not prior to federal deadlines.</p>

Strategy #3 - Promote new affordable housing opportunities.

<i>Objective</i>	<i>Implementation Plan</i>	<i>2009-2010 Goals</i>	<i>2009-2010 Accomplishments</i>
<p>Encourage the development of new affordable single family, and multi-family, special needs housing in the community through private developers and non-profits.</p>	<p>Provide funding through the Affordable Housing Development Program to encourage the development of new affordable housing in the community emphasizing new / converted:</p> <ul style="list-style-type: none"> - Elderly & Disabled housing - Special needs housing - Housing in lower income neighborhoods (Strategy #2) - Housing for very low and extremely low-income renters 	<p align="center">20 units</p>	<p>The City supported a Community Housing Development Organization (CHDO) application from homeWORD to facilitate a new project. Funding has been secured for a Pre-Development Loan (\$25,000), including an additional \$243,000 in CHDO Reserve funding for the project.</p> <p>The Housing Authority of Billings also applied for and was awarded CDBG funding for site development and infrastructure for Lake Elmo Subdivision (\$262,000). This is a large scale subdivision (Whitetail Square), and the first phase has been named “Whitetail Run”. This phase includes 32 multi-family units in 8 buildings.</p> <p>The City put forth a Request for Proposals for funding garnered from the Montana Department of Public Health and Human Services and a federal HUD Economic Development Initiative appropriation. Funding was awarded to Interfaith Hospitality Network to acquire and rehabilitate 4 new units (two duplexes) of affordable housing for homeless families. The units will be managed utilizing a “Housing First” model, and the families will be housed and then services will follow to support education, job training, healthcare, treatment, employment, financial literacy and asset development. The units were fully occupied in January 2010.</p> <p>Funds were awarded to homeWORD (a CHDO) for the construction of Southern Lights, which resulted in the addition of 20 rental units targeted for 30-50% of the area median income population.</p>

<p>Encourage the development of new affordable single family, and multi-family, special needs housing in the community through private developers and non-profits, continued.</p>	<p>Provide funding through the Affordable Housing Development Program to encourage the development of new affordable housing in the community emphasizing new / converted, continued.</p>	<p>20 units, continued.</p>	<p>Irma House was awarded funds for construction of a transitional housing shelter for 6 men transitioning from substance abuse treatment into their former living environment. This project was completed in FY 2008-2009.</p> <p>Volunteers of America – Magic City Terrace project was completed in FY06-07 and resulted in 85 new units for the elderly. Habitat for Humanity has completed 8 single-family homes assisted with CDBG funding. HOME assistance was provided to subsidize 8 homes at Community Leadership Development’s Chrysalis Acres. Six of the 17 homes completed are HOME-assisted units.</p>
<p>Promote homeownership.</p>	<p>Provide capacity building and funding to Community Development Housing Development Organizations (CHDOs) to undertake activities to meet priority affordable housing needs.</p>	<p>10 units</p>	<p>The City supported a Community Housing Development Organization (CHDO) application from homeWORD to facilitate a new project. Funding has been secured for a Pre-Development Loan (\$25,000), including an additional \$243,000 in CHDO Reserve funding for the project.</p>
	<p>Complete Phase II & III of the Kings Green Affordable Housing Project.</p>	<p>14 units Complete Phase III of Kings Green, utilize the Affordable Housing Task Force to make recommendations regarding infrastructure development post Phase III.</p>	<p>Phase III of the Kings Green Subdivision infrastructure development was completed last fiscal year. This phase is expected to result in 14 new single-family homes, 7 of which were fully constructed and occupied this program year.</p> <p>The City of Billings completed Phase II of the King’s Green development in 2008. Fourteen single-family homes were built and sold to low to moderate income families. Phase I created 10 single-family units for ownership by low – moderate income households. 31 units have been completed to date, and 7 additional units are expected to be completed in FY10-11. There are 10 lots remaining in this subdivision for development.</p>
	<p>Work to address loss of mobile / manufactured housing affordable to lower income households. Work with Affordable Housing Task Force to identify and address barriers to affordable housing and to encourage infill development.</p>	<p>Establish work groups through the Affordable Housing Task Force to study & make recommendations for housing options.</p>	<p>The Affordable Housing Task Force met monthly this fiscal year and has worked on identifying regulatory barriers affecting affordable housing development in Billings.</p>

Promote homeownership, continued.	Support activities of the Housing Authority of Billings (HAB) and other assisted housing providers to meet the needs of very low-income households.	Support implementation of HAB's 5-Year Plan.	<p>The City is committed to supporting the implementation of their Five-Year Plan. The Housing Authority of Billings (HAB) is also represented on the Affordable Housing Task Force and other City committees.</p> <p>Assistance provided to the HAB included the completion of environmental reviews for the following:</p> <ul style="list-style-type: none"> - Capital Improvement Fund Plan for FY2010-2014. - State HOME TCAP funding for the construction of housing units at Whitetail Run. - Improvements resulting in American Recovery and Reinvestment Act stimulus funding to install new hot water heaters, conduct a physical assessment and install new siding. <p>Other assistance to the HAB includes the provision of funding for the following projects:</p> <ul style="list-style-type: none"> - \$300,000 to Westchester Square, 3 units (one duplex, one single-family) designed and constructed utilizing universal design methods. - \$262,000 for the development of infrastructure for Whitetail Square Subdivision.
	Assist lower income households achieve home ownership through the City's First Time Homebuyer program in partnership with Montana Board of Housing (MBOH).	50 homebuyers & \$4 million in set aside financing.	<p>Assistance was provided to 46 low and moderate-income individuals to help them achieve home ownership during the program year through the City's First Time Homebuyer (FTHB) with HOME and CDBG funding.</p> <p>From July 1, 2009 through June 30, 2010, Montana Board of Housing provided \$1,797,540 in funds for 16 mortgage loans to programs in the Billings First Time Home Buyer programs.</p> <p>The average household income of those receiving these loans was \$29,135.</p> <p>The Montana Board of Housing has financed, since beginning to work with the City of Billings years ago, 484 loans for a total of \$37,241,723 in leveraged funding.</p>

	Assist low- to moderate-income households achieve homeownership and provide for long-term energy efficiency and conservation by utilizing CDBG-R funding for a new acquisition / energy upgrades program.	7 households	Down payment assistance was provided to 4 homeowners through CDBG-R funding, which was awarded to the City through the American Recovery and Reinvestment Act. All 4 of these homeowners, in addition to 5 other recent FTHB recipients, were able to complete up to \$15,000 in energy-efficiency repairs to the homes to ensure long-term affordability. Nine total households were assisted with this program.
Promote homeownership, continued.	Support homebuyer education in partnership with Montana Homeownership Network.	150 households	261 households have participated in homebuyer education programs this fiscal year through homeWORD. HRDC7 was also a partner this year in the Montana Homeownership Network and provided one-on-one housing counseling in the following categories: pre-purchase; delinquency / foreclosure; HECM; and rental counseling.
	Support Billings Partners for American Indian Homeownership effort to increase homeownership rates for American Indians and other minorities in the community.	Implementation of partnership goals to increase the homeownership rate for American Indians in Billings.	The Billings Partners for American Indian Homeownership has continued its outreach activities to address American Indian Homeownership. The Partners will continue to hold events that disburse information on home ownership.
Utilize the State of Montana's Neighborhood Stabilization Program (NSP).	Provide land banking opportunities for lots where homes have been demolished for non-profit organizations.	3 lots	Land banking opportunities have been limited through NSP due to the mandate to ensure 25% of beneficiaries have household incomes of 50% or less of the area median income. Efforts were put towards acquisition and rehabilitation of vacant, foreclosed homes.

Strategy #4 - Work as an active partner with non-profits, neighborhood groups, and others to address housing & community development needs.

Objective	Implementation Plan	2009-2010 Goals	2009-2010 Accomplishments
Encourage housing & community and development organizations to work together to build strong community structures to better address needs and respond to opportunities.	Sponsor the Affordable Housing Task Force which brings together organizations such as the Housing Authority of Billings, Habitat for Humanity, HRDC, Big Sky EDA, homeWORD, realtors and lenders to address affordable housing issues of common concerns.	Complete work on the strategic plan and implement the plan through subcommittees.	The Affordable Housing Task Force met monthly this fiscal year and has worked on identifying regulatory barriers affecting affordable housing development in Billings.
Encourage housing & community and development organizations to work together to build strong community structures to better address needs and respond to opportunities.	Sponsor the Adjacent Neighborhood Committee which brings together the City's neighborhood task forces and Downtown Billings Partnership.	Host bi-monthly meetings and provide staff support for task force initiatives.	The Adjacent Neighborhood Committee meets regularly to discuss neighborhood and other city issues.
	Support the activities of the Billings American Indian Homeownership Partnership which brings together approximately 20 organizations to increase the homeownership rate for American Indians.	Implementation of partnership goal to increase the homeownership rate for American Indians in Billings.	The City continues to support the Billings Partners for American Indian Homeownership (BPAIH). This partnership was renewed in August of 2003 after a period of inactivity and has become an active and successful advocate for housing for American Indians in the Billings area. The partnership offers Lunch and Learn sessions and other outreach efforts. According to HUD, the homeownership rate in Billings for American Indians has risen from 22% to 35% in recent years. A celebration of American Indian Homeownership was held in September 2007 and was attended by 25 individuals.
	Support Neighborhood Task Forces to identify and address neighborhood needs.	Complete neighborhood plans & support distribution of monthly newsletters.	Newsletter distribution for 7 neighborhood task forces is facilitated through the Community Development office and approximately 969 total newsletters were distributed monthly this fiscal year which resulted in 11,630 total newsletters.

Support activities and organizations promoting fair housing and increase awareness of the rights and responsibilities of protected classes.	Undertake fair housing activities in a coordinated manner with organizations with an interest in promoting fair housing.	Implement new strategies designed in response to the new 2007 Analysis of Impediments to Fair Housing Choice's FY2008-2012 Fair Housing Plan through the FY 2009-2010 Fair Housing Action Plan.	Fair housing strategies were undertaken through activities identified in the Consolidated Plan: <ul style="list-style-type: none"> - Staff facilitation and administration of fair housing initiatives and capacity-building efforts. Facilitating specific grant-writing activities to further local educational efforts. - Promoting fair housing choice for all persons and working to alleviate housing discrimination in Billings. - Promoting housing that is accessible / usable by persons with disabilities, and providing opportunities for all persons to live in any given housing development.
	Undertake fair housing activities in a coordinated manner with organizations with an interest in promoting fair housing, continued.	Facilitate partnerships to ensure an application for the Fair Housing Initiatives Program (FHIP) funding through HUD is put forth in 2009 for calendar year 2010, continued.	Capacity-building assistance has been facilitated for the Community Housing Resource Board for the organization to submit a FHIP application on behalf of the all community fair housing activities in 2009, which also was not funded. The City issued a Request for Proposals (RFP) in May 2010 to generate interest for a collective application, and one organization responded to the RFP. The City actively partners with organizations with an interest in fair housing and has facilitated several grant applications for the FHIP available competitively through HUD. The City was awarded this grant in 2006 for over \$93,000. In 2007 and 2008 grant awards were made for over \$99,000 for each year. An application was submitted for the FHIP grant in July 2008, but was not funded.
Support activities and organizations promoting fair housing and increase awareness of the rights and responsibilities of protected classes, continued.	Complete new Analysis of Impediments to Fair Housing Choice for the Billings community in 2007 and develop new a Fair Housing Plan for FY2008-2012.	Implement the five-year fair housing plan for 2008 to 2012, which is based on results of the Analysis of Impediments to Fair Housing Choice.	Fair housing needs and strategies have been identified in the new FY2010-2014 Consolidated Plan.

Strategy #5 - Improve the economic conditions of lower income households in the community.

<i>Objective</i>	<i>Implementation Plan</i>	<i>2009-2010 Goals</i>	<i>2009-2010 Accomplishments</i>
Support efforts of community organizations to address the human service needs of lower income residents of the community in general and lower income neighborhoods in particular.	Utilize up to 15% of CDBG funding for public service activities to improve the economic conditions of lower income households.	Continue to implement performance measures to determine impact of assisted activities.	The City of Billings provided the full 15% available in CDBG funding to public service activities ranging from Family Service, Inc. to the YWCA shelter for victims of domestic abuse. Performance measurements have been fully implemented as per HUD's new procedural requirements. Technical assistance training has been provided to sub-recipients to assist with the implementation of performance measurements.
	Provide funding for support services to address the needs of the homeless, elderly, and special needs populations.	Provide staff support for the new Mayor's Committee on Homelessness.	The Mayor's Committee on Homelessness began meeting on June 15, 2006 to develop a 10-year strategic plan to end chronic homelessness. The Community Development Division is spearheading this initiative, which includes participation from organizations involved with the Continuum of Care on a local and state level. The Billings City Council approved Welcome Home Billings, the City's ten-year plan to impact homelessness in October 2009. The City also hosted its fourth annual Project Homeless Connect event in January 2010, serving 577 individuals.
Support the efforts of economic development and non-profit agencies to undertake strategies that will result in job training and employment opportunities for lower income households.	Provide technical assistance to lower income households interested in starting or expanding an existing business.	Provide technical assistance to 100 lower income households.	An application for technical assistance was not submitted to the City for funding in FY2009-2010.
	Promote Hispanic American Homeownership	Provide staff support to establish new group to increase economic opportunities and homeownership for Hispanic Americans in Billings.	Staff support is offered to organizations seeking to further homeownership to minorities in the community on a continual basis. This support has been provided in recent years and has included design and printing of flyers to advertise events.
Utilize the State of Montana's Neighborhood Stabilization Program (NSP).	Purchase and rehabilitate an abandoned building downtown in order to provide housing and economic opportunities for low income households.	1 building	NSP funding has been utilized to purchase 3 vacant, foreclosed single-family units. Abandoned buildings were not identified in available property review this reporting period.

CITY ACCOMPLISHMENTS FOR FIVE YEAR CONSOLIDATED PLAN

Strategy	Objective	Unit Type	Goal	FY2005-2009 Con Plan					Total	Total - Goal
				05-06	06-07	07-08	08-09	09-10		
Preserve existing affordable housing.	Substantial Housing Rehabilitation	Housing Units	75	10	10	10	11	21	62	13
	Minor Home Repair	Housing Units	100	35	15	16	17	14	97	3
	Rehab - Ramps for the Disabled	Ramps - Housing Units	20	8	7	8	10	3	36	16
	Minor Home Repair for the Elderly	Housing Units	150	34	29	43	28	4	138	12
	Grant Funding to Support Rehab Activities	Housing Units	20	0	0	0	0	0	0	20
	Substantial Housing Rehab - Rental Units	Housing Units	50	4	2	0	0	0	6	44
	Housing Preservation / Demolition Response	Policy	1	0	0	0	1	0	1	0
Preserve housing stock in lower income neighborhoods.	House Painting Program	Housing Units	40	1	3	3	0	6	13	27
	Tree Program	Trees / Individuals	80	14	18	7	12	13	64	16
	Demolition Program	Properties	5	0	0	0	0	0	0	5
	Neighborhood Improvements	CIP Implemented	5	1	1	1	1	1	5	0
	Special Assessment Grants	Housing Units	100	10	5	1	2	5	23	77
	Redevelopment 27th Street Corridor	Redevelopment Projects	3	0	0	0	0	0	0	3
	Neighborhood Plans	Plans	-	1	2	2	0	0	5	-
	Heritage Trail Bike Plan	Projects	2	2	1	3	0	0	6	4
	Historic Preservation Activities	Annual Work Plan	5	1	1	1	1	1	5	0
New affordable housing.	New Housing Units	Housing Units	100	12	91	0	84	32	219	119
	CHDO Housing Units	Housing Units	50	6	0	20	0	0	26	24
	Phases I, II and III Kings Green	Housing Units	25	0	0	14	0	7	21	4
	Manufactured / Mobile Housing	Policy	1	0	0	1	0	0	1	0
	Housing Authority of Billings	5 Year Plan	1	0	0	0	0	1	1	0
	First Time Homebuyers	Households	125	44	34	59	35	50	222	97
	First Time Homebuyers - MBOH Set-Aside	Households	125	39	40	35	23	16	153	28
	Homebuyer Education	Households	750	234	288	282	260	261	1,325	575
	Billings Partners American Indian Homeownership	Monthly Meetings	60	12	12	12	12	12	60	0
		Homeownership Rate	-	27%	-	35%	-	-	-	-
Active partner to address housing & community development needs.	Affordable Housing Task Force	Work Plan - Years	5	1	1	1	1	1	5	0
	Adjacent Neighborhood Committee	Bi-monthly Meetings	30	6	6	6	6	6	30	0
	Analysis of Impediments to Fair Housing Choice	Analysis / Plan	1	0	0	1	0	1	2	1
	Task Force Support	Newsletters		17,400	15,516	16,596	17,052	11,630	78,194	78,194
	Fair Housing Initiatives Grant Applications	Grants	5	1	1	1	1	0	4	1
Improve economic conditions of lower income households.	Public Service Performance Measurements	Policy	1	0	0	1	0	0	1	0
	Technical Assistance - Business Center	Households	500	406	93	135	104	0	738	238

Introduction

The following narrative information is required by CDBG and HOME program regulations to be included in the City's Comprehensive Annual Performance and Evaluation Report (CAPER). The information provided is for FY 2009-2010 reporting period beginning July 1 and ending June 30.

Assessment of Efforts to Implement Plans

The City of Billings is required to assess efforts to carry out planned actions described in the Annual Action Plan for the most recent completed year, in addition to reporting on overall progress made on the five year Consolidated Plan. The City of Billings has met many of the goals established in the five year Consolidated Plan. Projects funded with CDBG and HOME resources can be viewed in Attachment A – Housing and Neighborhood and Public Services Project Summaries. FY 2009-2010 represented the City's progress in meeting the five-year goals established in the FY 2005-2009 Consolidated Plan for use of federal Housing and Community resources in Billings.

Challenges faced by the City in achieving its five-year goals in FY 2009-2010 continue to include limited federal funding and the rising housing costs in Billings, which has decreased the availability of affordable housing for lower-income households. The affordable housing goals have also been impacted by redevelopment activities that have resulted in the loss of affordable housing in our community. Policy recommendations following the five-year analysis of achievements include the following:

- **Focus funding and staff efforts on strong, core programs:** The City of Billings has had many programs which were underutilized over the past five years and very strong core programs, which should be continued and strengthened. Staff recommends planning to match capacity and focusing on core programs, including:
 - Housing Rehabilitation
 - Minor Home Repair
 - First Time Homebuyer
 - Special Assessment Grants
 - Affordable Housing Development
- **Integrate underutilized programs:**
 - Demolition
 - Rental Rehabilitation
 - Grants for Housing Rehabilitation
- **Implement policy recommendations:**
 - One-for-One replacement for all housing demolition.
 - Partner with community organizations with initiatives supporting the Consolidated Plan, including the Housing Authority of Billings, the City-County Planning Division, HRDC District 7 and NeighborWorks Montana.
 - Streamline reporting for sub-recipients and internal programs, lessening reporting burden and increasing value of outcomes.

ASSESSMENT OF CITY ACCOMPLISHMENTS FOR FIVE YEAR CONSOLIDATED PLAN

Strategy	Objective	Unit Type	Goal	Total	Total - Goal	Notes / Recommendations for Next Five-Year Consolidated Plan
Preserve existing affordable housing.	Substantial Housing Rehab - Homeowner Occupied	Housing Units	75	62	13	50 Housing Rehab Units
	Minor Home Repair	Housing Units	100	97	3	100 Minor Home Repair Units
	Rehab - Ramps for the Disabled	Ramps - Housing Units	20	36	16	30 Ramps
	Minor Home Repair for the Elderly	Housing Units	150	138	12	150 Minor Home Repair for the Elderly / Disabled
	Grant Funding to Support Rehab Activities	Housing Units	20	0	20	Integrate with Affordable Housing Development Program
	Substantial Housing Rehab - Rental Units	Housing Units	50	6	44	Integrate with Affordable Housing Development Program
Preserve housing stock in lower income neighborhoods.	Housing Preservation / Demolition Response	Policy	1	1	0	Implement one-for-one replacement policy for all programs
	House Painting Program	Housing Units	40	13	27	10 house painting projects
	Tree Program	Trees / Individuals	80	64	16	50 tree projects, measurements must be recorded by "individuals" served via Public Service activity
	Demolition Program	Properties	5	0	5	Integrate with Affordable Housing Development Program
	Neighborhood Improvements	CIP Implemented	5	5	0	Continue to support neighborhood initiatives built into CIP
	Special Assessment Grants	Housing Units	100	23	77	20 Special Assessment Grants
	Redevelopment 27th St. Corridor	Redevelop. Projects	3	0	3	Marketing plan for land sale
	Neighborhood Plans	Plans	-	5	-	Resources do not support initiative
New affordable housing.	Heritage Trail Bike Plan	Projects	2	6	4	Support alternative modes through Planning Division
	Historic Preservation Activities	Annual Work Plan	5	5	0	Support Yellowstone Historic Preservation Board through Planning Division
	New Housing Units	Housing Units	100	219	119	100 Units
	CHDO Housing Units	Housing Units	50	26	24	Meet commitment and expenditure deadlines for CHDO projects
	Phases I, II and III Kings Green	Housing Units	25	21	4	Complete Kings Green Phases III and IV
	Manufactured / Mobile Housing	Policy	1	1	0	Support efforts of HRDC District 7 and NeighborWorks Montana, continue Minor Home Repair for mobiles
	Housing Authority of Billings	5 Year Plan	1	1	0	Support efforts of Housing Authority of Billings
	First Time Homebuyers	Households	125	222	97	175 First Time Homebuyers
	First Time Homebuyers - MBOH Set-Aside	Households	125	153	28	Measure funding dedicated to project and / or number households
	Homebuyer Education	Households	750	1,325	575	1,000 participants in homebuyer education
Active partner to address housing & community development needs.	Billings Partners American Indian Homeownership (BPAIH)	Monthly Meetings	60	60	0	Continue supporting BPAIH
		Homeownership Rate	-	-	-	Continue tracking homeownership rate for American Indians
	Affordable Housing Task Force	Work Plan - Years	5	5	0	Continue supporting Affordable Housing Task Force
	Adjacent Neighborhood Committee	Bi-monthly Meetings	30	30	0	Continue supporting Adjacent Neighborhood Committee
	Analysis of Impediments to Fair Housing Choice	Analysis / Plan	1	2	1	Complete AI in December 2013 to implement FY2013-2014
Improve economic conditions of lower income households.	Task Force Support	Newsletters	-	78,194	78,194	Continue to support task force newsletters, focus on capacity-building for self-sustainability
	Fair Housing Initiatives Grant Applications	Grants	5	4	1	Continue to support the Community Housing Resource Board in applying for FHIP, facilitate application if necessary
Improve economic conditions of lower income households.	Public Service Activity Performance Measurements	Policy	1	1	0	Support 15% recommendations for Public Services, homeless initiatives
	Technical Assistance - Business Center	Households	500	738	238	

Affirmatively Furthering Fair Housing

The City of Billings follows a separate five-year cycle for fair housing planning. The most recent Analysis of Impediments was completed in December 2007 by the Montana State University-Billings Center for Applied Economic Research. The 2007 study has been completed and impediments have been identified: 1) Many members of protected classes do not appear to understand their rights under Fair Housing regulations; 2) Some landlords and property owners do not act consistent with knowledge of Fair Housing regulations; 3) Income, credit, and housing affordability issues are linked to fair housing issues; 4) Lack of adequate funding hampers the effectiveness of local services working on behalf of the protected classes; and 5) the lack of hard data concerning the effectiveness of specific fair housing programs hampers the goal of improving the delivery of fair housing services. The [Analysis of Impediments to Fair Housing Choice](#) can be viewed online.

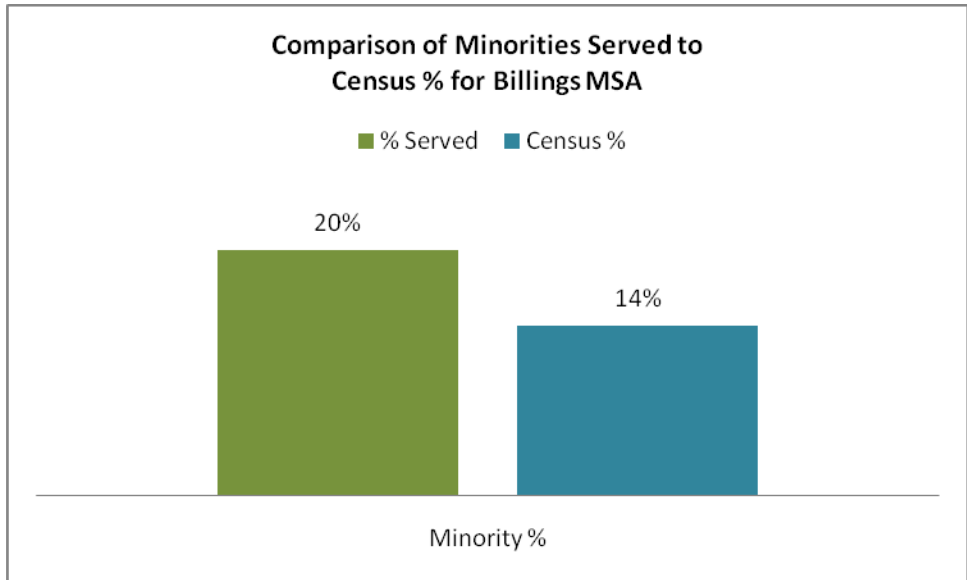
The Community Development Division staff is dedicated to supporting fair housing efforts and initiatives in Billings. This includes ensuring that activities, projects and programs funded utilizing CDBG and HOME funding are carried out without discrimination, directly or indirectly, on the basis of race, color, religion, gender, national origin, age, familial status, disability or creed. This also includes efforts to affirmatively further fair housing, such as:

- Staff facilitation and administration of fair housing initiatives.
- Facilitating capacity-building efforts.
- Facilitating specific grant-writing activities to further local educational efforts.
- Promoting fair housing choice for all persons.
- Working to alleviate housing discrimination in Billings.
- Promoting housing that is accessible / usable by persons with disabilities.
- Providing opportunities for all persons to live in any given housing development.

The Community Development Division staff and Subrecipients make concerted efforts to market available programs to minorities. Twelve percent of all client beneficiaries served this program year were American Indian, compared to an estimated 5% American Indian population, according to the Census.

Race / Ethnicity	Individuals / Households Served this Program Year		% Race / Ethnicity Billings*
	#	%	
White	1,466	84%	92%
Hispanic (combines all races)	79	5%	5%
Black / African American	24	1%	2%
Asian	0	0%	1%
American Indian or Alaska Native	216	12%	5%
Native Hawaiian or Other Pacific Islander	22	1%	<1%
American Indian or Alaska Native & White	0	0%	<1%
Asian & White	1	<1%	<1%
Black / African American & White	5	<1%	<1%
American Indian or Alaska Native and Black or African American	3	<1%	<1%
Other Multi-Racial	6	<1%	<1%

*U.S. Census 2000



The Community Development Division staff and Subrecipients make concerted efforts to market available programs to female headed-households and the disabled.

<i>Special Categories</i>	<i>Individuals / Households Served this Program Year</i>		<i>% Population Billings*</i>
	<i>#</i>	<i>%</i>	
Female Head of Household <i>(with dependents living in home)</i>	789	45%	7%
Disabled	318	18%	18%
<i>*U.S. Census 2000</i>			

Fair Housing Initiative Program (FHIP) Grants

The City of Billings applied for and was awarded the Fair Housing Initiatives Program (FHIP) grant for award years 2005, 2006 and 2007. In 2005, a FHIP award of \$92,879 provided funding for fair housing activities from January 1, 2006 through December 31, 2006 for the following organizations: Community Housing Resource Board; Interfaith Hospitality Network; and the Billings Partners for American Indian Homeownership. The FHIP application was designed to address needs identified in the City’s Consolidated Plan.

The City of Billings was awarded \$99,987 for FHIP activities during the 2007 calendar year. Partnering organizations included: Community Housing Resource Board, Billings Partners for American Indian Homeownership, Yellowstone County Council on Aging, HRDC District 7, homeWORD and the Interfaith Hospitality Network. The City of Billings was also awarded \$99,923 for FHIP activities during the 2008 calendar year. Partnering organizations include: Community Housing Resource Board, Billings Partners for American Indian Homeownership, Yellowstone County Council on Aging, homeWORD and the Interfaith Hospitality Network.

The City applied for a FHIP grant for the 2009 project calendar year in July 2008 and utilized a collaborative effort in order to bring together organizations with an interest in furthering fair housing including: the Community Housing Resource Board; Interfaith Hospitality Network; homeWORD; and Yellowstone County Council on Aging. The City received notification that the

application was not funded.

Capacity-building activities have commenced to assist the Community Housing Resource Board take over grant writing for this funding to support long-term educational opportunities in Billings for the Fair Housing Act. This organization submitted an application in 2009 which also was not funded. The City intends to apply for a FHIP grant again in 2010 if staff time permits and organizational interest is evident.

Affordable Housing Goals - Progress Evaluation

The City of Billings Consolidated Plan included three strategies related to affordable housing. Strategy #1 promotes preserving the community's existing supply of affordable housing; Strategy #2 promotes preserving and revitalizing the neighborhoods where the City's affordable housing stock is located; and Strategy #3 promotes new affordable housing opportunities. Activities undertaken to achieve the goals and objectives for these three strategies are highlighted in Section II and include:

- Assisting 50 first time homebuyers achieve homeownership; 46 of the households received down payment assistance through CDBG and HOME programs. Four additional homes received down payment assistance and weatherization financing through the CDBG-R program, which was funded through the American Recovery and Reinvestment Act of 2009.
- Rehabilitation of 35 owner-occupied single-family units through the Housing Rehabilitation Loan program (12 units), the Minor Home Repair program (14 units) and the CDBG-R program (9 units).
- Allocation of \$459,000 in Community Housing Development Organization (CHDO) reserve funding to homeWORD for an affordable housing project. \$25,000 of the funding will be utilized as a Pre-Development loan; the remaining funding will be utilized for project costs including acquisition, new construction or rehabilitation.
- Completing Phases I, II and III infrastructure for Kings Green Subdivision. This subdivision has a total of 48 single-family residential lots. Thirty-one units have been completed to date, and 7 are expected to be completed in FY10-11. All of these homes are sold to low / moderate income households and are considered affordable. Ten additional lots remain available for infrastructure and housing development in the future.
- Allocation of funding for the Southern Lights project totaling \$500,000 in Community Housing Development Organization (CHDO) funding. Southern Lights is a Low-Income Housing Tax Credit project located in Billings' south-side neighborhood. This project was completed last fiscal year and provides 20 affordable rental housing units for households with 30-50% of the area median income.
- Allocated a total of \$262,000 in CDBG funding to the Housing Authority of Billings for infrastructure development for Whitetail Square Subdivision, which includes Whitetail Run - a multi-family development which will provide 32 units of affordable housing in 8 separate buildings.

- Allocated \$200,000 in HOME funding to Westchester Square, a three unit (one single-family unit, one duplex) universal design project completed by the Housing Authority of Billings.



Kings Green Subdivision





Southern Lights



Whitetail Run - In Progress



Westchester Square

Affordable Housing Task Force: The City of Billings continues to sponsor the Affordable Housing Task Force to promote cooperation and coordination between the City, the Housing Authority of Billings, local non-profit organizations, financial institutions and realtors. The task force was originally created in 1994 to provide input into the City's Consolidated Planning Process. The Affordable Housing Task Force meets on a monthly basis and has developed a work plan including the following sub-committees: Housing Needs Assessment; Regulatory Issues; and Local Funding Options.

Rebuilding Together of Yellowstone County: Rebuilding Together established a local affiliate in Billings in 2003 and this year they have rehabilitated four homes utilizing CDBG funding. CDBG funding was provided to Rebuilding Together in FY 2009-2010 as the organization continues to increase capacity to marshal volunteer efforts to rehabilitate homes in the Billings area.

CHDO Support: In order to increase capacity for organizations in Billings to develop Community Housing Development Organizations (CHDO), the City held a training sponsored by HUD and the Rural Collaborative on March 14, 2008. Fifteen individuals representing ten organizations attended the training. The Rural Community Assistance Corporation also hosted CHDO education training in Billings on October 1 - 2, 2009.

Montana Board of Housing Partnership: The City partners with the Montana Board of Housing to provide access to low interest loans for low income households to facilitate the First Time Homebuyer Program.



Rebuilding Together September 2009



AFFORDABLE HOUSING ACCOMPLISHMENTS

Past Five Years

Strategy	Objective	Unit Type	FY05-09 Total Achieved	FY05-09 Grouped Accomplishments
Preserve existing affordable housing.	Substantial Housing Rehab / Weatherization	Housing Units	62	439 total units preserved
	Minor Home Repair	Housing Units	97	
	Rehab - Ramps for the Disabled	Ramps - Housing Units	36	
	Minor Home Repair for the Elderly	Housing Units	138	
	Substantial Housing Rehab - Rental Units	Housing Units	6	
Preserve housing stock in lower income neighborhoods.	House Painting Program	Housing Units	13	
	Tree Program	Trees / Individuals	64	
	Special Assessment Grants	Housing Units	23	
New affordable housing.	New Housing Units	Housing Units	219	266 total new housing units created
	CHDO Housing Units	Housing Units	26	
	Phases I, II and III Kings Green	Housing Units	21	
	First Time Homebuyers	Households	222	222 new homeowners
	Homebuyer Education	Households	1,325	1,325 households educated

Homeless & Special Needs Action – Continuum of Care

Activities to meet the homeless and special needs housing in FY 2009-2010 are also highlighted in Section II and include:

- Funding for the YWCA Gateway House, a shelter for victims of domestic abuse (350 individuals were assisted during this fiscal year).
- Funding for public service activities funded through the City's CDBG program to provide services to the homeless, including the Medication Assistance Program (1,065 individuals were assisted).
- Funding to support Tenant Based Rental Assistance via the Housing Authority of Billings for deposit assistance to 32 households.
- Funding to support the new Volunteers of America - Independence Hall facility, which provides housing for up to 20 homeless veterans.

The Montana Rescue Mission is one of the primary service providers for Billings' homeless population. The Montana Rescue Mission does not utilize federal funding for its operation.

The Mayor's Committee on Homelessness

In November 2005, the Montana Council on Homelessness chose the City of Billings for a pilot project to end chronic homelessness. In June 2006, Mayor Tussing appointed a 20-member committee including representation from a broad stakeholder group of housing / service providers, civic / business leaders, economic / work force agencies, faith based / philanthropy groups, and other interested parties. The first meeting of the Committee was scheduled for Thursday, June 15th, 2006 and has been meeting frequently to develop a 10-Year Strategic Plan to impact chronic homelessness.

Over 300 cities in the United States have joined in a collective effort to develop plans to end homelessness following the guidelines established by the United States Interagency Council on Homelessness. The City of Billings is committed to inclusive participation in the effort to address chronic homelessness. Work groups are being established to assist the Committee in gathering feedback and developing specific sections of the 10-Year Plan. These groups include, but are not limited to: Service Providers – including a Continuum of Care sub-committee; Homeless Participant Advisory Group; and the Business Consortium for Social Change.

Billings Area Resource Network

Billings offers a great number of services to its citizens, but needs for funding, staffing, innovative programs and coordination exist. It is important to the Mayor's Committee on Homelessness to be able to effectively relay information regarding the vast service array available in Billings to the homeless and those who may be at risk of homelessness. To this end, the Billings Area Resource Network (BARN) has been established to provide a vast knowledge and advisory base for the Mayor's Committee on Homelessness. The expertise and willingness of the BARN members to participate in the ten-year planning process are to be commended. The BARN is comprised of 33

service and resource providers who network for the purpose of improving service delivery in Billings.

Other Coordination & Collaboration

Several teams and groups are assisting in the overall implementation of Welcome Home Billings, including homeless participants and members of the business community. Local “social enterprise” employers, such as MasterLube and the Business Improvement District, employ currently and formerly homeless and at-risk individuals. Employing this population certainly comes with risks, but there are also great benefits for both employee and employer, as well as for the larger community. Social enterprise is a business model that has been implemented world-wide, and the Mayor’s Committee on Homelessness hopes it will find more wide-spread implementation in Billings.

Social Media - Homeless Initiative

YOUTUBE: [Illuminate Poverty Channel](#) utilized for the homeless initiative. Here are the direct links to the individual videos:

- [Outta Sight, Outta Mind](#) - homeless living outside in Billings
- [Housing Conditions in Billings](#)
- [Billings Project Homeless Connect](#) - 2010
- [Google Keyword - Homeless](#)
- [Billings’ Homeless Youth](#)

Here are some links to the flashmob that was performed to launch the [Spare Change for Real Change](#) parking meter expansion during the last holiday season:

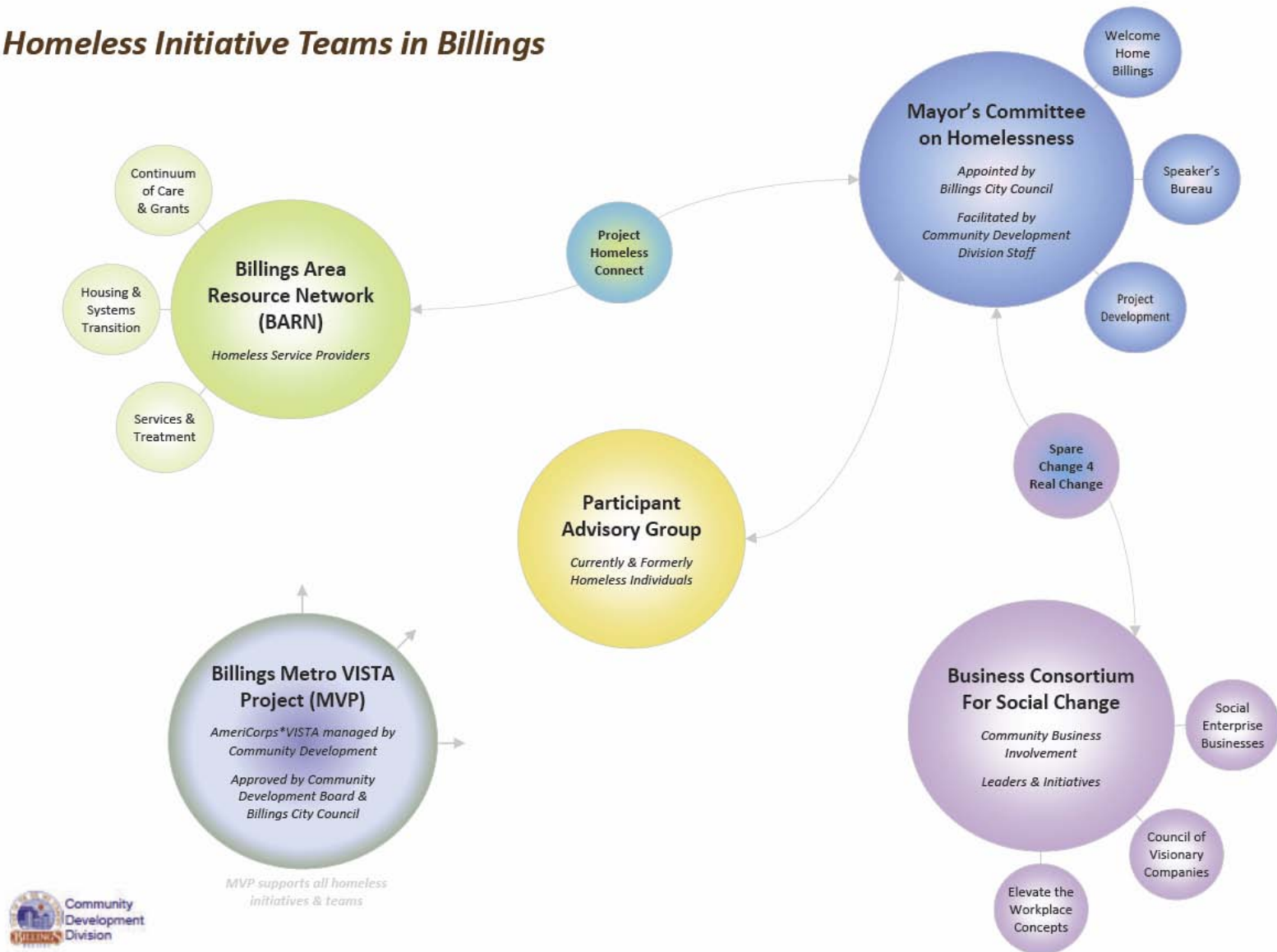
- [Flash Mob – Operation Cupcake](#)
- [Billings Flash Mob!](#)
- [My 105.9 Christmas Stroll 2009](#)

BLOGSPOT: The [Illuminate Poverty Blogspot](#) features stories regarding homeless individuals / families, along with video links and various statistics.

FACEBOOK: The AmeriCorps*VISTA page is named the “[Billings Metro Vista Project](#)”.

TWITTER: [Billings_MVP](#)

Homeless Initiative Teams in Billings



The Mayor's Committee on Homelessness Accomplishments

- ***Welcome Home Billings***, the City's ten-year plan to impact homelessness, was adopted on October 26, 2009 by the Billings City Council. The ten-year plan can be found [online](#). The plan was based, in part, on a compilation of homeless data from point-in-time surveys (facilitated by the Montana Continuum of Care) for 2005, 2006, 2007, 2008 and 2009. Data utilized to determine the cost of homelessness and the needs of the homeless were compiled from the Billings Addendum to the Continuum of Care point-in-time survey in January 2007.
- ***Business Consortium Project*** - in August of 2010, a [Request for Proposals](#) was issued by the Community Development Division for \$300,000 in financing to support a housing / social enterprise business for job training and employment of residents. Proposals are due on October 1, 2010 and the project is expected to be underway by early 2011. Funding was sought and secured through a HUD Economic Development Initiative allocation.
- ***Housing First Project***, 4 units to house homeless families in Billings, in full operation by January 2010. Community Development Division staff were successful in garnering **\$562,640** in grants to support the efforts of the Mayor's Committee on Homelessness and the Housing First Project. This included a \$300,000 allocation from the State Department of Public Health and Human Services via a "food stamp" performance bonus, and a \$262,640 via a HUD Economic Development Initiative allocation.
- ***Billings Metro VISTA Project***, 7 AmeriCorps*VISTA members working on poverty and homeless issues in Billings, from July 2009 to July 2010. Five new AmeriCorps*VISTA members were placed in July 2010 and will serve until July 2011. The value of these project awards is \$410,126.
- ***Project Homeless Connect*** events – March 31, 2007, March 28, 2008, January 30, 2009, and January 29, 2010. The value of donations received to support these events is over \$382,000.
- Creation and staff support of the ***Billings Area Resource Network*** – a group of homeless service providers working together to increase service and grant coordination, 2006.
- ***Understanding Homelessness in the American Indian Population: Roundtable Discussion*** in February 2007, the first of its kind in the nation.
- ***Cultural Competency Training: Understanding the American Indian Perspective*** – June 2007.
- ***Social Enterprise Conference*** featuring Pioneer Human Services, February 13 & 14, 2008.
- ***Continuum of Care Discussion*** - March 10, 2009.



Project Homeless Connect



Photograph taken by Casey Riffe, courtesy of the Billings Gazette

Other Required Narratives

Lead Based Paint

The City continues to work to assure full compliance with Lead Based Paint regulations by developing local contractor capacity to comply with the regulations. The City of Billings has achieved full compliance with HUD Lead Based Paint Requirements. Two of the City's Community Development employees received EPA certifications as a risk assessor. All rehabilitation projects monitored and facilitated by the Community Development Division are brought to lead-safe standards.

South 27th Street Corridor Redevelopment

The City promoted the redevelopment of the South 27th Street Corridor through completion of the Skate Park and through the sale of four parcels of land which:

- Assisted in the redevelopment of the Food Bank Grocery for the offices of the Northern Plains Resource Council.
- Generated funds for the Skate Park.
- Assisted in the expansion of the RiverStone Health Clinic.
- Resulted in the development of new offices for Mailing Technical Services.

These projects have assisted in the 20-year effort to complete the redevelopment of the South 27th Street Corridor.

Skate Park





Before - Food Bank Grocery Building



After – NPRC Building

Low / Moderate Income Benefit

Over 90% of the City's CDBG and HOME resources are targeted to activities that primarily benefit low and moderate-income persons and households. CDBG activities that help reduce the number of families living below the poverty level include funding for the Big Sky Economic Development Authority's Small Business Development Center which utilizes CDBG funding to provide technical assistance to lower-income individuals interested in starting or expanding a business in Billings.

The City also provides funding for a variety of social service agencies for activities which assist households improve their economic condition including Forever Families, Volunteers of America, Young Families Early Head Start and the Medication Assistance Program.

Public Participation

Billings continues to work with the City's Neighborhood Task Forces to respond to opportunities and address neighborhood needs. The City's Citizen Participation Plan includes garnering input throughout annual allocation procedures and continuing to work with neighborhood task forces to address needs. The City has allocated \$12,000 in City general funding to support neighborhood task forces. The City also provides staff support to the Affordable Housing Task Force, Billings Partners for American Indian Homeownership and the Adjacent Neighborhood Committee, which provide input into the development and implementation of the City's programs.

Environmental Review

In FY 2009-2010, the City was responsible for completing the Environmental Reviews for agencies receiving appropriations through HUD and the City including:

Neighborhood Projects

Recent neighborhood projects include: resurfacing of the tennis courts in Central, Pioneer, and North parks; the addition of spray features at the North Park spray pad; the purchase and installation of a new pool heater and pool cover for the South Park neighborhood pool; the installation of fencing, backstops and dugout roofing for South Park Ball Field. This fiscal year, the playground equipment at Central Park was purchased utilizing CDBG funding and was installed by Park employees.



Central Park Playground



Central Park Playground

A storm drain was replaced at Milton Road, a 100% low-moderate income area in the Billings Heights. The area in front of a school was flooded throughout the year due to an inadequate storm drain.

Milton Road Storm Drain Improvements



Before



In Progress

The new Kings Green Subdivision project included the construction of a neighborhood bike path, which partially completes a connection to a local school. This part of the project included landscaping to complete the trail through the neighborhood.

Kings Green Neighborhood Trail



Leveraged Funding

The City continued to utilize low-interest acquisition financing available through the Montana Board of Housing (MBOH) to be used in conjunction with its First Time Home Buyer Program. To date, \$37,241,723 in MBOH financing has been reserved for participants in the City's First Time Home Buyer program financing and MBOH has closed on 484 loans.

Volunteers of America was awarded a HUD Section 202 grant of approximately \$6 million to construct 85 units of elderly housing in Billings, resulting in the Magic City Terrace project.

The City has formerly participated in Fannie Mae's American Community Fund and secured a \$2 million revolving loan fund for new housing. The first loan was made for the Securities Building in downtown Billings and resulted in 12 new housing units in 2005.

The City of Billings is a partner in many activities that address community needs particularly those carried out by social service agencies as a public service activity under the CDBG Program. The City's contributions to these projects often represent a small part of the overall resources that are committed to address a particular need. There also are other local, State, and Federal resources available to address those needs such as FEMA funding for emergency food and shelter, funding received through the Housing Authority of Billings, rental assistance provided by private non-profit assisted housing providers and low income tax credits assistance provided through the Montana Board of Housing.

Citizen Comment

The public comment period for its FY 2009-2010 CDBG and HOME Comprehensive Annual Performance and Evaluation Report extended from September 10 through September 27, 2010 and included a public hearing before the Billings City Council on Monday, September 27, 2010. Comments received during the public hearing include...

Self Evaluation of City's Progress in Meeting Goals

The City of Billings has had a successful year in FY 2009-2010 in meeting and exceeding the goals established in its five-year FY 2005-2009 Consolidated Plan, and the plan achieved the anticipated goals and objectives. The City continues to work to leverage the CDBG and HOME resources provided to the community. This fiscal year the City participated in the Montana Homeownership Network and utilized resources available through Neighborhood Housing Services, Home\$tart and Montana Board of Housing to help meet the needs of first time homebuyers in Billings.

Adjustments in the plan may be recommended in the future to better focus funding for public services. The Community Development Board is currently working with City Council to better identify their preferences for funding many organizations with smaller amounts of funding versus funding a few organizations to enhance impact. The 2009-2010 CDBG / HOME application process will include revised guidelines for public service activities to better meet the goals of the program.

Performance Measurements & Criteria

The City has implemented performance measurement standards for each of the programs receiving CDBG and HOME funding including measuring number of units, households, and individuals served through programs. Training has been offered to all sub-recipients on the new HUD performance measurement standards including homeless housing and support, public services, public facilities, neighborhood-based revitalization efforts, and economic development standards.

For the last five fiscal years, sub-recipients have been required to report on the number of clients who have new access or improved access to services / benefits and the number of clients who are receiving services / benefits which are no longer substandard. Similar requirements have been implemented for public facilities and infrastructure improvements. Economic Development activities will be required to report on the actual number of businesses started or expanded in addition to the number of existing businesses assisted with expansion or relocation. DUNS numbers on each business assisted are also a new HUD requirement. Quarterly outcome and progress reports are submitted to the Community Development Division, in addition to an annual report, detailing sub-recipient demographic, performance and income data.

The City of Billings recognizes the importance of performance measurement criterion and has gathered data on performance for several years. Section II of this document illustrates the diversity of the City's programs and the outcomes of each of the activities completed during the fiscal year. Other performance reports and benchmarks have been established over time include: leveraging ratio, percentage of funding allocated by Consolidated Plan strategy; the number of houses served through rehabilitation programs, the total number of houses purchased through the First Time Homebuyer programs, the number of active Community Housing Development Organizations in Billings, the American Indian Homeownership rate, percentages of funding allocated / expended and other indicators.

Criteria		Measurement
Total Budget: \$1,696,652	Leveraging: \$5,384,401	<i>Leveraging Ratio:</i> 1:3
Total Households / Individuals assisted:		1,716
Strategy One: % of total funding allocated to enhance existing housing		20%
Strategy Two: % of total funding allocated to preserve older neighborhoods		5%
Strategy Three: % of total funding allocated to develop new housing opportunities		54%
Strategy Four: % of total funding allocated to support partnerships		13%
Strategy Five: % of total funding to enhance economic opportunity		8%
Number of houses rehabilitated through City home repair programs - Including CDBG-R (9)		35
Number of houses rehabilitated using partnership programs <i>Note: Includes Rebuilding Together non-CDBG funded projects</i>		14
CDBG Timeliness deadline compliance as of the beginning of May (should be less than 1.5)		0.87
Number of homes closed through the First Time Homebuyer program - Including CDBG-R (4)		50
Cumulative # of homes purchased - HOME / CDBG First Time Homebuyer program		778
Number of active Community Housing Development Organizations (CHDOs)		2
Number of faith-based organizations funded		2
Cumulative % of HOME funding used for Homebuyer activities as of 6/30/2010		84%
American Indian Homeownership Rate in Billings (1992 benchmark: 22%)		35%
% of 2008 HOME funding committed as of 7/31/2010		100%
% of 2007 HOME CHDO funding reserved as of 7/31/2010		100%
% of completed HOME rental disbursements to all rental commitments (should be above 74.60%)		100%
% of completed CHDO disbursements to all CHDO reservations (should be above 52.28%)		100%
% of renters below 50% of the area median income (should be above 70%) <i>Note: 90% of rental and TBRA units must assist households with income lower than 60% of the area median income</i>		95.28%
% of occupied HOME rental units to all rental units (should be above 91.32%)		100%
Allocation years not disbursed (should be below 3.03)		1.02

Timeliness of Expenditures

The Community Development Board approved an expenditure procedure, which has been implemented which will ensure the timely expenditure of funds by sub-recipients. Funds not expended within three years will be considered un-programmed funds and made available for allocation to new projects. The City of Billings continues to meet timeliness deadlines as established and monitored by HUD. This ratio must be less than 1.5 at the beginning of the month of May each year, by HUD regulation.

Assessment of CDBG Use & Five Year Consolidated Plan Priorities

CDBG activities described in detail in Section II are consistent with the strategies identified with the FY 2005-2009 Five-Year Consolidated Plan.

Amendments to the Annual Plan

On January 26, 2009, the City Council approved a Substantial Amendment to the FY2009-2010 Consolidated Plan to include Neighborhood Stabilization Program (NSP) funding to acquire and redevelop foreclosed properties that might otherwise become sources of abandonment and blight. The City Council approved an application through this agenda item to support the City's application to obtain funding through the Montana Department of Commerce.

On Tuesday, May 26, 2009, the City Council approved a Substantial Amendment to the FY2009-2010 Consolidated Plan to include CDBG stimulus funding (CDBG-R), awarded to the City through the American Recovery and Reinvestment Act of 2009 (ARRA). This funding was utilized to establish a new program, "Energy Upgrades / Acquisition". Eligible households received up to \$15,000 for weatherization, in addition to a maximum of \$15,000 for down payment and closing costs. A total of 9 households were served through this program.

On October 14, 2009, the City Council approved a Substantial Amendment to the FY2009-2010 Consolidated Plan to move \$150,000 in CDBG funds from the Affordable Housing Development fund to the First Time Homebuyer program. On January 11, 2010, The City Council approved a transfer of \$15,000 in HOME funding from the Affordable Housing Development fund to the Housing Authority of Billings for a Tenant-Based Rental Assistance Program.

Use of CDBG Funding to Further the Consolidated Plan

All activities undertaken in FY 2009-2010 were consistent with the city's Five-Year FY 2005-2009 Consolidated Plan. Section II provides a detailed report on accomplishments on each of the City's five year goals and objectives.

Acquisition or Demolition of Occupied Properties

There was no acquisition or demolition of occupied properties using CDBG or HOME funds during this fiscal year.

Economic Development Job Creation

Funding was provided for the Big Sky Economic Development Authority's Small Business Development Center to provide technical assistance to lower-income persons interested in starting or expanding their own business. Assistance was provided to 104 lower-income persons during the FY 2008-2009 reporting period. One of these low / moderate clients started a business and two clients expanded their current businesses. This organization did not apply for funding in the FY2009-2010 cycle, thus no outcomes are available to report.

Limited Clientele

The City served a large number of individuals / households this program year and achieved its low-moderate income service goal of 90%. Integrated Disbursement and Information System (IDIS) Grantee Summary Reports also document lower-income benefit for each CDBG funded activity as

applicable.

<i>Low / Moderate Income Categories</i>	<i>Individuals / Households Served this Program Year</i>	
	<i>#</i>	<i>%</i>
Extremely Low Income: Up to 30% AMI	588	34%
Very Low Income: 31 – 50% AMI	338	19%
Low Income: 51 – 60% AMI	379	24%
Low Income: 61 – 80% AMI	437	25%
Total Low Income Served:	1,742	99%
Moderate Income: 81 – 100% AMI	1	<1%

Program Income

CDBG Program Income was received from the following sources during the FY 2009-2010 reporting period:

Miscellaneous Revenue (Account 70-16)	\$ 84
Loan Principal (70-22)	\$ 15,846
Housing Rehab Repayment (71-20)	\$ 90,178
Minor Home Repair Repayment (71-22)	\$ 16,026
Special Assessment Repayment (71-23)	\$ 6,933
Loan Interest (63-20)	\$ 5,685
Interest on Deferred Loans (63-25)	\$ 447

TOTAL FY 2009-2010 CDBG Program Income **\$135,199**

HOME Program Income was received from the following sources during the FY 2009-2010 reporting period:

First Time Homebuyer Recapture	\$174,099
--------------------------------	-----------

TOTAL FY 2009-2010 HOME Recaptured Funding **\$174,099**

Analysis of HOME Funding Distribution

In FY 2009-2010, the City of Billings received \$538,612 in new HOME funding. Additional funding was available through program income and reprogrammed funds for a total of \$106,980. These funds were allocated as follows:

- First Time Homebuyer activities \$360,731
- Community Housing Development Organizations \$ 81,000
- Affordable Housing Development program \$150,000 (*moved to FTHB in October 2009*)
- HOME Administration \$ 53,861

FY 2009-2010 accomplishments for the HOME Program are included in Section II and Section IV

provides a summary report on expenditures for each HOME activity in FY 2009-2010.

HOME Match & MBE / WBE Reports

See Appendices.

Annual Site Inspections: HOME Assisted Rental Housing

On-site inspections of HOME-funded multi-family projects must be inspected on a routine basis in order to ensure the units are compliant with Housing Quality Standards, appropriate and affordable rents are being applied, and to ensure the units are being rented to low-income households. The frequency of on-site inspections is determined by the number of units in the complex:

# of Units	Frequency of On-Site Inspections
1 - 4	Every 3 Years
5 - 25	Every 2 Years
26+	Every Year

Source Documentation for income determination is conducted every six years for all projects.

Rental projects assisted with HOME funding required annual inspections in FY 2009-2010:

- Accessible Space's Grandview Apartments, at 1151 28th Street West was completed in the spring of 2009.
- Sage Towers, located at 115 North 24th Street, completed in 2009.
- Housing Authority of Billings' Spring Garden Apartments, located at 3232 Henesta, completed in 2010.
- Housing Authority's Town Square Apartments completed in 2010.
- Magic City Terrace, located at 1439 Main Street, completed in 2010.
- Southern Lights, located at 801 South 28th Street, completed in 2010.

The annual inspections of these properties by the City's Community Development Program Coordinator resulted in the determination that these properties are being operated in compliance with HOME program regulations.

SECTION IV: FY2009-2010 ACCOUNT BALANCES

FY2009-2010 CDBG Activity Summary - Account Balances

The following are year-end balances for FY2009-2010. Accounts with balances are noted. All other accounts have been expended as of June 30, 2009.

FISCAL YEAR	CDBG Account Descriptions	FY09-10 Budget	Balance	Notes
2005-2006	DOWNTOWN SKATE PARK	29,925.00	29,925.00	Re-allocated from Galles Building to Skate Park Restroom Project - must be used by March 24, 2011
2006-2007	PROFESSIONAL SERVICES	1,916.00	1,916.00	Reserved to complete fair housing survey for Analysis of Impediments to Fair Housing Choice
	DOWNTOWN SKATE PARK	50,000.00	50,000.00	Re-allocated from Galles Building to Skate Park Restroom Project - must be used by March 24, 2011
2007-2008	YCCOA RESOURCE CENTER	289.00	289.00	See Section II for accomplishments
	CDBG 1ST TIME HOME BUYER	4,523.00	4,523.00	REPROGRAMMED FOR FY10-11
	HOMEWORD-FINANCIAL FITNESS	2,063.00	2,063.00	REPROGRAMMED FOR FY10-11
2008-2009	YELLOWSTONE COUNTY COUNCIL ON AGING - HOME REPAIRS	3,759.00	769.74	See Section II for accomplishments
	LIVING INDEPENDENTLY FOR TODAY & TOMORROW	1,600.00	1,150.00	See Section II for accomplishments
	MINOR HOME REPAIR	42,487.00	204.34	See Section II for accomplishments
	YCCOA RESOURCE CENTER	2,000.00	925.34	See Section II for accomplishments
	SPEC ASSESSMENT GRANT	44,796.00	37,593.80	REPROGRAMMED FOR FY10-11
2009-2010	CDBG ADMINISTRATION	171,068.00	16,977.00	See Section II for accomplishments
	SPEC ASSESSMENT GRANT	25,000.00	25,000.00	See Section II for accomplishments
	YWCA GATEWAY HOUSE	20,000.00	18,000.00	See Section II for accomplishments
	PROPERTY MANAGEMENT	15,000.00	9,013.10	See Section II for accomplishments
	LIVING INDEPENDENTLY FOR TODAY & TOMORROW	12,500.00	11,200.00	See Section II for accomplishments
	HOUSING REHABILITATION PROGRAM	239,921.00	66,720.00	See Section II for accomplishments
	YOUNG FAMILIES EARLY HEAD START	30,000.00	15,062.60	See Section II for accomplishments
	MEDICATION ASSISTANCE PROGRAM	27,000.00	18,000.00	See Section II for accomplishments
	NEIGHBORHOOD STABILIZATION PROGRAM	50,000.00	48,875.00	See Section II for accomplishments
	VOLUNTEERS OF AMERICA - INDEPENDENCE HALL	23,493.00	1,521.00	See Section II for accomplishments
CDBG 1ST TIME HOME BUYER	278,076.00	6,472.11	REPROGRAMMED FOR FY10-11	
FISCAL YEAR	HOME Account Descriptions	FY09-10 Budget	Balance	Notes
2007-2008	AFFORDABLE HOUSING	8,050.00	8,050.00	REPROGRAMMED FOR FY10-11
2008-2009	KINGS GREEN PHASE III	41,882.00	41,849.00	7 homes completed in FY09-10, 7 additional to be completed in FY10-11
2009-2010	HOME ADMINISTRATION	53,812.00	9,065.00	See Section II for accomplishments
	AFFORDABLE HOUSING	135,000.00	135,000.00	Allocated to homeWORD for the 2010 CHDO Project
	COMMUNITY HOUSING DEVELOPMENT ORGANIZATIONS	81,000.00	81,000.00	

APPENDIX A: PROJECT SUMMARIES

**HOUSING & NEIGHBORHOOD ACTIVITIES
FY 2009-2010**

<i>ADMINISTRATION / PLANNING / FAIR HOUSING ACTIVITIES</i>		
HN - 1	<i>CDBG Administration</i>	\$171,068
	Funds are requested for general administration expenditures for CDBG Program including office space, salaries and benefits for various staff positions. CDBG also provides the resources for administration for other grant programs related to Community Development received by the City.	
HN - 2	<i>HOME Administration</i>	\$53,861
	Funds are requested for general HOME administration expenditures and salary and benefits for the HOME Program Coordinator.	
<i>AFFORDABLE HOUSING ACTIVITIES</i>		
HN - 4	<i>Housing Rehabilitation Loan Program</i>	\$300,000
	Funds are requested to rehabilitate up to 15 homes throughout the City of Billings. The program is intended to provide affordable financing to low / moderate income applicants to provide substantial improvements that help preserve the City's affordable housing stock and revitalize older neighborhoods. Funds will be used to partially fund the CD Grants Coordinator position.	
HN - 5	<i>HOME / CDBG Affordable Housing Support Program</i>	\$300,000 <i>\$150,000 CDBG moved to FTHB</i> <i>\$15,000 HOME moved to TBRA</i> <i>\$135,000 moved to CHDO reserve for homeWORD</i>
	Funds are requested to encourage the development of affordable housing for lower-income households in the City of Billings. Applicants for this program can be for-profit developers or non-profit agencies.	
HN - 6	<i>HOME First Time Home Buyer Program</i>	\$488,807
	Funds are requested to assist low-income families in the purchase of their first home. The program is designed to provide financial assistance to help qualify for traditional housing financial programs to purchase a home. Funds will be used to provide down payment assistance, closing costs, and minor repairs and for related project administration expense.	
HN - 7	<i>HOME Set-Aside Community Development Organizations (CHDO)</i>	\$81,000 <i>CHDO reserve for homeWORD</i>
	As a recipient of HOME funds, the City of Billings must provide at least 15% of its funding for CHDO activities. CHDO funds will be made available by the City of Billings through an application and approval process. This funding is requested for CHDOs to develop affordable housing in the community.	
HN - 8	<i>Neighborhood Stabilization Program</i>	\$50,000
	Funds are requested to provide up-front funding for project costs in appraisals, engineering, inspection, and consulting services to determine feasibility of specific properties for purchase through this foreclosure intervention program.	
HN - 9	<i>Living Independently for Today and Tomorrow (LIFTT)</i>	\$12,500
	Funds are requested to construct or provide maintenance work on ramps for low-income persons with disabilities to access their homes.	

HN - 10	Rebuilding Together – Home Rehabilitation	\$10,000
	Funds are requested for building materials and construction costs to assist up to five low-income households. Volunteers paint, clean, weatherize, and perform carpentry work. Plumbing, roofing, and electrical work is completed by certified and licensed professionals.	
HN - 11	Exterior Paint Program	\$10,000
	Funds will be used to assist up to 5 low-income homeowners with exterior painting projects to their owner-occupied stick built or mobile / manufactured homes. The program targets those households at or below 60% of the area median income. The maximum assistance for supplies and labor for each project is \$2,000 and will incorporate the use of lead-safe work methods if needed.	
NEIGHBORHOOD PROJECTS		
HN - 12	Property Management	\$15,000
	Funds are requested to pay existing SIDs and maintain weeds and snow on property previously acquired through the CDBG program. These properties are primarily located along South 27 th Street which were purchased specifically for re-development. This program will also be utilized for property management expenses incurred in the Neighborhood Stabilization Program.	
HN - 13	Special Assessment Grants	\$25,000
	Funds are requested to provide grant funds to lower-income households impacted by Special Improvement District assessments for public improvements such as curb, gutter, and sidewalk projects in lower income areas.	

**PUBLIC SERVICE ACTIVITIES - CDBG
FY 2009-2010**

	<i>Forever Families Resource Center</i>	
PS - 4	Funds are requested to cover operating expenses such as rent, utilities, insurance, and maintenance. Funds will also be used to expand projects and services provided in the past and to promote new activities for this foster family resource center.	\$23,493
	<i>Volunteers of America – Independence Hall</i>	
PS - 11	Funding is requested to purchase furniture, fixtures and equipment for the Independence Hall transitional living facility at 700 Lake Elmo Road, Billings, Montana.	\$23,493
	<i>Yellowstone Health Partnership - Medication Assistance Program</i>	
PS - 12	Funds are requested for salaries of staff for the Medication Assistance Program (MAP) over a three year period at the RiverStone Health Clinic site.	\$27,000
	<i>Young Families Early Head Start</i>	
PS - 13	Funding is requested to provide furniture/equipment/supplies for three additional classrooms; family case management services for 12-24 additional children; and for new personal financial planning classes for all parents in the program.	\$30,000
	<i>YWCA - Gateway House Domestic Violence & Sexual Assault Services</i>	
PS-14	Funding is requested to support general operating expenses of the program, which includes utilities, phones, taxes, supplies, security, building repairs, and accountant contracted services. Gateway services include housing, support, education, and advocacy for victims of domestic violence and sexual assault.	\$20,000

APPENDIX B: PUBLIC NOTICE

PUBLIC NOTICE

CITY OF BILLINGS

FY2009-2010 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CDBG) AND
HOME INVESTMENT PARTNERSHIP PROGRAM (HOME)
COMPREHENSIVE ANNUAL PERFORMANCE EVALUATION REPORT (CAPER)

The City of Billings will hold a public hearing on the CDBG and HOME Comprehensive Annual Performance Evaluation Report (CAPER) at 6:30pm on Monday, September 27, 2010 in the City Council Chambers at City Hall, 210 North 27th Street, Billings, MT.

The purpose of the Public Hearing is to obtain public comment on the City's performance under FY2009-2010 CDBG and HOME programs. Federal regulations require a minimum 15-day public comment period for the CAPER. The City of Billings exceeds this requirement by facilitating a public comment period beginning September 10, 2010 through September 27, 2010.

Copies of the City's drafted FY2009-2010 CDBG and HOME CAPER are available beginning September 10, 2010 for review from the Community Development office on the 4th floor of the Parmly Billings Library, 510 North Broadway, Billings, MT. The drafted CAPER, City Council agendas and minutes can also be viewed on line at www.ci.billings.mt.us.

Additional information regarding the FY2009-2010 CDBG and HOME CAPER or the public hearing can be obtained by contacting the Community Development office at 657-8281, or via email at beckettb@ci.billings.mt.us.

The Public Hearing is accessible to individuals with physical disabilities. Special arrangements for participation in the public hearing by individuals with hearing, speech, or vision impairment may be made upon request at least three days prior to the hearing. FHEO.

PUBLISHED:

September 2
September 9
September 16

APPENDIX C: CDBG TIMELINESS REPORT

IDIS - PR56

U.S. Department of Housing and Urban Development
Office of Community Planning and Development
Integrated Disbursement and Information System

DATE: 05-03-10
TIME: 11:48
PAGE: 1

Current CDBG Timeliness Report
Grantee : BILLINGS, MT

PGM YEAR	PGM YEAR START DATE	TIMELINESS TEST DATE	CDBG GRANT AMT	--- LETTER OF CREDIT BALANCE ---		DRAW RATIO		MINIMUM DISBURSEMENT TO MEET TEST	
				UNADJUSTED	ADJUSTED FOR PI	UNADJ	ADJ	UNADJUSTED	ADJUSTED
2008	07-01-08	05-02-09	701,191.00	1,028,398.13	1,028,398.13	1.47	1.47		
2009	07-01-09	05-02-10	711,407.00	620,170.13	620,170.13	0.87	0.87		

APPENDIX D: HUD FORM 272

FEDERAL CASH TRANSACTIONS REPORT <i>(See instructions on the back. If report is for more than one grant or assistance agreement, attach completed Standard Form 272A.)</i>		OMB APPROVAL NO. 0348-0003	
		1. Federal sponsoring agency and organizational element to which this report is submitted U.S. Department of Housing & Urban Development	
2. RECIPIENT ORGANIZATION Name: City of Billings Number and Street: PO Box 1178 City, State and ZIP Code: Billings, MT 59102		4. Federal grant or other identification number B-09-MC-30-0001	5. Recipient's account number or identifying number
		6. Letter of credit number N/A	7. Last payment voucher number N/A
		<i>Give total number for this period</i>	
		8. Payment Vouchers credited to your account 4	9. Treasury checks received (whether or not deposited) 4
3. FEDERAL EMPLOYER IDENTIFICATION NO. 81-6001237		10. PERIOD COVERED BY THIS REPORT	
		FROM (month, day, year) July 1, 2009	TO (month, day, year) June 30, 2010
11. STATUS OF FEDERAL CASH <i>(See specific instructions on the back)</i>	a. Cash on hand beginning of reporting period		\$ 0.00
	b. Letter of credit withdrawals		0.00
	c. Treasury check payments		0.00
	d. Total receipts (Sum of lines b and c)		0.00
	e. Total cash available (Sum of lines a and d)		0.00
	f. Gross disbursements		1,228,450.00
	g. Federal share of program income		43,512.00
	h. Net disbursements (Line f minus line g)		1,184,938.00
	i. Adjustments of prior periods		0.00
	j. Cash on hand end of period		\$ 0.00
12. THE AMOUNT SHOWN ON LINE 11j, ABOVE, REPRESENTS CASH REQUIREMENTS FOR THE ENSUING Days	13. OTHER INFORMATION		
	a. Interest income		\$ 0.00
b. Advances to subgrantees or subcontractors		\$ 0.00	
14. REMARKS <i>(Attach additional sheets of plain paper, if more space is required)</i>			
Funding included in this report is for the Community Development Block Grant, CDFA 14.218. Expenditures are from funding awarded from FY2007-2008, FY2008-2009 and FY2009-2010. Interest paid on eligible loans made through the Housing Rehabilitation Revolving Loan fund are considered program income and treated accordingly, as per 24 CFR 570.500.			
15. CERIFICATION			
I certify to the best of my knowledge and belief that this report is true in all respects and that all disbursements have been made for the purpose and conditions of the grant or agreement.	AUTHORIZED	SIGNATURE	DATE REPORT SUBMITTED
	OFFICIAL	TYPED OR PRINTED NAME AND TITLE Christina F. Volek, City Administrator	TELEPHONE (Area Code, Number, Extension) 406-657-8430

THIS SPACE FOR AGENCY USE

FEDERAL CASH TRANSACTIONS REPORT		OMB APPROVAL NO. 0348-0003	
(See instructions on the back. If report is for more than one grant or assistance agreement, attach completed Standard Form 272A.)		1. Federal sponsoring agency and organizational element to which this report is submitted U.S. Department of Housing & Urban Development	
2. RECIPIENT ORGANIZATION		4. Federal grant or other identification number M-09-MC-30-0213	5. Recipient's account number or identifying number
Name: City of Billings		6. Letter of credit number N/A	7. Last payment voucher number N/A
Number and Street: PO Box 1178		<i>Give total number for this period</i>	
City, State and ZIP Code: Billings, MT 59102		8. Payment Vouchers credited to your account 5	9. Treasury checks received (whether or not deposited) 5
3. FEDERAL EMPLOYER IDENTIFICATION NO. 81-6001237		10. PERIOD COVERED BY THIS REPORT	
		FROM (month, day, year) July 1, 2009	TO (month, day, year) June 30, 2010
11. STATUS OF FEDERAL CASH <small>(See specific instructions on the back)</small>	a. Cash on hand beginning of reporting period		\$ 0.00
	b. Letter of credit withdrawals		0.00
	c. Treasury check payments		0.00
	d. Total receipts (Sum of lines b and c)		0.00
	e. Total cash available (Sum of lines a and d)		0.00
	f. Gross disbursements		423,341.00
	g. Federal share of program income		91,884.00
	h. Net disbursements (Line f minus line g)		331,457.00
	i. Adjustments of prior periods		0.00
	j. Cash on hand end of period		\$ 0.00
12. THE AMOUNT SHOWN ON LINE 11j, ABOVE, REPRESENTS CASH REQUIREMENTS FOR THE ENSUING <small>Days</small>	13. OTHER INFORMATION		
	a. Interest income		\$ 0.00
b. Advances to subgrantees or subcontractors		\$ 0.00	
14. REMARKS (Attach additional sheets of plain paper, if more space is required)			
Funding included in this report is for the HOME Investment Partnerships Program, CDFA 14.239. Expenditures are from funding awarded from FY2007-2008, FY2008-2009 and FY2009-2010.			
15. CERIFICATION			
I certify to the best of my knowledge and belief that this report is true in all respects and that all disbursements have been made for the purpose and conditions of the grant or agreement.	AUTHORIZED	SIGNATURE	DATE REPORT SUBMITTED
	CERTIFYING OFFICIAL	TYPED OR PRINTED NAME AND TITLE Christina F. Volek, City Administrator	TELEPHONE (Area Code, Number, Extension) 406-657-8430
THIS SPACE FOR AGENCY USE			

APPENDIX E: FAIR HOUSING INITIATIVES PROGRAM REPORTS

*APPENDIX F: FY09-11 ACTION PLAN / ACCOMPLISHMENTS
MAYOR'S COMMITTEE ON HOMELESSNESS*

APPENDIX G: HOME MATCH REPORT

APPENDIX H: HOME MBE / WBE REPORT

APPENDIX I: SECTION 3 SUMMARY REPORT

Executive Summary

The City of Billings Consolidated Plan for the five year period from FY 2005 through FY 2009 was considered by the Billings City Council on May 9, 2005 following a 30-day public comment period extending from April 7 to May 7, 2005. City Council Action on the Consolidated Plan followed a plan development process which included the development of the 2005 Billings Housing Needs Assessment undertaken by Montana State University-Billings, input from five neighborhood groups, public hearings on housing and community development needs on March 29 and March 30, 2005, and a public hearing on the draft FY 2005-2009 Consolidated Plan and FY 2005 Action Plan on April 25, 2005.

The purpose of the Consolidated Plan is to identify the housing and community development needs of low-income households in Billings and develop strategies for addressing those needs in a comprehensive coordinated fashion utilizing available federal and nonfederal resources. The Consolidated Plan includes the one-year Action Plan for FY 2005 which will serve as the budget for the City's FY 2005-2006 Community Development Block Grant (CDBG) Program and Home Investment Partnership Program (HOME).

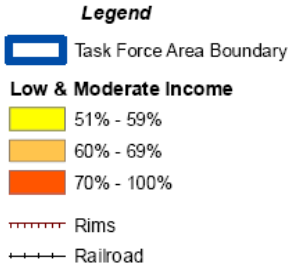
The Consolidated Plan is required for participation by the City of Billings in the U.S. Department of Housing and Urban Development (HUD) CDBG and HOME Programs and also for homeless programs funded under the McKinley Act and the Housing for Persons with AIDS (HOPWA) Program. The City of Billings does not receive McKinley funds or HOPWA funds and the City's Consolidated Plan is focused on CDBG and HOME activities. The Consolidated Plan combines the planning and application requirements for the CDBG and HOME Programs. Consolidation of the submission requirements for the CDBG and HOME Programs allows program planning and citizen participation to take place in a comprehensive context covering both programs. A separate Consolidated Plan is prepared by the City of Great Falls, the City of Missoula, and the State of Montana for urban and rural areas of Montana outside of Billings, Great Falls, and Missoula.

Five primary strategies are proposed in the FY 2005-FY 2009 Consolidated Plan to meet the diverse needs of Billings' lower-income households. These needs have been primarily identified through the 2005 Billings Housing Needs Assessment. This needs assessment was undertaken utilizing focus groups, individual interviews, a community survey, and an examination of census and housing market data. This work and input from neighborhood groups and community partners resulted in the identification of the following four characteristics of the community that the City of Billings will attempt to address with housing and community development activities: (1) increasing housing cost compared to income and its effect on low-income renters and homeowners in achieving safe, decent & affordable housing; (2) An aging population and the associated increase in the percentage of the population with disabilities; (3) A slight decrease in the price of rental housing and short term concern over the number of multi-family units scheduled to be constructed in 2005; and (4) The age and condition of the community's affordable housing stock, particularly in the older neighborhoods surrounding the City's Central Business District.

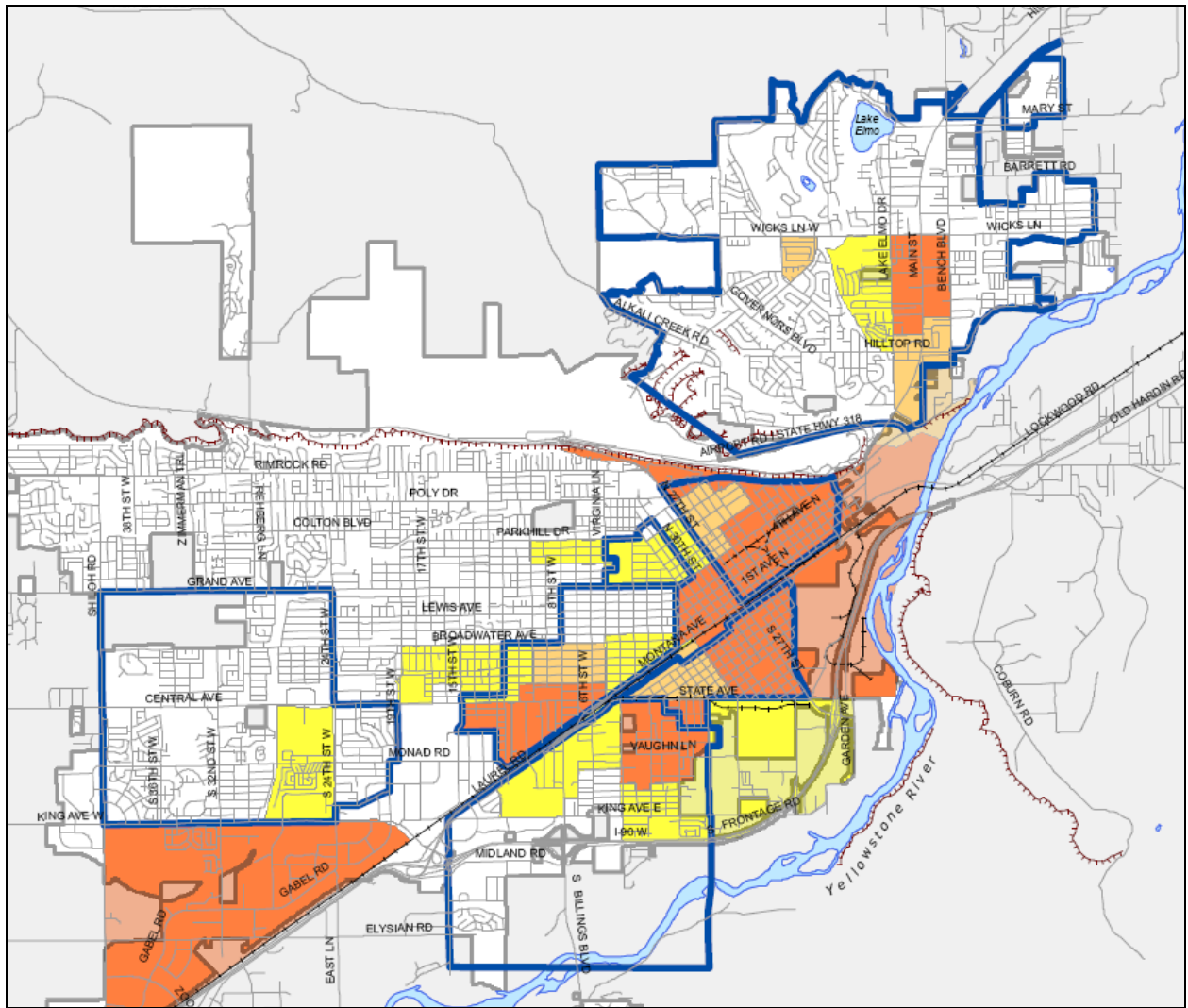
Addressing these community characteristics requires the continuation of existing partnerships and developing new partnerships between public, private and non-profit sectors of the community.

APPENDIX K: MAP OF LOWER-INCOME NEIGHBORHOODS IN BILLINGS

The City of Billings utilized the 2000 Census Data for FY 2009-2010 reporting period.



Income data derived from 2000 Census.



FEDERAL CASH TRANSACTIONS REPORT

(See instructions on the back. If report is for more than one grant or assistance agreement, attach completed Standard Form 272A.)

1. Federal sponsoring agency and organizational element to which this report is submitted

2. RECIPIENT ORGANIZATION

Name:

Number and Street:

City, State and ZIP Code:

4. Federal grant or other identification number

5. Recipient's account number or identifying number

6. Letter of credit number

7. Last payment voucher number

Give total number for this period

8. Payment Vouchers credited to your account

9. Treasury checks received (whether or not deposited)

10. PERIOD COVERED BY THIS REPORT

3. FEDERAL EMPLOYER IDENTIFICATION NO.

FROM (month, day, year)

TO (month, day, year)

11. STATUS OF FEDERAL CASH

(See specific instructions on the back)

a. Cash on hand beginning of reporting period

\$

b. Letter of credit withdrawals

c. Treasury check payments

d. Total receipts (Sum of lines b and c)

e. Total cash available (Sum of lines a and d)

f. Gross disbursements

g. Federal share of program income

h. Net disbursements (Line f minus line g)

i. Adjustments of prior periods

j. Cash on hand end of period

\$

12. THE AMOUNT SHOWN ON LINE 11j, ABOVE, REPRESENTS CASH REQUIREMENTS FOR THE ENSUING

Days

13. OTHER INFORMATION

a. Interest income

\$

b. Advances to subgrantees or subcontractors

\$

14. REMARKS (Attach additional sheets of plain paper, if more space is required)

15.

CERIFICATION

I certify to the best of my knowledge and belief that this report is true in all respects and that all disbursements have been made for the purpose and conditions of the grant or agreement.	AUTHORIZED	SIGNATURE	DATE REPORT SUBMITTED
	CERTIFYING OFFICIAL	TYPED OR PRINTED NAME AND TITLE	TELEPHONE (Area Code, Number, Extension)

THIS SPACE FOR AGENCY USE

INSTRUCTIONS

Public reporting burden for this collection of information is estimated to average 120 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0003), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

Please type or print legibly. Items 1, 2, 8, 9, 10, 11d, 11e, 11h, and 15 are self explanatory, specific instructions for other items are as follows:

<i>Item</i>	<i>Entry</i>	<i>Item</i>	<i>Entry</i>
3	Enter Employer Identification Number (EIN) assigned by the U.S. Internal Revenue Service or the FICE (institution) code.		benefits if treated as a direct cost, interdepartmental charges for supplies and services, and the amount to which the recipient is entitled for indirect costs.
4	If this report covers more than one grant or other agreement, leave items 4 and 5 blank and provide the information on Standard Form 272A, Report of Federal Cash Transactions - Continued. Enter Federal grant number, agreement number, or other identifying numbers if requested by sponsoring agency.	11g	Enter the Federal share of program income that was required to be used on the project or program by the terms of the grant or agreement.
5	This space reserved for an account number or other identifying number that may be assigned by the recipient.	11i	Enter the amount of all adjustments pertaining to prior periods affecting the ending balance that have not been included in any lines above. Identify each grant or agreement for which adjustment was made, and enter an explanation for each adjustment under "Remarks." Use plain sheets of paper if additional space is required.
6	Enter the letter of credit number that applies to this report. If all advances were made by Treasury check, enter "NA" for not applicable and leave items 7 and 8 blank.	11j	Enter the total amount of Federal cash on hand at the end of the reporting period. This amount should include all funds on deposit, imprest funds, and undeposited funds (line e, less line h, plus or minus line i).
7	Enter the voucher number of the last letter-of-credit payment voucher (Form TUS 5401) that was credited to your account.	12	Enter the estimated number of days until the cash on hand, shown on line 11j, will be expended. If more than three days cash requirements are on hand, provide an explanation under "Remarks" as to why the drawdown was made prematurely, or other reasons for the excess cash. The requirement for the explanation does not apply to prescheduled or automatic advances.
11a	Enter the total amount of Federal cash on hand at the beginning of the reporting period including all of the Federal funds on deposit, imprest funds, and undeposited Treasury checks.	13a	Enter the amount of interest earned on advances of Federal funds but not remitted to the Federal agency. If this includes any amount earned and not remitted to the Federal sponsoring agency for over 60 days, explain under "Remarks." Do not report interest earned on advances to States.
11b	Enter total amount of Federal funds received through payment vouchers (Form TUS 5401) that were credited to your account during the reporting period.	13b	Enter the amount of advance to secondary recipients included in item 11h.
11c	Enter the total amount of all Federal funds received during the reporting period through Treasury checks, whether or not deposited.	14	In addition to providing explanations as required above, give additional explanation deemed necessary by the recipient and for information required by the Federal sponsoring agency in compliance with governing legislation. Use plain sheets of paper if additional space is required.
11f	Enter the total Federal cash disbursements, made during the reporting period, including cash received as program income. Disbursements as used here also include the amount of advances and payments less refunds to subgrantees or contractors; the gross amount of direct salaries and wages, including the employee's share of		

FEDERAL CASH TRANSACTIONS REPORT

(See instructions on the back. If report is for more than one grant or assistance agreement, attach completed Standard Form 272A.)

1. Federal sponsoring agency and organizational element to which this report is submitted

2. RECIPIENT ORGANIZATION

Name:

Number and Street:

City, State and ZIP Code:

4. Federal grant or other identification number

5. Recipient's account number or identifying number

6. Letter of credit number

7. Last payment voucher number

Give total number for this period

8. Payment Vouchers credited to your account

9. Treasury checks received (whether or not deposited)

10. PERIOD COVERED BY THIS REPORT

3. FEDERAL EMPLOYER IDENTIFICATION NO.

FROM (month, day, year)

TO (month, day, year)

11. STATUS OF FEDERAL CASH

(See specific instructions on the back)

a. Cash on hand beginning of reporting period

\$

b. Letter of credit withdrawals

c. Treasury check payments

d. Total receipts (Sum of lines b and c)

e. Total cash available (Sum of lines a and d)

f. Gross disbursements

g. Federal share of program income

h. Net disbursements (Line f minus line g)

i. Adjustments of prior periods

j. Cash on hand end of period

\$

12. THE AMOUNT SHOWN ON LINE 11j, ABOVE, REPRESENTS CASH REQUIREMENTS FOR THE ENSUING

Days

13. OTHER INFORMATION

a. Interest income

\$

b. Advances to subgrantees or subcontractors

\$

14. REMARKS (Attach additional sheets of plain paper, if more space is required)

15. CERIFICATION

I certify to the best of my knowledge and belief that this report is true in all respects and that all disbursements have been made for the purpose and conditions of the grant or agreement.	AUTHORIZED	SIGNATURE	DATE REPORT SUBMITTED
	CERTIFYING OFFICIAL	TYPED OR PRINTED NAME AND TITLE	TELEPHONE (Area Code, Number, Extension)

THIS SPACE FOR AGENCY USE

INSTRUCTIONS

Public reporting burden for this collection of information is estimated to average 120 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0003), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

Please type or print legibly. Items 1, 2, 8, 9, 10, 11d, 11e, 11h, and 15 are self explanatory, specific instructions for other items are as follows:

<i>Item</i>	<i>Entry</i>	<i>Item</i>	<i>Entry</i>
3	Enter Employer Identification Number (EIN) assigned by the U.S. Internal Revenue Service or the FICE (institution) code.		benefits if treated as a direct cost, interdepartmental charges for supplies and services, and the amount to which the recipient is entitled for indirect costs.
4	If this report covers more than one grant or other agreement, leave items 4 and 5 blank and provide the information on Standard Form 272A, Report of Federal Cash Transactions - Continued. Enter Federal grant number, agreement number, or other identifying numbers if requested by sponsoring agency.	11g	Enter the Federal share of program income that was required to be used on the project or program by the terms of the grant or agreement.
5	This space reserved for an account number or other identifying number that may be assigned by the recipient.	11i	Enter the amount of all adjustments pertaining to prior periods affecting the ending balance that have not been included in any lines above. Identify each grant or agreement for which adjustment was made, and enter an explanation for each adjustment under "Remarks." Use plain sheets of paper if additional space is required.
6	Enter the letter of credit number that applies to this report. If all advances were made by Treasury check, enter "NA" for not applicable and leave items 7 and 8 blank.	11j	Enter the total amount of Federal cash on hand at the end of the reporting period. This amount should include all funds on deposit, imprest funds, and undeposited funds (line e, less line h, plus or minus line i).
7	Enter the voucher number of the last letter-of-credit payment voucher (Form TUS 5401) that was credited to your account.	12	Enter the estimated number of days until the cash on hand, shown on line 11j, will be expended. If more than three days cash requirements are on hand, provide an explanation under "Remarks" as to why the drawdown was made prematurely, or other reasons for the excess cash. The requirement for the explanation does not apply to prescheduled or automatic advances.
11a	Enter the total amount of Federal cash on hand at the beginning of the reporting period including all of the Federal funds on deposit, imprest funds, and undeposited Treasury checks.	13a	Enter the amount of interest earned on advances of Federal funds but not remitted to the Federal agency. If this includes any amount earned and not remitted to the Federal sponsoring agency for over 60 days, explain under "Remarks." Do not report interest earned on advances to States.
11b	Enter total amount of Federal funds received through payment vouchers (Form TUS 5401) that were credited to your account during the reporting period.	13b	Enter the amount of advance to secondary recipients included in item 11h.
11c	Enter the total amount of all Federal funds received during the reporting period through Treasury checks, whether or not deposited.	14	In addition to providing explanations as required above, give additional explanation deemed necessary by the recipient and for information required by the Federal sponsoring agency in compliance with governing legislation. Use plain sheets of paper if additional space is required.
11f	Enter the total Federal cash disbursements, made during the reporting period, including cash received as program income. Disbursements as used here also include the amount of advances and payments less refunds to subgrantees or contractors; the gross amount of direct salaries and wages, including the employee's share of		

Regular City Council Meeting

Date: 09/27/2010

TITLE: Public Hearing and Resolution Relating to Petitions for Reduction of Arterial Construction Fee Assessments

PRESENTED BY: David Mumford

Department: Public Works

Information

PROBLEM/ISSUE STATEMENT

The City Council adopted Ordinance 05-5322 on Arterial Construction Fees on April 11, 2005, in part to provide relief to commercially-zoned properties being used solely as owner-occupied single family residences. The ordinance states “The City Council may provide an exemption to commercially zoned properties that are currently owner-occupied as a single-family residence. The property owner must annually request the exemption through the Public Works Department by August 31 of each year.” The City Council adopted Ordinance 08-5478 on September 22, 2008, which allows a Residential Manufactured Home (RMH)-zoned property owner to also petition for a reduction of arterial fee assessments if the parcel is used solely as an owner-occupied single family residence. The relief in both of these situations is in the form of capping the parcel square footage at 9,600 square feet and calculating the assessment based on the R-9600 zoning rate instead of commercial or RMH zoning rates.

Public Works Administration staff developed a form for property owners meeting the criteria specified in Ordinance 08-5478 to annually petition the City Council for a reduction of their Arterial Construction Fee assessment. A copy of the form is available at the Public Works Administration, Finance Division, and City Administrator’s offices.

As of August 31, 2010, the Public Works Department received five (5) completed and signed petitions. All five (5) of the parcels meet the criteria specified in Ordinance 08-5478.

ALTERNATIVES ANALYZED

The Council must hold a public hearing and then may:

- Approve the resolution reducing the Arterial Construction Fee assessments for the five (5) parcels meeting the criteria of Ordinance 08-5478; or
- Not approve the resolution reducing the Arterial Construction Fee assessments for the five (5) parcels meeting the criteria of Ordinance 08-5478.

FINANCIAL IMPACT

By reducing the Arterial Construction Fee assessments on the five (5) parcels meeting the criteria of Ordinance 08-5478, the City will collect \$1,626.03 less for FY 2011 than if the City Council denied the petitions.

RECOMMENDATION

Staff recommends that a public hearing be held and City Council approve the proposed resolution reducing the arterial construction fee assessments for the five (5) commercially-zoned parcels meeting the criteria of Ordinance 08-5478.

APPROVED BY CITY ADMINISTRATOR

Attachments

2010 Petitions
Resolution

<i>DATE REC'D</i>	<i>TAX CODE</i>	<i>ZONE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>PARCEL ADDRESS</i>	<i>PHONE</i>	<i>Comments</i>	<i>Assessment if Petition is NOT approved</i>	<i>Assessment if Petition IS Approved</i>	<i>Difference</i>	<i>Recommendation</i>
7/8/2010	D05202	HC	Hatveldt	Art	2104 Bench Blvd	406-259-7090		\$580.70	\$40.13	(\$540.57)	
6/23/2010	A05114	CI	Weisbeck	Peter P. & Lucile V.	107 S 8th Street West	406-259-2128		\$110.36	\$40.13	(\$70.24)	
8/24/2010	A11635	MCPZD	Nilson	Terry W.	922 North 30th Street	406-252-2500		\$67.06	\$29.26	(\$37.80)	
8/10/2010	C12313	HC	Himmelberger	Dennis L. & Donna	233 Swords Lane	406-259-8225		\$739.98	\$40.13	(\$699.85)	
8/23/2010	C01104	HC	Fisher	Lee E. & Patricia J.	704 Logan Lane	406-252-6033		\$317.70	\$40.13	(\$277.57)	

If the City Council approves the "approval" recommendations above, the City will receive **\$1,626.03** less in Arterial Construction Fee assessments for these five parcels.

RESOLUTION NO. 10- _____

**A RESOLUTION OF THE CITY OF BILLINGS RESPONDING TO
SUBMITTED PETITIONS FOR REDUCTION OF ARTERIAL
CONSTRUCTION FEE ASSESSMENTS THAT WOULD APPEAR ON
THE OCTOBER 2010 PROPERTY TAX STATEMENTS**

WHEREAS, the City Council adopted Ordinance 05-5322 on April 11, 2005, in part to provide relief to commercially-zoned properties being used solely as owner-occupied single family residences, and

WHEREAS, Ordinance 05-5322 states, *“The City Council may provide an exemption to commercially zoned properties that are currently owner-occupied as a single-family residence. The property owner must annually request the exemption through the Public Works Department by August 31 of each year.”*, and

WHEREAS, the City Council adopted Ordinance 08-5478 on September 8, 2008, in part to provide relief to Residential Manufactured Home (RMH)-zoned properties being used solely as owner-occupied single family residences, and

WHEREAS, the City Council may provide relief to property owners meeting the criteria of Ordinance 05-5322 and Ordinance 08-5478 by capping the parcel square footage at 9,600 square feet and calculating the assessment based on the R-9600 zoning rate instead of commercial or RMH zoning rates, and

WHEREAS, the Public Works Department received five (5) completed and signed petitions by the August 31, 2010, deadline and

WHEREAS, the Public Works Department verified that all five (5) petitions involve properties meeting the criteria of Ordinance 08-5478, and

WHEREAS, reducing the assessments on these five (5) parcels would affect the Arterial Construction Fee assessments appearing on the tax statements Yellowstone County will print and mail in October 2010, and

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

1. **REDUCTION OF ASSESSMENTS**: The Arterial Construction Fees assessments on the following five (5) parcels shall be adjusted by Public Works Department staff and placed upon the assessment rolls and collected in the same manner as other City of Billings assessments.

TAX CODE #	ZONE	LAST NAME	FIRST NAME	PARCEL ADDRESS	Adjusted Assessment
D05202	HC	Hatveldt	Art	2104 Bench Blvd	\$40.13
A05114	CI	Weisbeck	Peter P. & Lucile V.	107 S 8th Street W	\$40.13
A11635	MCPZD	Nilson	Terry W.	922 N 30 th Street	\$29.26
C12313	HC	Himmelberger	Dennis L. & Donna	233 Swords Lane	\$40.13
C01104	HC	Fisher	Lee E. & Patricia J.	704 Logan Lane	\$40.13

3. **NOTICE OF HEARING:** On Monday, **September 27, 2010**, at 6:30 p.m., or as soon thereafter as the matter may be considered on the agenda in the Council Chambers of the City Hall, Billings, Montana, the City Council will hear objections to the final adoption of this resolution. The City Clerk is hereby directed to publish notice on September 9, 2010, and September 16, 2010, in the ***Billings Times***.

4. **EFFECTIVE DATE:** This resolution shall be effective upon final adoption.

ADOPTED and APPROVED by the City Council this **27th** day of **September 2010**.

CITY OF BILLINGS:

BY: _____
Thomas Hanel, Mayor

ATTEST:

BY: _____
Cari Martin, City Clerk

Regular City Council Meeting

Date: 09/27/2010

TITLE: Public Hearing and Resolution Authorizing Filing of the Annual Federal Transit Administration Section 5307 Grant

PRESENTED BY: Thomas H Binford

Department: Transit

Information

PROBLEM/ISSUE STATEMENT

Each year the City of Billings MET Transit Division applies for a Federal Transit Administration (FTA) Section 5307 formula grant through the U.S. Department of Transportation's Federal Transit Act, SAFETEA-LU. Through this Act, grant funds are allocated each year for the MET, which can be utilized for both operating costs and capital assistance. For FY 10/11, as we have for a number of years, the MET is intending to utilize this grant for assistance with operating costs. This grant is funded on a 50% Federal, 50% Local basis. The FTA will reimburse the City for 50% of MET's eligible operating expenses, up to the apportioned allocation for the year, which will be \$1,417,608.

In order to apply for this grant, it is necessary to include with this grant application, a resolution formally authorizing the Mayor to execute the grant agreement with the Department of Transportation (DOT). There is also a requirement for a public hearing for this grant application. Public hearing notices were published in the *Billings Times* on August 26 and September 9, advertising a public hearing on September 27, 2010.

ALTERNATIVES ANALYZED

The City Council may:

- Approve the filing of the grant application in the amount of \$1,417,608 for operating assistance; or
- Not approve the filing of the grant application in the amount of \$1,417,608 for operating assistance. This will reduce the MET's operating revenue by about 35% and force service reductions.

FINANCIAL IMPACT

For FY 10/11, the Section 5307 Federal grant application for operating assistance is \$1,417,608, which represents approximately 35% of the MET's operating revenue. This amount was budgeted in MET Transit's proposed FY 10/11 budget.

RECOMMENDATION

Staff recommends that Council conduct a public hearing and approve the resolution authorizing filing an application and for the Mayor to execute the grant agreement with the DOT FTA, upon receipt of the grant offer provided under the authorization of the Federal SAFETEA-LU Act.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Date: 09/27/2010

TITLE: Public Hearing and Resolution for Setting Mill Levy Rates

PRESENTED BY: Patrick M. Weber, Financial Services Manager

Department: City Hall Administration

Information

PROBLEM/ISSUE STATEMENT

This resolution establishes the city property tax mill levy rates for the Public Safety Fund (50.95 mills), General Obligation Debt Service Parks (.83 mills), General Obligation Debt Service Streets (2.23 mills), and General Obligation Debt Service Series A Baseball Stadium (5.21 mills) and General Obligation Debt Service Series B Baseball Stadium (.33 mills) for the 2010 tax year. These levies are based on the certified taxable valuation from the Montana Department of Revenue.

The total mill levy rate for tax year 2010 will be 168.55, which is .89 mills less than tax year 2009. This decrease in the total mill levy rate is due to the increase in Certified Taxable Value.

ALTERNATIVES ANALYZED

The Council must hold a public hearing and then may:

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

FINANCIAL IMPACT

Applied to a \$200,000 home, the 168.55 mills would result in a City property tax of about \$433 for 2010 compared to \$440 for 2009.

RECOMMENDATION

Staff recommends that the City Council hold the public hearing and approve the resolution setting the mill levy rates for tax year 2010.

APPROVED BY CITY ADMINISTRATOR

Attachments

Resolution Setting Mill Levy Rates

RESOLUTION 10-_____

A RESOLUTION ESTABLISHING THE MILL LEVIES FOR PUBLIC SAFETY,
GENERAL OBLIGATION DEBT FOR PARKS, STREET, AND BASEBALL
STADIUM DEBT SERVICE FOR TAX YEAR 2010.

WHEREAS, pursuant to law, the City of Billings is required to make annual mill levies.

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

1. That a Public Safety Mill Levy, which voters approved in November of 2004 in the amount of \$8.2 million (50.95 mills), is hereby imposed on all taxable property within the City of Billings, Montana, for the Fiscal Year **July 1, 2010 through June 30, 2011**.
2. That additional Mill Levies in the amounts stated are hereby imposed on all taxable property within the City of Billings, Montana, to provide payment for the following:
 - A. .83 mills-General Obligation Debt Service Parks
 - B. 2.23 mills-General Obligation Debt Service Streets
 - C. 5.21 mills-General Obligation Debt Service Baseball Stadium Series A
 - D. .33 mills-General Obligation Debt Service Baseball Stadium Series B
3. That when said taxes are collected, the same shall be placed in respective funds for the City and expended pursuant to the annual budget.
4. This Resolution shall be effective upon adoption.

ADOPTED and APPROVED by the City Council on the **27th day of September, 2010**

CITY OF BILLINGS:

BY: _____
Thomas W. Hanel, MAYOR

ATTEST:

BY: _____
Cari Martin, CITY CLERK

Regular City Council Meeting

Date: 09/27/2010

TITLE: Public Hearing and Resolution Recapturing Public Safety II 2009 Levy

PRESENTED BY: Patrick M. Weber, Financial Services Manager

Department: City Hall Administration

Information

PROBLEM/ISSUE STATEMENT

The Montana Department of Revenue (DOR) delivered the City's tax year 2009 certified taxable value (CTV) statement in September, 2009, about a month later than in prior years. The 2009 tax year was the first year of the six year property reappraisal cycle. The DOR received a large number of residential and commercial property tax appeals due to higher than anticipated valuations. These appeals resulted in a decrease in the CTV. The City received a revised copy of the CTV in December 2009. The DOR continue reviewing appeals through the spring and sent the City its third CTV statement in March 2010. The December and the March statements each reduced the previously stated CTV. These decreases in CTV resulted in the City collecting \$7.7 million for the 2004 Public Safety levy (PS II), a shortfall of \$493,000 from the \$8.2 million authorized by voters. The Council discussed the issue at its September 7 work session and instructed staff to prepare a resolution that recaptures the shortfall in tax year 2010 (FY 2011).

ALTERNATIVES ANALYZED

The Council must hold a public hearing and then may:

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

FINANCIAL IMPACT

The City will levy 50.95 mills for tax year 2010 (FY 11) in order to collect the authorized \$8.2 million. Recapturing the \$493,000 PS II tax requires that rate to increase to 53.82 mills. Even though the recapture requires levying 2.87 additional mills, the total rate of 53.82 mills is only 1.9 mills higher than the tax year 2009 levy, due to property value growth. This will be a one year increase and the rate is expected to decline next year, assuming that reappraisal mitigation and growth increase the city's total taxable value in tax year 2011.

The total mills levied for tax year 2010 will increase from 168.55 to 171.42 which will increase total City taxes on a \$200,000 home from \$433 to \$440 for 2010 compared to \$440 for 2009. The amounts are the same for both years even though more mills are being levied because total City taxable value increased.

BACKGROUND

Voters passed a Public Safety Levy in November 2004 (PS II) that incrementally increased each year, until reaching its maximum of \$8.2 million per year in the fifth and subsequent years. The City estimated that it would ultimately levy a total of 60 mills to produce \$8.2 million per year, but informed voters that if the community continued to grow, the number of mills would decline. Tax year 2009 (or fiscal year 2010) was the fifth year of the cumulative and permanent levy.

The Department of Revenue (DOR) issued the City's 2009 Certified Taxable Value (CTV) statement in September 2009. The City Council set the number of mills for the PS II at the September 21, 2009, regular meeting, based on the CTV issued by the DOR.

The 2009 tax year was the first year of the six year property reappraisal cycle. The DOR received a large number of residential and commercial property tax appeals due to higher than anticipated valuations. These appeals resulted in a decrease in the CTV. The City received a revised copy of the CTV in December 2009. The DOR was still reviewing protests in the spring of 2010 and sent the City its third CTV statement in March 2010. The December and the March statements each reduced the previously stated CTV. These decreases in CTV resulted in the City levying and collecting \$7.7 million for PS II, a shortfall of \$493,000. Most local governments can “recapture” un-levied taxes in subsequent years under MCA 15-10-420 (1) (b) as follows:

(b) A governmental entity that does not impose the maximum number of mills authorized under subsection (1)(a) may carry forward the authority to impose the number of mills equal to the difference between the actual number of mills imposed and the maximum number of mills authorized to be imposed. The mill authority carried forward may be imposed in a subsequent tax year.

The City of Billings is not specifically authorized to recapture taxes under this state code section because its taxing authority is controlled by the City Charter. City Administration, Legal and Finance have reviewed the PS II Charter amendment and pertinent Montana Code. The County Treasurer was also consulted on the legalities of recapturing the un-levied 2009 PS II taxes in tax year 2010 (FY 2011). The consensus is that the City can legally levy the additional mills this fall to collect the shortfall from tax year 2009.

Despite the strong case and consensus, there is a possibility that a tax payer could challenge the recapture.

RECOMMENDATION

Staff recommends that a public hearing be held and that Council passes the resolution to recapture Public Safety II 2009 levy.

APPROVED BY CITY ADMINISTRATOR

Attachments

Resolution

RESOLUTION 10-_____

A RESOLUTION ESTABLISHING THE RECAPTURE OF THE 2009 MILL LEVIES FOR PUBLIC SAFETY, FOR TAX YEAR 2010.

WHEREAS, pursuant to law, the City of Billings is required to make annual mill levies.

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

1. That a 2009 tax year Public Safety Mill Levy shortfall due to certified value changes received in December 2009, in the amount of \$463,000 (2.87 mills), is hereby imposed on all taxable property within the City of Billings, Montana, for the Fiscal Year **July 1, 2010 through June 30, 2011**. The total amount imposed for the voter approved 2004 Public Safety Mill Levy will be \$8,663,000 (53.81 mills).
2. That when said taxes are collected, the same shall be placed in respective funds for the City and expended pursuant to the annual budget.
3. This Resolution shall be effective upon adoption.

ADOPTED and APPROVED by the City Council on the **27th day of September, 2010**

CITY OF BILLINGS:

BY: _____
Thomas W. Hanel, MAYOR

ATTEST:

BY: _____
Cari Martin, CITY CLERK

Regular City Council Meeting

Date: 09/27/2010

TITLE: Public Hearing & Resolution on Encroachments

PRESENTED BY: Patrick M. Weber, Financial Services Manager

Department: City Hall Administration

Information

PROBLEM/ISSUE STATEMENT

The annual encroachment assessments have been completed by the Finance Division and are ready to be spread on the tax rolls by resolution, following a public hearing.

Encroachment - Pursuant to BMCC Section 13-301, every person maintaining or owning any structure, encumbrance, obstruction or encroachment, in or upon or extending or projecting on, over, across or above and within seven (7) feet of the grade of any public property, public street, avenue, sidewalk or alley in the city, shall obtain an encroachment permit and shall pay to the city an annual encroachment rental fee.

ALTERNATIVES ANALYZED

The Council may:

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

FINANCIAL IMPACT

A list of the assessments is attached as part of the resolution.

RECOMMENDATION

Staff recommends that the City Council conduct a public hearing and adopt the encroachment assessment resolution.

APPROVED BY CITY ADMINISTRATOR

Attachments

Resolution Encroachments

RESOLUTION 10 _____

A RESOLUTION FIXING THE AMOUNT OF THE ANNUAL SPECIAL ASSESSMENT TAX FOR THE FISCAL YEAR 2011 TO BE PAID BY PERSONS, FIRMS, AND CORPORATIONS, MAINTAINING ENCUMBRANCES, OBSTRUCTIONS, OR ENCROACHMENTS ON, OVER, ACROSS, OR ABOVE THE STREETS, AVENUES, SIDEWALKS, OR ALLEYS OF THE CITY OF BILLINGS AND LEVYING AND ASSESSING SAID SPECIAL ASSESSMENT TAX.

WHEREAS, Chapter 13 of the Billings, Montana City Code provides that every person, firm, or corporation that has or maintains any encumbrances, obstructions, or encroachments on, over, across, or above any street, avenue, sidewalk, or alley shall pay an annual rental fee, and

WHEREAS, Billings, Montana City Code, Section 13-303 provides that the City Council shall annually, by resolution, make a special assessment for such rental upon certain lots abutting on that part of the street, avenue, sidewalk, or alley upon which encumbrance, obstruction, or encroachment on the owner of such abutting lot or lots.

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

1. ANNUAL ASSESSMENT FOR RENTAL: That for the purposes of collecting said rents for the fiscal year 2010 for said encumbrances, obstructions, and encroachments on, over, across, or above the streets, avenues, alleys, and sidewalks of the City of Billings, there is hereby fixed, levied and assessed a special assessment tax upon the lots or parcels of land provided in the schedule attached, described as EXHIBIT "A" and by this reference made a part hereof.

2. DISPOSITION OF COLLECTIONS. All monies collected from said taxes shall be paid to the General Fund of the City of Billings, Montana.

3. NOTICE OF HEARING. That on Monday the 27th day of September, 2010 at 6:30 p.m. or as soon thereafter as the matter may be considered on the agenda in the council chambers of the city hall, billings, Montana, the council will hear objections to the final adoption of this resolution. The City Clerk published notice hereof twice, on September 9th and September 16th, 2010 in the Billings Times.

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

ADOPTED and APPROVED by the City Council on the **27th** day of **September, 2010**

CITY OF BILLINGS:

BY: _____
Thomas W. Hanel, MAYOR

ATTEST:

BY: _____
Cari Martin, CITY CLERK

Exhibit A

Property Address Owner Name	Ta	Subd(CS)/Block/Lot/Unit x A/C ID Location ID Acre	Tax Code	Valuation Code	Current Assessment
11 ANTELOPE TRL FRIED, WILLIAM JR & SALLY AN		HLO 014 001,2 8701 10914800	A09148 RE	ENCH	220.00
1443 AVE D DYE, CINDY D		EVE 007 023 W15' & 6389 10675100	A06751 RE	ENCH	6.50
2720 BEARTOOTH DR COFFMAN, STEPHEN L & VICTOR		BEA 002 013 2604 10292000	A02920 RE	ENCH	5.00
2840 BETH DR THOMAS FAMILY LIVING TRUST, 1		SFF 000 001 3416 11388500	A13885 RE	ENCH	1.00
430 S BILLINGS BLVD HANSER AUTOMOTIVE CO INC 3		SRS 000 008 S326' 5929 40138900	D01389 RE	ENCH	675.00
928 BROADWATER AVE ZIMMERER, STEPHEN L & BRENDA		BDW 002 028-37 2998 10330200	A03302 RE	ENCH	12.00
1127 CALICO AVE KOHN, JAY A & JUDY K 2		TE2 009 024 4218 12484300	A24843 RE	ENCH	50.00
322 CAMEL PL VALKENBURG, CORNELIUS A & LI 2		SS2 001 061 3120 12370300	A23703 RE	ENCH	58.50
CENTRAL AVE JEWEL FOOD STORES INC 1		Y55 026 001-11 & 8816 11932600	A19326 RE	ENCH	10.00
1625 CENTRAL AVE GRAND LANES INC 1		WWH 001 004-8 & 7099 11757100	A17571 RE	ENCH	48.00
3040 CENTRAL AVE HUNTERS POINTE APARTMENTS LL 3		SRD 000 002 9020 14610	A31495 RE	ENCH	30.00
1301 DIVISION ST ATWOOD, SCOTT		BLG 003 017-20 & 17 10002800	A00028 RE	ENCH	10.00
2300 ELIZABETH ST SCHAEFER, JOSHUA T & COREY R 1		STH 003 001 3542 639	A13999 RE	ENCH	25.00
138 FLORINE LN JACOBSON, RICHARD LEE &		FLA 000 007 14&15A 6655 14651	A07017 RE	ENCH	15.00
4148 FRANCES AVE BRYSON, JEFFERY A		HRM 000 001 8092 10864600	A08646 RE	ENCH	25.00
828 GOVERNORS PL POWELL, ROSS D & JILL C 1		KH3 021 011 9673 12022000	A20220 RE	ENCH	34.00
2500 GRAND AVE 001 BOGGS, JUSTIN DALE 2		LP2 002 002 001 0144 13300	A20713 RE	ENCH	1.00
2700 GRAND AVE B GRAND AVE INVESTOR LLC 4		SVM 001 001 00B 2305 3296	A28233B RE	ENCH	91.70
2700 GRAND AVE C GRAND AVE INVESTOR LLC 4		SVM 001 001 00C 2306 3297	A28233C RE	ENCH	11.58
2700 GRAND AVE D GRAND AVE INVESTOR LLC 4		SVM 001 001 00D 2307 4550	A28233D RE	ENCH	11.28
2700 GRAND AVE E GRAND AVE INVESTOR LLC 4		SVM 001 001 00E 2308 26245	A28233E RE	ENCH	13.10
2700 GRAND AVE F GRAND AVE INVESTOR LLC 4		SVM 001 001 00A 2304 12823300	A28233A RE	ENCH	19.34
1323 GRANITE AVE STOUGHTON, ALICE CASADY 1		LER 000 013 0105 11061300	A10613 RE	ENCH	102.00
3221 GREEN TERRACE DR ROSE, BERNARD J III		CDF 007 024 5385 10568700	A05687 RE	ENCH	41.00

2760 GREGORY DR S		GR3	002	010	A19680	ENCH	50.00
COZZENS, LAWRENCE B & JEANNI	1	9127	11968000		RE		
4103 JANSMA AVE		SW4	012	011	A22975	ENCH	50.00
MOFFETT, DAVE	2	2382	12297500		RE		
4780 KING AVE E		MLC	001	001	A28994	ENCH	25.00
BK RE 11036 LLC	2	8086	1874		RE		
2883 KING AVE W		0662	000	000	D00527	ENCH	1,000.00
RMR I LLC	3	5758	11622		RE		
4009 LAREDO PL		MYP	004	002	C06176	ENCH	112.50
ZIMNY, GERARD P & MICHELLE A	3	2925	30617600		RE		
3218 LEEANN BLVD		W5A	003	014A1	A20842	ENCH	10.00
TEICHERT, LYLE W & VALERIE R	2	0240	12084200		RE		
595 MAIN ST		HLR	000	001 W10' &	A09171	ENCH	50.00
MAIN STREET PARTNERS		8745	10917100		RE		
5435 MIDLAND RD		VAQ	001	001	C07319	ENCH	706.00
MANNY 422 LLC	3	3243	30731900		RE		
1117 MILES AVE		BDW	012	009-10	A03492	ENCH	10.00
MILLER, JANEL R		3187	10349200		RE		
2622 MINNESOTA AVE		BLG	189	017	A01272	ENCH	88.00
CITY OF BILLINGS		1060	10127200		RE		
2624 MINNESOTA AVE		BLG	189	018	A01273	ENCH	207.00
L & L DEVELOPMENT VENTURE LP		1061	10127300		RE		
2702 MINNESOTA AVE		BLG	190	007-8	A01281	ENCH	27.00
MORLEDGE, KARL		1069	10128100		RE		
2712 MINNESOTA AVE		BLG	190	012A	A01285	ENCH	46.00
MCKAY, TERRY & BARBARA J		1072	10128500		RE		
2804 MINNESOTA AVE		BLG	191	007-16	A01294	ENCH	421.00
LJR, LLC		1080	10129700		RE		
2303 MONTANA AVE		BLG	113	001-2	A00832	ENCH	122.50
D. B. SQUARED LLC		683	10083200		RE		
2319 MONTANA AVE		BLG	113	005A &	A00833	ENCH	442.00
COMPUTERS UNLIMITED		685	10083300		RE		
2401 MONTANA AVE		BLG	112	001	A00817	ENCH	50.00
REX HOTEL PARTNERSHIP		668	10081700		RE		
2413 MONTANA AVE		BLG	112	007	A00822	ENCH	114.00
NELSON, ANDY & BERT		674	10082200		RE		
2415 MONTANA AVE		BLG	112	008	A00823	ENCH	25.00
COMPUTERS UNLIMITED		675	10082300		RE		
2501 MONTANA AVE		BLG	111	001-2	A00806	ENCH	1,261.00
COMPUTER UNLIMITED		657	10080600		RE		
2505 MONTANA AVE		BLG	111	003	A00807	ENCH	53.00
RPS, LLC		658	10080700		RE		
2705 MONTANA AVE		BLG	109	001-4	A00789	ENCH	66.00
TG & F PROPERTIES INC		646	10078900		RE		
2713 MONTANA AVE		BLG	109	005-7	A00792	ENCH	16.00
T G & F PROPERTIES INC		648	10079300		RE		
2817 MONTANA AVE		BLG	108	008 W2/3 &	A00781	ENCH	126.00
NELSON, BERT A & ANDREW		640	10078100		RE		
2911 MONTANA AVE		BLG	107	006A	A00765	ENCH	224.34
MIGNONE, FRANCIS J		627	10076500		RE		
3217 MONTANA AVE		BLG	104	009-12 101	A00735A	ENCH	25.00
MONTANA AVE LOFTS LLC	4	1297	12144		RE		
3517 MONTANA AVE		BLG	101	008-12	A00708	ENCH	5.00
RIMROCK II LLC		578	10070800		RE		
1159 MOON VALLEY RD		MVA	000	034	A11091	ENCH	50.00

BERRY, GALE & AMY	1	0570	11109100	RE		
533 PARK LN		MV2	001 001	A11193	ENCH	5.00
EREKSON, MATTHEW L	1	0660	11119300	RE		
1918 PARKHILL DR		HLI	005 001	A09085	ENCH	3.00
DEAVER, FRANKLIN KENNEDY JR		8540	10908500	RE		
4015 POLY DR		3209	000 002	D04718	ENCH	20.00
ELLIS, SHELLEY M	3	6278	40471800	RE		
127 REGAL ST		KNG	000 003	A20357	ENCH	30.00
JONES, JAMES W & JOHN T TRUS	1	9803	12035700	RE		
801 RIMROCK RD		T1N	R26E SEC 30 E 75'	D05641	ENCH	5.00
LE BAR, JAMES H & ELINOR J	3	6662	40564100	RE		
1625 RIVER STONE ST		CWG2	012 015	A33004	ENCH	3.00
SERMON, EDWARD J & REGINA L	4	0529	16651	RE		
2953 ROCKRIM LN		VLV	000 007C	A17196	ENCH	25.00
RUDE, KARL J	1	6717	11719600	RE		
2901 SHADOW OAKS PL		OKS	004 001	A24268	ENCH	25.00
COLLETT, GORDON C & SIV D	2	3671	1207	RE		
2902 SILVERWOOD ST		SLW	001 022	A21196	ENCH	10.00
KOCH, BRENT D	2	0570	12119600	RE		
1490 SOURDOUGH LN		GOL	003 021	A20913	ENCH	5.00
WILLIAMS, JOHN	2	0307	12091300	RE		
2706 TREASURE DR		PVT	004 029	A12971A	ENCH	25.00
POPP, GREGORY A & SHELLY	1	2401	11297101	RE		
UNASSIGNED		SHI	008 000 PARK#2	C08660	ENCH	1.00
EGGBRECHT FAMILY LIMITED PT	3	3842	30866000	RE		
2010 VIRGINIA LN		CCA	004 039-43	A04983A	ENCH	25.00
WILGUS, MARK A & JOSI D		4688	2207	RE		
3815 WAR BONNET TRL		WBS	003 011A	C03210	ENCH	25.00
DAVIES, WILLIAM L & NANCY A	3	2172	30321000	RE		
230 WYOMING AVE		WSI	015 031-32	A17942	ENCH	9.00
HUSCHKA, MICHAEL J & LISA J	1	7470	11794200	RE		
1105 1 AVE N		1758	000 001	D05903	ENCH	100.00
ROOKHUIZEN, EDWARD J & DIANN	3	6904	40590300	RE		
1123 1 AVE N		0384	000 000 FRAC	D05900	ENCH	1,440.00
B WHO U R, LLC	3	6901	40590000	RE		
1617 1 AVE N		BLG	081 013-24	A00537	ENCH	220.00
J & S PROPERTIES INC		432	10053700	RE		
2442 1 AVE N		BLG	112 018	A00827	ENCH	17.00
FOXLEY, SANDRA M TRUSTEE		679	10082700	RE		
2511 1 AVE N		BLG	090 015-24	A00618	ENCH	362.00
CLOCK TOWER INN, LLC		499	90015300	RE		
2651 1 AVE N		BLG	091 001-4 &	A00620	ENCH	5.00
CITY OF BILLINGS		500	966	RE		
2708 1 AVE N BSMT		BLG	109 019-20 BSMT	A00796A	ENCH	4.50
SECURITIES BUILDING LLC	4	1306	20420	RE		
2708 1 AVE N 004A		BLG	109 019-20 004A	A00796H	ENCH	0.69
SECURITIES BUILDING LLC	4	1313	20427	RE		
2708 1 AVE N 004B		BLG	109 019-20 004B	A00796I	ENCH	0.67
SECURITIES BUILDING LLC	4	1314	20428	RE		
2708 1 AVE N 004C		BLG	109 019-20 004C	A00796J	ENCH	0.70
SECURITIES BUILDING LLC	4	1315	20429	RE		
2708 1 AVE N 004D		BLG	109 019-20 004D	A00796K	ENCH	0.45
SECURITIES BUILDING LLC	4	1316	20430	RE		
2708 1 AVE N 004E		BLG	109 019-20 004E	A00796L	ENCH	0.63
SECURITIES BUILDING LLC	4	1317	20431	RE		

2708 1 AVE N 004F SECURITIES BUILDING LLC	4	BLG 109 019-20 004F 1318 20432	A00796N RE	ENCH	0.61
2708 1 AVE N 005A SECURITIES BUILDING LLC	4	BLG 109 019-20 005A 1319 20433	A00796O RE	ENCH	0.69
2708 1 AVE N 005B SECURITIES BUILDING LLC	4	BLG 109 019-20 005B 1320 20434	A00796P RE	ENCH	0.67
2708 1 AVE N 005C SECURITIES BUILDING LLC	4	BLG 109 019-20 005C 1321 20435	A00796Q RE	ENCH	0.70
2708 1 AVE N 005D SECURITIES BUILDING LLC	4	BLG 109 019-20 005D 1322 20436	A00796R RE	ENCH	0.45
2708 1 AVE N 005E SECURITIES BUILDING LLC	4	BLG 109 019-20 005E 1323 20437	A00796S RE	ENCH	0.63
2708 1 AVE N 005F SECURITIES BUILDING LLC	4	BLG 109 019-20 005F 1324 20438	A00796T RE	ENCH	0.61
2708 1 AVE N 101 SECURITIES BUILDING LLC	4	BLG 109 019-20 101 1307 20421	A00796B RE	ENCH	3.17
2708 1 AVE N 102 SECURITIES BUILDING LLC	4	BLG 109 019-20 102 1308 20422	A00796C RE	ENCH	1.33
2708 1 AVE N 200 SECURITIES BUILDING LLC	4	BLG 109 019-20 200 1309 20423	A00796D RE	ENCH	2.39
2708 1 AVE N 201 SECURITIES BUILDING LLC	4	BLG 109 019-20 201 1310 20424	A00796E RE	ENCH	1.35
2708 1 AVE N 300 WEBHEN LLC	4	BLG 109 019-20 300 1311 20425	A00796F RE	ENCH	2.56
2708 1 AVE N 301 SECURITIES BUILDING LLC	4	BLG 109 019-20 301 1312 20426	A00796G RE	ENCH	1.20
2902 1 AVE N NEAL C LA FEVER TRUST &		BLG 107 019-20 634 10077400	A00774 RE	ENCH	1,720.00
2925 1 AVE N FINK, TED G TRUSTEE		BLG 094 021-24 534 10065600	A00656 RE	ENCH	59.58
3220 1 AVE N RIDER, THEODORE J & MARIAN C		BLG 104 014 N6" & 605 10073700	A00737 RE	ENCH	10.00
3303 1 AVE N HOLIDAY FURNATURE CO INC		BLG 098 001-9 556 10068700	A00687 RE	ENCH	3.00
3520 1 AVE N RIMROCK II LLC		BLG 101 013-18 579 10071000	A00710 RE	ENCH	5.00
2921 1 AVE S SEAL, LAVERN AKA LEVERN		BLG 00A 019-24 8 10001000	A00010 RE	ENCH	16.00
2800 10 AVE N DEACONESS MEDICAL CNTR OF BL		DMC 001 001-3 & 5664 457	A05968 RE	ENCH	304.00
320 N 11 ST TRAIL CREEK PROPERTIES LLC		BLG 028 006 91 10012300	A00123 RE	ENCH	50.00
1340 15 ST W SIEMENS FAMILY LP	1	LIQ 000 001 9032 11957000	A19570 RE	ENCH	56.00
1201 2 AVE N FRANK FAMILY LIMITED PARTNER		BLG 073 001-12 409 10051000	A00510 RE	ENCH	960.00
2520 2 AVE N BAD OSPREY INC		BLG 090 013 497 10061600	A00616 RE	ENCH	24.00
2814 2 AVE N ROYER PROPERTY LLC		BLG 093 013-17 E50' & 522 5968	A00644 RE	ENCH	154.00
810 2 ST W BALLOU, CAROLYN J	1	WSI 016 001-4 N54' 7478 11794900	A17949 RE	ENCH	12.00
302 S 23 ST CONOCOPHILLIPS COMPANY		BLG 173 011-12 969 10117400	A01174 RE	ENCH	320.00
1108 24 ST W		LS2 001 001	A10202	ENCH	2,813.00

LUTHERAN CHURCH OF THE GOOD	9688	11020200	RE		
1211 24 ST W	A2S	000 006,7 N277.3	A02434A	ENCH	15.00
BIG SKY FLORAL SUPPLY LLC	2116	10243401	RE		
124 N 24 ST	BLG	089 011-12	A00604	ENCH	7.00
LEE, DONALD R 37% INT	486	10060400	RE		
420 N 24 ST	BLG	011 007-12	A00068A	ENCH	10.00
B L M TIRE CO	39	10006801	RE		
124 S 24 ST	BLG	143 001-3 &	A00964	ENCH	40.00
HATZELL PROPERTIES LLP	782	10096400	RE		
322 N 25 ST	BLG	042 011-12	A00243	ENCH	120.00
BLGS U S EMPLOYEES FED CR UN	196	10024300	RE		
219 N 26 ST	BLG	090 014	A00617	ENCH	24.00
BAD OSPREY INC	498	10061700	RE		
505 N 26 ST	BLG	267 021A	A01963A	ENCH	220.00
YELLOWSTONE ART MUSEUM	1672	5839	RE		
10 S 26 ST	BLG	189 007	A01264	ENCH	42.00
CITY OF BILLINGS	1052	10126400	RE		
24 S 26 ST	BLG	189 001-6	A01259	ENCH	6.00
CITY OF BILLINGS	1047	10125900	RE		
724 S 26 ST	BLG	227 001-24 &	A01699	ENCH	25.00
STATE OF MT DEPARTMENT OF AD	1454	10169900	RE		
27 N 27 ST	BLG	110 007-18	A00804	ENCH	130.00
MAKENNA HOTEL INVESTMENTS LL	656	4323	RE		
210 N 27 ST	BLG	058 001-12	A00368	ENCH	28.00
CITY OF BILLINGS	289	1602	RE		
515 N 27 ST	FOA	051 018 &	A07362	ENCH	47.26
SOUTH CENTRAL MONTANA REGION	6904	10736200	RE		
802 N 27 ST	FOA	025 001-6	A07120	ENCH	100.00
BILLINGS CLINIC	6743	10712000	RE		
1315 N 27 ST	SDS	021 002 N100'	A16557	ENCH	15.00
KHAN PROPERTIES, LLC 1	6204	11655700	RE		
13 S 27 ST	BLG	189 019-24	A01274	ENCH	134.00
CITY OF BILLINGS	1062	10127400	RE		
101 S 27 ST	BLG	141 001-12 &	A00949	ENCH	10.00
YELLOWSTONE HEALTH PARTNERSH	772	10094900	RE		
24 N 28 ST	BLG	108 001-6	A00778	ENCH	602.00
WESTERN SECURITY BANK	638	10077800	RE		
101 N 28 ST	BLG	092 023-24	A00639	ENCH	48.00
DAVIDSON, LARRY	517	4330	RE		
111 N 28 ST	BLG	092 020 &	A00637	ENCH	388.00
ACME LIMITED PARTNERSHIP	515	3181	RE		
117 N 28 ST	BLG	092 015-16	A00636	ENCH	351.00
ROBERTSON, JEFF & DONNA	513	10063600	RE		
124 N 28 ST	BLG	093 006-12	A00642	ENCH	162.00
THE BABCOCK LLC	520	10064200	RE		
213 N 28 ST	BLG	058 017-18	A00374	ENCH	48.00
LO, CHIA WEI & LIN LIN	292	10037400	RE		
222 N 28 ST	BLG	057 009-10	A00363	ENCH	500.00
CORMIER, PATRICK C-TRSTE	281	2487	RE		
313 N 28 ST	FOA	056 019,20 W62.72	A00260	ENCH	273.00
RUFF, BILLIE	210	10026000	RE		
1138 N 28 ST	NS3	008 014-22 &	A12226	ENCH	720.00
SISTERS OF CHARITY OF LEAVEN 1	1549	11222600	RE		
20 S 28 ST	BLG	191 001-6	A01293	ENCH	30.00
YELLOWSTONE PAPER COMPANY	1079	4402	RE		

101 S 28 ST		BLG	140	001-24	A00939	ENCH	126.00
SOUTHERN FOODS GROUP LP		770	6306		RE		
14 N 29 ST		BLG	107	023-24	A00776	ENCH	105.00
BARBAZON APARTMENTS LP		636	10077600		RE		
15 N 29 ST		BLG	108	014A	A00783	ENCH	108.00
NEAL C LA FEVER TRUST &		642	10078300		RE		
223 N 29 ST		BLG	057	013-15	A00365	ENCH	20.00
TWO VALLEYS REALTY INC		283	10036500		RE		
415 N 29 ST		FOA	053	013-20	A07370	ENCH	17.00
KARLSEN, VIRGINIA G		6911	10737000		RE		
716 N 29 ST		FOA	035	007-9	A07194	ENCH	20.00
BILLINGS CLINIC		6792	13240		RE		
801 N 29 ST		BCS	001	001	A07131	ENCH	223.00
BILLINGS CLINIC		6748	28971		RE		
904 N 29 ST		NS1	001	001-24 &	A12102	ENCH	223.00
DEACONESS MEDICAL CNTR OF BL		1517	11210200		RE		
1		NS3	006	001-2 &	A12194	ENCH	57.14
1002 N 29 ST		1532	11219400		RE		
DEACONESS MEDICAL CNTR OF BL		NS3	006	003-4 &	A12195	ENCH	57.14
1		1533	13256		RE		
1006 N 29 ST		NS3	006	005-6 &	A12196	ENCH	57.14
BILLINGS DEACONESS HOSPITAL	1	1534	11219600		RE		
1010 N 29 ST		NS3	006	007-8 &	A12197	ENCH	57.14
DEACONESS MEDICAL CENTER OF		1535	11219700		RE		
1		NS3	006	009-10 &	A12198	ENCH	57.14
1020 N 29 ST		1536	11219800		RE		
DEACONESS MEDICAL CENTER	1	NS3	006	011-12 &	A12199	ENCH	57.14
1024 N 29 ST		1537	11219900		RE		
BILLINGS DEACONESS HOSPITAL	1	NS3	006	013-14 &	A12200	ENCH	57.14
1028 N 29 ST		1538	11220000		RE		
BILLINGS DEACONESS HOSPITAL	1	NML	002	032	A11354	ENCH	9.00
1245 N 29 ST		0801	11135400		RE		
STATE OF MT - DEPT OF INSTIT	1	BLG	00A	001-6	A00001	ENCH	11.00
24 S 29 ST		1	10000100		RE		
SEAL, LEVERN D		PIS	001	005B	C10469A	ENCH	10.00
1190 S 29 ST W		4980	31046901		RE		
WEBER PROPERTIES LLC	3	BLG	057	011-12	A00364	ENCH	334.00
2812 3 AVE N		282	10036400		RE		
GRAY, MICHAEL J		BLG	045	013-24 &	A00264	ENCH	125.00
2825 3 AVE N		214	2852		RE		
MILLER TROIS LLC		BLG	056	007-17 &	A00352	ENCH	18.00
2922 3 AVE N		276	4454		RE		
BILLINGS MONTANA PARKING COM		FOA	028	001-3	A07152	ENCH	120.00
804 N 30 ST		6752	10715200		RE		
DEACONESS MEDICAL CENTER OF		FOA	028	004-5	A07153	ENCH	80.00
810 N 30 ST		6753	10715300		RE		
BILLINGS CLINIC		FOA	028	006-8	A07154	ENCH	120.00
814 N 30 ST		6754	10715400		RE		
DEACONESS BILLINGS CLINIC		NEL	006	018-24	A11592	ENCH	15.00
1144 N 30 ST		1003	3201		RE		
SISTERS OF CHARITY OF LVNWRT	1	NEL	004	025-48 &	A11565	ENCH	33.34
1233 N 30 ST							

SISTERS OF CHARITH OF LEAVEN 1	0979	11156500	RE		
217 N 31 ST	BLG	055 013-18	A00349	ENCH	137.00
ROMAN CATHOLIC BISHOP OF GRT	274	10034900	RE		
924 S 31 ST	BLG	239 001-4	A01809	ENCH	50.00
COMMUNITY LEADERSHIP DEVELOP	1536	10180900	RE		
1305 4 AVE N	BLG	022 001-6	A00096	ENCH	213.32
W B Y -LLC	70	10009600	RE		
3000 7 AVE N	FOA	044 010-12	A07297	ENCH	60.00
MILLER LAND CO	6854	10729700	RE		
2323 7 ST W	CDN	006 001	A05812	ENCH	25.00
ARAGON, KATHLEEN J	5513	10581200	RE		

Regular City Council Meeting

Date: 09/27/2010

TITLE: Public Hearing & Resolution for Weed Assessments

PRESENTED BY: Patrick M. Weber, Financial Services Manager

Department: City Hall Administration

Information

PROBLEM/ISSUE STATEMENT

The annual weed assessment has been completed by the Finance Division and is ready to be spread on the tax rolls by the attached resolution.

Pursuant to BMCC 25-304, the property owner is notified in writing and given seven (7) days from the date of the notice of noncompliance to exterminate or remove the weeds. Upon failure to comply to the written notification, the city may by its own work forces or by contract cause the weeds to be exterminated, removed or cut. The cost shall be assessed against the non complying real property, together with an additional administrative cost equal to 25% of the cost of removal and a \$25 penalty. If the charges are not paid within a given time, the costs with penalties constitute a lien on the non-complying real property and become a special assessment against the real property.

The attached list of properties had weed removal, with the General Fund bearing the initial cost.

ALTERNATIVES ANALYZED

The Council must hold a public hearing and then may:

- Approve the resolution; or
- Not approve the resolution, in which case the tax payers will not be assessed, and the General Fund will be responsible for paying for the weed removal.

FINANCIAL IMPACT

The assessments total \$23,502.47 and most of the payments will reimburse the General Fund.

RECOMMENDATION

Staff recommends that a public hearing be held and that Council passes the resolution on September 27, 2010.

APPROVED BY CITY ADMINISTRATOR

Attachments

Resolution Weed Assessments

RESOLUTION NO. 10 _____

A RESOLUTION LEVYING A SPECIAL TAX UPON PROPERTY
WITHIN THE CITY OF BILLINGS, MONTANA, TO DEFRAY THE
COST OF CUTTING AND/OR EXTERMINATING WEEDS.

WHEREAS, Billings, Montana City Code, Section 25-307, provides that the City Clerk shall prepare and present a resolution containing a list of all parcels of land in the City, from which and adjacent to which, the weeds were cut, exterminated and/or removed, and such list shall contain opposite the number of such lots or description of such parcels of land, the name of the owner, if known, and the amount of cost for cutting and removing such weeds.

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

1. LEVYING OF SPECIAL TAX. That for the purpose of collecting funds to defray the cost of cutting and removing of weeds, there is hereby levied and assessed a special tax upon the owners and the lots or parcels described on the list attached hereto.
2. ASSESSMENT AND COLLECTION. Said tax shall be placed upon the assessment rolls and collected in the same manner as other taxes.
3. DISPOSITION OF COLLECTIONS. All monies collected from taxes shall be paid to the General Fund of the City of Billings.
4. NOTICE OF HEARING. On Monday, **September 27, 2010**, at 6:30 o'clock p.m., or as soon thereafter as the matter may be considered on the agenda in the Council Chambers of the City Hall, Billings, Montana, the City Council will hear objections to the final adoption of this resolution. The City Clerk published notice hereof twice, on September 9th and September 16th, 2010 in the Billings Times.
5. EFFECTIVE DATE. This resolution shall be effective upon adoption.

ADOPTED and APPROVED by the City Council on the **27th** day of **September, 2010**

CITY OF BILLINGS:

BY: _____
Thomas W. Hanel, MAYOR

ATTEST:

BY: _____
Cari Martin, CITY CLERK

Exhibit A

Last Name	First Name	Business	Violation Address	Tax Code	ASSESSED
Veatch	Wendy		148 Jefferson St.	A14701	214.63
Wilson	Gary W. & Brian		3 Jefferson St	A14651	233.75
Tallmadge	Ludmilla M.		408 Kuhlman Dr	A09956	346.25
		Weber Investment Group	3416 6th Ave S	A01624	290.00
		Yellowstone County	4102 Clevenger	A09643	233.75
Scott	Jacqueline		3310 1st Ave S.	A18791	205.63
Schmidt	Peter & Sue Ann		1215 8th St. W		252.88
Panasuk	Vicky		2941 Custer Ave	C01941	121.25
Lahr	Nicholas		2917 Custer Ave	C01938	102.13
McConnell	Cole		2915 Custer Ave	C01937	158.38
Johnson	Richard & Lana		1106 6th St. West	A15467	290.00
Branough	Robert		219 S. 36th St	A08734	252.88
Baumeister /Yaeger	D. / Matthew		195 Windsor Cir N.	A21318	233.75
		Secretary of Housing	904 S. 31st St	A01813	327.13
Hofferber	Timothy		801 N. 25th St	A07097	233.75
Gabel	Alice		3401 6th Ave S.	A01452	177.50
Huennekens	Holly D Trust		3216 Rimrock Rd	D04753	177.50
		Schneiter Enterprises	4108 Tamarisk Dr	A22721	290.00
		Schneiter Enterprises	2050 Greenbriar Ln	A22113	571.25
Smith	Carrie		615 Howard	A19099	290.00
Mclean	Heather		346 Custer	A15811	346.25
Lee	Sandra Murray		632 Miles	A19108	205.63
Severson	Troy		3409 Rimrock Rd	A06468	206.00
Weber	Darryl Trustee		3010 Boulder Ave	A18637	

					402.50
Boyer	Melvin		20 Washington St	A14668	149.38
Corp/Presiding		Mormon Temple	1065 Siesta Ave	A27076	140.38
		Fraser Tower Partners	715 S. 28th St	A01696	233.75
		Shay Picard Homes	3237 Jack Burke Ln	C03283B	402.50
Braun	Sidney		2814 9th Ave S	A01846	346.25
Belmarez	Tracy		104 Jefferson	A14712	290.00
Khaleel	Shafio & Tasneem		Judith Ln	A03258	402.50
Fortune	Brynn & Keith		611 Burlington	A15490	290.00
Lyndes	Jay		Banff & Crater Lake	D11510	458.75
Pratsch	Robert		2691 Gabel Rd	A26156	571.25
Pratsch	Robert		2671 Gabel Rd	A26155	655.63
Scott	Jacqueline		3310 1st Ave S.	A18791	233.75
		JP Morgan Chase Bank	294 Westchester Sq	A24181	177.50
		JP Morgan Chase Bank	297 Westchester Sq		177.50
Veatch	Wendy		148 Jefferson St.	A14701	214.63
Maurer	Wade		1732 Wicks	A31433	252.88
		Cherry Creek Dvlpmt	1955 Cherry Creek Lp		402.50
Costello	Jody		532 Pemberton	C01383a	402.50
Woloshin	Daniel		944 Solita	A26893	233.75
		Weber Investment Group	3416 6th Ave S	A01624	233.75
McKenny	Bret		23 Monroe St	A14633	177.50
Grosulak	Larry		Wicks Ln (behind 3Gs)	D05173b	571.25
Anthony	Margaret		2920 Kincaid Rd	C11465	233.75
Besel	Fred		913 S. 28th St	A01860	402.50

Oels	Steven		2050 Constellation Trl	A22375A	402.50
Abrahams	Rebecca		1222 Peony Dr	A26191	233.75
		LLC Dober	5915 Ironwood Dr	A30522	402.50
Simons	Cory		5225 Vintage Ln	A31999	486.88
Prevost	Shane & Janet		2931 Colonial Pl	A31018	346.25
		Federal Home Loan Mortgage Corp. 5000 Plano Parkway Carrollton, TX 75010-4902	1654 Brewington	A22966A	290.00
Shaw	Darin		961 Calico	A24042	290.00
Lyndes	Jay		201 S. 36th St W	D11508	683.75
WEED BILLING #6					
Braun	Sidney		2814 9th Ave S	A01846	318.13
		High Sierra II Inc	1356 Crotez	A32290	205.63
		High Sierra II Inc	1416 Matador Ave	A32291	233.75
		High Sierra II Inc	1352 Matador Ave	A32295	205.63
		High Sierra II Inc	1350 Cortez	A32288	290.00
		High Sierra II Inc	1351 Matador	A32293	233.75
		Yellowstone County	Bazaar Exchange	A21892	374.38
		NTC Ventures	4175 Ryan Ave	A17124	121.25
Ayers	Eric & Andrea		923 Nutter Blvd	A19736	177.50
Beeler	Scott		1242 Steffanich Dr	C07699	233.75
Middleton	Kenneth		847 Governors	A19971	346.25
Ingham	John		112 Lakewood Ln	A22523	252.88
Standish	David & Rosalina		730 Lewis	A15621	233.75
Felton	Charles	Felton & Assoc.	Emma Jean Heights	D5361	852.50
Brown-Green	Stacy		5555 Bobby Jones	C03285	290.00
		Deutsche Bank National Trust	633 Howard	A19103	

					402.50
Rea	Aaron		843 Joyce Cir	A29132	215.75
Greene	Elizabeth		405 Robertson	C01078D	177.50
Stanek	Gene		4218 Long Rider Trl	A30188	290.00
		Paragon Homes	644 Aubrey Ln	A02247A	233.75
		Paragon Homes	653 Aubrey Ln	A02247A	402.50
		Paragon Homes	610 Tumbleweed Dr	A33021	458.75

TOTAL 23,502.47

Regular City Council Meeting

Date: 09/27/2010

TITLE: Zone Change #867 - Public Hearing and 1st reading - 3333 Central Avenue

PRESENTED BY: Candi Beaudry,
Planning & Community Services

Department: Planning & Community Services

Information

PROBLEM/ISSUE STATEMENT

This is a zone change request from Residential 6,000 (R-60) to Neighborhood Commercial (NC) on Lot 6, Block 6, Central Acres Subdivision, 4th Filing, located at 3333 Central Avenue. The property is owned by Paul and Sharon Allen. The owners conducted a pre-application neighborhood meeting on July 17, 2010, at the residence on the subject property. The Zoning Commission conducted a public hearing on September 7, 2010, and is forwarding a recommendation of approval on a 5-0 vote.

ALTERNATIVES ANALYZED

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

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

FINANCIAL IMPACT

The city's tax base may increase if the property is redeveloped for commercial uses.

BACKGROUND

The applicant is requesting to rezone this property on the northeast corner of the intersection of Central Avenue and 34th Street West from R-60 to NC. Central Avenue is a principal arterial street and provides the primary access to MSU-B College of Technology just to the west, and a variety of service providers and high-density residential uses are in the immediate area. The average daily traffic at this location in 2009 was approximately 10,000 vehicle trips per day. Property to the east and north has been developed for residential uses but property west and south of the location is developed for commercial uses. Central Avenue traffic volumes have increased approximately 30% since 2004 and when the Shiloh Road Corridor improvements are completed this volume will likely increase at a more rapid pace. The intersection of 32nd Street West and Central Avenue is signalized. The intersection of Shiloh Road and Central Avenue will be a traffic roundabout with pedestrian crossing.

The applicant conducted a pre-application neighborhood meeting on July 17th, 2010 and several surrounding property owners attended the meeting. The owners discussed the differences between CC and NC zoning districts and what potential re-development might occur. No surrounding property owners contacted the Planning Division staff prior to the Zoning Commission public hearing.

The owners have proposed the zone change so the dwelling can be replaced by a future

commercial use. The owners have health concerns and the marketability of the property as a residential dwelling is difficult. The adjacent lots to the west and south are commercial uses and Central Avenue has a high traffic volume. When traffic volume and speed increase, the value of adjacent residential uses – and in particular single family or two-family dwellings – diminishes. The West Billings Neighborhood Plan (2001) envisioned professional offices or higher density housing such as apartments along the arterial streets. The higher intensity commercial uses should be concentrated near the arterial street intersections. The CC zone to the west was adopted in 1978, well before the current neighborhood plan and Growth Policy. Several zone changes have been proposed and adopted for property along Central Avenue between 28th Street West and Shiloh Road. These are similar zone changes to the current proposal.

The proposed NC zone would allow a variety of commercial uses geared to neighborhood services as well as professional offices. Restaurants are allowed without the sale of alcohol. Special review uses include any retail services greater than 10,000 square feet, car washes, drive through restaurants and veterinary clinics with overnight boarding of animals. The proposed zoning of NC would allow the single family use to continue as a conforming use or allow the sale and re-development of the lot for other uses allowed in the NC zone including professional offices, medical services, and other service business. Retail uses are allowed on a limited basis. Multi-family uses, including 2-family dwellings, are allowed in the NC zoning district. If re-developed, the 18,896 square foot lot would need to meet all site development codes for commercial businesses or multi-family dwellings including access, off-street parking, setbacks, height limitations, landscaping and other site improvements.

The proposed NC zoning is compatible with the zoning west and south of the subject property. Property north and east of the property is developed for residential uses. However, the residences east and north of the property are multifamily dwellings. Two of the lots on Lynn Avenue are single family homes and the remaining lots are developed for duplexes. The lots east of the subject property on Central Avenue are 4-plex dwellings. Current planning practice would not recommend a single-residential zoning or use of this property given the adjacent arterial streets and proximity to intense commercial uses. The West Billings Neighborhood Plan recognized the suitability of property on arterial streets for professional offices, limited commercial uses, and multifamily housing. The proposed NC zoning allows for all of these potential uses of this parcel.

The Planning Division reviewed the application and recommended approval to the Zoning Commission based on the twelve (12) criteria for zone changes. The subject property is adjacent to CC zoning and commercial development. The property is at a street intersection where neighborhood commercial development fits with the intent of the West Billings Plan to avoid strip commercial development all along arterial streets while still providing neighborhood services at some intersection locations. The uses allowed within the proposed NC zoning are compatible with the surrounding zoning and neighborhood character. Any re-development of the property requires compliance with site development standards that will ensure protection to adjacent properties to the north and east. The 2008 Growth Policy encourages predictable land use decisions that are consistent with neighborhood character and land use patterns. The existing use and proposed zoning are consistent with this neighborhood and land use pattern.

The Zoning Commission concurred with the recommendation and is forwarding a recommendation of approval on a 5-0 vote.

STAKEHOLDERS

On September 7, 2010, the Zoning Commission conducted a public hearing and received the Planning staff recommendation and testimony from the applicant, Sharon Allen. No other persons testified on the application. No written testimony was received by the Planning Division.

CONSISTENCY WITH ADOPTED POLICIES OR PLANS

Prior to any action to approve or disapprove the City Council will consider the recommendation of the Zoning Commission and shall consider the following:

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

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

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

The proposed zoning would permit the existing residential use to continue and would allow re-development of the site for offices, service businesses, limited retail or multifamily dwellings. The site has commercial zoning to the south and west and is on a principal arterial street. Residential uses to the east and north should be compatible with the types of uses allowed in the RP zone.

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

The proposed zoning would allow the re-development of the property in an area with existing services – promoting an in-fill of an underutilized property.

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

There should be no effect on traffic congestion. The existing dwelling likely generates 10 or more vehicle trips per day. An office or service business use of the property would increase traffic on Central Avenue but it is constructed as an arterial street and could handle the additional traffic generated. If the new use generates 500 or more new trips per day a traffic accessibility study may be required prior to re-development of the property.

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

The subject property is currently serviced by City Fire and Police. Any re-development would change the type of service needed at the property. There should be no effect on public safety given the proximity to the fire station and existing services provided to the adjacent commercial businesses.

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

The proposed zoning would permit the existing single family dwelling to continue and would allow re-development of the property for office, service businesses, limited retail or multifamily dwellings. The surrounding property values should not be affected by either the continued use or any re-development.

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

The proposed zoning provides for sufficient setbacks to allow for adequate separation between structures and adequate light and air.

6. Will the new zoning prevent overcrowding of land?

The proposed zoning, like all zoning districts, contains limitations on the maximum percentage of the lot area that can be covered with structures. The R-60 zone allows 40% lot coverage and the NC zone allows up to 50% lot coverage. The R-60 zone and the NC zone have similar setback requirements.

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

The new zoning does avoid undue concentration of population. The R-60 zoning allows single family homes on a minimum lot size of 6,000 square feet and two-family dwellings on lots of at least 7,000 square feet. Multifamily dwellings are allowed by special review and this lot could have up to 9 dwelling units by special review. The proposed zoning also allows multifamily dwellings and this lot could have 9 dwelling units.

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

Transportation: The proposed zoning should not impact the surrounding streets.

Water and Sewer: The City will provide water and sewer to the property through existing lines.

Schools and Parks: There should be no impact to schools from the proposed zone change.

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

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

The proposed zoning will allow re-development of the property for commercial uses. There are existing commercial uses on the south and west of the location. Residences to the east and north are primarily two-family dwellings and multifamily dwellings. Central Avenue is a principal arterial street with increasing traffic volumes.

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

The subject property is suitable for the requested zoning district. The location is on a corner lot within 2 blocks of a high traffic signalized intersection. The new zoning allows the existing residential use to continue and would allow potential re-development for commercial or multifamily uses.

11. Was the new zoning adopted with a view to conserving the value of buildings?

Surrounding residential property to the north and east exhibits higher taxable land value. The existing dwelling although rated in average condition will likely need significant investment to maintain the quality of the residence. The NC allows the owner to retain the residential use and allows the owner an option of re-developing the property for a business.

12. Will the new zoning encourage the most appropriate use of land throughout such county or municipal area?

The proposed zoning will permit the current development to continue and could allow future re-development for businesses that are more compatible to the other business uses to the south and west.

RECOMMENDATION

Zoning Commission recommends approval and adoption of the determinations of the twelve (12) criteria for Zone Change #867 on a 5-0 vote.

APPROVED BY CITY ADMINISTRATOR

Attachments

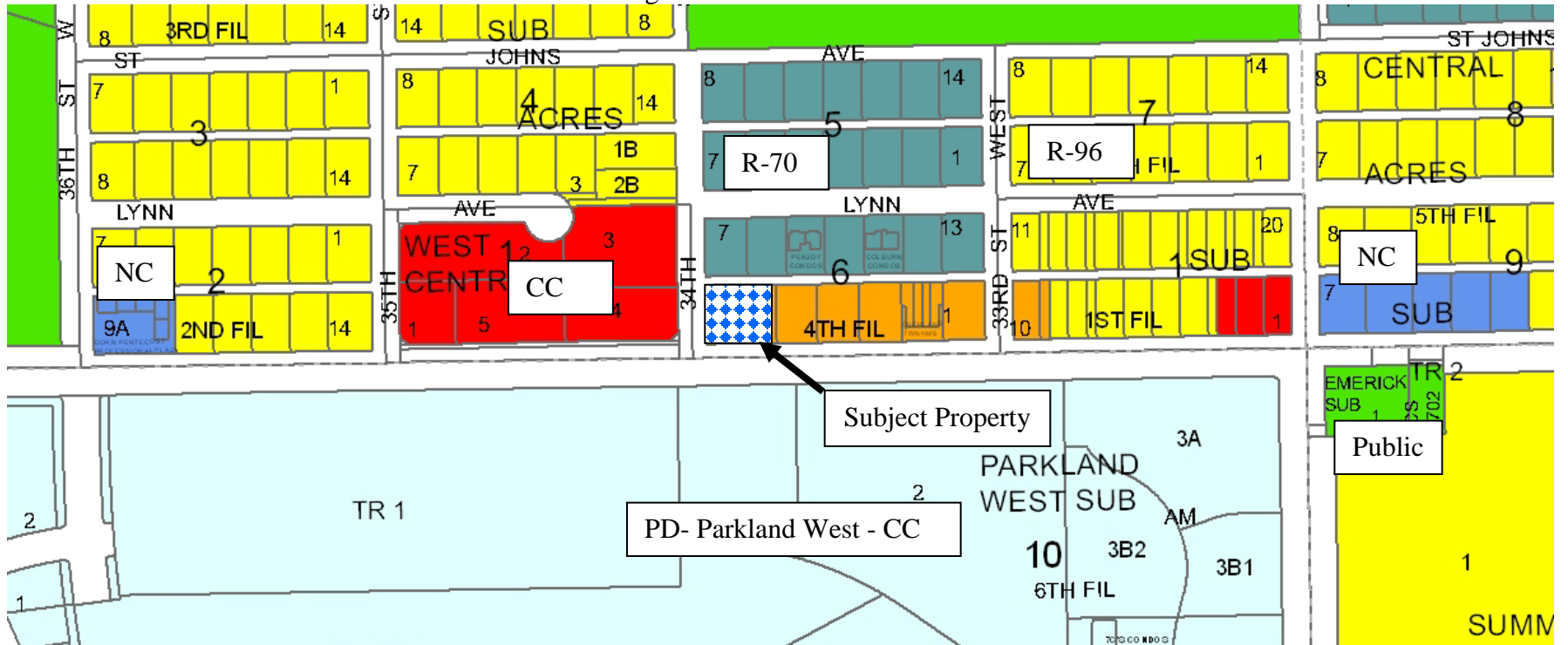
[Zoning Map](#)

[Site Photos](#)

[Applicant Letter and pre-app meeting notes](#)

[Ordinance](#)

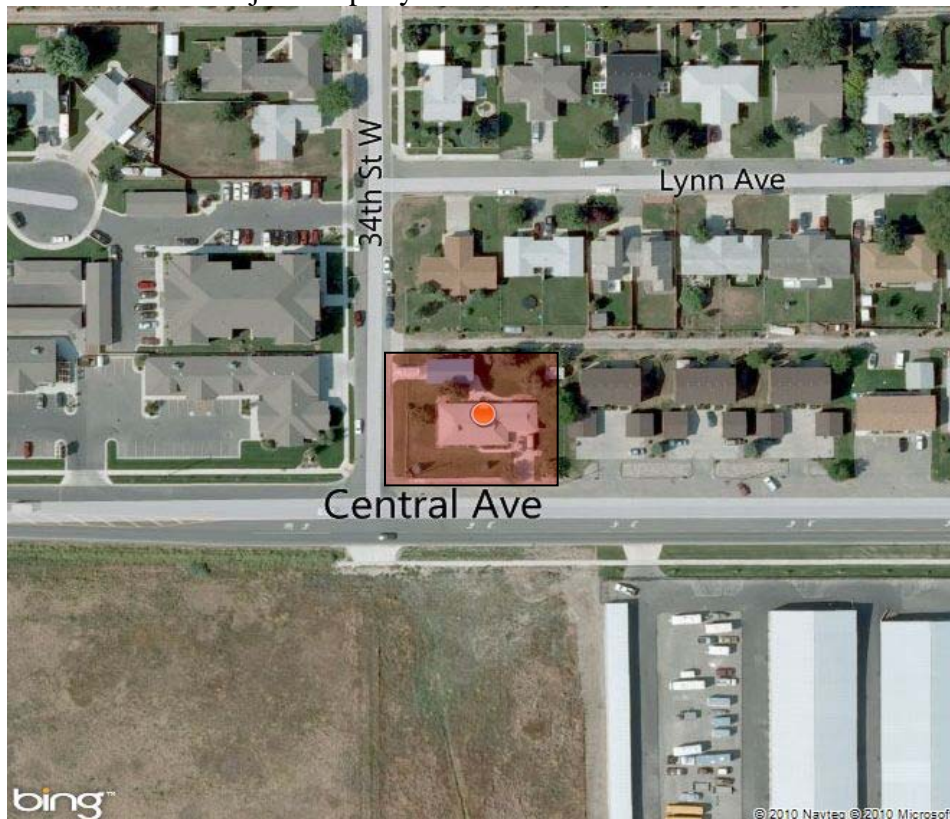
Attachment A: Surrounding Zoning
 Zone Change #867 – 3333 Central Avenue



Attachment B
Site Photographs, Zone Change #867– 3333 Central Avenue



Subject Property view from Central Avenue



Aerial Map

Attachment B, continued
Site Photographs, Zone Change #867 – 3333 Central Avenue



View north along 34th St West



View east along Central Avenue

Attachment C
Applicant's Letter

APPLICATION FORM 10-511

CITY ZONE CHANGE # 867 PROJECT ID: BZC

The undersigned as owner(s) of the following described property hereby request a Zone Change as outlined in the City of Billings-Yellowstone County Unified Zoning Regulations.

Present Zoning: R6000

Proposed Zoning: Neighborhood Commercial

TAX ID# C01840B CITY ELECTION WARD # 5

Legal Description of Property: Lot 6, block 6 of Central Acres Subd 4th filing

Address or General Location (If unknown, contact City Engineering): 3333 Central Ave Billings, MT 59102

Size of Parcel (Area & Dimensions): .43 acres 125.97 x 150 18,896 SF

Present Land-Use: Single family

Proposed Land-Use: Potential commercial use

Covenants or Deed Restrictions on Property: Yes _____ No

If yes, please attach to application

*** Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

Owner(s):--Paul G Allen & Sharon L Allen

3333 Central Avenue Billings, MT 59102
406-652-3354 (e-mail) allsp08@msn.com
406-670-2956 cell

I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Zone Change. Also, I attest that all the information presented herein is factual and correct.

Signature:

(Recorded Owner)

Paul G Allen
Sharon L Allen

Date: 7-27-10

City Zone Change Application. 2010 (updated Oct. 26 2009)

Attachment C, continued
Pre-application neighborhood meeting notes

July 17, 2010

The neighborhood meeting was informally commenced on July 17, 2010 at 10 am at 3333 Central Ave, Billings, MT .

Jeff Giffin, Joe Scherry, Stacey Just, city councilman Richard Clark, Paul and Sharon Allen in attendance.

We welcomed Mr. Clark as we felt he brought a lot of expertise to the table.

Because of health reasons we plan to sell the property next summer. We feel it would be nearly impossible to sell as a residence with all the Shiloh construction and the increased traffic and that 3333 Central was the only home in the 3300 and 3400 block of Central. The rest are either commercial businesses or apartment buildings. There is also a mixture of zonings. I explained that a zone change was being requested to allow for future commercial use and the ability to sell.

We have had contact with a small insurance company that did not want to do a zone change after purchase. They would like the zoning in place before committing to purchase.

There was conversation about the difference between Community Commercial and Neighborhood Commercial zoning and who they could expect for a new neighbor. We had a copy of the Zoning District Regulations: Commercial and Industrial use which was briefly looked at.

Jeff Giffin wanted clarification as to whether this change would affect them as they were in the 300' radius.

There was no opposition to the zone change. As we had no experts or legal persons present to advise the group we adjourned.

Respectively submitted



Sharon Allen

ORDINANCE NO. 10-_____

AN ORDINANCE AMENDING THE ZONE CLASSIFICATION FOR Lot 6 Block 6 of Central Acres Subdivision, 4th Filing containing 18,896 square feet of land.

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

1. RECITALS. Title 76, Chapter 2, Part 3, MCA, and Sections 27-302 and 27-1502, BMCC, provide for amendment to the City Zoning Map from time to time. The City Zoning Commission and staff have reviewed the proposed zoning for the real property hereinafter described. The Zoning Commission and staff have considered the twelve (12) criteria required by Title 76, Chapter 2, Part 3, MCA. The recommendations of the Zoning Commission and staff have been submitted to the City Council, and the City Council, in due deliberation, has considered the twelve (12) criteria required by state law.

2. DESCRIPTION. A tract of land known as Lot 6, Block 6 of Central Acres Subdivision, 4th Filing containing 18,896 square feet of land and is presently zoned **Residential 6,000 (R-60)** and is shown on the official zoning maps within this zone.

3. ZONE AMENDMENT. The official zoning map is hereby amended and the zoning for **the above described parcel** is hereby changed from **Residential 6,000 (R-60)** to **Neighborhood Commercial (NC)** and from the effective date of this ordinance, shall be subject to all the rules and regulations pertaining to **Neighborhood Commercial (NC)** as set out in the Billings, Montana City Code.

4. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

5. EFFECTIVE DATE. This ordinance shall be effective from and after final passage and as provided by law.

PASSED by the City Council on first reading September 27, 2010.

PASSED, ADOPTED AND APPROVED on second reading October 12, 2010.

CITY OF BILLINGS:

BY: _____
Thomas W. Hanel, Mayor

ATTEST:

BY: Cari Martin, City Clerk

Zone Change #867 – 3333 Central Avenue

Regular City Council Meeting

Date: 09/27/2010

TITLE: Zone Change #868 - Public Hearing and 1st reading - Medical Marijuana Businesses (MMB)

PRESENTED BY: Candi Beaudry,
Planning & Community Services

Department: Planning & Community Services

Information

PROBLEM/ISSUE STATEMENT

Section 27-306 of the Unified Zoning Regulations regulates where types of commercial and industrial uses may be located within the city limits by zoning district type. Medical Marijuana Businesses (MMB) are currently classified in the same category as other retail businesses and were generally allowed throughout all commercial or industrial zoning districts. In October 2009, the U.S. Attorney General issued a memorandum to all federal prosecutors stating that enforcement of the Federal Controlled Substances Act (CSA) should not be focused on persons lawfully engaged in the growing, manufacturing, distributing, or use of marijuana for medical purposes in states where such activity has been allowed by state law (Attachment A – DOJ memorandum). Since October 2009, the growth in the number of registered patients and their medical marijuana providers has ballooned within Billings and throughout the state.

In response to this industry growth, the City Council requested the Planning Division prepare an interim zoning ordinance in November 2009. The City Council considered the interim ordinance but chose not to adopt the ordinance and instead appointed an ad hoc committee to study the issue and bring forward options for local regulation. In January 2010, the ad hoc committee was appointed and began its work. On May 11, 2010, the City Council enacted a 6-month moratorium on any new MMB within the city limits. The ad hoc committee met once-a-week to consider regulatory options and presented its recommendation to the Council at a work session on July 19, 2010. On August 9, 2010, the Council initiated a proposed amendment to the Unified Zoning Regulations. The proposed amendment will apply only within the city limits. The County 4-1/2 mile jurisdictional zoning area will not be affected by this city text amendment. The City Zoning Commission conducted a public hearing on September 7, 2010, and is forwarding a recommendation of denial of the text amendment and prohibition of any new MMB within the city and amortize out all existing MMB in the city within 2 years on a 5-0 vote.

ALTERNATIVES ANALYZED

The City Council initiated the amendment to the City Zoning Regulations and the City Council may:

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

FINANCIAL IMPACT

Denial of the zoning text amendment and adoption of the recommended prohibition of any new MMB and 2-year amortization of existing MMB may have a financial impact on the city as a result of revenue loss from business license applications or potential litigation arising from affected parties.

BACKGROUND

Marijuana is listed as a Schedule I, Controlled Substance within the federal controlled substances act (CSA). The possession, growing or distribution of marijuana continues to be a federal crime. In 2004, Montana voters acted on a statewide ballot initiative to legalize the use of marijuana for medical purposes, specifically for the treatment of chronic conditions that are not easily treated by other methods. In 2005, the Montana legislature adopted the approved ballot measure into law (Attachment B – State Law Title 50, Chapter 46). The registration of patients and their caregivers happened at a very low level until October 2009, when federal law enforcement officials announced that registering as a patient or caregiver in any state that legalized medical marijuana provided protection from federal prosecution. With the threat of federal prosecution virtually removed, the numbers of patients and caregivers has been rapidly increasing throughout Montana.

On May 11, 2010, the City Council adopted an interim ordinance banning the location of any new MMB within the city limits. State law only allows a first interim ordinance to be in effect for 6 months. Montana state law allows cities to adopt interim zoning as a matter of urgency without the review of the City Zoning Commission or the publication of several legal ads in advance of the City Council public hearing. The interim ordinance is set to expire on November 11, 2010. The City Council can extend this interim ordinance for an additional year.

Cities throughout the state are allowed to regulate MMB within their jurisdictions through zoning to protect the health, safety and general welfare of local citizens. In addition to the purposes of zoning as enumerated in MCA 76-2-301 et seq. (Attachment C), any zoning regulation must provide for substantive due process and be reasonably related to a legitimate governmental purpose. Substantive due process in this instance includes the determination that the local regulations has a substantial bearing on the public health, safety, morals or general welfare of the community. A city may, through zoning, provide for adequate separation from areas that are incompatible with different types of commercial or industrial uses. Certain businesses have negative secondary or ancillary effects on the surrounding area. MMB have been shown, locally and in other jurisdictions, to attract certain types of crimes more so than a local pharmacy, grocery store or other retail business. Burglaries, vandalism, and other security breaches by individuals interested in obtaining marijuana for use or sale on the black market are a concern. (Attachment D – Law Enforcement Concerns) Residential neighborhoods, parks, libraries, churches and schools in close proximity to MMB's may be impacted by these negative secondary effects. Growing operations have generated numerous odor complaints to the Planning Division and Building Division particularly where these operations are in a multi-tenant commercial building or where building setbacks and separations are small. The required ventilation creates smells that may permeate throughout a building or city block.

Amendments Proposed by Ad Hoc Committee and City Council:

The proposed zoning text amendments include a provision that all MMB be in a conforming location. If an existing MMB is nonconforming, the owner has 4 years to secure a conforming location or close the business (Attachment E - Ordinance – Section 6). The ad hoc committee worked with the Billings GIS Coordinator, Tom Tully, to produce a series of maps to determine whether amendments to the Unified Zoning Regulations as proposed will allow sufficient area

within the city for existing MMB to re-locate to a conforming area (Attachment F - Possible Conforming Locations). The map includes all possible re-location areas but does not separate the types of MMB into growing, manufacturing and retail as detailed in the proposed ordinance. The Controlled Industrial (CI) zoning district is the only zoning district where the 3 MMB types would be allowed by right or by special review approval. The proposed ordinance eliminates MMB as an allowed use in all residential zoning districts, planned developments, entryway zoning districts and all the lower-intensity commercial districts. MMB involved only in growing operations would be allowed in CI and Heavy Industrial (HI). MMB involved only in manufacturing – preparing the harvested product for sale and consumption – would be allowed in CI, HI and Highway Commercial (HC) zoning districts. MMB involved in retail sales to patients would be allowed only by special review approval in the Central Business District (CBD), CI or HC zoning districts. Consequently, it is likely the re-location of a nonconforming MMB will require a special review approval of the City Council. The areas shown in red on the map shows possible conforming locations for MMB within the city limits. All MMB currently operated as home occupations (25) would be required to re-locate or close operations within 4 years. All but 1 of the 29 MMB within commercial or industrial zones would be required to re-locate or close operations within 4 years based on the required separation distances and allowable zoning districts proposed.

Other proposed rules in the ordinance includes a 1,000-foot separation to any residential zone, schools including private schools, the Entryway Mixed-Use (EMU) zone, recreational facilities including trails, cemeteries, any Planned Development that includes residential use, Agriculture Open-Space and Agriculture-Suburban zones, and any Community Residential Facility including group homes, and day cares. The ordinance also proposes to prohibit signage that references the name or symbol of any Schedule I controlled substance.

Amendment Considerations from Planning Staff:

All MMB within the state of Montana are currently required to grow, manufacture and sell medical marijuana as a caregiver. Caregivers may have one (1) or more locations for each part of the business but they are not allowed to purchase medical marijuana from another caregiver or on the black market. Separation of the different aspects of the business is not currently allowed or intended by current state law. For example, a caregiver would not be allowed to simply grow any amount of medical marijuana - a caregiver is limited by the number of patients the business has acquired. Enacting the proposed amendment may give MMB owners the impression that becoming a grower or preparer of medical marijuana is an allowed activity. Some caregivers do have multiple locations for each part of their operation, however each caregiver is required to be a grower, a manufacturer, and a retailer for their patients. The 2011 Montana legislature may consider changes to state law that will further regulate “grow” operations that are separate and distinct from manufacturing and dispensing medical marijuana. It is not predictable what the results may be of the proposed changes to the Montana Medical Marijuana act (Attachment G - Proposed draft changes to MCA Title 50, Chapter 46).

Planning staff recommended to the Zoning Commission consolidation of the growing, manufacturing and selling of medical marijuana into one business operation type to better align with current state requirements and to make administration of the amended code clearer for staff and the community. Staff further suggested that the Zoning Commission consider making the consolidated business type locations all allowed by special review only in the CBD, HC & CI zones. Staff recommended the use be allowed in the Heavy Industrial (HI) zone without special review. Staff proposals would make it clear that the City Council has the approval authority for any medical marijuana business in the City through the special review process with the

exception of businesses locating in Heavy Industrial zoning.

The Zoning Commission did not concur with the Planning Staff recommendation, or the Ad Hoc Committee's and City Council's recommended amendments to the Zoning Regulations, and voted 5-0 to recommend denial of the text amendment and adoption of a prohibition on any new MMB within the city and amortization of all existing MMB within 2 years.

STAKEHOLDERS

The Zoning Commission conducted a public hearing on September 7, 2010 and received the staff report and recommendation. Several persons provided testimony to the commission including Denis Pitman, Chair of the Medical Marijuana ad hoc committee and Ward II Council representative, Mark Higgins of 814 Ahoy Avenue and medical marijuana caregiver, Cary Smith of 5522 Billy Casper Drive and Representative of Montana House District #55, Susan Smith of 5522 Billy Casper Drive and Chair of the Safe Communities, Safe Kids initiative, and Tom Zurbuchen of 1747 Wicks Lane and Chair of Heights Community Development Task Force.

Mr. Pitman introduced the members of the ad hoc committee that were in attendance and let the Zoning Commission know that any specific questions on the recommended zoning text amendments could be directed to these members. Commission member Ed Workman asked Mr. Pitman if the committee considered any of the draft proposals to amend the state law such as limiting caregivers to a maximum of 5 patients. Mr. Pitman stated the ad hoc committee focused on land use issues and zoning and not on business operational issues. Mr. Pitman stated the legislature should decide how to better regulate the business operations. Commission member Barbara Hawkins asked if the ad hoc committee considered how other cities in Montana were regulating medical marijuana such as Helena where the city prohibited any business that was in violation of federal, state or local regulation. Mr. Pitman stated Helena and other Montana cities were well ahead of the surge of new medical marijuana businesses opening in their communities. Mr. Pitman stated there were no MMB in Helena when the city adopted the prohibition. Billings had issued 81 City Business Licenses to MMB when the moratorium was adopted in May 2010.

Mark Higgins testified that he was one of the first caregivers in Billings and first suggested a moratorium in May of 2009. Mr. Higgins stated he was concerned with the direction many new caregivers were bringing to the business. He stated he was not surprised that none of the other MMB owners were at the Zoning Commission public hearing. He urged the commission to recommend approval of the zoning text amendment since it would prevent and eliminate the MMB from being too close to schools, parks and trails. Mr. Higgins stated he chose his current location in a CI zone away from these sensitive land uses because Planning staff thought it would likely meet any new regulations. Mr. Higgins stated his location is the only conforming location under the proposed zoning text amendment. The proposed special review requirement for retail sales would not effect his current operation unless he moved to another location.

Cary Smith, Representative of House District #55, stated he was opposed to the proposed zoning amendment. He stated he served on the ad hoc committee and the group was skewed in favor of medical marijuana and was not made up of a broad range of community concerns or interests. As a member of the ad hoc committee, he said he had voted against the recommendation to the City Council. Mr. Smith stated the original intent of the 2004 ballot initiative was to be compassionate to those people in unrelieved pain from serious illnesses. When the measure passed, the state approached its regulations from that point of view - not to regulate medical marijuana as a business venture. Mr. Smith stated the existing Medical Marijuana Act is a failure because opportunists have taken advantage of the law and the regulations to create this mess. He will be working in the 2011 Legislature to review bills that will make changes to the state law. He urged the commission to recommend prohibiting all MMB within Billings.

Susan Smith testified in opposition to the proposed amendments. She stated she worked on the Safe Communities, Safe Kids campaign to gather petition signatures to put medical marijuana back on the ballot in November 2010. She stated the group gathered over 8,000 signatures in the Billings area in less than a week. She stated the measure did not achieve enough signatures in enough districts statewide to put the measure on the ballot. Mrs. Smith stated she talked with thousands of people since June and most are mad or angry about how the state law has been abused. She stated the current law and regulations were written to tie the hands of law enforcement and this is why we have such a big mess now. She stated the information on medical marijuana is confusing and the proposed ordinance will not be good for the community. She urged the commission to not accept the foregone conclusion that medical marijuana is permanent in Montana. She stated the problem is out of control in Colorado and California.

Tom Zurbuchen stated the amendment was arbitrary and capricious and not related to a legitimate government purpose such as protection of the health and safety of its residents. He stated the separation distance for bars and casinos from schools is only 600 feet but the proposed ordinance requires 1,000 feet from school for a MMB. Medical marijuana is used for health reasons and is not entertainment or recreation. He stated the 2004 vote was 2-1 in favor of medical marijuana and no new ballot initiative would change the vote. Mr. Zurbuchen stated American Pharmaceuticals operates within 70 feet of residential zone and no one has an issue with that - and the company will not even tell you what it is making or storing on site. It makes no sense to treat MMB differently, according to Zurbuchen. He stated it is likely all the current MMB will sue the city if the ordinance is approved. He stated the city would lose its case and a judge would decide where MMB could be located in Billings. He urged the commission not to let a judge decide for the city. Mr. Zurbuchen stated he doubted there were any complaints about smells from growing operations in the city. He stated there were plenty of greenhouses in the city and no one was complaining about smells from these places. He stated MMB are no different in growing than other greenhouse operators.

There was no other testimony. The Zoning Commission closed the public hearing and Chairman Dailey asked the commission for a motion. Commission member Ed Workman made a motion to recommend denial of the proposed text amendment and to prohibit any new MMB within the city and amortize out all existing MMB in the city in 2 years. The motion was seconded by Commission member Dan Wagner. Commission member Barbara Hawkins stated she has a friend in federal law enforcement who recently moved back to the area who was appalled at what was happening here. She state he was in other western states that had "legalized" marijuana for medical purposes and it was impossible to regulate or control. Mrs. Hawkins stated medical marijuana is still a violation of federal law so why should we continue to allow this activity in Billings. Chairman Dailey stated he appreciated all the work of the Council and the ad hoc committee but he thought this effort was ahead of its time. He stated the 2011 Legislature will be considering a number of amendments that could be contrary to this regulations or would require another effort in less than a year to amend this regulation. The Zoning Commission voted 5-0 in favor of the motion.

CONSISTENCY WITH ADOPTED POLICIES OR PLANS

Cities throughout the state are allowed to regulate land use within their jurisdictions through zoning to protect the health, safety and general welfare of local citizens. The City has adopted the 2008 Growth Policy and numerous neighborhood and special area plans to better guide land use decisions. The 2008 Growth Policy suggests that regulations should be adopted with consideration for the separation of incompatible uses, protection of the fabric and integrity of existing residential neighborhoods while still providing economic development for new and growing businesses. Consideration of these policies provided the basis for the Planning Staff recommendation of approval of the draft ordinance.

RECOMMENDATION

The Zoning Commission is forwarding a recommendation of denial of Zone Change #868 and the prohibition of any new medical marijuana businesses in the city and the amortizing out of all existing medical marijuana businesses within 2 years on a 5-0 vote.

APPROVED BY CITY ADMINISTRATOR

Attachments

Ordinance

1000 ft separation map

Ordinance as recommended by Zoning Commission

Attachment E: Proposed Amendment
ORDINANCE NO. 10-_____

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTION 27- 201- DEFINITIONS; REVISING SECTION 27-306 DISTRICT REGULATIONS COMMERCIAL AND INDUSTRIAL USES; ADD A NEW SECTION 27-624 – MEDICAL MARIJUANA BUSINESSES (CITY ONLY); REVISING SECTION 27-405 NONCONFORMING USES OF STRUCTURES; AND BY REVISING SECTION 27-708 – PROHIBITED SIGNS AND SIGN STRUCTURES AND ADOPT THE REVISIONS AND ADDITIONS AS AN AMENDMENT TO THE ZONING REGULATIONS AND SET A TIME PERIOD FOR THE REGULATION TO BE EFFECTIVE.

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

Section 1. RECITALS. *Title 76, Chapter 2, Part 3, MCA, and Section 27-1502, BMCC, provide for amendment to the City Zoning Regulations from time to time. The City Council initiated the amendment to the City Zoning Regulations and the City Zoning Commission and staff have reviewed the proposed zoning regulations hereinafter described. The recommendations of the Zoning Commission and staff have been submitted to the City Council, and the City Council, in due deliberation, has considered the proposed amendments to the City Zoning Regulations.*

Section 2. DESCRIPTION. The zoning regulation shall apply to all land within the City of Billings.

Section 3. AMENDMENT. That the Billings, Montana City Code be amended by revising Section 27-201 by adding the following language:

SEC. 27-201. DEFINITIONS.

MEDICAL CORRIDOR: The area defined by the Billings Medical Corridor Study as the medical development impact area. This area is of special concern to the city as a potential location for medical or medically related uses, as well as, supporting uses and residential development. See BMCC Sections 27-901, et seq.

MEDICAL MARIJUANA: means all plant material from the genus cannabis containing tetrahydrocannabinol (THC) or seeds of the genus capable of germination that is grown, sold or administered for medical use. "Medical use" means:

(a) the acquisition, possession, cultivation, manufacture, delivery, transfer, or transportation of marijuana or paraphernalia by a qualifying patient or a caregiver relating to the consumption of marijuana to alleviate the symptoms or effects of a qualifying patient's debilitating medical condition;

(b) the use of marijuana or paraphernalia by a qualifying patient to alleviate the symptoms or effects of the patient's debilitating medical condition; or

(c) the use of paraphernalia by a caregiver for the cultivation, manufacture, delivery, transfer, or transportation of marijuana for use by a qualifying patient.

MEDICAL MARIJUANA BUSINESS: includes the following definitions:

MEDICAL MARIJUANA GROWING OPERATION is the cultivation of medical marijuana, including harvesting and drying the plant for the purposes of possessing, manufacturing, selling, or consuming in accordance with MCA, 50-46-201, et. seq.

MEDICAL MARIJUANA MANUFACTURING is the process of rendering a cannabis plant into a product that can be consumed for medicinal purposes pursuant to MCA, 50-46-201, et seq.

MEDICAL MARIJUANA RETAIL BUSINESS means a commercial operation that sells medical marijuana products for medical purposes in accordance with MCA, 50-46-201, et seq.

Section 4. AMENDMENT. That the Billings, Montana City be amended by revising Section 27-306 as follows:

SEC. 27-306. District Regulations: COMMERCIAL & INDUSTRIAL USES.

TITLES AND DESCRIPTION OF INDUSTRIES	Residential Professional	Neighborhood Commercial	Community Commercial	Highway Commercial	Central Business District	Controlled Industrial	Heavy Industrial	Public	South 27th Street Corridor
SR - SPECIAL REVIEW A - ALLOWED									
DIVISION A - AGRICULTURE, FORESTRY AND FISHING									
01 AGRICULTURAL PRODUCTION - CROPS:									
- Offices only	A	A	A	A	A	A	A		A
- Production only	A	A	A	A	A	A	A	A	
- Sales		A	A	A	A	A	A		
- <u>Medical Marijuana Growing Operations***</u>						<u>A</u>	<u>A</u>		
<u>*** Medical Marijuana Growing Operations are regulated in Section 27-624</u>									

TITLES AND DESCRIPTION OF INDUSTRIES SR - SPECIAL REVIEW A - ALLOWED	Residential Professional	Neighborhood Commercial	Community Commercial	Highway Commercial	Central Business District	Controlled Industrial	Heavy Industrial	Public	South 27th Street Corridor
28 CHEMICALS AND ALLIED PRODUCTS: – Offices only – 2833-Medicinal & Botanical Products – 2834 – Pharmaceutical Preparations – <u>Medical Marijuana Manufacturing ***</u> <u>*** Medical Marijuana Manufacturing is regulated in Section 27-624</u>	A	A	A	A A A A	A	A A A A	A A A A		A

TITLES AND DESCRIPTION OF INDUSTRIES SR - SPECIAL REVIEW A - ALLOWED	Residential Professional	Neighborhood Commercial	Community Commercial	Highway Commercial	Central Business District	Controlled Industrial	Heavy Industrial	Public	South 27th Street Corridor
59 Miscellaneous Retail (Strictly Carryout), (Except Below): – 598 Fuel dealers – <u>Medical Marijuana Retail Business***</u> * Fireworks stands shall comply with BMCC Section 27-614. ** Sexually oriented business, as classified and defined in BMCC Section 27-611. <u>*** Medical Marijuana Retail Businesses are regulated in Section 27-624</u>		A*	A A	A A <u>SR</u>	A A <u>SR</u>	A A <u>SR</u>	A A		A A

Section 5. AMENDMENT. That the Billings, Montana City be amended by adding a new section, Section 27-624 as follows:

Section 27-624. Medical Marijuana Businesses. (CITY ONLY)

- (a) Purpose and Intent. It is the purpose of this section to regulate Medical Marijuana Businesses to promote the health, safety, morals, and the general welfare of the citizens of the City of Billings, and to establish reasonable uniform regulations to prevent the deleterious location of Medical Marijuana Businesses within the City jurisdiction. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the availability of Medical Marijuana. Similarly it is not the intent or effect of these regulations to restrict or deny access by adults to providers of Medical Marijuana as provided in MCA 50-46-101 et seq. as currently existing or subsequently amended.
- (b) Findings and Determinations. The Billings City Council hereby finds and determines that:
- (1) The growing, manufacturing and sale of Medical Marijuana in locations which are immediately adjacent to and which serve residential neighborhoods has a deleterious effect on both the business and residential uses of the neighborhood, causing or contributing to blight and a downgrading of property values.
 - (2) Concern for, and pride in, the orderly planning and development of a neighborhood should be encouraged and fostered in those persons comprising residential and business uses in that neighborhood.
 - (3) Medical Marijuana is regulated and controlled through Montana Code Annotated 50-46-101 et seq. but local regulation of Medical Marijuana business locations is important for the preservation of residential neighborhoods and protection of the quiet enjoyment of public and private locations for civic and social gatherings.
- (c) Definitions. Terms used in this section, that are not specifically defined below, may be found in Section 27-201 BMCC. Where other definitions are necessary and are not defined in this Section or Section 27-201, the dictionary may define such terms.

Church or Other Place of Worship means a building which is used primarily for religious worship and related religious activities, including but not limited to churches, convents, monasteries, shrines, and temples.

City means the City of Billings, Montana.

Establishment means and includes any of the following:

- (1) The opening or commencement of any new Medical Marijuana Business;
 - (2) The conversion of an existing business to any Medical Marijuana Business;
 - (3) The addition of a Medical Marijuana Business to any other existing business; or
 - (4) The relocation of a Medical Marijuana Business to a location within the City of Billings whether in a commercial or industrial zoning district or as a home occupation.
- (d) Location of Medical Marijuana Growing Operation, Manufacturing and Retail Businesses.

- (1) No person, whether as a principal or agent, clerk or employee, either for himself or any other person, or as an officer of any corporation, or otherwise, shall place, maintain, own, or operate a Medical Marijuana Growing Operation in a residential zone or within one thousand (1,000) feet of the following residential zones:
 - a. Agriculture Open-Space (A-1) Zone;
 - b. Agricultural Suburban (A-S) Zone;
 - c. Residential 15,000 (R-150) Zone;
 - d. Residential 9,600 (R-96) Zone;
 - e. Residential 8,000 (R-80) Zone;
 - f. Residential 7,000 Restricted (R-70R) Zone;
 - g. Residential 7,000 (R-70) Zone;
 - h. Residential 6,000 Restricted (R-60R) Zone;
 - i. Residential 6,000 (R-60) Zone;
 - j. Residential 5,000 (R-50) Zone;
 - k. Residential Multi-Family (RMF) Zone;
 - l. Residential Multi-Family - Restricted (RMF-R) Zone;
 - m. Residential Manufactured Home (RMH) Zone; or
 - n. Entryway Mixed Use (EMU) Zone; or
 - o. Any Planned Development Zone that allows residential uses unless such zone is separated from the location of a business providing Medical Marijuana by an Interstate Highway.

- (2) No person, whether as a principal or agent, clerk or employee, either for himself or any other person, or as an officer of any corporation, or otherwise, shall place, maintain, own, or operate a Medical Marijuana Manufacturing Business in a residential zone or within one thousand (1,000) feet of the following residential zones:

- a. Agriculture Open-Space (A-1) Zone;
- b. Agricultural Suburban (A-S) Zone;
- c. Residential 15,000 (R-150) Zone;
- d. Residential 9,600 (R-96) Zone;
- e. Residential 8,000 (R-80) Zone;
- f. Residential 7,000 Restricted (R-70R) Zone;
- g. Residential 7,000 (R-70) Zone;
- h. Residential 6,000 Restricted (R-60R) Zone;
- i. Residential 6,000 (R-60) Zone;
- j. Residential 5,000 (R-50) Zone;
- k. Residential Multi-Family (RMF) Zone;
- l. Residential Multi-Family - Restricted (RMF-R) Zone;
- m. Residential Manufactured Home (RMH) Zone; or
- n. Entryway Mixed Use (EMU) Zone; or
- o. Any Planned Development Zone that allows residential uses unless such zone is separated from the location of a business providing Medical Marijuana by an Interstate Highway.

(3) No person, whether as a principal or agent, clerk or employee, either for himself or any other person, or as an officer of any corporation, or otherwise, shall place, maintain, own, or operate a Medical Marijuana Retail Business in a residential zone or within one thousand (1,000) feet of the following residential zones:

- a. Agriculture Open-Space (A-1) Zone;
- b. Agricultural Suburban (A-S) Zone;
- c. Residential 15,000 (R-150) Zone;
- d. Residential 9,600 (R-96) Zone;
- e. Residential 8,000 (R-80) Zone;
- f. Residential 7,000 Restricted (R-70R) Zone;
- g. Residential 7,000 (R-70) Zone;
- h. Residential 6,000 Restricted (R-60R) Zone;
- i. Residential 6,000 (R-60) Zone;
- j. Residential 5,000 (R-50) Zone;
- k. Residential Multi-Family (RMF) Zone;
- l. Residential Multi-Family - Restricted (RMF-R) Zone;

- m. Residential Manufactured Home (RMH) Zone; or
 - n. Entryway Mixed Use (EMU) Zone; or
 - o. Any Planned Development Zone that allows residential uses unless such zone is separated from the location of a business providing Medical Marijuana by an Interstate Highway.
- (4) No person, whether as a principal or agent, clerk or employee, either for himself or any other person, or as an officer of any corporation, or otherwise, shall place, maintain, own, or operate a Medical Marijuana Growing, Manufacturing or Retail Business within one thousand (1,000) feet of the following land uses:
- a. Public library;
 - b. Public playground or park (for purposes of this section, publicly owned multiuse trails shall be deemed to be a park);
 - c. Public or private school and its grounds, from pre-school through twelfth grade;
 - d. A state licensed community residential facility, family day care home, group day care home, or day care center;
 - e. Church or other place of worship; or
 - f. A cemetery.
- (5) For purposes of this section, specified distances will be measured in a straight line, without regard to intervening structures, from the property line of Medical Marijuana Business to the property line of the preceding land uses or zoning districts.
- (6) Medical Marijuana Growing Operation are permitted in the following zones only:
- a. Controlled Industrial (CI) Zone;
 - b. Heavy Industrial (HI) Zone.
- (7) Medical Marijuana Manufacturing Businesses are permitted in the following zones only:
- a. Highway Commercial (HC) Zone;
 - b. Controlled Industrial (CI) Zone;
 - c. Heavy Industrial (HI) Zone.
- (8) Medical Marijuana Retail Businesses are permitted in the following zones by Special Review only. No waiver from the use separations shall be granted for Medical Marijuana Retail Businesses subject to Special Review:
- a. Central Business District (CBD)

- b. Highway Commercial (HC) Zone;
- c. Controlled Industrial (CI) Zone;

No person, whether as a principal or agent, clerk or employee, either for himself or any other person, or as an officer of any corporation, or otherwise, shall place, maintain, own, or operate Medical Marijuana Business in violation of MCA 50-46-101 et seq. as currently existing or subsequently amended. Businesses or persons found in violation of MCA 50-46-101 et seq. as currently existing or subsequently amended, shall be deemed also in violation of this chapter.

Section 6. AMENDMENT. That the Billings, Montana City be amended by revising Section 27-405 as follows:

Sec. 27-405. Nonconforming Uses of Structures.

(h) Any Medical Marijuana Business, located within the limits of the City of Billings, existing upon passage of this chapter which does not comply with the requirements established herein shall be deemed a legal nonconforming use. All existing legal nonconforming Medical Marijuana Businesses, as of the effective date of this chapter, or any amendment hereto, shall comply with the provisions of this chapter within four (4) years from the date of the enactment of this section or any amendment hereto. (Refer also to BMCC Section 27-624.)

Section 7. AMENDMENT. That the Billings, Montana City be amended by revising Section 27-708 as follows:

Sec. 27-708. Prohibited signs and sign structures.

- (5) *Unclassified signs:* The following signs are also prohibited, which:
 - a. Bear or contain statements, words, or pictures of an obscene, pornographic, immoral character, or which contain advertising matter which is untruthful;
 - b. Contain statements, words, pictures or symbols that depict a Schedule I controlled substance as listed by the Federal Controlled Substances Act;
 - ~~b.~~ c. Are painted on or attached to any fence or any wall which is not structurally a part of a building, except to identify a residence or residence structure by means of posting the name of the occupant or structure, and the street address;
 - ~~c.~~ d. Operate or employ visible moving parts or any portion of which moves, or give the illusion of motion except as permitted in this article;
 - ~~d.~~ e. Emit audible sound, odor or visible matter; or

e. f. Signs which, by reason of their size, location, movement, content, coloring or manner of illumination, may be confused with or construed as a traffic control sign, signal or device, or the light of an emergency or road equipment vehicle, or which hide from view any traffic or street sign or signal or device.

Section 8. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 9. EFFECTIVE DATE. This ordinance shall be effective from and after final passage and as provided by law.

PASSED by the City Council on first reading September 27, 2010.

PASSED, ADOPTED AND APPROVED on second reading October 12, 2010.

CITY OF BILLINGS:

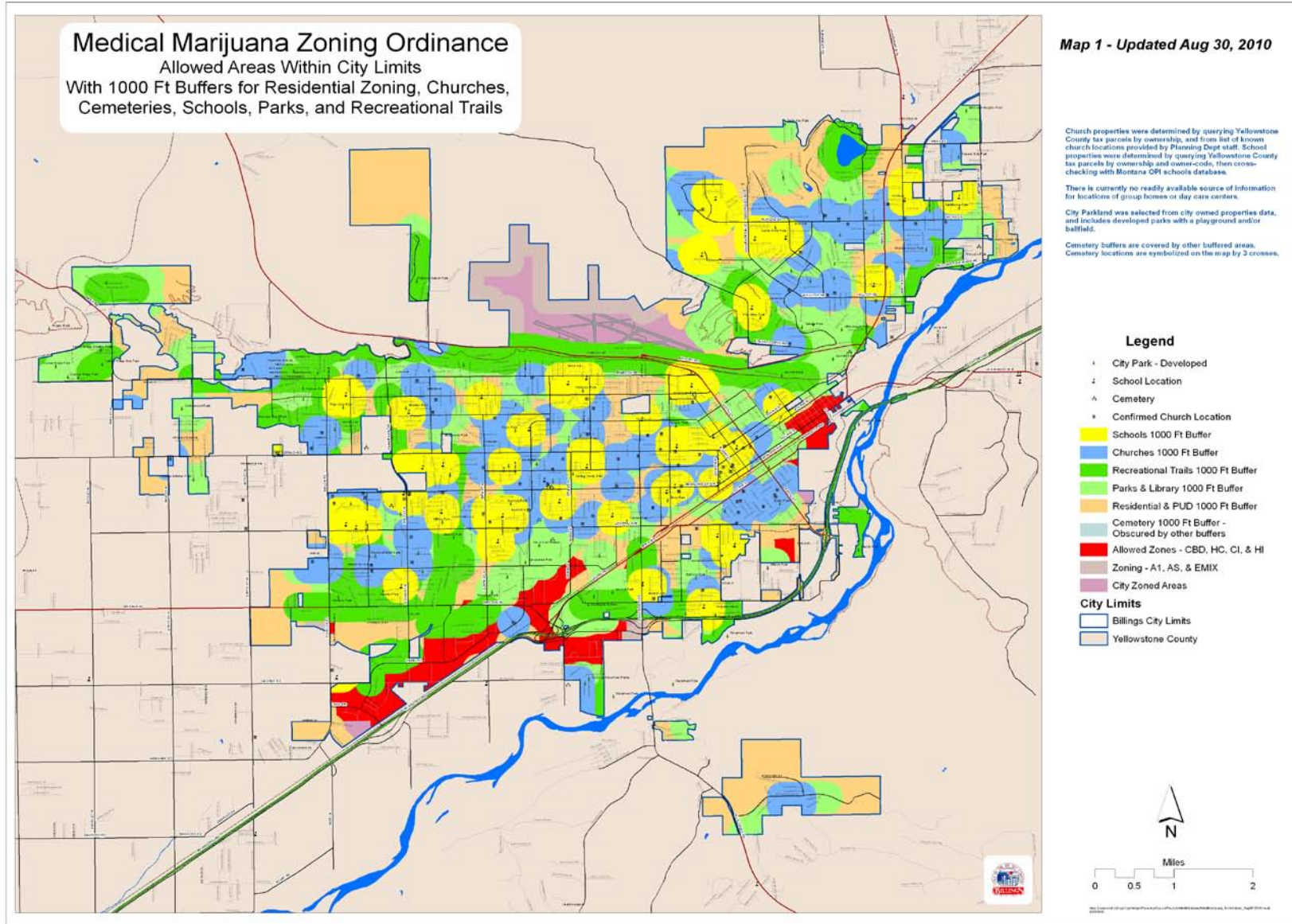
BY: _____
Thomas W. Hanel, Mayor

ATTEST:

BY: _____
Cari Martin, City Clerk

ZC #868 – Text Amendment Medical Marijuana

Attachment F: Map showing buffered land uses and available land



Attachment H –Ordinance as recommended by the Zoning Commission
ORDINANCE NO. 10-_____

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTION 27- 201- DEFINITIONS; REVISING SECTION 27-306 DISTRICT REGULATIONS COMMERCIAL AND INDUSTRIAL USES; SECTION 27-405 NONCONFORMING USES OF STRUCTURES; AND ADOPT THE REVISIONS AND ADDITIONS AS AN AMENDMENT TO THE ZONING REGULATIONS AND SET A TIME PERIOD FOR THE REGULATION TO BE EFFECTIVE.

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

Section 1. RECITALS. *Title 76, Chapter 2, Part 3, MCA, and Section 27-1502, BMCC, provide for amendment to the City Zoning Regulations from time to time. The City Council initiated the amendment to the City Zoning Regulations and the City Zoning Commission and staff have reviewed the proposed zoning regulations hereinafter described. The recommendations of the Zoning Commission and staff have been submitted to the City Council, and the City Council, in due deliberation, has considered the proposed amendments to the City Zoning Regulations.*

Section 2. DESCRIPTION. The zoning regulation shall apply to all land within the City of Billings.

Section 3. AMENDMENT. That the Billings, Montana City Code be amended by revising Section 27-201 by adding the following language:
SEC. 27-201. DEFINITIONS.

MEDICAL CORRIDOR: The area defined by the Billings Medical Corridor Study as the medical development impact area. This area is of special concern to the city as a potential location for medical or medically related uses, as well as, supporting uses and residential development. See BMCC Sections 27-901, et seq.

MEDICAL MARIJUANA: means all plant material from the genus cannabis containing tetrahydrocannabinol (THC) or seeds of the genus capable of germination that is grown, sold or administered for medical use.

MEDICAL MARIJUANA BUSINESS: means the cultivation of medical marijuana, including harvesting and drying the plant for the purposes of possessing, manufacturing and selling such product or the process of rendering a cannabis plant into a product that can be sold and consumed for medicinal purposes or a commercial operation that sells medical marijuana products for medical purposes or any combination thereof. This definition specifically excludes the growing, manufacturing or possession of medical marijuana as a registered qualifying patient as defined by the Montana Medical Marijuana Act (MCA 50-46-101 et seq).

Section 4. AMENDMENT. That the Billings, Montana City be amended by revising Section 27-306 as follows:

SEC. 27-306. District Regulations: COMMERCIAL & INDUSTRIAL USES.

TITLES AND DESCRIPTION OF INDUSTRIES	Residential Professional	Neighborhood Commercial	Community Commercial	Highway Commercial	Central Business District	Controlled Industrial	Heavy Industrial	Public	South 27th Street Corridor
SR - SPECIAL REVIEW A - ALLOWED									
DIVISION K – NONCLASSIFIABLE ESTABLISHMENTS									
99 NONCLASSIFIABLE ESTABLISHMENTS: THE ZONING DISTRICT AND REQUIREMENTS OF THESE ESTABLISHMENTS WILL BE DETERMINED BY THE PLANNING DIRECTOR.									
DWELLINGS									
– SINGLE-FAMILY	A	A	A	A	A	SR			
– TWO-FAMILY		A	A	A	A				
– MULTIPLE-FAMILY		A	A	A	A				A
– MODULAR HOME	A	A	A	A	A	SR			A
– ROWHOUSE/TOWNHOUSE		SR	SR	SR	SR				SR
<u>MEDICAL MARIJUANA BUSINESSES</u>									

Section 5. AMENDMENT. That the Billings, Montana City be amended by revising Section 27-405 as follows:

Sec. 27-405. Nonconforming Uses of Structures.

(h) Any Medical Marijuana Business, located within the limits of the City of Billings, existing upon passage of this chapter shall be deemed a legal nonconforming use. All existing legal nonconforming Medical Marijuana Businesses, as of the effective date of this chapter, or any amendment hereto, shall comply with the provisions of this chapter within two (2) years from the date of the enactment of this section or any amendment hereto.

Section 7. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 8. EFFECTIVE DATE. This ordinance shall be effective from and after final passage and as provided by law.

PASSED by the City Council on first reading September 27, 2010.

PASSED, ADOPTED AND APPROVED on second reading October 12, 2010.

CITY OF BILLINGS:

BY: _____
Thomas W. Hanel, Mayor

ATTEST:

BY: _____
Cari Martin, City Clerk

ZC #868 – Text Amendment Medical Marijuana

Regular City Council Meeting

Date: 09/27/2010

TITLE: Medical Marijuana Moratorium Extension Ordinance

PRESENTED BY: Brent Brooks

Department: Legal

Information

PROBLEM/ISSUE STATEMENT

State law at MCA 76-2-306 allows the adoption of an interim zoning regulation as a matter of urgency without the review of the City Zoning Commission or the publication of several legal ads in advance of the City Council public hearing. Initial Interim zoning regulations may only be in effect for six (6) months from the date of enactment. The City Council passed Interim Ordinance 10-5512 on May 11, 2010, imposing an immediate moratorium on the licensing and opening of any new medical marijuana businesses in the City of Billings. This interim legislation allows the City to study and to consider within a reasonable amount of time more permanent zoning proposals. This temporary ordinance is set to expire on November 11, 2010. Pursuant to MCA §76-2-306, the City Council may extend the moratorium for a period of one year from november 11, 2010, by a two-thirds vote of the present and voting Council . Such an extension would allow the City to continue to study the effects of medical marijuana businesses and to develop more permanent zoning restrictions. Such an extension would also allow the City to evaluate any legislation enacted by the upcoming 2011 State Legislature addressing medical marijuana businesses and related issues.

ALTERNATIVES ANALYZED

The City Council may:

1. Approve the medical marijuana moratorium extension. The interim ordinance would continue the moratorium for one(1) additional year upon two-thirds (2/3) vote of the City Council.
2. Deny the medical marijuana moratorium extension. Because Interim Ordinance 10-5512 is set to expire on November 11, 2010, new medical marijuana businesses could open in the City of Billings after that date.

FINANCIAL IMPACT

There is no anticipated cost to the City to extend the medical marijuana moratorium for an additional one (1) year period except for the loss of revenue that would potentially be gained from licensing new medical marijuana businesses. This revenue would not be significant.

RECOMMENDATION

Staff recommends the Council approve the moratorium extension.

APPROVED BY CITY ADMINISTRATOR

Attachments

Ordinance

ORDINANCE NO. 10 ____

AN INTERIM ZONING ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA, EXTENDING THE MORATORIUM ENACTED BY ORDINANCE 10-5512, CONTINUING THE PROHIBITION ON THE OPENING OF ANY NEW ESTABLISHMENTS THAT GROW, SELL OR DISTRIBUTE MEDICAL MARIJUANA FOR AN ADDITIONAL TWELVE (12) MONTH PERIOD.

RECITALS

WHEREAS, on November 2, 2004, through Initiative 148 that placed the issue on the state-wide ballot, Montana voters adopted the Medical Marijuana Act, (the Act) which is codified at §50-46-101, MCA, et seq; and at that time and in subsequent legislative sessions the legislature failed to include language or authorize State agencies to promulgate administrative rules concerning a multitude of logistical issues about the Act; and

WHEREAS, the concerns of local governments about the Act's application in their communities and the parameters under which a local government has authority to regulate its effects remain unresolved; and

WHEREAS, the Act permits the cultivation, manufacture, delivery, transfer, and transportation of marijuana or paraphernalia by a qualifying patient or a caregiver, as those terms are defined in the Act; and

WHEREAS, establishments that grow, sell or distribute medical marijuana or paraphernalia which opened prior to May 11, 2010 are currently operating within certain zoning districts established by the City of Billings; and

WHEREAS, §76-2-306, MCA, permits a city to adopt an interim zoning ordinance for the preservation of the public peace, property, health, or safety, which may take effect immediately upon passage at one reading; and

WHEREAS, this statute allows the City to adopt an interim zoning ordinance to protect public safety, health, and welfare without following the procedures otherwise required preliminary to the adoption of zoning ordinances, and such interim zoning ordinances may prohibit uses that may be in conflict with a contemplated zoning proposal, which the legislative body is considering or intends to study within a reasonable amount of time; and

WHEREAS, the City Council of the City of Billings has determined that the operation of establishments that grow, sell or distribute medical marijuana or paraphernalia within the City limits of Billings, could be immediately detrimental to, harmful to, and a threat to the peace, property, health, safety, and welfare of the City and its inhabitants, until such time as the City has had an opportunity to further study such issue and an opportunity to adopt more permanent appropriate ordinances, zoning or otherwise, to appropriately deal with any such establishments; and

WHEREAS, after first having provided lawful public notice, as required by §76-2-306 (2), MCA the City Council conducted a public hearing on May 10, 2010, with respect to this proposed Ordinance, and invited public comment; and

WHEREAS, the City adopted the proposed six month interim Ordinance on May 11, 2010, which will expire on November 11, 2010; and

WHEREAS, the City intends to further study this issue, and ultimately adopt more permanent appropriate ordinances, zoning or otherwise, to appropriate deal with such establishments; and

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

Section 1: All of the recitals set forth above are hereby adopted as Findings of Fact.

Section 2: The terms “marijuana,” “paraphernalia,” “qualifying patient,” and “caregiver” have the meaning attributed to those terms by the Medical Marijuana Act, MCA § 50-46-102.

Section 3: The City Council of the City of Billings hereby directs City Administration, the City-County Planning Division, the Billings Police Department and the City Legal Department to continue to investigate and study the effect of the opening of establishments that grow, sell or distribute medical marijuana or paraphernalia and to make recommendations concerning new zoning ordinances that could be adopted to better regulate and/or deal with such establishments, to limit, prohibit, or abate any negative effect implicating the health, safety and/or welfare of the citizenry of the City of Billings, Montana, or blight, upon the City (and its entire zoning jurisdiction and its inhabitants), or the schools, recreational facilities, or neighborhoods located therein.

Section 4: Until such new ordinances, or similar state laws, zoning or otherwise, are adopted and in order to deal with the issues described above, any new establishments attempting to grow, sell or distribute medical marijuana or paraphernalia are hereby prohibited from being opened within the City of Billings. The prohibition in the preceding sentence shall not apply to a qualifying patient who possesses not more than six (6) marijuana plants and one (1) ounce of usable marijuana solely for that patient’s own use, nor shall it apply to a caregiver, already licensed by the City of Billings and in operation at their designated commercial business location on the date of this Ordinance, who possesses not more than six (6) marijuana plants and one (1) ounce of usable marijuana solely for each of his or her qualifying patient’s use.

Section 5: Any individual, entity, or establishment that violates the terms of the restrictions set forth above shall be deemed to be creating a public nuisance, and shall be subject to criminal penalties as provided in B.M.C.C. §1-110, and shall further be subject to such civil action to restrain or abate as provided in B.M.C.C. §18-301 et. seq., as the City deems appropriate. Such ability of the City to prosecute and/or enjoin or abate is in addition to any other remedies available to the City, at law or in equity.

Section 6: This Ordinance is expressly made effective November 11, 2010, to run immediately consecutive to Ordinance No. 10-5512, and shall apply to all pending applications of building permits, zoning variances, special review permits, zoning changes and all other applications for building and land use permits, developmental activity, land use activity, land use changes, and any other applications for approval of any type or nature, which have been received by the City of Billings and not yet granted as of the effective date of this Ordinance. Existing medical marijuana providers already licensed by the City of Billings and in operation at their designated commercial business location on the date of enactment of Ordinance No. 10-5512 will be permitted to continue operations at that location during the period of this interim Ordinance extension.

Section 7: In the event any word, phrase, clause, sentence, paragraph, section or other part of the Ordinance set forth herein is held invalid by a court of competent jurisdiction, such judgment shall affect only that part held invalid, and the remaining provisions thereof shall continue in full force and effect.

Section 8: Upon its adoption by the City Council of the City of Billings, Montana and signing of the Mayor thereof, this Ordinance shall take effect November 11, 2010. Pursuant to MCA §76-2-306, no second reading shall be required.

PASSED AND ADOPTED by the City Council of the City of Billings, Montana, this 27th day of September, 2010.

Thomas W. Hanel, Mayor

Attest:

Cari Martin
City Clerk