

CITY OF BILLINGS

CITY OF BILLINGS VISION STATEMENT:

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

AGENDA

COUNCIL CHAMBERS

October 12, 2010

6:30 P.M.

CALL TO ORDER – Mayor Hanel

PLEDGE OF ALLEGIANCE – Mayor Hanel

INVOCATION – Councilmember Astle

ROLL CALL

MINUTES: September 27, 2010

COURTESIES

PROCLAMATIONS

ADMINISTRATOR REPORTS - TINA VOLEK

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1 AND 3 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. 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 podium.)

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 podium.)

1. CONSENT AGENDA -- Separations:

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

1.

	Name	Board/Commission	Term	
			Begins	Ends
1	No Applications	Board of Adjustment	10/12/10	12/31/13

2	No Applications	Board of Adjustment	10/12/10	12/31/13
3	No Applications	Board of Appeals - Architect	10/12/10	12/31/13
4	No Applications	Board of Appeals - Electrical	10/12/10	12/31/13
5	No Applications	Community Development	10/12/10	12/31/10
6	No Applications	Housing Authority	10/12/10	12/31/13
7	No Applications	Human Relations	10/12/10	12/31/10
8	No Applications	Human Relations	10/12/10	12/31/13
9	Jennifer Quinn	Library Board	10/12/10	12/31/13
10	Todd Cormier	Traffic Control	10/12/10	12/31/10
11	No Applications	City/County Planning Ward I	10/12/10	12/31/10
12	No Applications	City/County Planning Ward V	10/12/10	12/31/10

1. Unexpired term of LaVerne Bass
2. Unexpired term of Terry Madtson
5. Unexpired term of Uriah Edmunds
7. Unexpired term of Everall Fox
9. Unexpired term of Tony Hines
10. Unexpired term of Keith Lang
11. Unexpired term of Bill Iverson
12. Unexpired term of Fred Rogers

B. Bid Awards:

1. **2011 56,000 GVW 10-Yard Dump Truck with Snow Plow Assembly and Sander.** (Opened 9/28/10). Recommend IState; \$148,064 plus 5-year warranty of \$1,625, for total of \$149,689; with trade-in of Unit #1159, \$15,000.
2. **W.O. 10-03, 2010 Street Maintenance Program, City Crack Seal .** (Opened 9/28/10). Recommend Z & Z Seal Coating; \$146,958.06.

C. Approval of Right-of-Way Easement with Montana Department of Transportation for W.O. 02-10, 6th Avenue North to Bench Blvd.

D. Approval of staff recommendation to Policy Coordinating Committee for the funding of the 25th Street Pedestrian Bridge, Broadwater Avenue Trail Connection, Metra Park Sidewalk, Central Avenue Sidewalk, City-Wide ADA Ramps, Rimrock Road Sidewalks, and Northern Hotel Sidewalk Improvements CTEP projects.

- E. **Second/final 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.
- F. **Resolution** allocating up to \$2,500 of Council Contingency Funds for campaign materials to publicize the Distracted Driving Ordinance taking effect on October 31, 2010.
- G. **Resolution** allocating \$8,000 of Council Contingency Funds towards an Economic Impact Analysis of Tax-Increment Finance Districts.
- H. **Bills and Payroll:**
 - 1. September 10, 2010
 - 2. September 17, 2010

REGULAR AGENDA:

- 2. **PUBLIC HEARING AND RECONSIDERATION FOR VARIANCE:** A variance from the Subdivision Improvements Agreement for Ironwood Subdivision, 2nd Filing, requiring installation of sidewalk along property frontage located at 5835 Ironwood. Neal and Sally Johnson, owners. Staff recommends denial. (Action: approval or disapproval of staff recommendation.)
- 3. **RECONSIDERATION OF RESOLUTION FOR THE DONATION OR SALE OF PARKLAND,** a 6.775 acre parcel of parkland at Sahara Park, to the Better Billings Foundation to construct and operate a pool. Staff recommends donation of the Aquatic Project Land. (Action: approval or disapproval of staff recommendation.)

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: 10/12/2010

TITLE: Boards & Commissions –Appointments

PRESENTED BY: Tina Volek

Department: City Hall Administration

Information

PROBLEM/ISSUE STATEMENT

Confirmation of the appointments for Board and Commission positions that are vacant due to resignations and terms that were not filled.

ALTERNATIVES ANALYZED

Council may:

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

FINANCIAL IMPACT

No financial impact involved.

RECOMMENDATION

Mayor Hanel recommends that Council confirm the following appointment:

	Name	Board/Commission	Term	
			Begins	Ends
1	No Applications	Board of Adjustment	10/12/10	12/31/13
2	No Applications	Board of Adjustment	10/12/10	12/31/13
3	No Applications	Board of Appeals - Architect	10/12/10	12/31/13
4	No Applications	Board of Appeals - Electrical	10/12/10	12/31/13
5	No Applications	Community Development	10/12/10	12/31/10
6	No Applications	Housing Authority	10/12/10	12/31/13
7	No Applications	Human Relations	10/12/10	12/31/10
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9	Jennifer Quinn	Library Board	10/12/10	12/31/13
10	Todd Cormier	Traffic Control	10/12/10	12/31/10
11	No Applications	City/County Planning Ward I	10/12/10	12/31/10
12	No Applications	City/County Planning Ward V	10/12/10	12/31/10

1. Unexpired term of LaVerne Bass
2. Unexpired term of Terry Madtson
5. Unexpired term of Uriah Edmunds
7. Unexpired term of Everall Fox
9. Unexpired term of Tony Hines
10. Unexpired term of Keith Lang
11. Unexpired term of Bill Iverson
12. Unexpired term of Fred Rogers

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Date: 10/12/2010

TITLE: Bid Award for a 2011 56,000 GVW 10yd Dump Truck with Snow Plow Assy and Sander

PRESENTED BY: David Mumford

Department: Public Works

Information

PROBLEM/ISSUE STATEMENT

Bids were received by the Street/Traffic Division for the Public Works Department on September 28, 2010, to purchase a 2011 56,000 GVW 10-yard dump truck with a snow plow assembly and sander. This purchase was approved by the City Council in the FY11 budget for replacement of an existing 10-yard dump truck as part of the Equipment Replacement Plan (ERP). The existing dump truck will be traded in to the company providing the new truck. The new truck will also have a 5-year warranty that will be included in the bid price.

ALTERNATIVES ANALYZED

The City Council may:

- Approve the award of the 2011 10-yard dump truck with plow and sander to IState in the amount of \$149,689, plus a 5-year warranty of \$1,625.00: or
- Reject all bids and not award the purchase of the dump truck.

FINANCIAL IMPACT

The City received 2 bids for this dump truck as shown below:

Vendor	Bid	Trade-In	Net Bid	Warranty
IState	\$163,064.00	\$15,000.00	\$148,064.00	\$1,625.00
Motor Power	\$166,188.00	\$15,000.00	\$151,188.00	\$3,250.00

RECOMMENDATION

Staff recommends awarding the bid for the purchase of a 2011 56,000 GVW 10-yard dump truck with a snow plow assembly and sander in the amount of \$148,064.00 plus the 5 year warranty of \$1625.00 to IState for a total of \$149,689.00. Staff also recommends trading the existing dump truck (Unit #1159) for a credit of \$15,000.00 that is reflected in the final price of the bid.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Date: 10/12/2010

TITLE: WO 10-03 2010 Street Maintenance City Crack Seal Bid Award

PRESENTED BY: David Mumford

Department: Public Works

Information

PROBLEM/ISSUE STATEMENT

Bids were received and evaluated for the 2010 Street Maintenance Program, City Crack Seal, on September 28, 2010. This project is part of the on-going Street Preventative Maintenance Program supported by the City Council since 1985. Annually, staff identifies streets proposed for preventative maintenance. Staff proposes to bid this work in three contracts. The first contract is for chip seal resurfacing, the second contract is for overlay resurfacing, and the third contract is for crack seal. This contract will provide a crack seal on approximately 18 miles of various streets throughout the city.

ALTERNATIVES ANALYZED

The Council may:

- Award Work Order 10-03, 2010 Street Maintenance Program, City Crack Seal, to Z & Z Seal Coating, Inc. in the amount of \$146,958.06; or
- Reject all bids and not award Work 10-03, 2010 Street Maintenance Program, City Crack Seal.

FINANCIAL IMPACT

Funding for the 2010 Street Maintenance Program, City Crack Seal, will be provided from FY11 Gas Tax Funds totaling \$700,000. We received two bids for this project as follows:

WO 10-03 City Crack Seal Bids

Contractor	Bid Amount
Engineer's Estimate	\$179,137.60
Hardrives Construction, Inc.	\$147,530.48
Z & Z Seal Coating, Inc.	\$146,958.06

RECOMMENDATION

Staff recommends that Council approve the construction contract for the Street Crack Seal Maintenance Project with Z & Z Seal Coating, Inc. in the amount of \$146,958.06.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Date: 10/12/2010

TITLE: WO 02-10: 6th to Bench Right-of-Way Easement

PRESENTED BY: David Mumford

Department: Public Works

Information

PROBLEM/ISSUE STATEMENT

The design for the construction of 6th Avenue North to Bench Boulevard Connection project has been completed. There is no existing public right-of-way on which the project is to be built, and it will be necessary to get right-of-way from two parcels. The project will be primarily constructed on Yellowstone County land located within the MetraPark campus. In addition to the County's land, there is a small temporary construction permit needed in the northwest corner of the intersection of Lake Elmo Road and Bench Boulevard. Staff has negotiated a right-of-way easement agreement with Yellowstone County (Parcel 1) and a temporary construction permit with LC Partners LLC (Parcel 2). This memo presents both agreements for the Council to act on.

ALTERNATIVES ANALYZED

The Council may:

- Approve the Right-of-Way Agreements; or
- Not approve the Right-of-Way Agreements

FINANCIAL IMPACT

As part of the initial agreement made between Montana Department of Transportation, Yellowstone County, and the City of Billings, this land will be donated by the County as part of the local match requirements for the project. Parcel 2 requires a \$1,650 payment, but this cost will be reimbursed with the project's funding. There will be no additional financial impacts associated with these agreements.

RECOMMENDATION

Staff recommends that the City Council approve the Right-of-Way Agreements for Parcels 1 and 2, and authorize the Mayor to execute the agreements.

APPROVED BY CITY ADMINISTRATOR

Attachments

[Parcel 1 R-W Agreement](#)

[Parcel 2 R-W Agreement](#)

**State of Montana
Department of Transportation**

Right-of-Way Bureau
2701 Prospect Avenue
PO Box 201001
Helena, MT 59620-1001

R/W ID.: MT-CM 1099(32) Parcel No.: 1 County: Yellowstone
Designation: 6th Ave N to Bench Blvd-Blgs
Project No.: 4553-032

Highway Easement

This Easement, made this _____ day of _____, 20____, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration now paid, the receipt of which is acknowledged, **witnesses that**,

Yellowstone County, Montana

does hereby **grant, bargain, sell and convey** unto the **City of Billings, Montana**, for the benefit of the public, a perpetual easement and right-of-way to construct, reconstruct, maintain, operate, repair and improve streets, storm drainage, street lights, sidewalks, accessibility ramps, multi-use path, traffic signals, necessary fixtures and appurtenances, and public and private utilities that normally occupy public rights-of-way over, across, under, and through the real property within the boundaries of the easement area as described herein, and the right to take there from such earth, sand, gravel, stones, and trees as may be necessary in the construction, reconstruction, and maintenance of a highway covering and embracing the following described land:

******Legal description******

See the attached Exhibit 1, showing shaded areas labeled PARCEL 1 on sheets 1 of 5, 2 of 5, 3 of 5, 4 of 5, and 5 of 5.

In consideration of the benefit to grantor's property by reason of the construction of the above-described public highway, grantor releases grantee from all consequential damages, except damages caused by the negligence or willful misconduct of grantee or grantee's employees or as the case may be present or prospective, to grantor's property arising out of the construction, maintenance, or repair of the highway.

Subject to the following conditions:

1. the City of Billings, Montana, agrees to allow Yellowstone County, Montana ingress and egress to the roadway along all parcels (or portions of parcels) at the request of Yellowstone County, subject to the applicable design standards and Subdivision Regulations that are in place at the time of the request to have the ingress or egress and at no cost to the City of Billings; and
2. the City of Billings, Montana, agrees that a grade separated pedestrian crossing (that shall not subject pedestrian traffic to vehicular traffic) from the METRA arena across the new roadway to the parking area northerly across the new roadway shall be incorporated into the design and construction of the project. The grade separated crossing must be funded within the approved project budget. All costs for the pedestrian facility above the approved budget will not be the responsibility of the City of Billings.

ROW: 4553:P1:rl

Highway Easement
R/W ID.: MT-CM 1099(32)
Designation: 6th Ave N to Bench Blvd-Blgs

Parcel No.: 1 **

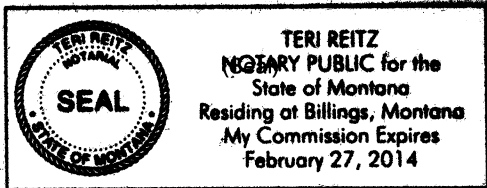
TO HAVE AND TO HOLD all of the above-described property unto the City of Billings, Montana, and to its successors and assigns as long as the same is used for highway purposes.

This Easement was executed on the date of its last acknowledgment.

Bill Kennedy as Chairman of Yellowstone County
(Signature) (Type of Authority) (Name of Entity)
James E. Reno as Member of Yellowstone County
(Signature) (Type of Authority) (Name of Entity)
Alisent as Member of Yellowstone County
(Signature) (Type of Authority) (Name of Entity)
____ as _____ of _____
(Signature) (Type of Authority) (Name of Entity)

State of Montana
County of Yellowstone

This instrument was acknowledged before me on September 28, 2010
(date)
by Bill Kennedy, James E. Reno
(Name of person(s))
as Chairman & member
(type of authority, e.g.; president, trustee, member, partner, etc.)
of Yellowstone County
(name of entity on behalf of whom instrument was executed)



Teri Reitz
Notary Signature Line
Teri Reitz
Notary Printed Name
Notary Public for State of Montana
Residing at: Billings
My Commission Expires: 2 / 27 / 2014

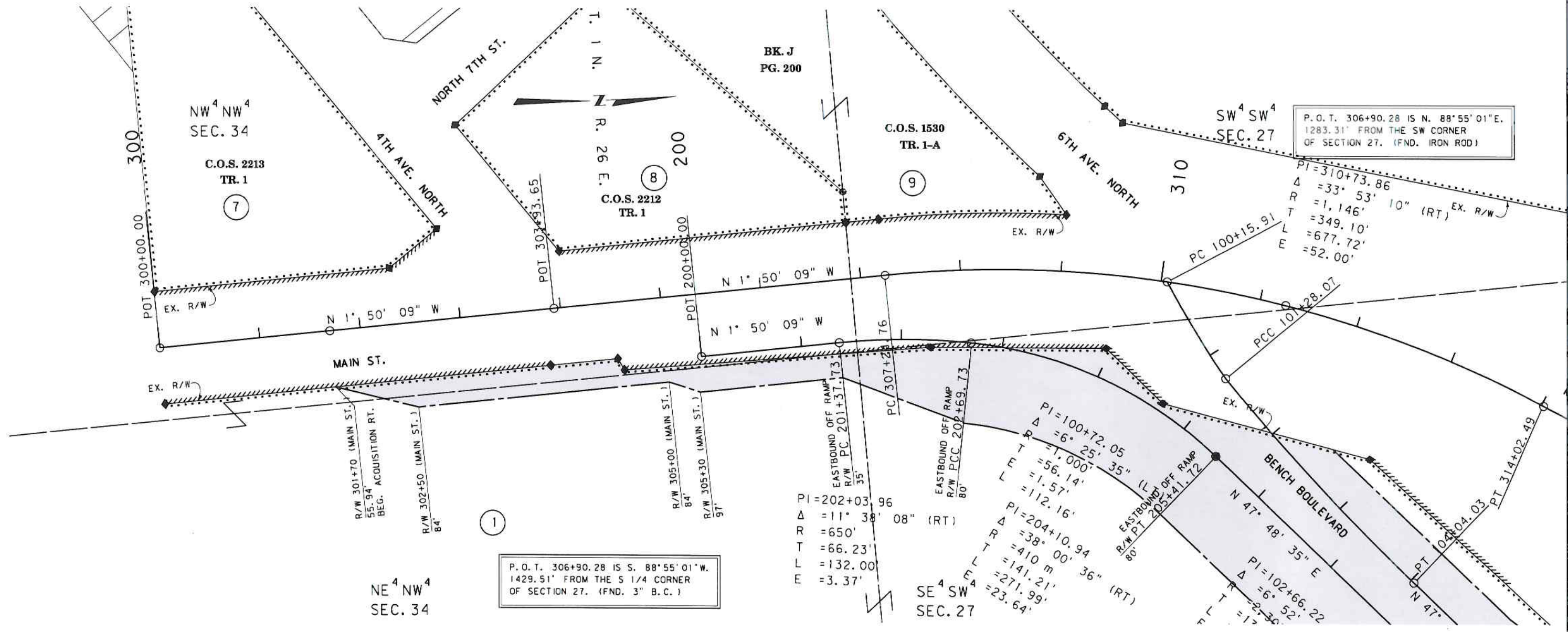
State of _____
County of _____

This instrument was acknowledged before me on _____
(date)
by _____
(name of person(s))
as _____
(type of authority, e.g.; president, trustee, member, partner, etc.)
of _____
(name of entity on behalf of whom instrument was executed)

Notary Signature Line

Notary Printed Name
Notary Public for State of _____
Residing at: _____
My Commission Expires: _____ / _____ / 20__

Recording Information



P.O.T. 306+90.28 IS S. 88°55'01"W.
1429.51' FROM THE S 1/4 CORNER
OF SECTION 27. (FND. 3" B.C.)

GRID STATE PLANE COORDINATES

THIS IS A STATE PLANE COORDINATE PROJECT. ALL DIMENSIONS, DISTANCES AND AREAS ON THIS PROJECT ARE GRID, EXCEPT FOR THE EXISTING R/W WIDTH DIMENSION, WHICH IS RECORD. THE COMBINATION SCALE FACTOR IS 0.999462264 FOR EXISTING R/W RETRACEMENT, SEE C.O.S. No. 3198

- NOTES:**
1. THE PROPOSED R/W LINE WHERE A SPIRAL CURVE TRANSITION IS USED IS A CHORD RATHER THAN A CONCENTRIC CURVE.
 2. ALL STATIONS AND OFFSETS FOR R/W BREAKS ARE IN REFERENCE TO THE R/W BASELINE.

PARCEL 1 ; SHEET 1 OF 5

THIS PLAT IS PREPARED FROM THE MONTANA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLANS AND IS RECORDED IN THE OFFICE OF THE COUNTY CLERK AND RECORDER. OFFICIAL PLANS AND EXHIBITS CAN BE FOUND AT THE DEPARTMENT OF TRANSPORTATION, HELENA, MONTANA.

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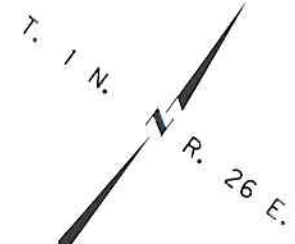
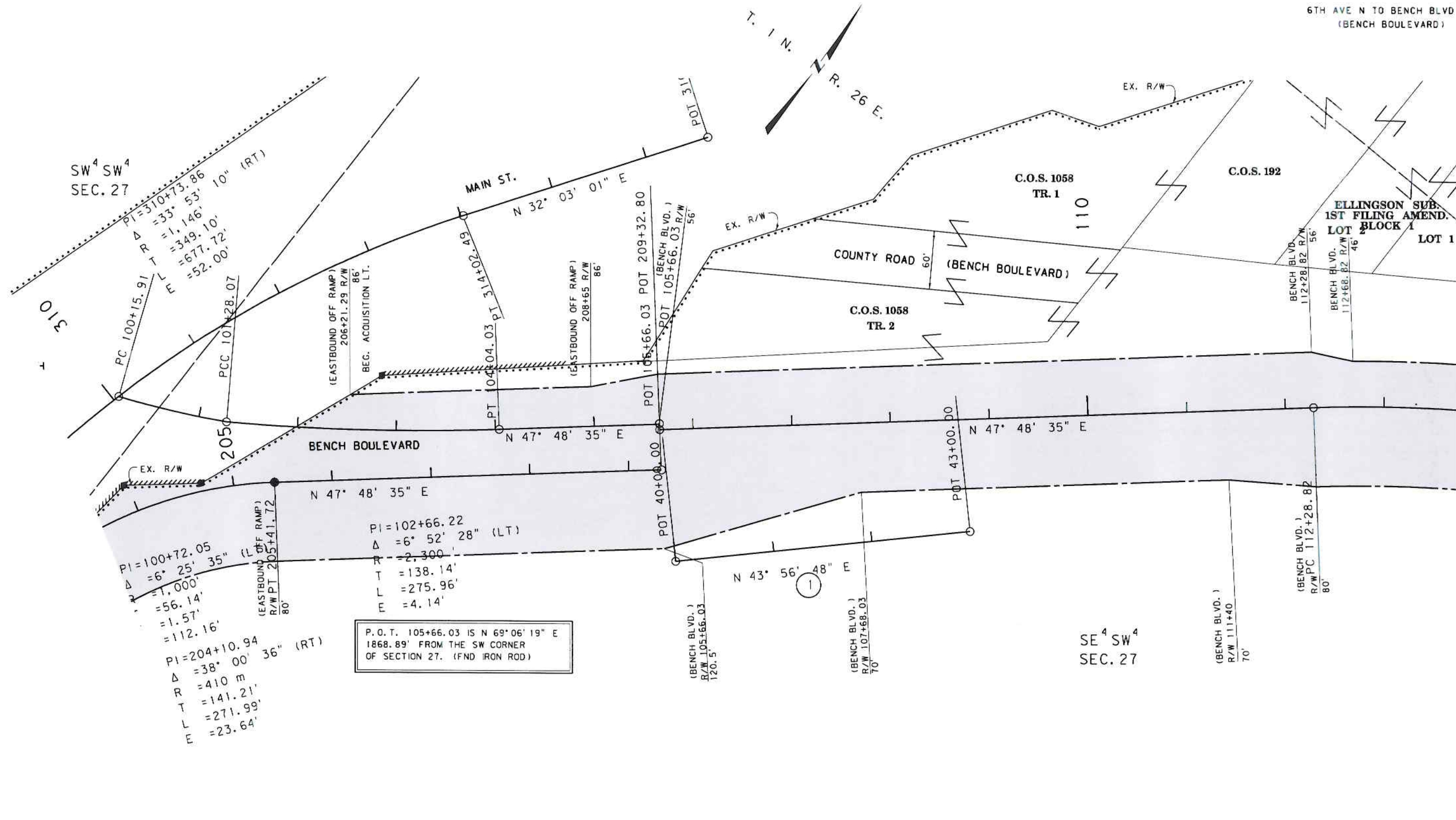
LEGEND	
OWNERSHIP BOUNDARY	TRACT CONVEYED
RIGHT OF WAY LINE	
R.R. R/W LINE	
CENTERLINE	
FULL ACCESS CONTROL	DATE PREPARED 9/27/10
LIMITED ACCESS CONTROL	DATE REVISED

MONTANA DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY EXHIBIT
YELLOWSTONE COUNTY

SCALE 1"=50'

STATE	RIGHT OF WAY	SHEET NO.	TOTAL SHEETS
MONTANA			
R/W ID.	MT-CM 1099 (32)		
UNIFORM PROJECT NO.	4553-032		

6TH AVE N TO BENCH BLVD - BLGS
(BENCH BOULEVARD)



SW⁴ SW⁴
SEC. 27

C.O.S. 1058
TR. 1

C.O.S. 192

ELLINGSON SUB.
1ST FILING AMEND.
LOT BLOCK 1
LOT 1

BENCH BOULEVARD

COUNTY ROAD
(BENCH BOULEVARD)

C.O.S. 1058
TR. 2

SE⁴ SW⁴
SEC. 27

PI=100+72.05
Δ = 6° 25' 35" (LT)
R = 1,000'
T = 56.14'
L = 1.57'
E = 112.16'

PI=102+66.22
Δ = 6° 52' 28" (LT)
R = 2,300'
T = 138.14'
L = 275.96'
E = 4.14'

P.O.T. 105+66.03 IS N 69° 06' 19" E
1868.89' FROM THE SW CORNER
OF SECTION 27. (FND IRON ROD)

GRID STATE PLANE COORDINATES

THIS IS A STATE PLANE COORDINATE PROJECT. ALL DIMENSIONS, DISTANCES AND AREAS ON THIS PROJECT ARE GRID, EXCEPT FOR THE EXISTING R/W WIDTH DIMENSION, WHICH IS RECORD. THE COMBINATION SCALE FACTOR IS 0.999462264

FOR EXISTING R/W RETRACEMENT, SEE
C.O.S. No. 3198

PARCEL 1 ; SHEET 2 OF 5

THIS PLAT IS PREPARED FROM THE MONTANA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLANS AND IS RECORDED IN THE OFFICE OF THE COUNTY CLERK AND RECORDER. OFFICIAL PLANS AND EXHIBITS CAN BE FOUND AT THE DEPARTMENT OF TRANSPORTATION, HELENA, MONTANA.

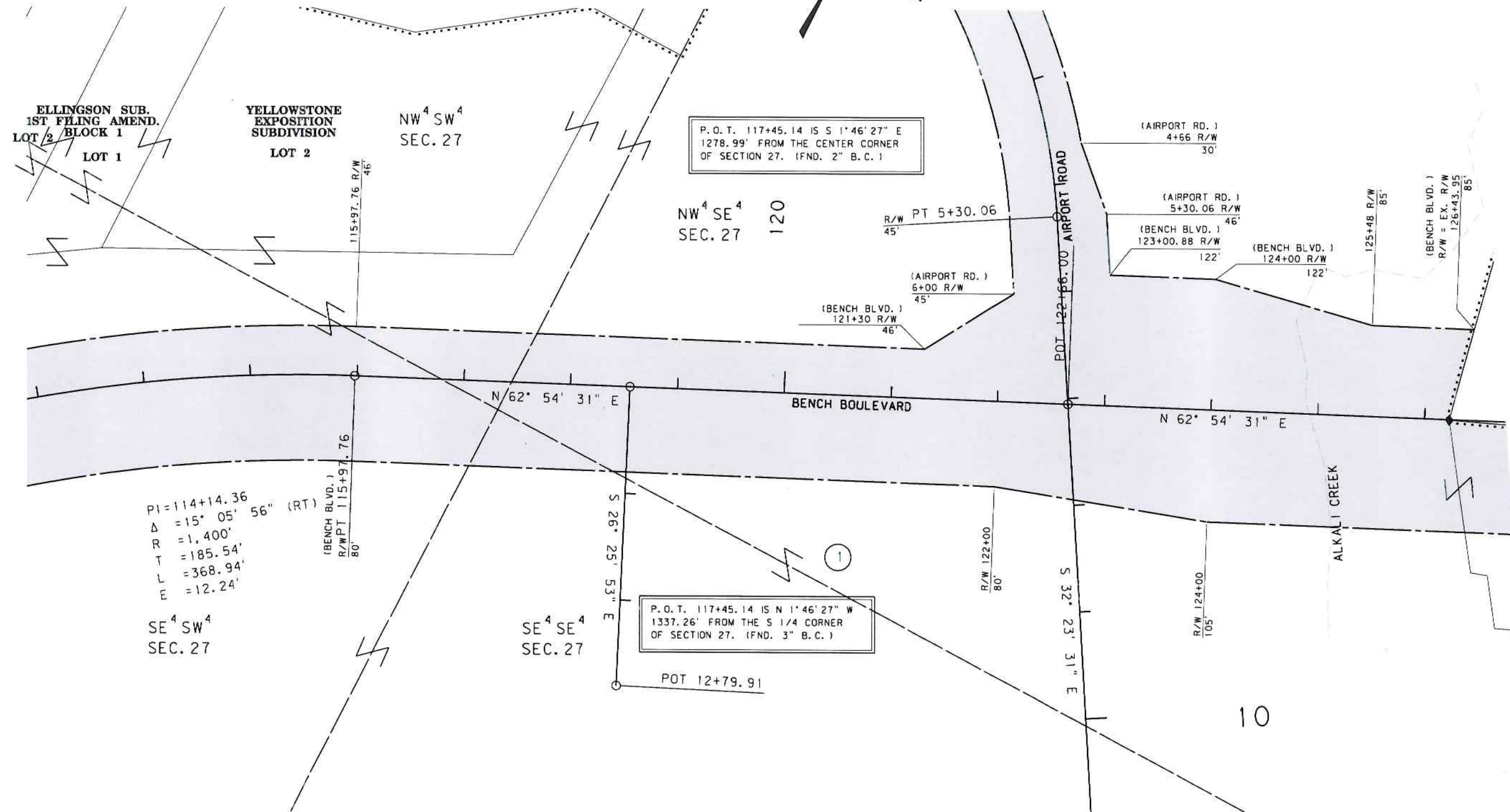
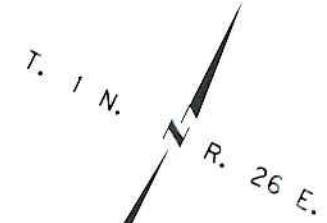
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2		9/28/2010
1		10:13:42 AM u2350

- NOTES:
1. THE PROPOSED R/W LINE WHERE A SPIRAL CURVE TRANSITION IS USED IS A CHORD RATHER THAN A CONCENTRIC CURVE.
 2. ALL STATIONS AND OFFSETS FOR R/W BREAKS ARE IN REFERENCE TO THE R/W BASELINE.

LEGEND	
OWNERSHIP BOUNDARY
RIGHT OF WAY LINE	-----
R. R. R/W LINE	-----
CENTERLINE	-----
FULL ACCESS CONTROL	====
LIMITED ACCESS CONTROL	====
TRACT CONVEYED	[Shaded Box]
DATE PREPARED	9/27/10
DATE REVISED	

MONTANA DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY EXHIBIT
YELLOWSTONE COUNTY

SCALE 1"=50'



$PI = 114 + 14.36$
 $\Delta = 15^\circ 05' 56''$ (RT)
 $R = 1,400'$
 $T = 185.54'$
 $L = 368.94'$
 $E = 12.24'$

P.O.T. 117+45.14 IS S 1°46'27" E
1278.99' FROM THE CENTER CORNER
OF SECTION 27. (FND. 2" B.C.)

P.O.T. 117+45.14 IS N 1°46'27" W
1337.26' FROM THE S 1/4 CORNER
OF SECTION 27. (FND. 3" B.C.)

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FOR EXISTING R/W RETRACEMENT, SEE
C.O.S. No. 3198

PARCEL 1 ; SHEET 3 OF 5

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3 2 1	MDTA MONTANA DEPARTMENT OF TRANSPORTATION	C:\dgn\4553ROEXHZ01_P1.DGN
		9/28/2010
		10:13:43 AM u2350

- NOTES:
- THE PROPOSED R/W LINE WHERE A SPIRAL CURVE TRANSITION IS USED IS A CHORD RATHER THAN A CONCENTRIC CURVE.
 - ALL STATIONS AND OFFSETS FOR R/W BREAKS ARE IN REFERENCE TO THE R/W BASELINE.

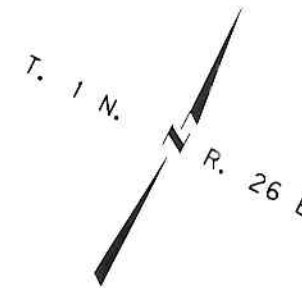
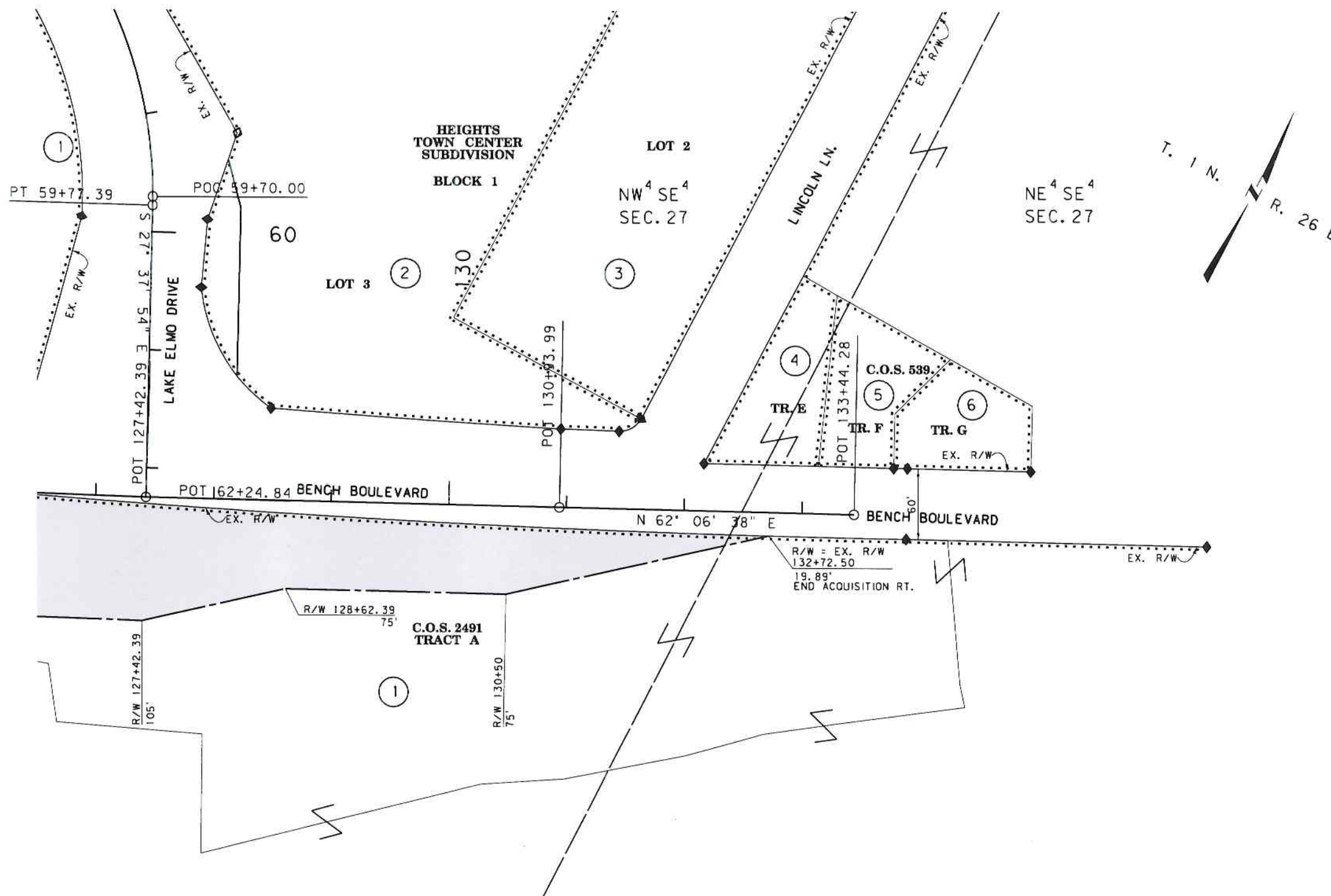
LEGEND	
OWNERSHIP BOUNDARY	-----
RIGHT OF WAY LINE	-----
R.R. R/W LINE	-----
CENTERLINE	-----
FULL ACCESS CONTROL	-----
LIMITED ACCESS CONTROL	-----
TRACT CONVEYED	-----
DATE PREPARED	9/27/10
DATE REVISED	

MONTANA DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY EXHIBIT
YELLOWSTONE COUNTY

SCALE 1"=50'

STATE	RIGHT OF WAY	SHEET	TOTAL
MONTANA		NO.	SHEETS
R/W ID.	MT-CM 1099(32)		
UNIFORM PROJECT NO.	4553-032		

6TH AVE N TO BENCH BLVD - BLGS
(BENCH BOULEVARD)



GRID STATE PLANE COORDINATES

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FOR EXISTING R/W RETRACEMENT, SEE C. O. S. No. 3198

PARCEL 1 ; SHEET 4 OF 5

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NOTES:

1. THE PROPOSED R/W LINE WHERE A SPIRAL CURVE TRANSITION IS USED IS A CHORD RATHER THAN A CONCENTRIC CURVE.
2. ALL STATIONS AND OFFSETS FOR R/W BREAKS ARE IN REFERENCE TO THE R/W BASELINE.

3	MONTANA DEPARTMENT OF TRANSPORTATION	C:\dgn\4553ROEXHZ01_P1.DGN
2		9/28/2010
1		10:13:44 AM u2350

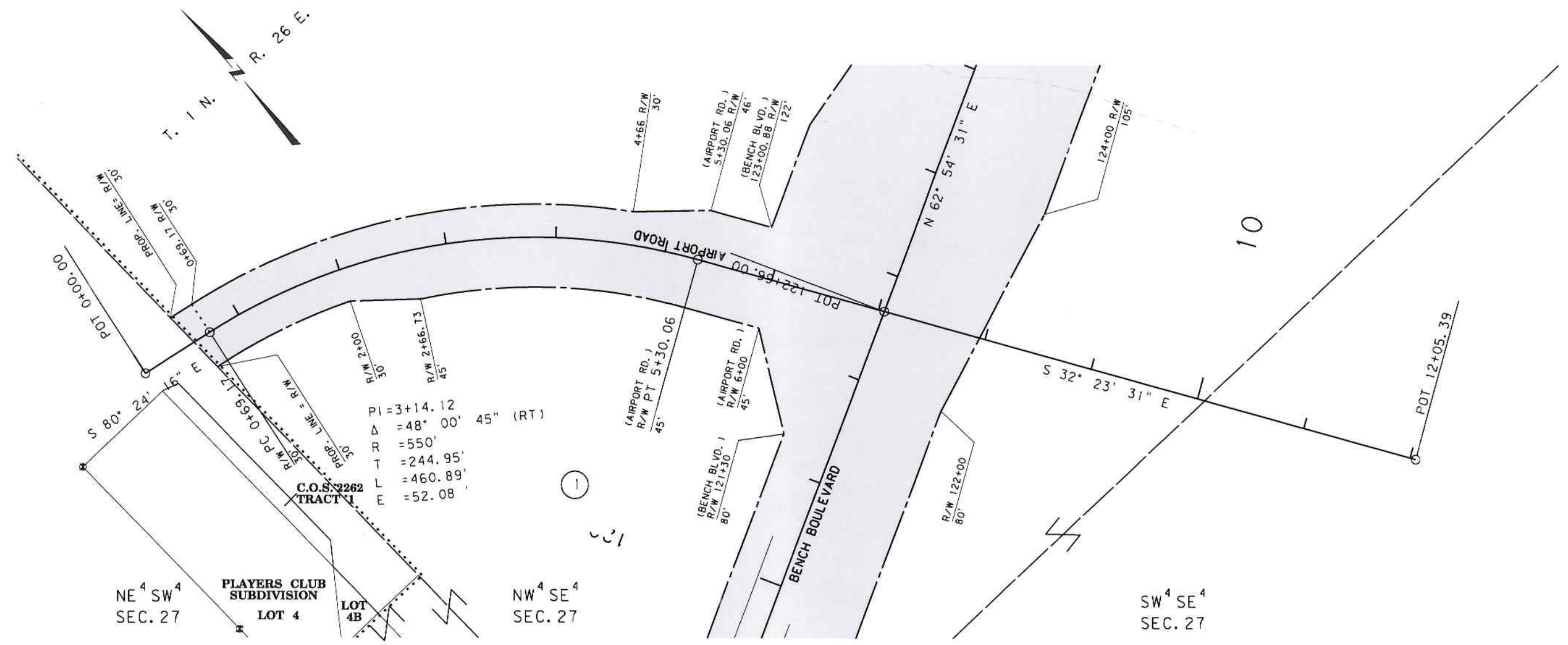
LEGEND	
OWNERSHIP BOUNDARY	-----
RIGHT OF WAY LINE	-----
R. R. R/W LINE	-----
CENTERLINE	-----
FULL ACCESS CONTROL	---AG---
LIMITED ACCESS CONTROL	---/---/---
TRACT CONVEYED	[Shaded Box]
DATE PREPARED	9/27/10
DATE REVISED	

MONTANA DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY EXHIBIT
YELLOWSTONE COUNTY

SCALE 1"=50'

STATE	RIGHT OF WAY	SHEET NO.	TOTAL SHEETS
MONTANA			
R/W ID.	MT-CM 1099(32)		
UNIFORM PROJECT NO.	4553-032		

6TH AVE N TO BENCH BLVD - BLGS (AIRPORT ROAD)



GRID STATE PLANE COORDINATES

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FOR EXISTING R/W RETRACEMENT, SEE C.O.S. No. 3198

PARCEL 1 ; SHEET 5 OF 5

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- NOTES:
1. THE PROPOSED R/W LINE WHERE A SPIRAL CURVE TRANSITION IS USED IS A CHORD RATHER THAN A CONCENTRIC CURVE.
 2. ALL STATIONS AND OFFSETS FOR R/W BREAKS ARE IN REFERENCE TO THE R/W BASELINE.

3	MDTA MONTANA DEPARTMENT OF TRANSPORTATION	C:\dgm\4553\ROEXH203_P1.DGN
2		9/29/2010
1		10:10:39 AM u2350

LEGEND	
OWNERSHIP BOUNDARY	-----
RIGHT OF WAY LINE	-----
R. R. R/W LINE	-----
CENTERLINE	-----
FULL ACCESS CONTROL	-----
LIMITED ACCESS CONTROL	-----
TRACT CONVEYED	-----
DATE PREPARED	9/27/10
DATE REVISED	

MONTANA DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY EXHIBIT
 YELLOWSTONE COUNTY

SCALE 1"=50'

CITY OF BILLINGS

(hereinafter referred to as City)

RIGHT-OF-WAY AGREEMENT

6th Avenue North to Bench Boulevard
DESIGNATION

Work Order: 02-10-P1
4553-032

Yellowstone
COUNTY

Parcel No.	Parcel Description	Section	Township	Range
2	Block 1, Lot 3 Heights Town Center Subdivision	27	1N	26E

List Names & Addresses of the Grantors
(Contract Purchaser, Contract Seller, Lessee, etc.)

LC Partners LLC
P.O. Box 80510
Billings, MT 59108-0510
(406) 651-4300

- In consideration of the payments herein set forth and the specific agreements to be performed by the parties hereto and written in this agreement, the parties bind themselves to the terms and conditions stated herein. No verbal representations or agreements shall be binding upon either party. This agreement is effective upon execution by the City or a designated representative, and possession of the property is granted to the City when it sends the payment(s) agreed to below. Grantors contract that they will, on City's request, execute a deed and other documents required by the City for all real property agreed to be conveyed by this agreement.
- COMPENSATION FOR LAND AND IMPROVEMENTS (List acreage and improvements to be acquired.)

N/A
- OTHER COMPENSATION:

4,073 square feet Temporary Construction Permit \$1,630
- TOTAL COMPENSATION (rounded) (includes all damages to the remainder): \$1,650.00.
- IT IS UNDERSTOOD AND AGREED THE CITY SHALL MAKE PAYMENT AS FOLLOWS:

A warrant in the amount of \$1,650.00, to be made payable to LC Partners LLC and mailed to P.O. Box 80510, Billings, MT 59108-0510.
- IT IS UNDERSTOOD that the City is acquiring this right-of-way in order to improve Bench Boulevard and Lake Elmo Road. The improvements will include, but not be limited to, street widening, curb & gutter, sidewalks, storm drain improvements, drive approaches, a multi-use path and related features. Some of these improvements may be constructed with property assessments to the adjoining properties in accordance with the City's policies in effect at the time of project creation.
- The Grantor hereby grants the City of Billings a Temporary Construction Permit, as shown on Exhibit A, and made for the period of the street improvements construction project plus the one-year warranty period.
- This agreement, upon execution by an agent of the City and presentation to the Grantors so designated, constitutes a written offer of compensation in the full amount of the appraised value, a summary of the property and property rights being acquired and notice that possession need not be given until payment has been received by the Grantors.
- At no expense to the Grantors and at the time of street construction, permission is hereby granted the City to enter upon the Grantor's land, where necessary, at the location and for the purpose described as:

A. Station 59+42.66 to Station 61+20.00 4,073 square feet Temporary Construction Permit LT

Grantors understand and agree that upon completion of the construction of this item located upon the Grantors' land, they shall be considered the sole property of the Grantors, and the maintenance and repair of said property shall be the responsibility of the Grantors.

(Continued from Previous Page)

THE PARTIES HERETO HAVE EXECUTED THIS AGREEMENT ON THE DATES SHOWN:

We understand that we are required by law to provide our correct taxpayer identification number(s) to the City of Billings and that failing to comply may subject us to civil and criminal penalties. We certify that the number(s) below is/are our **correct** taxpayer identification number(s).


Signature: (Date) Tax ID No.

Signature: (Date) Tax ID No.

Signature: (Date) Tax ID No.

RECOMMENDED FOR APPROVAL:

APPROVED FOR AND ON BEHALF OF CITY OF BILLINGS:



City of Billings, Public Works Department (Date)

Mayor, City of Billings (Date)

ATTEST:

City Clerk (Date)

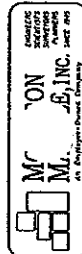
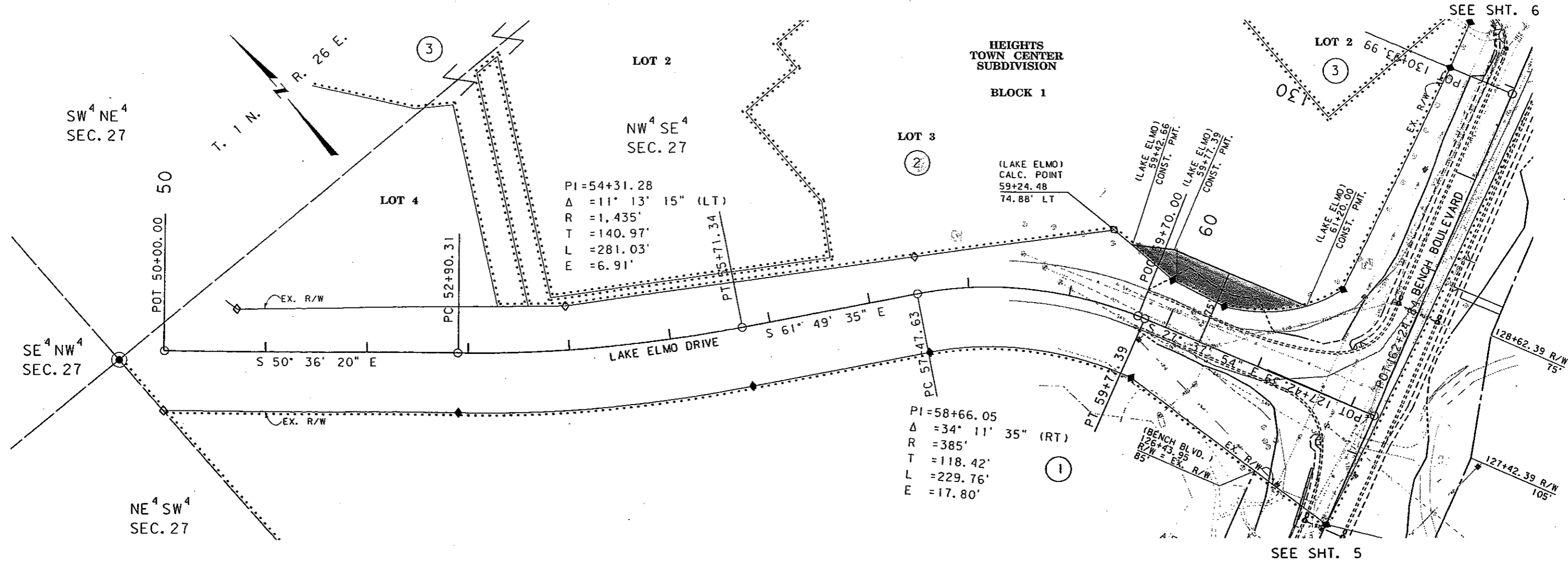
6BB-002.200 North

STATE	RIGHT OF WAY	SHEET NO.	TOTAL SHEETS
MONTANA		8	8
R/W ID.	MT-CM 1099(32)		
UNIFORM PROJECT NO.	4553-032		

6TH AVE N TO BENCH BLVD - BLGS
(LAKE ELMO DRIVE)

SEE SHEET NO. 2 FOR OWNERSHIP NAMES, ADDRESSES, AREAS, ETC.

EXHIBIT A



CONSTRUCTION LIMITS	MAP REVISED
CUT SECTION TOP OF CUT	
TRANSITION	
TOE OF FILL	
BACKSLOPE LIMITS INCLUDE ROUNDING	FHWA/MDT APPROVAL APR 5-5-10
3	MDT MONTANA DEPARTMENT OF TRANSPORTATION
1	c:\dgn\4553\ropfnz03.dgn 5/25/2010 2:12:28 PM CPS-U0034

- NOTES:
1. THE PROPOSED R/W LINE WHERE A SPIRAL CURVE TRANSITION IS USED IS A CHORD RATHER THAN A CONCENTRIC CURVE.
 2. ALL STATIONS AND OFFSETS FOR R/W BREAKS ARE IN REFERENCE TO THE R/W BASELINE.

GRID STATE PLANE COORDINATES
THIS IS A STATE PLANE COORDINATE PROJECT. ALL DIMENSIONS, DISTANCES AND AREAS ON THIS PROJECT ARE GRID, EXCEPT FOR THE EXISTING R/W WIDTH DIMENSION, WHICH IS RECORD. THE COMBINATION SCALE FACTOR IS 0.999462264
FOR EXISTING R/W RETRACEMENT, SEE C.O.S. No. 3198

FOR APPRAISAL ONLY

MONTANA DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY PLAN
YELLOWSTONE COUNTY
SCALE 1"=50'
0 50' 100' 150'

Regular City Council Meeting

Date: 10/12/2010

TITLE: 2010 Community Transportation Enhancement Program (CTEP) Project Recommendations to Policy Coordinating Committee

PRESENTED BY: Candi Beaudry,
Planning & Community Services

Department: Planning & Community Services

Information

PROBLEM/ISSUE STATEMENT

The Planning Division received seven proposals for FY2010 Community Transportation Enhancement Program (CTEP) dollars. The projects included the 25th Street Pedestrian Bridge, Broadwater Avenue Trail Connection, Metra Park Sidewalk, Central Avenue Sidewalk, City-Wide ADA Ramps, Rimrock Road Sidewalks, and Northern Hotel Sidewalk Improvements. Please find in Attachment A a quick reference sheet listing the FY2010 projects in some detail with the associated costs. Attachment B consists of the Technical Advisory Committee's (TAC) recommendations on prioritizing the seven projects with CTEP funding allocations.

The Yellowstone County Board of Planning at its meeting on September 13, 2010, conducted a public hearing and voted to forward the same CTEP project recommendations made by the TAC to the Policy Coordinating Committee (PCC). The City Council discussed these project proposals at its October 4, 2010, Work Session, and is formally making a recommendation to PCC at this meeting. The PCC has final say on all transportation-related projects in the urban area and will meet on October 19 to finalize the CTEP project approvals and funding.

ALTERNATIVES ANALYZED

The City Council may make a recommendation to PCC that:

- Approves the CTEP applications for submission as recommended by TAC and the Planning Board.
- Formulates a Council-initiated project priority and funding list.
- Does not approve any of the CTEP project applications for funding.

FINANCIAL IMPACT

There are local funding sources for the proposed CTEP projects to provide the required CTEP match. Sources like the City's GO Bond is one source that directly affects the City. Other sources from grants or other entities do not directly affect City funds. All of the funding sources for these projects are outlined in Attachment A.

BACKGROUND

Each CTEP project must follow an established approval procedure before funding is allocated. The first step of the process is the submission of project applications. All the applications are reviewed and prioritized through a previously approved process that includes TAC, the Yellowstone County Board of Planning, City Council, and Board of County Commissioners. The applications for this CTEP funding cycle are consistent with previous CTEP project agreements accepted and executed by Council.

STAKEHOLDERS

The Planning Board conducted a public hearing at its regular meeting on September 14, 2010. No public comment was provided.

CONSISTENCY WITH ADOPTED POLICIES OR PLANS

The proposed projects are supported through the current Heritage Trail Plan or City of Billings and Yellowstone County Growth Policy. In some cases, the projects are specifically identified in planning documents; and in other cases, the overall goals of safe and convenient pedestrian and bicycle travel are met with these projects. All the projects will proceed through the established CTEP project approval process for the City of Billings and Yellowstone County.

RECOMMENDATION

Staff recommends that the City Council formulate a recommendation on the CTEP projects so the City's representative can bring it to the Policy Coordinating Committee (PCC) meeting on October 19 for action.

APPROVED BY CITY ADMINISTRATOR

Attachments

[2010 CTEP Proposals](#)

[TAC CTEP Recommendations](#)

ATTACHMENT A
F.Y. 2010 CTEP PROPOSALS

- **25th Street Bridge**

The 25th Street Bridge will be a bike/pedestrian bridge across the Montana Rail Link (MRL) railroad in line with North 25th Street in the downtown “old historic” district of Billings. The bridge will provide a direct connection from the south-side neighborhoods to downtown business district at the historic Billings Depot.

CTEP Funds: \$718,614 City of Billings/Local Match: \$111,386* Project Cost: \$830,000

* This total includes match of \$69,000 in GO Bond, \$25,000 BikeNet, \$7,500 Donations/Grants, \$10,000 Sample Foundation.

- **Broadwater Connection**

This project would construct a hard surface bike/pedestrian path from the existing path along the east side of Zimmerman Trail Road to the existing path at Lillis Park, less than one mile. The path will be constructed along the north side of Broadwater in the Arnold Drain right of way. There will be a link to Will James School as well.

CTEP Funds: \$335,292 City of Billings/Local Match: \$51,970 Project Cost: \$387,262

- **Central Avenue Sidewalk**

This project would construct the missing sidewalk from 29th Street West to 32nd Street West on the north side of Central Avenue.

CTEP Funds: \$88,311 City of Billings/Local Match: \$13,688 Project Cost: \$102,000

- **City-wide ADA Ramps**

This project will replace and install approximately 115 ADA ramps throughout the City of Billings. Locations will be determined by the highest traffic areas.

CTEP Funds: \$303,030 City of Billings/Local Match: \$46,970 Project Cost: \$350,000

- **MetraPark Sidewalk**

This project would construct a series of ADA compliant walkways and ramps from the upper parking lot to the lower parking lot intersecting with the Rimrock Auto Arena and the Exposition Center.

CTEP Funds: \$692,640 Yellowstone County & MetraPark/Local Match: \$107,360
Project Cost: \$800,000

- **Northern Hotel Sidewalk**

This project would reconstruct the sidewalk, curb and gutter adjacent to the Hotel. The project will also install new street lighting and planters.

CTEP Funds: \$198,979 Northern Hotel/Local Match: \$30,842 Project Cost: \$229,821

- **Rimrock Road Sidewalk**

This project would construct an ADA compliant sidewalk as well as curb and gutter from Stanford Drive to Forsythia on both sides of the street.

CTEP Funds: \$498,098 City of Billings/Local Match: \$50,757 Project Cost: \$2,956,800*

*This CTEP project would be included in the reconstruction of Rimrock Road. The property owners along this route would be responsible for a 50% match on the sidewalk portion.

F.Y. 2010 CTEP APPLICANT REQUESTS

\$ 2,835,064

F.Y. 2010 CURRENT CTEP DOLLARS AVAILABLE

\$ 2,261,785 *

*PCC Earmarked \$716,000 of F.Y. 2009 remaining funds for the 25th Street Bridge Project. PCC also labeled the project as the # 1 priority.

**ATTACHMENT B
TAC RECOMMENDATIONS**

- | | |
|--|---|
| 1. *25th Street Bridge project: full funding | CTEP Funds: \$718,614 |
| 2. <u>METRA Park sidewalk project:</u> full funding: | CTEP Funds: \$692,640 |
| 3. <u>Broadwater Connection:</u> Remove the Will James connection, and then scale back to the same percentage as the rest | CTEP Funds: \$223,528 |
| 4. All remaining project requests except the Central Ave request: create an even reduction to these projects by the same percentage. | |
| • <u>Central Avenue Sidewalk</u> | CTEP Funds: \$ 88,311 |
| • Rimrock Road Sidewalk | CTEP Funds: \$179,564 |
| • City-wide ADA Ramps | CTEP Funds: \$179,564 |
| • Northern Hotel Sidewalk | CTEP Funds: \$179,564 |

Recommended Total Project Funding	\$ 2,261,785
--	---------------------

*PCC Earmarked \$716,000 of F.Y. 2009 remaining funds for the 25th Street Bridge Project.

Regular City Council Meeting

Date: 10/12/2010

TITLE: Zone Change #867 - 2nd reading

PRESENTED BY: Candi Beaudry

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 forwarded a recommendation of approval on a 5-0 vote. The City Council conducted a public hearing on September 27, 2010, and voted to approved the zone change on first reading.

ALTERNATIVES ANALYZED

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

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

FINANCIAL IMPACT

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

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

Ordinance

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: 10/12/2010

TITLE: Resolution Approving Use of Contingency Funds for Distracted Driving
Publicity

PRESENTED BY: Tina Volek

Department: City Hall Administration

Information

PROBLEM/ISSUE STATEMENT

The City Council approved an initiative at its Sept. 27, 2010, meeting to provide up to \$2,500 from Council Contingency funds for water bill inserts and other materials needed to publicize the Oct. 31 effective date of the City's Distracted Driving Ordinance.

The Distracted Driving ordinance was approved on July 26, 2010. It bans the use of cell phones for most drivers, unless a hands-free device also is used. The City Council directed the Ad-Hoc Committee on Distracted Driving to create an informational campaign that will explain the pending ordinance to both residents and visitors. The group has planned for many methods of publicizing the ordinance, including the use of social media, signs at City entrances, information provided to students at local high schools and colleges, and television appearances and public safety announcements.

ALTERNATIVES ANALYZED

The Council may:

- Approve the resolution authorizing the expenditure of up to \$2,500 from Council Contingency for a Distracted Driving campaign; as originally directed by the Council
- Approve the resolution for a modified amount of money for the campaign; or
- Deny the resolution, forcing the Distracted Driving Ad-Hoc Committee to find funding elsewhere.

FINANCIAL IMPACT

The City Council has \$60,000 budgeted for Council Contingency (Account 010-1110-411.79-70) in Fiscal Year 2011 (FY '11). The Council already has allocated \$2,000 from the fund for a trails study being conducted through the Chamber of Commerce. Another \$8,000 allocation for a study on the effects of a Tax Increment Financing District study to be conducted by Montana State University-Billings is also being considered on the agenda of Oct. 12. If both the Oct. 12 requests are approved, the balance in the Council Contingency Fund for the remaining three quarters of FY 2011 will be \$47,500.

RECOMMENDATION

It is recommended that the City Council approve the attached resolution, authorizing the expenditure of up to \$2,500 from FY '11 Council Contingency for campaign materials to publicize the Distracted Driving Ordinance that goes into effect Oct. 31, 2010.

APPROVED BY CITY ADMINISTRATOR

Attachments

Distracted Driving Funding Resolution

RESOLUTION NO. 10-_____
A RESOLUTION OF THE BILLINGS, MONTANA, CITY COUNCIL,
AUTHORIZING THE USE OF UP TO \$2,500
FROM FY 2011 CITY COUNCIL CONTINGENCY FUNDS
TO PUBLICIZE STARTING ENFORCEMENT OF
A CITY DISTRACTED DRIVING ORDINANCE

WHEREAS, the City Council established an Ad-Hoc Committee on Distracted Driving in January 2010 to create an ordinance to combat the dangers of being distracted while driving by using cell phones or other electronic devices, and to create a campaign to publicize the ordinance; and

WHEREAS, the Distracted Driving Ordinance goes into effect Oct. 31, 2010, and bans the use by most drivers of a cell phone without a hands-free device; and

WHEREAS, the Ad-Hoc Committee on Distracted Driving is designing a campaign that will include road signs and printed materials, as well as the use of social media and public service announcements; and

WHEREAS, at its meeting on September 27, 2010, the City Council approved an initiative to allow use of the Council Contingency Fund for materials needed to publicize the Distracted Driving Ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA, DOES HEREBY RESOLVE, to authorize the expenditure of up to \$2,500 from the Council Contingency Fund (Account 010-1110-411.79-70) for the Distracted Driving Ordinance campaign.

APPROVED THIS 12TH DAY OF OCTOBER, 2010, BY THE BILLINGS, MONTANA, CITY COUNCIL.

Thomas W. Hanel, Mayor

ATTEST:

Cari Martin, City Clerk

Regular City Council Meeting

Date: 10/12/2010

TITLE: Resolution Approving Use of Contingency Funds for TIFD Analysis

PRESENTED BY: Tina Volek

Department: City Hall Administration

Information

PROBLEM/ISSUE STATEMENT

Big Sky Economic Development Executive Director Steve Arveschoug appeared at the Sept. 20 Council work session to request an \$8,000 contribution from the City to help pay for an economic impact analysis of Tax Increment Financing Districts (TIFDs). The analysis will cost \$19,000 and is intended to provide a comprehensive analysis of the effect of TIFDs on the community. It would be conducted by Dr. Scott Rickard through the Montana State University-Billings Urban Institute.

ALTERNATIVES ANALYZED

The Council may:

- Approve the attached resolution authorizing the \$8,000 contribution to the analysis;
- Amend the amount of the contribution; or
- Decline to participate in the TIFD analysis.

FINANCIAL IMPACT

The Council's \$8,000 contribution to the study is proposed to come from the Council Contingency Fund, which has an FY '11 balance of \$52,000. The rest of the \$19,000 study is expected to come from Yellowstone County, Big Sky Economic Development, the Chamber of Commerce, and other sources.

RECOMMENDATION

It is recommended that the Council approve the attached resolution, authorizing the expenditure of \$8,000 from Council Contingency for the City's share of a economic impact analysis of TIFDs.

APPROVED BY CITY ADMINISTRATOR

Attachments

TIFD Analysis Resolution

Work Plan for TIFD Comparison Analysis

RESOLUTION NO. 10-_____
A RESOLUTION OF THE BILLINGS, MONTANA, CITY COUNCIL,
AUTHORIZING THE USE OF \$8,000
FROM FY 2011 CITY COUNCIL CONTINGENCY FUNDS
FOR A TAX INCREMENT FINANCING DISTRICT
ECONOMIC IMPACT ANALYSIS

WHEREAS, questions have been raised both in Yellowstone County and elsewhere in Montana about the impact of Tax Increment Financing Districts (TIFDs); and

WHEREAS, Big Sky Economic Development, with support from the Billings Chamber of Commerce, has suggested that a comprehensive analysis will provide their organizations and the City of Billings with an accurate picture involving TIFDs' effects; and

WHEREAS, such an analysis could be conducted by the Montana State University-Billings Urban Institute at an approximate cost of \$19,000; and

WHEREAS, the City Council has been asked to contribute \$8,000 to the study, with the balance of the funding to come from Yellowstone County, the Chamber of Commerce, Big Sky Economic Development and other participants.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA, DOES HEREBY RESOLVE, to authorize the expenditure of \$8,000 from the Council Contingency Fund (Account 010-1110-411.79-70) for the completion of a comprehensive TIFD analysis.

APPROVED THIS 12TH DAY OF OCTOBER, 2010, BY THE BILLINGS, MONTANA, CITY COUNCIL.

Thomas W. Hanel, Mayor

ATTEST:

Cari Martin, City Clerk



MSU BILLINGS
URBAN INSTITUTE
CENTER FOR APPLIED ECONOMIC RESEARCH

TO: STEVE ARVESCHOUG
FROM: S. RICKARD
SUBJECT: WORKPLAN FOR BILLINGS' TIF DISTRICT COMPARISON ANALYSIS
DATE: 10/4/2010
CC: FILE

The following is our work plan for the proposed fiscal analysis of Billings' TIF districts. The goal of this project is to answer two questions. The first question concerns how much of a difference a TIF district makes in the economic activity within the district, Billings, and Yellowstone County. The second question is whether the specifics of TIF district funding increases the tax burdens on those taxpayers outside of TIF districts.

This work plan assumes that the analysis project will start on October 4th, 2010. Approximately one-half of our workable hours would be dedicated to this project. Assuming the cooperation of city/county personnel, a final report and presentation would be possible in mid-December, 2010.

Background Research 10/4/10 - 10/13/10

While we have collected a fair number of papers describing other's approaches to analyzing TIF districts, we will need time to critically read them. We will also need to talk directly to Public Works and planners concerning the specifics of city services, suggestions on useful comparisons, and what data is available on the city/county GIS system.

At the end of this we will have chosen one or more comparison methods and identified the boundaries of the TIF districts and the comparison regions.

Data Collection 10/14/10 - 10/29/10

We will need data on direct and indirect city costs and tax revenues coming from the districts and comparison regions, as well as city-wide totals and averages. It might also be necessary to create estimates of some of these from other economic data. For this we will be depending upon the cooperation of city/county employees to create some of these datasets (from existing sources). Transforming the data which is available into the data elements used in the analysis may also be necessary.

Analysis 10/30/10 – 11/19/10

There will likely be two types of analysis, cross-sectional and time-series. In cross-sectional analysis we will be comparing TIF districts to their non-TIF counterparts for the same time periods. For time-series analysis we will be modeling the fiscal performance of all regions over a number of years, with variables designed to indicate if performance in TIF districts differed significantly from that of non-TIF areas.

Write Report 11/29/10 – 12/14/10

The report will explain the methodology, data used, and the results. It will be peer-reviewed by an outside economist with a research background in TIF district funding.

Presentation 12/15/10 – 12/18/10

Information from the report will be used to create a presentation which we will give to stakeholders and at a city/county government meeting.

In addition to the analysis tasks, we suggest the following general timing for public outreach activities. They may run somewhat independently of the analysis tasks.

Initial Stakeholders Meeting October 2010

This meeting will gather information from relevant stakeholders and present information on the project analysis goals.

Stakeholder Interviews October – November 2010

Via an online survey or face-to-face meetings, stakeholders may be interviewed concerning their experiences with TIF funding in Billings.

Final Presentation December 2010

The results of the TIF analysis and outreach will be presented at a final forum on the role of TIF funding in Billings' economic development.

Regular City Council Meeting

Date: 10/12/2010

TITLE: Payment of Claims - September 10, 2010

PRESENTED BY: Pat M. Weber, Financial Services Manager

Department: City Hall Administration

Information

PROBLEM/ISSUE STATEMENT

Claims in the amount of \$2,331,682.42 have been audited and are presented for your approval for payment. A complete listing of the claims dated September 10, 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	
09/10/2010	736733	ACTIVE TRANSPORTATION ALTERNAT	20644				5,667.00
240-4301-419.35-60	09/03/2010	ALT MODES AUGUST 2010	ALT MODES 8/10	277751	03/2011		5,667.00
09/10/2010	736738	AMERICAN TITLE & ESCROW	159				20,065.00
296-6555-463.72-75	09/08/2010	MISC SERVICES	GONZALEZ, DAN	277802	03/2011		20,065.00
09/10/2010	736739	AMERICAN TITLE & ESCROW	159				10,000.00
289-6581-464.72-77	09/08/2010	MISC SERVICES	HOLLISTER, LAUR	277809	03/2011		10,000.00
09/10/2010	736744	APPLIED INDUSTRIAL TECHNOLOGIE	303				3,741.93
502-0000-141.00-00	09/08/2010	WATER PARTS AND SUPPLIES	42217798		03/2011		1,033.11
502-0000-141.00-00	09/08/2010	SYSTEMS	42217798		03/2011		2,690.53
512-8500-625.23-20	09/08/2010	NONSTOCKING ITEMS-P.U.D.	42217798	277308	03/2011		18.29
09/10/2010	736760	BROWN AND CALDWELL	18626				3,399.57
503-7591-609.93-40	09/08/2010	WO0825 ZONE 3 RESERVOIR	16	264675	03/2011		3,399.57
09/10/2010	736761	BUSINESS TAX SECTION	2449				15,411.33
490-5161-452.93-70	06/30/2010	WO0307 ALKALI CREEK	RET CORRECTION	274411	13/2010		.00
210-3110-431.93-11	06/30/2010	WO0821 LAKE ELMO	RET CORRECTION	274941	13/2010		.00
503-7591-609.93-40	09/08/2010	WO1001 WTR &SWR SCH 3	3	274400	03/2011		5,600.10
513-8591-625.93-40	09/08/2010	WO1001 WTR &SWR SCH 3	3	274400	03/2011		65.86
513-8491-623.93-90	09/08/2010	WO1009 WWTP T-5 TRANSFRMR	2	274407	03/2011		664.53
490-5161-452.93-70	09/08/2010	WO0307 ALKALI CR MULTI	2	274414	03/2011		649.80
497-5162-451.93-70	09/08/2010	WO0307 ALKALI CR MULTI	2	274414	03/2011		4,043.98
205-3131-433.93-10	09/08/2010	WO0902 2009 MISC DEVELOPER	3	274944	03/2011		646.60
437-3165-431.93-11	09/08/2010	WO0902 2009 MISC DEVELOPER	3	274944	03/2011		466.31
840-3184-431.93-10	09/08/2010	WO0902 2009 MISC DEVELOPER	3	274944	03/2011		310.25
503-7491-603.93-90	09/08/2010	WO1011 WTP HIGH SRVC	1	276191	03/2011		123.50
840-3184-431.36-60	09/08/2010	24TH & CENTRAL ST REPAIR	3784	277755	03/2011		64.66
845-3186-431.93-10	09/09/2010	WO0917 24TH ST WEST	8	269602	03/2011		18.93
435-3165-431.93-11	09/09/2010	WO0412 ALKALI CR RD	4	274581	03/2011		87.52
845-3186-431.93-10	09/09/2010	WO0412 ALKALI CR RD	4	274581	03/2011		2,669.29
09/10/2010	736763	CAMBRIDGE SYSTEMATICS INC	20224				4,762.50
240-4301-419.72-14	06/30/2010	8049-05 8049-07 8134-08	8049-05 8049-07	277737	13/2010		4,762.50
09/10/2010	736764	CASCADE ENGINEERING INC.	21221				43,848.00
541-3122-435.42-70	08/30/2010	YARDWASTE BARRELS	10178545/C82617	275685	02/2011		21,924.00
541-3122-435.42-70	08/30/2010	YARDWASTE BARRELS	10178807/C82616	275685	02/2011		21,924.00
09/10/2010	736771	CMG CONSTRUCTION, INC.	17342				272,923.97
490-5161-452.93-70	06/30/2010	WO0307 ALKALI CREEK	RET CORRECTION	274408	13/2010		.00
435-3165-431.93-11	09/09/2010	WO0412 ALKALI CR RD	4	274580	03/2011		8,664.12
845-3186-431.93-10	09/09/2010	WO0412 ALKALI CR RD	4	274580	03/2011		264,259.85
09/10/2010	736774	COLSTRIP ELECTRIC INC	11663				65,787.97
513-8491-623.93-90	09/08/2010	WO1009 WWTP T-5 TRANSFRMR	2	274406	03/2011		65,787.97
09/10/2010	736775	COMMUNITY LAWN CARE	19988				2,867.75
872-5198-452.39-90	09/08/2010	LAWNCARE	90192	277719	03/2011		98.75

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT		
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT
872-5198-452.39-90	09/08/2010	LAWNCARE	92908	277719	03/2011	51.00
10-5112-452.39-90	09/08/2010	LAWNCARE	94040	277719	03/2011	280.00
872-5198-452.39-90	09/08/2010	LAWNCARE	94043	277719	03/2011	105.00
872-5198-452.39-90	09/08/2010	LAWNCARE	94415	277719	03/2011	280.00
10-5112-452.39-90	09/08/2010	LAWNCARE	94817	277719	03/2011	581.00
872-5198-452.39-90	09/08/2010	LAWNCARE	94820	277719	03/2011	197.00
872-5198-452.39-90	09/08/2010	LAWNCARE	94823	277719	03/2011	65.00
10-5112-452.36-50	09/08/2010	LAWNCARE	95588	277719	03/2011	260.00
872-5198-452.39-90	09/08/2010	LAWNCARE	95663	277719	03/2011	260.00
872-5198-452.39-90	09/08/2010	LAWNCARE	95687	277719	03/2011	690.00
09/10/2010	736776	COMMUNITY SOLUTIONS INC	18339			7,192.31
247-1251-412.39-90	09/09/2010	PROB & TESTING-BAMDUI-AUG	2011-3	277731	03/2011	2,500.00
248-1263-412.35-81	09/09/2010	PROB & TESTING-BAMDUI-AUG	2011-3	277731	03/2011	3,692.31
245-1257-412.35-81	09/09/2010	PROBATION-BAMHC-AUG 2010	2011-3	277732	03/2011	1,000.00
09/10/2010	736777	CONNOR'S GARAGE DOOR SERVICE	20573			2,943.00
561-7112-711.36-60	09/07/2010	INVOICE #1223	1223/1222	F11537	03/2011	1,475.00
561-7112-711.36-60	09/07/2010	INVOICE #1222	1223/1222	F11537	03/2011	1,468.00
09/10/2010	736779	COP CONSTRUCTION CO	865			564,861.04
503-7591-609.93-40	09/08/2010	WO1001 WTR&SWR SCH 3	3	274399	03/2011	554,409.39
513-8591-625.93-40	09/08/2010	WO1001 WTR&SWR SCH 3	3	274399	03/2011	6,520.48
840-3184-431.36-60	09/08/2010	24TH/CENTRAL SINK HOLES	7625	277763	03/2011	3,931.17
09/10/2010	736781	COUNTY WATER DISTRICT OF	881			6,751.81
872-5198-452.34-20	09/08/2010	WATER CHARGES	10112	277721	03/2011	619.62
10-5112-452.34-20	09/08/2010	WATER CHARGES	1019	277721	03/2011	137.07
10-5112-452.34-20	09/08/2010	WATER CHARGES	13137	277721	03/2011	15.55
10-5112-452.34-20	09/08/2010	WATER CHARGES	13138	277721	03/2011	727.89
10-5112-452.34-20	09/08/2010	WATER CHARGES	1456	277721	03/2011	1,456.12
872-5198-452.34-20	09/08/2010	WATER CHARGES	16219	277721	03/2011	556.90
872-5198-452.34-20	09/08/2010	WATER CHARGES	17140	277721	03/2011	870.13
872-5198-452.34-20	09/08/2010	WATER CHARGES	30388	277721	03/2011	985.41
10-5112-452.34-20	09/08/2010	WATER CHARGES	6100	277721	03/2011	980.10
872-5198-452.34-20	09/08/2010	WATER CHARGES	9174	277721	03/2011	403.02
09/10/2010	736784	CY-CORP	936			7,876.00
10-5112-452.21-20	09/09/2010	TRAILER	46641	277908	03/2011	7,876.00
09/10/2010	736785	DELL COMPUTER L P	13426			12,193.85
225-2232-422.29-25	09/09/2010	MISC SERVICES	XF29245X5	277216	03/2011	3,415.96
620-1911-482.29-25	09/09/2010	XF2KM6FD6	XF2DFPKP4	277432	03/2011	3,377.93
10-1611-416.29-25	09/09/2010	MISC SERVICES	XF2KM6MC2	277562	03/2011	5,399.96
09/10/2010	736789	DIXIE PETRO-CHEM	1055			8,970.00
502-0000-141.00-00	09/03/2010	WATER PARTS AND SUPPLIES	7270031210		03/2011	2,392.00
502-0000-141.00-00	09/03/2010	WATER PARTS AND SUPPLIES	7270032810		03/2011	1,794.00
502-0000-141.00-00	09/03/2010	WATER PARTS AND SUPPLIES	7270033310		03/2011	2,392.00
502-0000-141.00-00	09/03/2010	WATER PARTS AND SUPPLIES	7270034710		03/2011	2,392.00

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
09/10/2010 723-6595-465.62-00	736798 09/09/2010	FIRST INTERSTATE BANK MISC SERVICES	1303 STOCKMAN BUYIN	277910	03/2011	39,128.77 39,128.77	
09/10/2010 211-3132-433.23-41	736799 09/08/2010	FLINT TRADING INC MISC SERVICES	11436 121244	277056	03/2011	4,350.07 4,350.07	
09/10/2010 490-5161-452.93-70 497-5162-451.93-70	736801 09/08/2010 09/08/2010	FOUR BEERS INC WO0307 ALKALI CR MULTI WO0307 ALKALI CR MULTI	20892 2 2	274413 274413	03/2011 03/2011	464,684.26 64,330.20 400,354.06	
09/10/2010 541-3122-435.22-90 601-1553-481.26-50	736806 09/01/2010 09/08/2010	GRAINGER PARTS STORAGE MEZZANINE FOR SW MP	16331 9334284768 9333075936	276521 277780	03/2011 03/2011	16,773.10 16,759.86 13.24	
09/10/2010 416-7493-603.92-20 421-8493-623.93-40 845-3186-431.35-90	736813 09/08/2010 09/08/2010 09/08/2010	HDR INC WO0426 ZONE 4/5 RESVRS WO0822 WWTP DISINFEC SYS WO1023 ZIM TR RIMROCK/HY3	1544 42/222328-H 18/222333-H 1/221525-H	247294 263835 276513	03/2011 03/2011 03/2011	27,532.92 7,589.07 19,170.35 773.50	
09/10/2010 900-0000-209.99-20	736815 09/10/2010	IAFF PAYROLL SUMMARY	20196 20100910		03/2011	4,267.35 4,267.35	
09/10/2010 601-0000-141.71-41 211-3132-433.23-20 541-3122-435.23-20 211-3132-433.23-20 571-7144-713.23-20	736816 09/03/2010 09/03/2010 09/03/2010 09/03/2010 09/03/2010	INTERSTATE POWERSYSTEMS MP MP MP MP MP	17926 14871.01 14948.02 14973.01 14975.01 14991.01		03/2011 03/2011 03/2011 03/2011 03/2011	12,071.48 131.01 46.56 13.31 11,846.00 34.60	
09/10/2010 205-3131-433.93-10 437-3165-431.93-11 840-3184-431.93-10	736819 09/08/2010 09/08/2010 09/08/2010	J & J CONCRETE WO0902 2009 MISC DEVELOPER WO0902 2009 MISC DEVELOPER WO0902 2009 MISC DEVELOPER	15244 3 3 3	274943 274943 274943	03/2011 03/2011 03/2011	140,893.23 64,013.26 46,165.41 30,714.56	
09/10/2010 211-3132-433.45-20 211-3132-433.45-20 211-3132-433.45-20 211-3132-433.45-20 211-3132-433.45-20 211-3132-433.45-20 211-3132-433.45-20 211-3132-433.47-10 211-3132-433.45-20 211-3132-433.45-20 211-3132-433.47-10 211-3132-433.45-20 211-3132-433.47-10 211-3132-433.45-20 211-3132-433.45-20	736821 09/08/2010 09/08/2010 09/08/2010 09/08/2010 09/08/2010 09/08/2010 09/08/2010 09/08/2010 09/08/2010 09/08/2010 09/08/2010 09/08/2010 09/08/2010 09/08/2010 09/08/2010	JTL GROUP INC DBA KNIFE RIVER ROAD/HIGHWAY MATERIAL ROAD/HIGHWAY MATERIAL ROAD/HIGHWAY MATERIAL ROAD/HIGHWAY MATERIAL ROAD/HIGHWAY MATERIAL ROAD/HIGHWAY MATERIAL ROAD/HIGHWAY MATERIAL ROAD AND HIGHWAY MATERIAL ROAD/HIGHWAY MATERIAL ROAD/HIGHWAY MATERIAL ROAD/HIGHWAY MATERIAL ROAD AND HIGHWAY MATERIAL ROAD/HIGHWAY MATERIAL ROAD/HIGHWAY MATERIAL	2417 221389 221449 221489 221499 221821 221863 222314 222336 222571 222616 222623 222816 223247	277798 277798 277798 277798 277798 277798 277798 277798 277798 277798 277798 277798 277798 277798	03/2011 03/2011 03/2011 03/2011 03/2011 03/2011 03/2011 03/2011 03/2011 03/2011 03/2011 03/2011 03/2011 03/2011	2,559.03 152.36 286.27 30.33 211.01 283.54 130.30 29.69 504.21 127.16 216.31 445.90 37.25 104.70	
09/10/2010 435-3165-431.93-11	736822 06/30/2010	KADRMAS LEE & JACKSON WO0412	14850 14	259114	13/2010	34,859.18 1,052.60	

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT		
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT
845-3186-431.93-10	06/30/2010	WO0412	14	259114	13/2010	30,000.58
845-3186-431.93-10	06/30/2010	WO0412 ALKALI CR ROAD	6	259114	13/2010	3,806.00
09/10/2010	736824	KEM-PRO INDUSTRIAL SUPPLY COMP	20619			3,090.00
502-0000-141.00-00	09/08/2010	WATER PARTS AND SUPPLIES	47389		03/2011	3,090.00
09/10/2010	736842	MONTANA MUNICIPAL INTERLOCAL	20725			11,321.42
630-1753-485.73-10	09/07/2010	MISC SERVICES	810009	277765	03/2011	11,321.42
09/10/2010	736845	MONTANA STATE FIREMAN'S ASSOC	20195			2,660.64
900-0000-209.99-24	09/10/2010	PAYROLL SUMMARY	20100910		03/2011	2,660.64
09/10/2010	736846	MORRISON MAIERLE INC	2572			125,058.57
503-7591-609.93-40	09/08/2010	WO0801 WTR&SWR REHAB	32/101425	252779	03/2011	3,269.33
503-7591-609.93-40	09/08/2010	WO1001 2010 WTR&SWR	11	268044	03/2011	37,756.61
513-8591-625.93-40	09/08/2010	WO1001 2010 WTR&SWR	11	268044	03/2011	21,238.10
503-7591-609.93-40	06/30/2010	WO1001 2010 WTR&SWR	11/101426	268044	13/2010	40,188.50
513-8591-625.93-40	06/30/2010	WO1001 2010 WTR&SWR	11/101426	268044	13/2010	22,606.03
09/10/2010	736848	MOTOR POWER EQUIPMENT CO.	2582			2,606.18
541-3122-435.23-20	09/01/2010	MP	AI03116	277697	03/2011	196.41
211-3132-433.23-20	09/01/2010	MP	AI03165	277697	03/2011	1,799.20
211-3132-433.23-20	09/01/2010	MP	AI03165	277697	03/2011	121.00
211-3132-433.23-20	09/01/2010	MP	AI03456	277697	03/2011	207.83
211-3132-433.23-20	09/01/2010	MP	AI03456	277697	03/2011	44.00
571-7144-713.23-20	09/09/2010	MP	AI03594	277856	03/2011	12.48
211-3132-433.23-20	09/09/2010	MP	AI04986	277856	03/2011	225.26
09/10/2010	736856	NORTHWESTERN ENERGY	15771			11,593.34
150-2221-422.34-10	09/09/2010	NW FIRE	07125321		03/2011	15.68
561-7113-711.34-10	09/09/2010	NW AVIATION/TRAN	07125339		03/2011	100.77
561-7113-711.34-10	09/09/2010	NW AVIATION/TRAN	07125347		03/2011	14.74
561-7113-711.34-10	09/09/2010	NW AVIATION/TRAN	07125354		03/2011	215.17
10-5141-436.34-10	09/09/2010	NW PARK/REC/PL	07125388		03/2011	723.14
561-7113-711.34-10	09/09/2010	NW AVIATION/TRAN	07127913		03/2011	14.85
561-7113-711.34-10	09/09/2010	NW AVIATION/TRAN	07127954		03/2011	15.67
561-7113-711.34-10	09/09/2010	NW AVIATION/TRAN	07127970		03/2011	13.22
561-7117-711.34-10	09/09/2010	NW AVIATION/TRAN	07128051		03/2011	8.42
561-7113-711.34-10	09/09/2010	NW AVIATION/TRAN	07128135		03/2011	7.70
561-7113-711.34-10	09/09/2010	NW AVIATION/TRAN	07195431		03/2011	2,083.69
561-7113-711.34-10	09/09/2010	NW AVIATION/TRAN	07197593		03/2011	15.36
561-7113-711.34-10	09/09/2010	NW AVIATION/TRAN	07197601		03/2011	20.99
561-7113-711.34-10	09/09/2010	NW AVIATION/TRAN	07197619		03/2011	23.74
561-7113-711.34-10	09/09/2010	NW AVIATION/TRAN	07197627		03/2011	14.03
561-7113-711.34-10	09/09/2010	NW AVIATION/TRAN	07202963		03/2011	16.80
502-7400-603.34-10	09/09/2010	NW PUD-WATER TREAT	07222490		03/2011	10.73
502-7400-603.34-10	09/09/2010	NW PUD-WATER TREAT	07222706		03/2011	4,668.82
512-8500-625.34-10	09/09/2010	NW Parks	07233836		03/2011	70.60
512-8500-625.34-10	09/09/2010	NW PUD-WASTE WATER	07234040		03/2011	1,317.68
512-8500-625.34-10	09/09/2010	NW PUD-WASTE WATER	07238785		03/2011	364.90

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT		
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT
872-5198-452.34-10	09/09/2010	NW PARK/REC/PL	08814550		03/2011	8.61
10-5112-452.34-10	09/09/2010	PARKS	09789173		03/2011	9.94
10-5129-451.34-10	09/09/2010	NW FIRE	09998071		03/2011	58.58
872-5198-452.34-10	09/09/2010	NW PARK/REC/PL	10458206		03/2011	2.88
502-7400-603.34-10	09/09/2010	NW Pud	11608072		03/2011	42.93
150-2171-441.34-10	09/09/2010	NW	11834835		03/2011	1,284.46
10-5112-452.34-10	09/09/2010	NW	12422226		03/2011	8.09
10-5112-452.34-10	09/09/2010	NW	12488631		03/2011	42.79
502-7400-603.34-10	09/09/2010	NW	13466735		03/2011	52.13
872-5198-452.34-10	09/09/2010	NW	15137961		03/2011	136.44
872-5198-452.34-10	09/09/2010	NW	15138001		03/2011	68.02
872-5198-452.34-10	09/09/2010	NW	15138027		03/2011	28.14
872-5198-452.34-10	09/09/2010	NW	15138043		03/2011	14.33
872-5198-452.34-10	09/09/2010	NW	15143886		03/2011	8.82
521-1524-493.34-10	09/09/2010	PARKING-LINC CEN LOT POLE	15696313		03/2011	41.48
10-5112-452.34-10	09/09/2010	SOUTH PARK CONCESSION	15882624		03/2011	7.70
211-3133-433.34-10	09/09/2010	STREETS/TRAFFIC	17403577		03/2011	.17
10-5112-452.34-10	09/09/2010	PARKS	18366666		03/2011	33.63
295-6698-463.72-75	09/09/2010	COMMUNITY DEVELOPMENT	18949461		03/2011	7.50
09/10/2010	736858	ONE EIGHTY COMMUNICATIONS	15590			4,893.85
561-7110-711.34-50	09/07/2010	ONE EIGHTY SEPT 2010	AIRPORT 2948370		03/2011	40.60
606-1931-484.34-50	09/07/2010	ONE EIGHTY SEPT 2010	ACCT 00018768		03/2011	542.87
606-1931-484.34-50	09/07/2010	ONE EIGHTY SEPT 2010	ACCT 00001906		03/2011	3,104.01
10-5112-452.34-50	09/07/2010	ONE EIGHTY SEPT 2010	867-7275		03/2011	46.00
670-3141-489.34-50	09/07/2010	ONE EIGHTY SEPT 2010	DEPOT 60%		03/2011	489.86
660-3110-431.34-50	09/07/2010	ONE EIGHTY SEPT 2010	DEPOT 40%		03/2011	326.56
260-5518-455.35-90	09/07/2010	ONE EIGHTY SEPT 2010	INTERNET LIB		03/2011	259.00
620-1911-482.34-52	09/07/2010	ONE EIGHTY SEPT 2010	IT INTERNET		03/2011	79.95
150-2225-422.34-50	09/07/2010	ONE EIGHTY SEPT 2010	LONG DISTANCE		03/2011	5.00
09/10/2010	736865	PUBLIC UTILITIES	5022			65,753.23
872-5198-452.34-20	09/09/2010	2445 WESTFIELD DR.	675778356		03/2011	128.90
872-5198-452.34-20	09/09/2010	2700 COUNTRY LN SP/IR	676233865		03/2011	596.98
872-5198-452.34-20	09/09/2010	HARVEST PARK-3600 GRANGER	676393901		03/2011	3,510.73
872-5198-452.34-20	09/09/2010	HARVEST PARK-3200 CANYON	676413853		03/2011	4,017.42
872-5198-452.34-20	09/09/2010	HARVEST PARK-3294 HENESTA	676433910		03/2011	11,928.80
872-5198-452.34-20	09/09/2010	HARVEST PARK-710 S. 32 W.	676454062		03/2011	794.59
872-5198-452.34-20	09/09/2010	OLYMPIC PK-3675 MARATHON	676473935		03/2011	6,186.34
872-5198-452.34-20	09/09/2010	OLYMPIC PK-701 DECATHLON	676497694		03/2011	5,100.58
872-5198-452.34-20	09/09/2010	PARKLAND WEST-3920 MONAD	676513943		03/2011	2,959.90
872-5198-452.34-20	09/09/2010	OLYMPIC PK-3914 DECATHLON	676533868		03/2011	256.78
872-5198-452.34-20	09/09/2010	OLYMPIC PK-531 S 38 WEST	676554066		03/2011	168.78
872-5198-452.34-20	09/09/2010	OLYMPIC PK-3748 OLYMPIC B	676574011		03/2011	615.37
872-5198-452.34-20	09/09/2010	OLYMPIC PK-3747 OLYMPIC B	676594010		03/2011	724.86
872-5198-452.34-20	09/09/2010	OLYMPIC PK-3890 STILLWTER	676614077		03/2011	412.47
872-5198-452.34-20	09/09/2010	HIGH SIERRA PK-2000 WICKS	676654097		03/2011	4,027.74
872-5198-452.34-20	09/09/2010	PARKLAND WEST-380 S 36 W.	676754063		03/2011	1,966.54
561-7110-711.34-20	09/09/2010	1901 AIRPORT TERM CIR	68407759		03/2011	12,941.85
872-5198-452.34-20	09/09/2010	1760 COUNTRY MANOR BLVD.	8992912649100		03/2011	1,922.40

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT		
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT
872-5198-452.34-20	09/09/2010	4002 PARKHILL DR	899739343		03/2011	223.00
872-5198-452.34-20	09/09/2010	255 ENERGY BLVD.	904059154		03/2011	1,580.49
872-5198-452.34-20	09/09/2010	1515 38TH ST WEST	10697714654		03/2011	852.74
872-5198-452.34-20	09/09/2010	4550 RANGVIEW DR	1142018810		03/2011	3,152.93
872-5198-452.34-20	09/09/2010	4430 HI-LINE DR	11460717358		03/2011	65.03
872-5198-452.34-20	09/09/2010	4430 HI-LINE DR	12051919090		03/2011	1,097.93
872-5198-452.34-20	09/09/2010	210 S 36 ST W	13264320441		03/2011	372.59
512-8500-625.34-20	09/09/2010	2229 BLUE CREEK RD	13670319854		03/2011	9.49
10-5112-452.34-20	09/09/2010	PUBLIC UTILITIES - WATER	676034116		03/2011	138.00
09/10/2010	736872	RTC MANUFACTURING INC	12255			2,830.00
211-3132-433.24-30	09/08/2010	MISC SERVICES	18579	277612	03/2011	2,830.00
09/10/2010	736874	SANDERSON STEWART	20446			6,888.11
463-3161-431.93-10	09/08/2010	SID 1389 CLUBHOUSE WAY	9/31483	271377	03/2011	6,888.11
09/10/2010	736877	SNOWY RANGE RESEARCH	18855			4,615.00
246-1250-412.35-90	09/09/2010	CONSULTING-BAMDC-AUG 2010	2011-3	277727	03/2011	1,165.00
248-1263-412.35-60	09/09/2010	CONSULTING-BAMDUI-AUG 10	2011-3	277728	03/2011	1,000.00
738-1264-412.35-10	09/09/2010	CONSULTING-SAMHSA-AUG 10	2011-3	277729	03/2011	1,650.00
245-1257-412.35-60	09/09/2010	CONSULTING-BAMHC-AUG 10	2011-3	277730	03/2011	800.00
09/10/2010	736881	SPRINGSTED	3526			9,802.29
311-1530-471.35-92	08/19/2010	MISC SERVICES	1	277840	02/2011	9,802.29
09/10/2010	736882	STAR SERVICE INC	3553			12,226.50
503-7491-603.93-90	09/08/2010	WO1011 WTP HIGH SRVC H2-1	1	276190	03/2011	12,226.50
09/10/2010	736890	TOTAL ASPHALT REPAIR INC	13249			6,401.34
840-3184-431.36-60	09/08/2010	24TH & CENTRAL ST REPAIR	3784	277756	03/2011	6,401.34
09/10/2010	736891	TOWN & COUNTRY SUPPLY ASSOCIAT	18295			65,588.83
601-0000-141.71-41	09/02/2010	MP	89046		03/2011	5,147.80
601-0000-141.00-00	09/02/2010	MP	89049		03/2011	9,173.60
502-0000-141.00-00	09/03/2010	WATER PARTS AND SUPPLIES	88759		03/2011	15,518.40
502-0000-141.00-00	09/03/2010	WATER PARTS AND SUPPLIES	88535 85350		03/2011	11,588.26
502-0000-141.00-00	09/03/2010	WATER PARTS AND SUPPLIES	89718		03/2011	396.16
502-0000-141.00-00	09/03/2010	WATER PARTS AND SUPPLIES	88572		03/2011	383.49
502-0000-141.00-00	09/03/2010	WATER PARTS AND SUPPLIES	89018		03/2011	376.53
601-0000-141.00-00	09/03/2010	MP	89140		03/2011	9,194.04
502-0000-141.00-00	09/08/2010	WATER PARTS AND SUPPLIES	89159		03/2011	467.55
561-7118-711.23-13	09/07/2010	INVOICE #89074	89074	F11532	03/2011	13,343.00
09/10/2010	736892	TRACTOR & EQUIPMENT	3775			6,067.92
541-3123-435.23-20	09/08/2010	MP	BLCSO468268	277807	03/2011	126.64
541-3123-435.23-20	09/08/2010	MP	BLCSO468172	277807	03/2011	331.94
541-3122-435.23-20	09/08/2010	MP	BLCSO468173	277807	03/2011	4,345.26
541-3123-435.23-20	09/08/2010	MP	BLCSO468267	277807	03/2011	559.59
541-3123-435.23-20	09/09/2010	MP	BLCSO468097	277858	03/2011	437.26
541-3123-435.23-20	09/09/2010	MP	BLCSO468097	277858	03/2011	267.23

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
09/10/2010 723-6595-465.62-00	736895	US BANK-REVOLVING LOAN FUND	16715				38,967.86
	09/09/2010	MISC SERVICES	STOCKMAN BUYIN	277913	03/2011		38,967.86
09/10/2010 723-6595-465.62-00	736900	WELLS FARGO BANK-LOAN PAYMENT	16716				38,765.54
	09/09/2010	MISC SERVICES	STOCKMAN BUYIN	277912	03/2011		38,765.54
09/10/2010 723-6595-465.62-00	736902	WESTERN SECURITY BANK	16462				40,815.70
	09/09/2010	MISC SERVICES	STOCKMAN BUYIN	277911	03/2011		40,815.70
09/10/2010 561-7112-711.24-50	736908	YELLOWSTONE ELECTRIC CO	4162				2,794.08
	09/07/2010	INVOICE #BIL1872	BIL1872	F11534	03/2011		2,794.08
DATE RANGE TOTAL *							2,269,122.82 *

Regular City Council Meeting

Date: 10/12/2010

TITLE: Payment of Claims - September 17, 2010

PRESENTED BY: Pat M. Weber, Financial Services Manager

Department: City Hall Administration

Information

PROBLEM/ISSUE STATEMENT

Claims in the amount of \$1,149,493.63 have been audited and are presented for your approval for payment. A complete listing of the claims dated September 17, 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	
09/17/2010 266-6773-465.72-91	736921 09/14/2010	AMERICAN TITLE & ESCROW MISC SERVICES	159	1128 LYNN AVE	277976 03/2011	40,000.00 40,000.00	
09/17/2010 266-6773-465.72-91	736922 09/14/2010	AMERICAN TITLE & ESCROW MISC SERVICES	159	1039 CUSTER	277977 03/2011	50,000.00 50,000.00	
09/17/2010 513-8491-623.93-90 512-8400-623.23-60	736924 09/10/2010 09/10/2010	AMWEST CONTROL INC TP0050 BLOWER PANEL MISC SERVICES	9489	6686 6687	274911 03/2011 277892 03/2011	8,764.00 6,460.00 2,304.00	
09/17/2010 513-8491-623.93-90	736933 09/14/2010	BECCO GENERAL CONSTRUCTION SER W00908 WWTP WTR LINE RPLC	21173	2	275042 03/2011	100,714.85 100,714.85	
09/17/2010 10-1313-413.33-60 260-5511-455.33-60 10-1750-417.33-70 211-3131-433.33-70 561-7110-711.32-10 601-1550-481.33-30 10-1411-414.31-10 571-7146-713.33-70 521-1521-493.33-70 571-7146-713.33-70	736947 09/15/2010 09/15/2010 09/15/2010 09/15/2010 09/15/2010 09/15/2010 09/15/2010 09/15/2010 09/15/2010 09/15/2010	BILLINGS GAZETTE ADMINISTRATION LIBRARY LIBRARY/HR STREETS/HR AIRPORT/HR FLEET SERV/HR ONLINE BANNER MET TRANSIT PARKING MET TRANSIT	420	AUGUST 2010 AUGUST 2010 AUGUST 2010 AUGUST 2010 AUGUST 2010 AUGUST 2010 AUGUST 2010 AUGUST 2010 AUGUST 2010 AUGUST 2010 AUGUST 2010	03/2011 03/2011 03/2011 03/2011 03/2011 03/2011 03/2011 03/2011 03/2011 03/2011 03/2011	6,408.22 226.50 670.50 1,202.30 514.43 839.30 796.76 565.71 400.00 900.00 292.72	
09/17/2010 10-5125-451.39-90	736951 09/16/2010	BILLINGS TENNIS ASSOCIATION SUMMER TENNIS PROGRAM	20948	SUMMER TENNIS	278099 03/2011	12,967.24 12,967.24	
09/17/2010 210-0000-201.10-00 210-5151-452.93-90 438-0000-201.10-00 438-3165-431.93-11 205-0000-201.10-00 503-0000-201.10-00 205-3131-433.93-10 210-3110-431.93-11 438-3165-431.93-11 503-7591-609.93-40 840-3184-431.93-10 513-8491-623.93-90 840-3184-431.93-10	736961 06/30/2010 06/30/2010 06/30/2010 06/30/2010 09/14/2010 09/14/2010 09/14/2010 09/14/2010 09/14/2010 09/14/2010 09/14/2010 09/14/2010 09/14/2010 09/14/2010	BUSINESS TAX SECTION W00307 ALAKLI CREEK W00307 ALAKLI CREEK RETAINAGE CORRECTION RETAINAGE CORRECTION W01003 2010 STREET MAINT W01003 2010 STREET MAINT W00821 LAKE ELMO DRIVE W00821 LAKE ELMO DRIVE W00821 LAKE ELMO DRIVE W00821 LAKE ELMO DRIVE W00821 LAKE ELMO DRIVE W00821 LAKE ELMO DRIVE W00908 WWTP WTR LINE RPLC W01025 MISC STRM DRN RPR	2449	RET CORRECTION RET CORRECTION RET CORRECTION RET CORRECTION RET RELEASE RET RELEASE 3 3 3 3 3 3 2 2	274411 13/2010 13/2010 274941 13/2010 13/2010 272599 03/2011 272599 03/2011 274941 03/2011 274941 03/2011 274941 03/2011 274941 03/2011 274941 03/2011 274941 03/2011 275043 03/2011 276675 03/2011	4,816.20 .39 .39- 1.16 1.16- 208.95 1.94 1,624.59 256.53 371.47 206.61 886.08 1,017.32 242.71	
09/17/2010 502-0000-141.00-00 502-0000-141.00-00 541-3123-435.23-20 601-0000-141.00-00 601-0000-141.00-00	736966 08/05/2010 08/05/2010 08/09/2010 08/10/2010 08/10/2010	CARQUEST AUTO PARTS WATER PARTS AND SUPPLIES WASTEWATER PARTS & SUPPLY MP MP MP	3890	1935166802 1935166802 1910-184684 1910-184727 1910-184968	02/2011 02/2011 275718 02/2011 02/2011 02/2011	3,307.95 300.34 192.66 22.39 8.29 17.75	

PROGRAM: GM350L
CITY OF BILLINGS

MINIMUM AMOUNT: 2,500.00
FROM 09/17/2010 TO 09/17/2010

BANK CODE 00

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN	AMOUNT
502-7500-609.23-20	08/12/2010	MP	1935-167045	275718	02/2011		4.48
502-0000-141.00-00	08/13/2010	WATER PARTS AND SUPPLIES	1935167963		02/2011		440.15
502-7500-609.23-20	08/16/2010	MP	1935-167045-B	275718	02/2011		4.48
502-7500-609.23-20	08/16/2010	MP	275718-A	275718	02/2011		4.48
150-2112-421.23-20	08/23/2010	MP	1910-186697	275718	02/2011		54.60
150-2226-422.23-20	08/25/2010	MP	1910-186943	275718	02/2011		6.68
601-0000-141.00-00	08/26/2010	MP	1910-185908		02/2011		32.40
601-0000-141.00-00	08/26/2010	MP	1910-185933		02/2011		64.44
150-2112-421.23-20	08/26/2010	MP	1910-184819	275718	02/2011		203.48
10-5142-436.23-20	08/26/2010	MP	1910-185145	275718	02/2011		77.15
211-3132-433.23-20	08/26/2010	MP	1910-185171	275718	02/2011		4.95
211-3132-433.23-20	08/26/2010	MP	1910-185263	275718	02/2011		109.98
150-2112-421.23-20	08/26/2010	MP	1910-185372	275718	02/2011		98.99
150-2112-421.23-20	08/26/2010	MP	1910-186202	275718	02/2011		51.18
601-1553-481.26-50	08/26/2010	MP	1910-186350	275718	02/2011		75.95
670-3141-489.23-20	08/26/2010	MP	1910-186425	275718	02/2011		20.39
541-3122-435.23-20	08/26/2010	MP	1910-186473	275718	02/2011		6.72
601-0000-141.00-00	08/30/2010	MP	1910-186630		02/2011		55.80
601-0000-141.00-00	08/30/2010	MP	1910-186902		02/2011		21.66
502-0000-141.00-00	08/31/2010	WATER PARTS AND SUPPLIES	1935170003		02/2011		294.86
502-7400-603.24-50	08/31/2010	NONSTOCKING ITEMS-P.U.D.	1935168264	275718	02/2011		124.27
502-7400-603.24-50	08/31/2010	NONSTOCKING ITEMS-P.U.D.	1935168290	275718	02/2011		87.08
502-7700-611.23-20	08/31/2010	NONSTOCKING ITEMS-P.U.D.	1935169028	275718	02/2011		70.95
512-8400-623.24-50	08/31/2010	NONSTOCKING ITEMS-P.U.D.	1935169076	275718	02/2011		12.50
512-8500-625.23-20	08/31/2010	NONSTOCKING ITEMS-P.U.D.	1935169990	275718	02/2011		24.21
502-7400-603.24-50	08/31/2010	NONSTOCKING ITEMS-P.U.D.	1935170172	275718	02/2011		42.96
502-7500-609.23-20	08/31/2010	NONSTOCKING ITEMS-P.U.D.	1935170525	275718	02/2011		9.68
541-3123-435.23-20	09/08/2010	MP	1910-187310	275718	03/2011		81.67
10-5112-452.23-20	09/13/2010	MP	1910-185601	275718	03/2011		17.31
150-2112-421.23-20	09/13/2010	MP	1910-185603	275718	03/2011		59.26
601-1553-481.26-50	09/13/2010	MP	1910-185658	275718	03/2011		9.49
601-1553-481.26-50	09/13/2010	MP	1910-185685	275718	03/2011		7.99
601-1553-481.24-10	09/13/2010	MP	1910-186588	275718	03/2011		61.10
209-4452-428.23-20	09/13/2010	MP	1910-186626	275718	03/2011		9.40
10-5112-452.23-20	09/13/2010	MP	1910-186719	275718	03/2011		125.03
150-2226-422.23-20	09/13/2010	MP	1910-186999	275718	03/2011		32.49
211-3132-433.23-20	09/13/2010	MP	1910-187094	275718	03/2011		54.74
601-1553-481.24-10	09/13/2010	MP	1910-187099	275718	03/2011		9.49
541-3122-435.23-20	09/13/2010	MP	1910-187344	275718	03/2011		8.60
211-3132-433.23-20	09/13/2010	MP	1910-187574	275718	03/2011		33.78
150-2112-421.23-20	09/13/2010	MP	1910-187656	275718	03/2011		43.38
211-3132-433.23-20	09/13/2010	MP	1910-187707	275718	03/2011		5.98
601-0000-141.00-00	09/14/2010	MP	1910-187387		03/2011		107.48
601-1553-481.24-10	09/15/2010	MP	1910-185257-B	275718	03/2011		10.28
541-3122-435.23-20	09/15/2010	MP	1910-187592	275718	03/2011		93.54
09/17/2010	736967	CASCADE ENGINEERING INC.	21221				43,848.00
541-3122-435.42-70	09/08/2010	YARDWASTE CONTAINERS	C82618/10178874	275685	03/2011		21,924.00
541-3122-435.42-70	09/08/2010	YARDWASTE CONTAINERS	C82619/10178903	275685	03/2011		21,924.00
09/17/2010	736975	CSG SYSTEMS INC	20870				19,005.27
502-7311-602.31-10	09/10/2010	MISC SERVICES	67303	277887	03/2011		8,096.24

PROGRAM: GM350L
CITY OF BILLINGS

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FROM 09/17/2010 TO 09/17/2010

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ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
502-7311-602.31-11	09/10/2010	MISC SERVICES	67303	277887	03/2011	3,306.92	
512-8311-622.31-10	09/10/2010	MISC SERVICES	67303	277887	03/2011	5,397.50	
512-8311-622.31-11	09/10/2010	MISC SERVICES	67303	277887	03/2011	2,204.61	
09/17/2010	736998	FERGUSON ENTERPRISES INC	20100			6,118.40	
502-0000-141.00-00	09/09/2010	SYSTEMS	0544856 0545825		03/2011	6,118.40	
09/17/2010	737000	FIRST MONTANA TITLE CO	1304			10,000.00	
289-6581-464.72-77	09/14/2010	MISC SERVICES	RENOVA, TESSA	277972	03/2011	10,000.00	
09/17/2010	737001	FIRST MONTANA TITLE CO	1304			15,000.00	
289-6581-464.72-77	09/14/2010	MISC SERVICES	BERNHARDT, SETH	277975	03/2011	15,000.00	
09/17/2010	737007	GENERAL ELECTRIC CAPITAL CORP	19598			9,370.42	
150-2150-421.61-00	09/15/2010	MISC SERVICES	TOUGH	278045	03/2011	8,809.76	
150-2150-421.62-00	09/15/2010	MISC SERVICES	TOUGH	278045	03/2011	560.66	
09/17/2010	737013	GUARDIAN SECURITY INC	12486			5,796.00	
260-5512-455.35-74	09/09/2010	SECURITY SERVICE	995310	F11546	03/2011	5,796.00	
09/17/2010	737018	HDR INC	1544			28,966.17	
502-7211-601.35-40	09/14/2010	INTEGRATED WATER PLAN	5/227253-H	270373	03/2011	8,907.25	
512-8211-621.35-40	09/14/2010	INTEGRATED WATER PLAN	5/227253-H	270373	03/2011	7,205.86	
840-3184-431.35-90	09/14/2010	INTEGRATED WATER PLAN	5/227253-H	270373	03/2011	8,907.25	
845-3186-431.35-90	09/14/2010	WO1023 ZIMMERMAN TRAIL	2/227422-H	276513	03/2011	3,945.81	
09/17/2010	737019	HKM ENGINEERING INC	10883			15,825.07	
205-3131-433.93-10	09/14/2010	WO0821 LAKE ELMO DR	4	274946	03/2011	4,725.07	
210-3110-431.93-11	09/14/2010	WO0821 LAKE ELMO DR	4	274946	03/2011	8,800.00	
438-3165-431.93-11	09/14/2010	WO0821 LAKE ELMO DR	4	274946	03/2011	2,300.00	
09/17/2010	737024	INDUSTRIAL SALES & SERVICE	13306			3,051.97	
601-1553-481.24-10	09/14/2010	MP	62346	278002	03/2011	11.00	
512-8400-623.24-50	09/15/2010	MISC SERVICES	62334	278023	03/2011	3,040.97	
09/17/2010	737028	INGRAM BOOK COMPANY	1820			8,600.22	
260-5519-455.33-33	09/10/2010	PUBLICATIONS/AUDIOVISUAL	53401974	276075	03/2011	8.97	
260-5519-455.33-33	09/10/2010	PUBLICATIONS/AUDIOVISUAL	53401975	276075	03/2011	10.61	
260-5519-455.32-23	09/13/2010	PUBLICATIONS/AUDIOVISUAL	53223871	277942	03/2011	43.98	
260-5519-455.32-26	09/13/2010	PUBLICATIONS/AUDIOVISUAL	53223871	277942	03/2011	342.41	
260-5519-455.33-33	09/13/2010	PUBLICATIONS/AUDIOVISUAL	53223875	277942	03/2011	1,380.47	
260-5519-455.32-27	09/13/2010	PUBLICATIONS/AUDIOVISUAL	53264992	277942	03/2011	15.31	
260-5519-455.32-55	09/13/2010	PUBLICATIONS/AUDIOVISUAL	53264993	277942	03/2011	58.54	
260-5519-455.32-26	09/13/2010	PUBLICATIONS/AUDIOVISUAL	53264994	277942	03/2011	42.12	
260-5519-455.33-33	09/13/2010	PUBLICATIONS/AUDIOVISUAL	53264995	277942	03/2011	151.89	
260-5519-455.32-42	09/13/2010	PUBLICATIONS/AUDIOVISUAL	53401965	277942	03/2011	38.48	
260-5519-455.32-26	09/13/2010	PUBLICATIONS/AUDIOVISUAL	53401966	277942	03/2011	185.72	
260-5519-455.32-55	09/13/2010	53401967	53401967	277942	03/2011	31.83	
260-5519-455.32-27	09/13/2010	PUBLICATIONS/AUDIOVISUAL	53401968	277942	03/2011	34.18	
260-5519-455.32-26	09/13/2010	PUBLICATIONS/AUDIOVISUAL	53401970	277942	03/2011	46.57	

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
260-5519-455.32-27	09/13/2010	PUBLICATIONS/AUDIOVISUAL	53401971	277942	03/2011	56.86	
260-5519-455.32-26	09/13/2010	PUBLICATIONS/AUDIOVISUAL	53401972	277942	03/2011	55.45	
260-5519-455.32-26	09/13/2010	PUBLICATIONS/AUDIOVISUAL	53401973	277942	03/2011	76.41	
260-5519-455.32-27	09/13/2010	PUBLICATIONS/AUDIOVISUAL	53401976	277942	03/2011	85.14	
260-5519-455.32-23	09/13/2010	PUBLICATIONS/AUDIOVISUAL	53401977	277942	03/2011	21.97	
260-5519-455.32-27	09/13/2010	PUBLICATIONS/AUDIOVISUAL	53401977	277942	03/2011	1,993.74	
260-5519-455.32-27	09/13/2010	PUBLICATIONS/AUDIOVISUAL	53421183	277942	03/2011	15.33	
260-5519-455.32-41	09/13/2010	PUBLICATIONS/AUDIOVISUAL	53421184	277942	03/2011	196.83	
260-5519-455.32-42	09/13/2010	PUBLICATIONS/AUDIOVISUAL	53421185	277942	03/2011	10.99	
260-5519-455.32-23	09/13/2010	PUBLICATIONS/AUDIOVISUAL	53421186	277942	03/2011	20.99	
260-5519-455.32-55	09/13/2010	PUBLICATIONS/AUDIOVISUAL	53421187	277942	03/2011	21.99	
260-5519-455.32-27	09/13/2010	PUBLICATIONS/AUDIOVISUAL	53421188	277942	03/2011	8.37	
260-5519-455.32-23	09/13/2010	PUBLICATIONS/AUDIOVISUAL	53426551	277942	03/2011	21.98	
260-5519-455.32-27	09/13/2010	PUBLICATIONS/AUDIOVISUAL	53426551	277942	03/2011	168.92	
260-5519-455.32-42	09/13/2010	PUBLICATIONS/AUDIOVISUAL	53426552	277942	03/2011	57.72	
260-5519-455.32-26	09/13/2010	PUBLICATIONS/AUDIOVISUAL	53426553	277942	03/2011	12.95	
260-5519-455.32-23	09/13/2010	PUBLICATIONS/AUDIOVISUAL	53426554	277942	03/2011	10.42	
260-5519-455.32-26	09/13/2010	PUBLICATIONS/AUDIOVISUAL	53426555	277942	03/2011	15.31	
260-5519-455.32-27	09/13/2010	PUBLICATIONS/AUDIOVISUAL	53426556	277942	03/2011	61.16	
260-5519-455.32-26	09/13/2010	PUBLICATIONS/AUDIOVISUAL	53426557	277942	03/2011	36.75	
260-5519-455.32-25	09/13/2010	PUBLICATIONS/AUDIOVISUAL	53426558	277942	03/2011	10.77	
260-5519-455.32-26	09/13/2010	PUBLICATIONS/AUDIOVISUAL	53426559	277942	03/2011	10.17	
260-5519-455.33-33	09/13/2010	PUBLICATIONS/AUDIOVISUAL	53426560	277942	03/2011	29.24	
260-5519-455.33-33	09/13/2010	PUBLICATIONS/AUDIOVISUAL	53533213	277942	03/2011	23.94	
260-5519-455.32-41	09/13/2010	PUBLICATIONS/AUDIOVISUAL	53533214	277942	03/2011	4.79	
260-5519-455.32-23	09/13/2010	PUBLICATIONS/AUDIOVISUAL	53533215	277942	03/2011	76.58	
260-5519-455.32-26	09/13/2010	PUBLICATIONS/AUDIOVISUAL	53533215	277942	03/2011	688.12	
260-5519-455.32-23	09/13/2010	PUBLICATIONS/AUDIOVISUAL	53533216	277942	03/2011	20.32	
260-5519-455.32-27	09/13/2010	PUBLICATIONS/AUDIOVISUAL	53533216	277942	03/2011	1,137.15	
260-5519-455.32-27	09/13/2010	PUBLICATIONS/AUDIOVISUAL	53533217	277942	03/2011	50.45	
260-5519-455.32-27	09/13/2010	PUBLICATIONS/AUDIOVISUAL	53533218	277942	03/2011	15.33	
260-5519-455.32-26	09/13/2010	PUBLICATIONS/AUDIOVISUAL	53533219	277942	03/2011	140.95	
260-5519-455.32-26	09/13/2010	PUBLICATIONS/AUDIOVISUAL	53533220	277942	03/2011	50.85	
260-5519-455.32-27	09/13/2010	PUBLICATIONS/AUDIOVISUAL	53533221	277942	03/2011	8.97	
260-5519-455.32-23	09/13/2010	PUBLICATIONS/AUDIOVISUAL	53533222	277942	03/2011	85.17	
260-5519-455.32-26	09/13/2010	PUBLICATIONS/AUDIOVISUAL	53533222	277942	03/2011	204.59	
260-5519-455.32-27	09/13/2010	PUBLICATIONS/AUDIOVISUAL	53533223	277942	03/2011	51.54	
260-5519-455.32-26	09/13/2010	PUBLICATIONS/AUDIOVISUAL	53533224	277942	03/2011	156.32	
260-5519-455.32-27	09/13/2010	PUBLICATIONS/AUDIOVISUAL	53533225	277942	03/2011	56.36	
260-5519-455.32-26	09/13/2010	PUBLICATIONS/AUDIOVISUAL	53569446	277942	03/2011	8.97	
260-5519-455.32-26	09/13/2010	PUBLICATIONS/AUDIOVISUAL	53569447	277942	03/2011	30.66	
260-5519-455.33-33	09/13/2010	PUBLICATIONS/AUDIOVISUAL	53569448	277942	03/2011	70.75	
260-5519-455.33-83	09/13/2010	PUBLICATIONS/AUDIOVISUAL	53569449	277942	03/2011	95.90	
260-5519-455.32-27	09/13/2010	PUBLICATIONS/AUDIOVISUAL	53569450	277942	03/2011	11.79	
260-5519-455.32-26	09/13/2010	PUBLICATIONS/AUDIOVISUAL	53569451	277942	03/2011	15.90	
260-5519-455.32-27	09/13/2010	PUBLICATIONS/AUDIOVISUAL	553401969	277942	03/2011	76.04	
260-5511-455.79-30	09/14/2010	PUBLICATIONS/AUDIOVISUAL	53569452	277942	03/2011	84.00	
260-5519-455.32-26	09/14/2010	PUBLICATIONS/AUDIOVISUAL	53569456	277942	03/2011	44.24	
09/17/2010	737032	INTERSTATE POWERSYSTEMS	17926			3,463.59	
211-3132-433.23-20	09/10/2010	MP	15003.01	277923	03/2011	47.88	

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ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
601-1552-481.21-20	09/14/2010	MP	7015120.01	277996	03/2011	3,415.71	
09/17/2010	737039	JTL GROUP INC DBA KNIFE RIVER	2417			44,906.66	
205-0000-201.10-00	09/14/2010	WO1003 2010 STREET MAINT	RET RELEASE	272598	03/2011	20,687.00	
503-0000-201.10-00	09/14/2010	WO1003 2010 STREET MAINT	RET RELEASE	272598	03/2011	191.77	
840-3184-431.93-10	09/14/2010	WO1025 MISC STRM DRN RPR	2	276674	03/2011	24,027.89	
09/17/2010	737044	KEYSTONE CONSTRUCTION/SHOWPLAC	16489			4,990.00	
561-7117-711.24-50	09/15/2010	INVOICE #3201	3201	F11577	03/2011	4,990.00	
09/17/2010	737046	KOIS BROTHERS EQUIPMENT CO	6452			5,865.28	
541-3122-435.23-20	08/16/2010	MP	86960	275721	02/2011	2,716.11	
541-3122-435.23-20	08/16/2010	MP	86976	275721	02/2011	289.74	
150-2226-422.23-20	08/18/2010	RESCUE2/BRAKE CNTRL/4089	MT30501 RESCUE2	275721	02/2011	280.00	
601-0000-141.00-00	08/26/2010	MP	87054		02/2011	553.45	
601-0000-141.00-00	09/08/2010	MP	87150		03/2011	80.17	
601-0000-141.00-00	09/15/2010	MP	87013		03/2011	996.21	
601-0000-141.00-00	09/15/2010	MP	87013		03/2011	199.83	
541-3122-435.23-20	09/15/2010	MP	7596	275721	03/2011	188.34	
541-3122-435.23-20	09/15/2010	MP	87013	275721	03/2011	938.11	
09/17/2010	737064	MONTANA LAW ENFORCEMENT ACADEM	5092			3,980.00	
150-2140-421.38-22	09/10/2010	INV 4508 DATED 8/24/10 RO	4508 RONDA FOX	F11554	03/2011	380.00	
150-2140-421.38-22	09/15/2010	MISC SERVICES	INVOICE	278036	03/2011	3,600.00	
09/17/2010	737074	MT WATERWORKS	21227			9,592.76	
503-7591-609.93-40	09/10/2010	WO0910 TERRACE ESTATES	4653	276895	03/2011	7,624.27	
502-7400-603.24-50	09/10/2010	MISC SERVICES	4661	277882	03/2011	1,968.49	
09/17/2010	737078	NATURE'S GREEN LLC	21214			2,707.68	
561-7113-711.36-60	09/14/2010	MISC SERVICES	598	276400	03/2011	2,707.68	
09/17/2010	737082	NORTHWESTERN ENERGY	15771			21,415.97	
502-7400-603.34-10	09/10/2010	MISC SERVICES	01004787 AUG10	277903	03/2011	800.87	
512-8500-625.34-10	09/10/2010	MISC SERVICES	17568932 SEP10	277903	03/2011	124.39	
571-7143-713.34-10	09/10/2010	ACCOUNT# 0100473-8	91010	F11551	03/2011	2,612.34	
10-5127-451.34-10	09/16/2010	NW PARK/REC/PL	07123870		03/2011	40.24	
571-7143-713.34-10	09/16/2010	NW AVIATION/TRAN	07192255		03/2011	258.39	
150-2221-422.34-10	09/16/2010	NW FIRE	07208176		03/2011	337.55	
10-5122-451.34-10	09/16/2010	NW PARK/REC/PL	07208184		03/2011	21.98	
10-5126-451.34-10	09/16/2010	NW PARK/REC/PL	07208218		03/2011	1,668.94	
502-7400-603.34-10	09/16/2010	NW PUD-WATER TREAT	07222649		03/2011	8,583.56	
502-7400-603.34-10	09/16/2010	NW PUD-WATER TREAT	07230402		03/2011	5,484.42	
502-7400-603.34-10	09/16/2010	NW PUD-WATER TREAT	07230592		03/2011	9.94	
10-5112-452.34-10	09/16/2010	NW PARK/REC/PL	08134892		03/2011	75.74	
872-5198-452.34-10	09/16/2010	NW PARKS	10291920		03/2011	.08	
502-7400-603.34-10	09/16/2010	NW Parks	11422532		03/2011	165.14	
872-5198-452.34-10	09/16/2010	NW parks	11759727		03/2011	133.80	
10-5112-452.34-10	09/16/2010	NW	11914041		03/2011	905.83	
211-3132-433.34-10	09/16/2010	STREETS/TRAFFIC	17488966		03/2011	.52	

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT		
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10-5112-452.34-10	09/16/2010	PARKS & REC	18494088		03/2011	54.98
10-5122-451.34-10	09/16/2010	NW PARK/REC/PL	07125362		03/2011	137.26
09/17/2010	737092	NORTHWESTERN ENERGY	15784			138,785.23
211-3132-433.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE SIGNALS		03/2011	10,617.14
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712544-6		03/2011	459.59
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712545-3		03/2011	476.20
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712546-1		03/2011	1,376.07
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0721276-4		03/2011	3,589.80
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0721277-2		03/2011	1,781.10
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712553-7		03/2011	1,129.76
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712554-5		03/2011	83.26
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712556-0		03/2011	397.28
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712557-8		03/2011	13,106.24
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712558-6		03/2011	1,455.76
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712559-4		03/2011	2,388.01
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712560-2		03/2011	1,632.65
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712561-0		03/2011	4,066.57
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712562-8		03/2011	157.87
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712563-6		03/2011	875.09
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712564-4		03/2011	205.90
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712565-1		03/2011	540.48
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712566-9		03/2011	2,979.20
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712567-7		03/2011	212.77
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712568-5		03/2011	139.08
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712570-1		03/2011	2,316.41
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712571-9		03/2011	175.82
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712572-7		03/2011	308.84
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712573-5		03/2011	900.82
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712574-3		03/2011	360.32
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712575-0		03/2011	180.17
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712576-8		03/2011	659.34
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712577-6		03/2011	461.52
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712578-4		03/2011	308.84
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712579-2		03/2011	132.86
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712580-0		03/2011	797.87
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712581-8		03/2011	215.89
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712582-6		03/2011	498.25
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712583-4		03/2011	483.51
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712584-2		03/2011	428.41
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712585-9		03/2011	340.60
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712586-7		03/2011	694.92
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712587-5		03/2011	231.64
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712588-3		03/2011	537.82
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712589-1		03/2011	25.62
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712590-9		03/2011	439.56
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712591-7		03/2011	334.58
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712592-5		03/2011	430.12
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712593-3		03/2011	1,302.19
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CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT		
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT
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810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712596-6		03/2011	4,028.66
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712597-4		03/2011	505.49
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712598-2		03/2011	1,142.85
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712599-0		03/2011	463.28
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712600-6		03/2011	857.14
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712601-4		03/2011	746.40
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810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712603-0		03/2011	669.19
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712604-8		03/2011	989.00
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712605-5		03/2011	55.01
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712606-3		03/2011	573.59
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712607-1		03/2011	351.63
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712608-9		03/2011	823.62
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712609-7		03/2011	219.77
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712610-5		03/2011	527.47
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712611-3		03/2011	498.24
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712612-1		03/2011	1,098.90
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712613-9		03/2011	923.06
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712614-7		03/2011	307.68
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712615-4		03/2011	39.29
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712616-2		03/2011	241.76
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712617-0		03/2011	483.51
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712618-8		03/2011	329.66
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712619-6		03/2011	1,569.99
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712620-4		03/2011	549.44
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810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712622-0		03/2011	351.63
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712623-8		03/2011	131.87
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712624-6		03/2011	536.56
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712625-3		03/2011	219.77
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712626-1		03/2011	263.72
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712627-9		03/2011	219.77
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712628-7		03/2011	1,142.85
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712629-5		03/2011	392.62
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712630-3		03/2011	285.70
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712631-1		03/2011	703.30
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712632-9		03/2011	222.02
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712633-7		03/2011	185.02
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712634-5		03/2011	59.66
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712635-2		03/2011	59.66
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712636-0		03/2011	109.89
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712637-8		03/2011	63.63
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712638-6		03/2011	461.52
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712639-4		03/2011	682.42
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712640-2		03/2011	15.92
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712641-0		03/2011	285.13
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712642-8		03/2011	31.44
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712643-6		03/2011	307.68
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712644-4		03/2011	351.63

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT		
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810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712647-7		03/2011	71.60
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712648-5		03/2011	39.77
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712649-3		03/2011	39.77
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810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712659-2		03/2011	328.33
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712660-0		03/2011	254.65
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810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712662-6		03/2011	746.40
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712663-4		03/2011	386.06
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712664-2		03/2011	900.84
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712665-9		03/2011	540.48
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712666-7		03/2011	2,342.14
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712667-5		03/2011	693.90
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712668-3		03/2011	407.96
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712669-1		03/2011	435.71
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810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0712681-6		03/2011	2,242.34
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0718734-7		03/2011	2,548.03
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 1301786-8		03/2011	12.81
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0719001-0		03/2011	168.70
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0718801-4		03/2011	3,651.11
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0719162-0		03/2011	514.76
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810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0719763-5		03/2011	125.52
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810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0720360-7		03/2011	730.04
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0720606-3		03/2011	2,418.83
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 1301786-8		03/2011	11.83
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0720810-1		03/2011	1,139.78
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0720705-3		03/2011	463.28

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
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810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0721556-9		03/2011	326.96	
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0721684-9		03/2011	36.11	
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0833098-7		03/2011	64.77	
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0906944-4		03/2011	364.99	
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0995095-7		03/2011	923.06	
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810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 0907926-0		03/2011	55.51	
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810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 1058710-3		03/2011	771.16	
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810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 1045653-1		03/2011	601.35	
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810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 1206985-2		03/2011	313.69	
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 1296582-8		03/2011	221.82	
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 1246537-3		03/2011	75.32	
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 1303978-9		03/2011	1,667.04	
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 1685375-6		03/2011	291.66	
810-3183-431.34-10	09/30/2010	LIGHT MAINT TRANSFER	NWE 1433921-2		03/2011	78.36	
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09/17/2010	737101	POWER SERVICE INC	6119			4,654.75	
502-0000-141.00-00	09/10/2010	WASTEWATER PARTS & SUPPLY	802687902		03/2011	4,654.75	
09/17/2010	737111	RIMROCK FOUNDATION	3210			5,955.72	
246-1253-412.35-90	09/09/2010	IOP - BAMDC - AUGUST 2010	2011-3	277917	03/2011	3,835.33	
737-1265-412.23-10	09/10/2010	JAG GRANT - AUGUST 2010	2011-3	278006	03/2011	57.00	
737-1265-412.35-90	09/10/2010	JAG GRANT - AUGUST 2010	2011-3	278006	03/2011	1,035.22	
737-1265-412.37-30	09/10/2010	JAG GRANT - AUGUST 2010	2011-3	278006	03/2011	1,028.17	
09/17/2010	737112	RIVERSIDE SAND & GRAVEL INC	19447			331,181.79	
438-0000-201.10-00	06/30/2010	RETAINAGE CORRECTION	RET CORRECTION	274940	13/2010	114.59	
438-3165-431.93-11	06/30/2010	RETAINAGE CORRECTION	RET CORRECTION		13/2010	114.59	

PROGRAM: GM350L
CITY OF BILLINGS

MINIMUM AMOUNT: 2,500.00
FROM 09/17/2010 TO 09/17/2010

BANK CODE 00

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
205-3131-433.93-10	09/14/2010	WO0821 LAKE ELMO DR	3	274940	03/2011	160,834.32	
210-3110-431.93-11	09/14/2010	WO0821 LAKE ELMO DR	3	274940	03/2011	25,396.54	
438-3165-431.93-11	09/14/2010	WO0821 LAKE ELMO DR	3	274940	03/2011	36,775.31	
503-7591-609.93-40	09/14/2010	WO0821 LAKE ELMO DR	3	274940	03/2011	20,454.18	
840-3184-431.93-10	09/14/2010	WO0821 LAKE ELMO DR	3	274940	03/2011	87,721.44	
09/17/2010	737121	SKYCON INC	19639			4,848.50	
561-7112-711.36-60	09/15/2010	INVOICE #275	275	F11575	03/2011	4,848.50	
09/17/2010	737133	TOTAL ASPHALT REPAIR INC	13249			9,205.63	
503-7591-609.93-40	09/10/2010	MISC SERVICES	3791	276904	03/2011	1,179.25	
503-7591-609.93-40	09/10/2010	MISC SERVICES	3800	276904	03/2011	400.00	
505-7515-609.36-71	09/15/2010	MISC SERVICES	3804	278011	03/2011	700.00	
503-7591-609.93-40	09/15/2010	MISC SERVICES	3805	278011	03/2011	988.75	
503-7591-609.93-40	09/15/2010	MISC SERVICES	3806	278011	03/2011	2,393.50	
512-8500-625.36-80	09/15/2010	MISC SERVICES	3810	278011	03/2011	1,240.00	
505-7515-609.36-71	09/15/2010	MISC SERVICES	3811	278011	03/2011	1,205.00	
505-7515-609.36-71	09/15/2010	MISC SERVICES	3813	278011	03/2011	1,099.13	
09/17/2010	737134	TOWN & COUNTRY SUPPLY ASSOCIAT	18295			59,688.46	
601-0000-141.71-41	09/09/2010	MP	89083		03/2011	15,909.60	
601-0000-141.00-00	09/10/2010	MP	89916		03/2011	9,537.34	
601-0000-141.00-00	09/14/2010	MP	89088		03/2011	15,923.60	
601-0000-141.00-00	09/14/2010	MP	89089		03/2011	10,265.60	
561-7118-711.23-13	09/13/2010	INVOICE #89086	89086	F11566	03/2011	8,052.32	
09/17/2010	737138	TREBRON COMPANY INC	8866			2,998.00	
502-7311-602.36-30	09/10/2010	MISC SERVICES	55001	277899	03/2011	1,798.80	
512-8311-622.36-30	09/10/2010	MISC SERVICES	55001	277899	03/2011	1,199.20	
09/17/2010	737154	YELLOWSTONE CO IMPLEMENT	4165			2,939.87	
512-8400-623.23-20	09/10/2010	MISC SERVICES	438471	276903	03/2011	852.04	
512-8400-623.36-20	09/10/2010	MISC SERVICES	438471	276903	03/2011	2,075.94	
10-5112-452.23-20	09/10/2010	MP	435583	277927	03/2011	11.89	
DATE RANGE TOTAL *						1,049,739.87 *	

Regular City Council Meeting

Date: 10/12/2010

TITLE: Public Hearing for Variance Request from Installing Sidewalk at 5835 Ironwood Drive

PRESENTED BY: David Mumford

Department: Public Works

Information

PROBLEM/ISSUE STATEMENT

The owners of the property located at 5835 Ironwood Drive, Neal and Sally Johnson, requested a variance from the requirement to install sidewalk along their property frontage, which was denied at the August 23, 2010 City Council Meeting. At the September 13, 2010, meeting, Council approved to reconsider the variance request for sidewalk installation at 5835 Ironwood Drive. The installation of sidewalk was required through the Subdivision Improvements Agreement for Ironwood Subdivision, 2nd Filing. The home was constructed in 2006 by Wells Built Homes, and a right of way permit was issued for the sidewalk fronting the lot. Ironwood Drive is classified as a Collector Street, and the Subdivision Improvements Agreement identified that a walking path be constructed throughout the subdivision, according to an approved plan behind and between lots, and also along the north side of Ironwood Drive. To date, sidewalk has been installed along the north side of Ironwood Drive along all of the lots except the last two on the east side of the subdivision. Both of these lots were developed in 2006, and the sidewalk was not installed with the buildings.

The construction of the sidewalk for both lots was put into the 2010 Miscellaneous/Developer Related project approved by City Council on April 26, 2010. Attached are letters from the property owners and the developer. Both state that the sidewalk is not needed due to the fact that a path exists on the other three sides of this property and that a court ruling does not require the construction of Ironwood Drive to extend further to the east. While both of these are true, a connection could still be constructed to the east even if it is just a sidewalk extension. To the east of the Ironwood Subdivision is vacant land that can be developed in the future. While there is a path on the other three sides of the property, there is not a continuous sidewalk along Ironwood Drive, which is a collector street.

Also, there is a procedural problem with the way the owners have presented this issue to the Council. They want the Council to relieve them of the obligation to construct sidewalks. The obligation was imposed by the Subdivision Improvements Agreement, not by any zoning requirement. In order to effectively rescind the obligation to construct sidewalks the Subdivision Improvements Agreement must be amended, but a zoning variance does not amend the Subdivision Improvements Agreement. The owners cannot obtain the relief they are requesting with a variance. They could and should present this question to the Council with a Subdivision Improvements Agreement amendment.

ALTERNATIVES ANALYZED

The Council may:

- Approve the variance. As explained above, approval of this variance does not relieve the property owners of their obligation under the Subdivision Improvements Agreement to install sidewalk, and the sidewalk would still be completed under the 2010 Miscellaneous/Developer Related Project. In order to not construct the sidewalk, the property owners must amend the subdivision improvements agreement, which would require separate council action at a later date.
- Not approve the variance. If this variance is denied, the owner's option is to meet the requirements of the Subdivision Improvements Agreement, and the installation of the sidewalk would be completed under the 2010 Miscellaneous/Developer Related Project.

FINANCIAL IMPACT

There is no direct financial impact to the City associated with this variance. Costs of the 2010 Miscellaneous/Developer Related Project would be assessed back against the current property owners.

RECOMMENDATION

Staff recommends that the City Council deny the variance for 5835 Ironwood Drive.

APPROVED BY CITY ADMINISTRATOR

Attachments

- 5835 Ironwood Drive
 - 5835 Ironwood Drive
 - 5835 Ironwood Drive
 - 5835 Ironwood Drive
 - 5835 Ironwood Drive
-

Application for Variance

Application # _____

APPLICATION FOR VARIANCE

1. Legal description of property: Ironwood Estates Subdivision
2nd filing lots 22 and 23 Block 12
2. Address (if unknown, contact the City Engineer's office) or general location: 5835 Ironwood Drive
3. Owner(s): Neal and Sally Johnson
(Recorded Owner)
5835 Ironwood Dr 59106
(Address)
655-3664
(Phone Number)
4. Agent(s): Neal and Sally Johnson
(Name)
5835 Ironwood Dr 59106
(Address)
655-3664
(Phone Number)
5. Section of the Site Development Ordinance that this request for variance applies to: _____
Work order 09-02 and Resolution # 10-18930
6. Reason for request: Please see attached letter.
We have also enclosed a copy of the
email Dan Wells sent to Debi Meling
regarding our request for a variance.
7. Covenants for deed restrictions on the property: Yes _____ No X
(if yes, please include a copy)

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

Signature: _____

(Recorded Owner)

Date: May 26, 2010

Fee: 50.00

Receipt #: 344816

Hearing Date: _____

May 26, 2010

City of Billings
Public Works Department
Building Department
City Engineering
City Council

To all whom this may concern,

We are requesting a variance from Resolution No. 10-18930 requiring the installment of a sidewalk along our property frontage for the following reasons:

1. The Ironwood plat provided us by Dan Wells approximately two years ago does not show a sidewalk in front of our property (Block 12, lots 22 and 23).

Approximately two years ago I requested a copy of the Ironwood subdivision plat from Dan Wells, the developer, to facilitate the distribution of fliers for neighborhood social events. It had nothing to do with our sidewalk because we didn't even know it was an issue at that point. The plat provided does not show a sidewalk in front of the Pennington's house (Block 12, lot 24) or our house (lots 22 and 23). (Please see copy of plat provided. Proposed sidewalks are highlighted in blue. Our lots are highlighted in pink.) It does show a sidewalk ending at the Satchell's house (lot 25). As per the plat, there is a sidewalk that ends at a trail at the edge of lot 25. (See photographs 1 and 2.) Our lots and Pennington's lot were part of the second filing. We understood that since it was not shown on the plat, the sidewalk was not required as part of the second filing. We understood the sidewalk was meant to end at the trail as shown.

2. We have public, city trails around three sides of our house and do not see that a sidewalk across the front of our house would provide any added public benefit.

As mentioned by Dan Wells in his email to Debi Meling, apparently there was some debate as Ironwood was initially being developed as to whether or not there should be sidewalks on one or both sides of Ironwood Drive. It was determined that sidewalks should be in place on the north side of Ironwood Drive because there were no trails designated behind those homes. However, since the homes on the south side of Ironwood Dr. all had trails behind them a sidewalk was unnecessary. (Trails are highlighted in yellow on the plat provided.) Our home not only has a public trail behind it, but also on both the east and west sides. (Please also see photographs 3-8.) People use those trails frequently and we fail to see how adding a sidewalk in front of our home would provide any better access. If a sidewalk were added, it would end at the trail on the east side of our lot anyway, so it wouldn't really lead anywhere. All it would do is make us an island that our neighbors could do laps around! Our home already has more public walkways around it than any other in the neighborhood . . . and probably the city.

3. Our landscaping, curbing, etc. is complete and the addition of a sidewalk would be a huge expense and would alter the appearance and feel of our home. Not only would we

have the expense of the sidewalk itself, but would have to redo sprinkler systems, possibly drainage pipes, landscaping, etc.

James Pennington had already been issued an occupancy permit and had been living in his home for several months before our home was completed. We were informed that no mention was made requiring him to have a sidewalk and that we shouldn't be required to either, since it wasn't shown on the plat, we were part of the second filing, and we were already completely surrounded by public walkways. So we installed a sidewalk up next to our house, leading from the driveway to our front porch and another sidewalk leading from our mailbox to our porch. After moving in and also being issued an occupancy permit, we began the slow process of completing our landscaping. We now have a drainage pipe across the entire front of our yard and an underground sprinkler system that would have to be modified to accommodate the addition of a sidewalk. Our yard is fully landscaped. This would be a huge expense and an unnecessary one since we are already completely surrounded by a public trail system. This would definitely cause "undue extreme hardship" as stated in the application for variance instructions.

You may be wondering why we did not attend the city council meeting on April 26, 2010 and present our request for variance then. We fully intended to. However, Neal spoke with Ken Ard who discouraged us from attending. He said that the sidewalk was listed in the SIAs and we really didn't have any options other than to put the sidewalk in. So we opted to attend a function for one of our kids instead. We started finding out bids to put a sidewalk in. In the mean time, we spoke with the developer, Dan Wells, and explained our dilemma. He felt that we did have other options and encouraged us to apply for a variance. Dan said that it was his understanding that a sidewalk was never intended to go in front of our lots, or Pennington's lot, but to end at Satchell's lot as is currently the case. So we decided to pursue the issue further and try to plead our case. Thank you for considering our application for a variance from this resolution. We will anxiously await your decision.

Sincerely,

A handwritten signature in cursive script that reads "Neal and Sally Johnson". The signature is written in black ink and is positioned above the typed name.

Neal and Sally Johnson

sdj

Enclosures

NOT A PERMIT UNTIL APPROVED

No 33137

Office of the City Engineer
657-8277

PUBLIC RIGHT OF WAY PERMIT APPLICATION

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

Fees \$ 255 Charge Cash Receipt 8-16-06 Date of Application

Issued to: Wells Built Homes Phone # _____

Builder: Wells Built Homes Phone # 656-1301

Property Owner: Wells Built Homes Phone # _____

Job Address: 5835 Ironwood Dr

Legal Description: Lot 23 Blk 12 Ironwood Sub

YOUR WORK MUST BE INSPECTED—CALL 24 HOURS IN ADVANCE

This permit must be kept on the work site and shown when requested. All work in the right of way will be signed pertaining to traffic control in accordance with "Manual of Uniform Traffic Control Devices."

All attached special provisions and sketches are considered part of this permit and are therefore governed in accordance with the aforementioned. Contractor shall call all utilities before excavating.

Approved by: Wayne K. Ware DATE ISSUED 8/16/06

Comments: MAXIMUM WIDTH OF DRIVE APPROACH IS 24' @ DRIVE

Approach must be Separated By AT least a minimum

Approach OF 25'

DRIVE APPROACH

- Standard No. _____ Width _____ FEES
- Rollover No. _____ Width _____
- Alley Approach No. _____ Width _____
- Other No. _____ Width _____

SIDEWALK

- Boulevard Length 240' Width 5' FEES 115.00
- Curbwalk Length _____ Width _____

CURB & GUTTER

- Standard Length _____ Width _____
- Rollover Length _____ Width _____

GRADE STAKING

- Sidewalk Length _____ Width _____ SUB TOTAL \$ 115.00
- Curb & Gutter Length _____ Width _____

Nature of Work: New

Estimated Date of Work Start: ASAP

DATE ISSUED and becomes null and void if work is not completed in that time.

Application is hereby made for this permit as indicated above and shown on the accompanying plan or sketch and/or described on the reverse side of this sheet. Said Work will be done under and in accordance with all rules, regulations, and ordinances of the City of Billings, Montana, so far as said rules are applicable thereto. Applicant agrees to maintain work in a manner approved by the City. Applicant also hereby agrees and is bonded and held responsible to the owner for any and all damages to any other installation already in place as a result of work covered by this permit. Applicants to whom permits are issued shall at all times indemnify and save harmless the City of Billings, members of the City Council, the State of Montana, and all City and State employees, agents, and officers from responsibility, damage, or liability arising from the exercise of the privileges granted in such permits.

Dated 8-24-06

By [Signature] Title Manager Name of Company Wells Built Homes Inc

OFFICE USE ONLY

TRAFFIC CONTROL PERMIT NO. Plan B

Building Permit # 06-1437

SPECIAL CONDITIONS

There is no sign or evidence of existing damage to the existing improvements in the right of way at this time. Improvements may include any or all of the following located at this site: curb, gutter, sidewalk, handicapped ramp and street, etc. 100% By CP/KB Date _____

Alternate Pedestrian Access Route
ADA & MUTCD Guidelines requires that when existing pedestrian access routes are blocked by construction or otherwise. That Alternate Pedestrian Access Routes be provided. Your work requires that a traffic control plan be submitted & shall comply with current ADA and MUTCD Guidelines for the safety & an alternative route for pedestrians around your project

Attached Sketches or Special Provisions: Yes No

Maintain a minimum distance of at least 5' between all property lines, mail boxes, utility boxes, storm drain inlets, fire hydrants, street lights, signs, etc. and the drive approach.

WORK COMPLETED:
Culverts location, size, grade and staking to be provided by designing Engineering Firm.
Culverts to remain free and clear of all obstructions and debris, extending beyond approach area to allow for proper drainage and for a 3 to 1 slope from top to bottom.

EXCAVATION

- Paved Street Length _____
- Gravel Street Length _____
- Concrete Street Length _____
- Exc.-RW Only Length _____
- Paved Alley Length _____
- Concrete Alley Length _____
- Gravel Alley Length _____
- Boring Length _____

SERVICE CONNECTIONS

- Storm Drain No. _____ Size (in.) _____
- Water No. _____ Size (in.) _____
- Sanitary Sewer No. _____ Size (in.) _____

OTHER

- Private Project: Contract Amount _____
- Engineering Firm _____
- Misc. (Describe) miscellaneous (2) 140.00
- Approach maximum SUB TOTAL \$ 115.00
- width 24' TOTAL FEE \$ 255.00

INSPECTIONS

TYPE	DATE	INSPECTOR
<u>Forms for (2) Misc.</u>	<u>4-16-07</u>	<u>RCC</u>
<u>Approacher</u>	<u>4-17-07</u>	<u>RCC</u>
<u>CONCRETE - " " " .5</u>		

WORK COMPLETED:

Culverts location, size, grade and staking to be provided by designing Engineering Firm.
Culverts to remain free and clear of all obstructions and debris, extending beyond approach area to allow for proper drainage and for a 3 to 1 slope from top to bottom.

Letter from Dan Wells

From: Dan Wells [mailto:dan@wellsbuilthomes.com]
Sent: Wednesday, May 19, 2010 12:04 PM
To: 'melingd@ci.billings.mt.us'
Subject: Ironwood sidewalks

Debi Meling
City Engineer
2224 Montana Avenue
59101

Billings Montana

Dear Debi,

I'm writing a note regarding the latest discussions about the sidewalks along Ironwood drive in Ironwood. Recently two homeowners James Pennington and Neal Johnson have been told by the city engineering department that they are required to have sidewalks in front of their homes. They are going to request a variance from the city council, and I wanted to discuss their reasoning with you before you heard somewhere else what is going on. I would also like to put the necessary paperwork in place so that we have the discussions that have been agreed to in the past on record for the future.

Background:

2004

In the 1st filing of Ironwood the SIA noted that there would be sidewalks on both sides of Ironwood drive. The plat showed sidewalks on the north side of Ironwood drive. During the planning process both ideas were discussed sidewalks one side and sidewalks on both sides. It was agreed during those meetings that if a trail system was in the back of a home that would serve as the sidewalk and that it would not be necessary for sidewalks on both sides of the road.

2005

After approximately a dozen homes were completed on Ironwood drive the city inspector told us that we were not installing sidewalks along Ironwood drive as called out in the SIA. At the time Shane Gundlach and I were the developers of Ironwood, we contacted our engineer and the problem was soon resolved, as the people who agreed to the idea of not requiring sidewalks on the same side of the roads as the trail system were all still in place and remembered the conversations that had been made. It was determined that the SIA had incorrect verbiage and once we made that conclusion it was not discussed further.

2006-2007

James Pennington worked for WBH and built a home for his family on the north side of Ironwood drive in the recently completed second filing. In this same timeframe WBH started to design for a home for the Johnson family. The legal description for the Pennington's home is: 24 block 12, the Johnson's legal is lots 22 and 23 of block 12. (the Johnson's combined two

lots) Both of these homesites have trails on the east, north & west of the homes and Ironwood Dr. is on the south side. During the course of construction of the Pennington home James found out that the permit noted a sidewalk on the front of his home. This was not a huge matter since we had been dealing with the sidewalk confusion on all of the Ironwood drive homes and we had not been installing sidewalks when a trail was behind the house. James was told by the building department that he would have to go to the city council and request a variance for his house if he wanted to put an end to the sidewalk matter. At the city council meeting before the council voted they wanted to get more information from the city engineering department and ultimately held off on the vote. As time moved on James thought the matter finished or at least not going to resurface, because of the agreement that was made in the 1st phase of Ironwood. At the completion of the Pennington home and Johnson home the city issued occupancy permits for these homes and no more thought was given the matter.

2008

District court upheld Ironwood Covenants stating that Ironwood drive could not be extended through lot 21 ensuring that forever forward Ironwood drive collector status ends as originally designed.

2010

Neal Johnson is contacted by Ken Ard with the city engineers stating he has to install sidewalks or the city will. Neal contacts Wells Built Homes.

With that quick background I hope that we can come to a conclusion that is beneficial for the city, the residents of Ironwood and the homeowners. It has become apparent to me we need to amend the SIA or add the necessary language that forever puts to rest the decisions that were made by the developers, their consultant and the city. The benefit of installing a sidewalk will provide little benefit from what is already provided via the trail system on the three sides of these homes. The homeowners landscaping is compete and it would be huge expense and change in the feel of their homes if the front of their homes are changed.

Debbi I would be glad to meet with you on site if you would like to make a physical inspection of the location. I'm hopeful that we can find a win win solution.

Thank you in advance for your consideration.

Dan Wells

Daniel W. Wells
Owner
Wells Built Homes, Inc
P.O. Box 80445
Billings, Mt. 59108
Phone 406-656-1301
Fax 406-867-9090
Cell 672.3390
dan@wellsbuilthomes.com

19

UNPLATTED

SEC. 24 SEC. 19

UNPLATTED

UNPLATTED

24

UNPLATTED

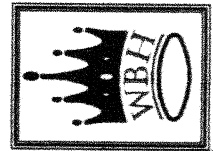
Cottage Homes

Residential Professional

CO5 786

BNSF

60



sidewalk
trails
over lots

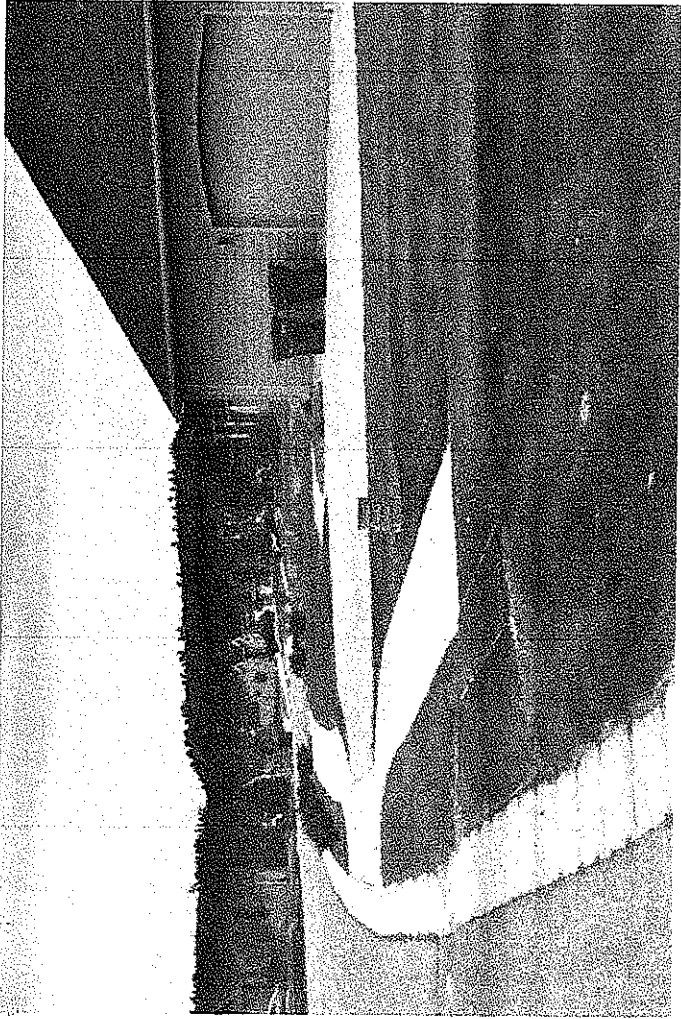
IRONWOOD

656-1301

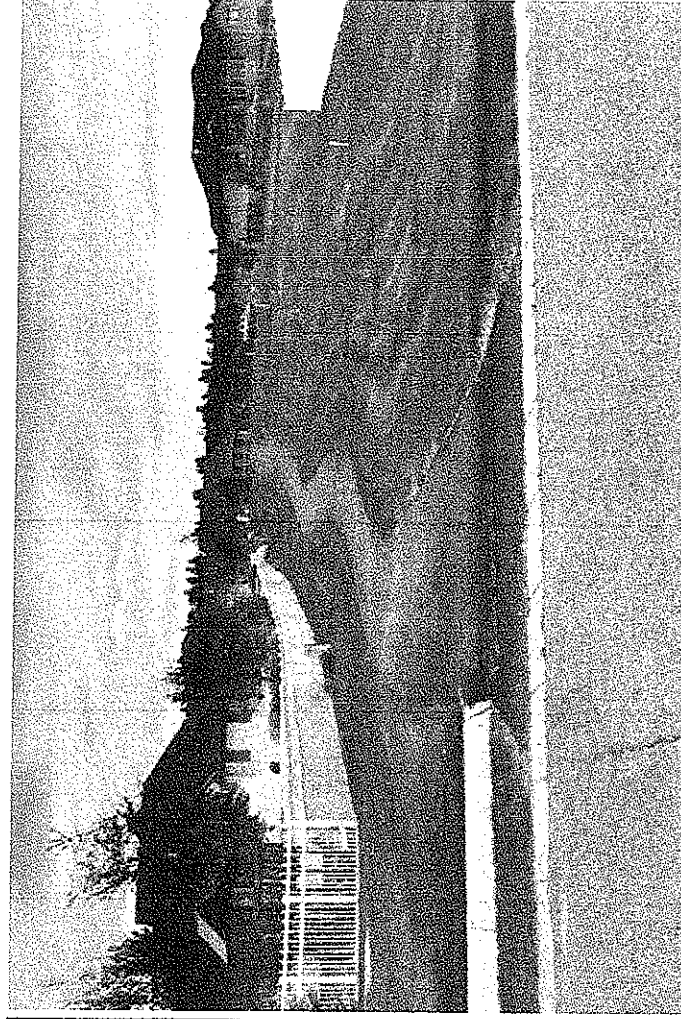


LOTS SOLD

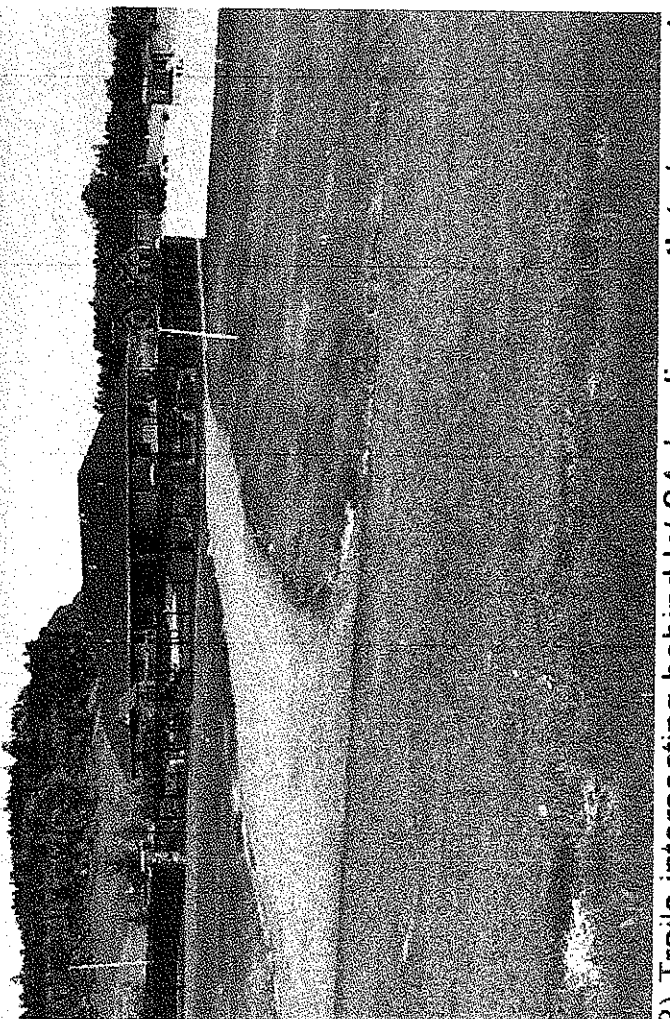
PRICES GOOD THROUGH JUNE 1, 2008
LOT SUBJECT TO PRIOR SALE



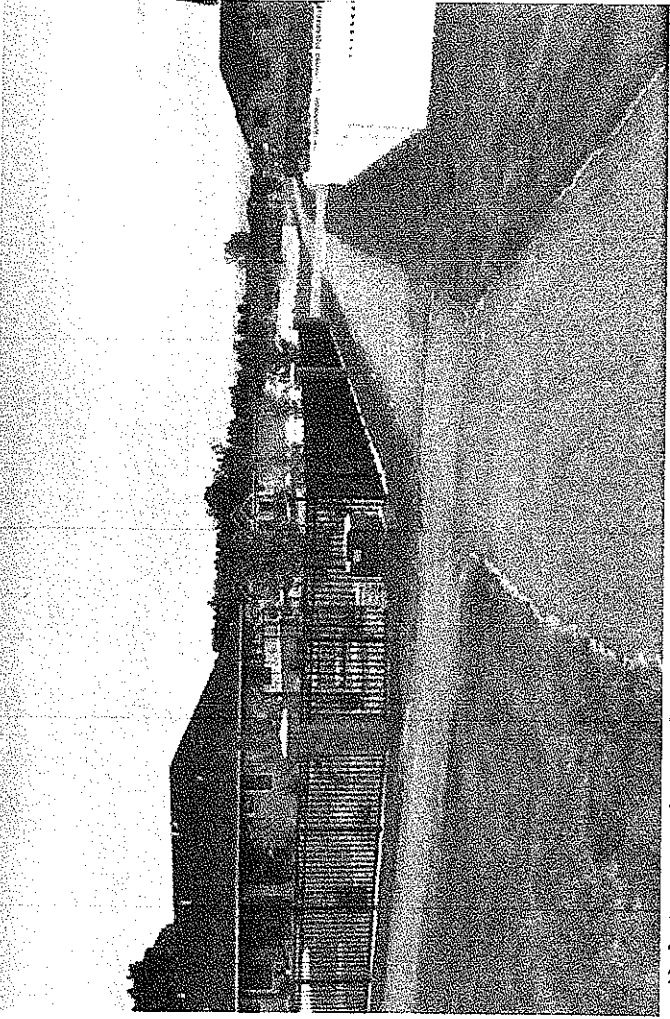
1) Sidewalk on lot 25 ending in public trail



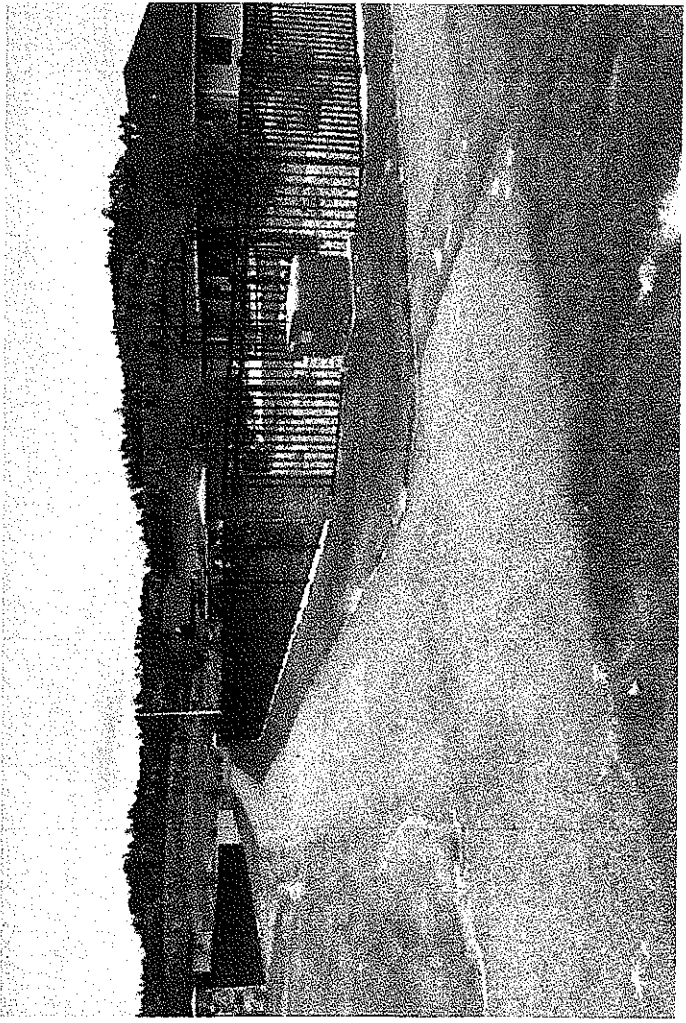
2) Trail leading from Ironwood Dr. north to Canyonwoods Dr. (between lot 25 and lot 24)



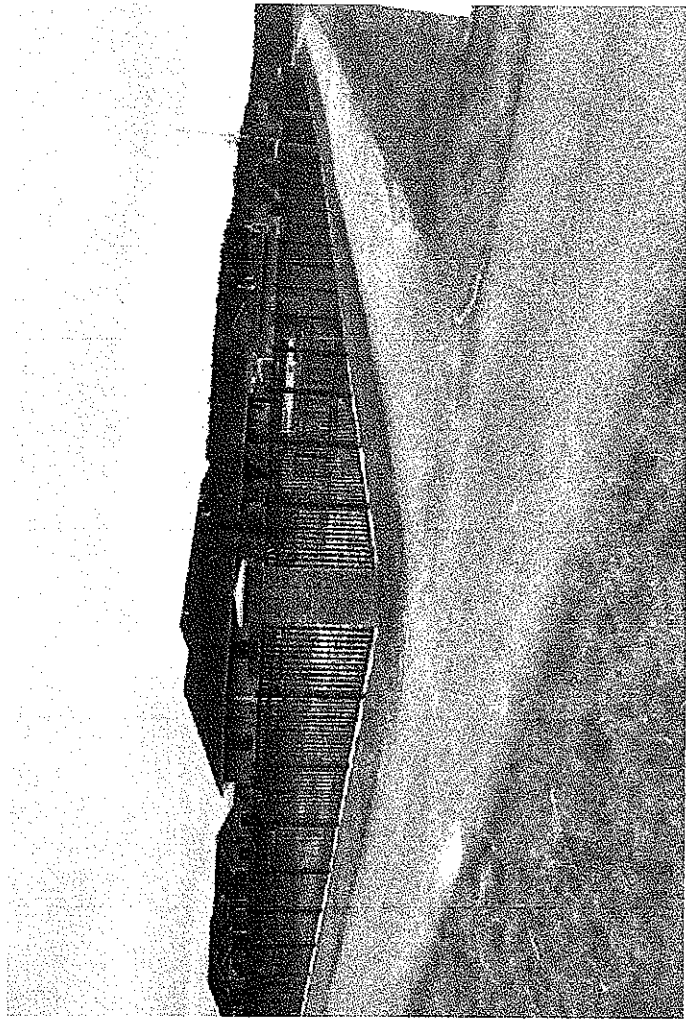
3) Trails intersecting behind lot 24, leading south to Ironwood Dr. (between lot 24 and lots 22/23)



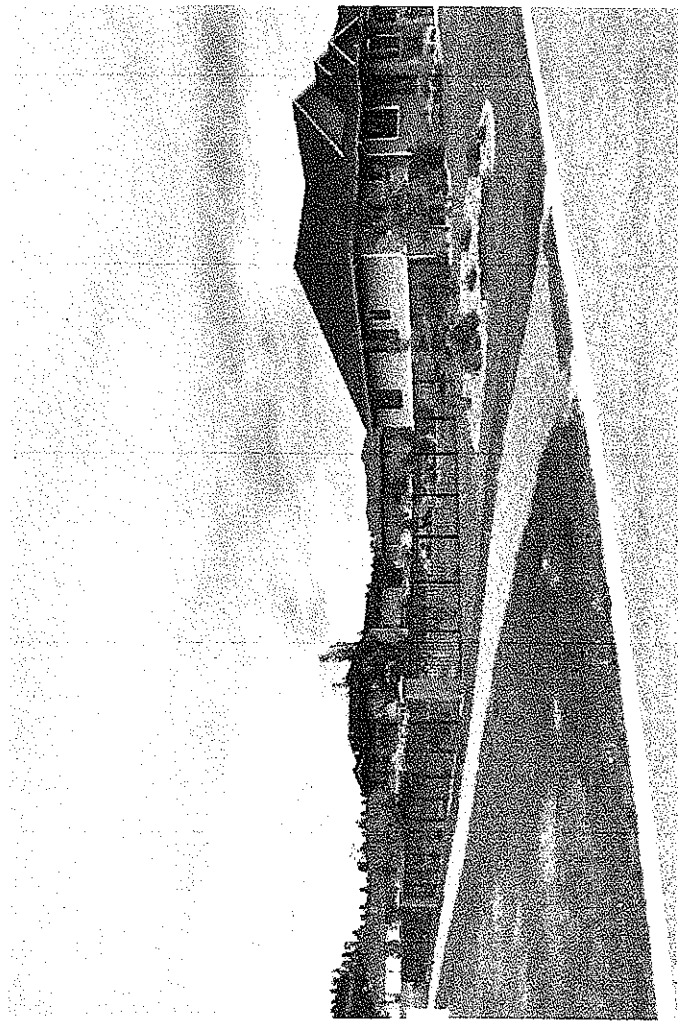
4) Intersection of north-south trail on west side of lots 22 and 23 with trail leading east behind lots 22 and 23.



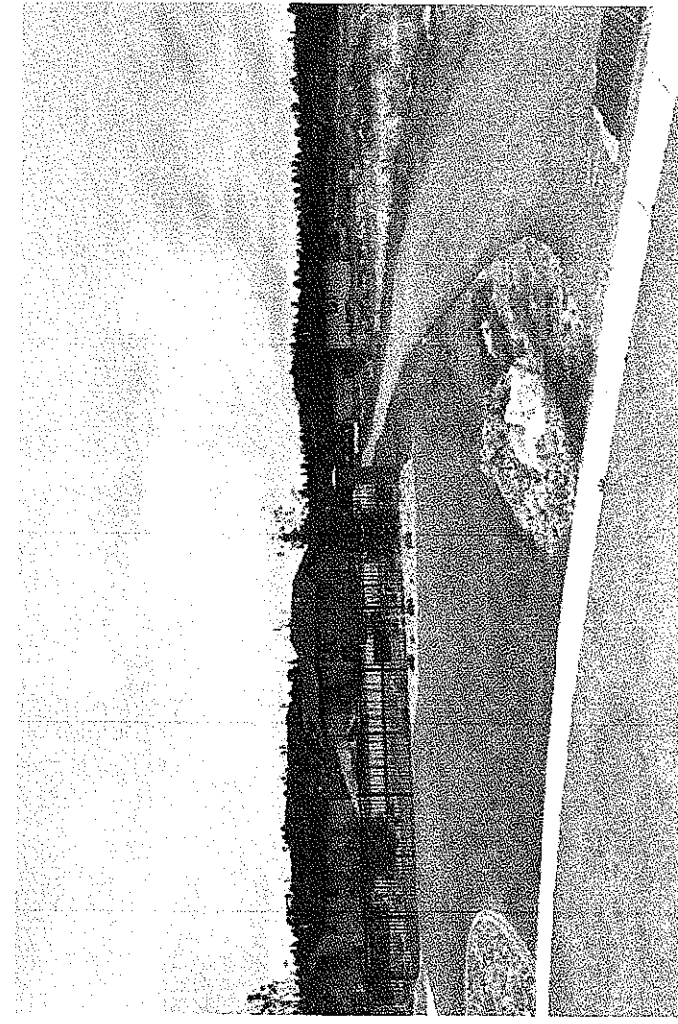
5) Trail leading east behind lots 22 and 23. (NW corner of lots)



6) NE corner of lots 22 and 23



7) Trail on west side of lots 22 and 23, connecting trails to Ironwood Dr.



8) Trail on east side of lots 22 and 23, connecting Canyonwood to Ironwood Dr.

Regular City Council Meeting

Date: 10/12/2010

TITLE: Reconsideration of the Donation or Sale of Parkland at Sahara Park

PRESENTED BY: Mike Whitaker

Department: Parks/Rec/Public Lands

Information

PROBLEM/ISSUE STATEMENT

On September 13, 2010, City Council conducted a public hearing to consider donation or sale of parkland, a 6.775 acre parcel of parkland at Sahara Park, to the Better Billings Foundation to construct and operate a pool. The donation was approved but, because all Council members were not present, the vote was 5-3. BMCC 22-902. Sale, disposal or lease of City property. requires that a resolution disposing of property be passed by six (6) of the City Council members present. Therefore, the vote was deemed to have failed. However, a Council initiative subsequently passed by a 7-1 vote returned the issue to the Oct. 12, 2010, agenda for reconsideration.

The City of Billings entered into a funding and development agreement (see attachment) on December 14, 2009, with the Better Billings Foundation to construct and operate a family aquatic center on a site (see attachment) presently owned by the City known and named as Sahara Park.

Pursuant to the agreement, the City would consider the sale or donation of the Aquatic Project Land (6.775 acres) to the Foundation and if such sale or donation is approved by City Council, the City would transfer the Aquatic Project Land in fee simple by warranty deed to the Foundation. The terms of such sale or donation would also include a (a) condition subsequent in any sale agreement and deed that the Aquatic Project Land would only be used for the construction and operation of a family aquatic center, and (b) reversion of the land and all improvements in fee simple to the City if the Aquatic Project Land is not continuously used in satisfaction of such condition subsequent.

The City is presently responsible for all maintenance and control of the property including access by the public consistent with other City parkland. If the sale or donation to the Foundation is approved and the land is transferred, the Foundation would be solely responsible for all control, maintenance and liability for the Aquatic Project Land.

If the City council does not approve the sale or donation of the Aquatic Project Land, the funding and development agreement with the Foundation will become null and void.

ALTERNATIVES ANALYZED

The Council must reconsider the item and may:

- Sell or donate the Aquatic Project Land to the Foundation as requested; or
- Decline the Foundation's request

FINANCIAL IMPACT

There is no immediate financial impact to the City.

RECOMMENDATION

There has been a long standing need for an aquatic facility in the Heights. It would significantly add to the general quality of life in Billings. The Better Billings Foundation is willing to raise the funds (\$4 million), construct and operate an aquatic facility that will be accessible to all residents in Billings. Since this facility will benefit all residents of Billings and be in the best interest of the city to assist in moving forward this worthy project, staff recommends that Council approve this unique request and donate the Aquatic Project land to the Better Billings Foundation as outlined in the attached funding and development agreement.

APPROVED BY CITY ADMINISTRATOR

Attachments

Resolution

Funding and Development Agreement

Aquatic Center Site

RESOLUTION NO. 10-

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

WHEREAS, pursuant to a December 14, 2009, Funding and Development Agreement between the City of Billings and the Better Billings Foundation (BBF), the City desires to dispose of property it owns located within the boundaries of Sahara Park and described as: Amended Plat of Tract 1 of the Amended Plat of Sahara Park, Sahara Sands Subdivision, 2nd Filing, and of Sahara Park, Sahara Sands Subdivision, First Filing, located in the NE ¼ of Section 28, T.1N., R.26 E., P.M.M., City of Billings, Yellowstone County, Montana.

WHEREAS, the notice required by Section 22-902 of the Billings Montana City Code has been duly published and mailed; and

WHEREAS, the public hearing required by Section 22-902 of the Billings Montana City Code was duly held on the 13th day of September 2010; and

WHEREAS the City Council has determined that the disposal and transfer of the property with conditions through deed restrictions is appropriate;

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

1. That the City staff is authorized to proceed with disposal and transfer by warranty deed of the property described as Amended Plat of Tract 1 of the Amended Plat of Sahara Park, Sahara Sands Subdivision, 2nd Filing, and of Sahara Park, Sahara Sands Subdivision, First Filing, located in the NE ¼ of Section 28, T.1N., R.26 E., P.M.M., City of Billings, Yellowstone County, Montana, under the requirements of Section 22-902 of the Billings Montana City Code;

2. That specific deed restrictions and conditions as referenced in Section Three, page Two of the Development Agreement of December 14, 2009, between the City and the BBF shall be included in any deed conveying the property to BBF and such restrictions and conditions shall be substantially similar to the following:

- a) The property conveyed herein to BBF shall be used solely and exclusively for the construction and continuous, annual operation of a family aquatic facility;

- b) Fee Simple ownership of the property shall automatically revert back to the City of Billings if the BBF fails to satisfy the Funding Contingency described in Section 6, Page Three, of the December 14, 2009, Funding and Development Agreement between the City and BBF;
- c) Fee Simple ownership shall automatically revert back to the City if the BBF fails to use the property for the construction and continuous, annual operation of an family aquatic facility once the Funding Contingency within the Development Agreement has been satisfied.

APPROVED AND PASSED by the City Council of the City of Billings this 12th day of October 2010.

THE CITY OF BILLINGS:

By: _____
Tom Hanel, Mayor

ATTEST:

BY: _____
Cari Martin, City Clerk

FUNDING AND DEVELOPMENT AGREEMENT

This Funding and Development Agreement (the "Agreement") is made and entered into this 14th day of December 2010, by and between the City of Billings, a Montana municipal corporation (the "City") and the Better Billings Foundation, a Montana nonprofit corporation (the "Foundation").

Recitals

A. The Foundation proposes to design a family aquatic center (the "Aquatic Project") and provide for the funding (by donation and/or borrowed funds) of the same on a site presently owned by the City known and named as Sahara Park.

B. On March 24, 2009, the City Council adopted two alternative Sahara Park Master Plans: Master Plan A and Master Plan B. Master Plan A approves the Aquatic Project Land (described below) as a site for the project and is subject to the contingencies that the Foundation (a) complete this Agreement by September 24, 2009 or after such extension as allowed by the City Council, and (b) demonstrate that it can fund the Aquatic Project (the "Funding Contingency").

C. The Foundation has obtained that certain Feasibility Study of Ballard*King and Associates (the "Study") and presented the same to the City Council. Following significant input from the Parks, Recreation and Public Lands staff, the Foundation has obtained that certain Aquatic Site Plan prepared by Aquatic Excellence (the "Design") and presented the same to the City Council. The Study and the Design are attached as Exhibit A.

D. The City has required that the adjacent Park Land (described below) be reserved for use as a neighborhood park rather than for use in the Aquatic Project.

E. If this Agreement is entered into on or before November 29, 2009 or after such extension as allowed by the City Council and the Funding Contingency is satisfied, the Foundation will construct the Aquatic Project using the Master Plan A design and will operate, manage and maintain the Aquatic Project in a manner similar to other aquatic centers and City parks operated, managed and maintained by the City.

F. The City and the Foundation desire to set forth their respective obligations in connection with the Aquatic Project pursuant to the terms and conditions of this Agreement.

Agreement

In consideration of the foregoing, and in consideration of the mutual promises hereinafter set forth, the parties mutually agree as follows:

1. Site. The City has adopted a Sahara Park Master Plan for the land described on the attached Exhibit B. The portion of such land to be used for the Aquatic Project is highlighted

and described more particularly on the attached Exhibit B containing approximately 6.7 acres. (the "Aquatic Project Land"). The portion of such land to be used for a neighborhood park is also highlighted and described more particularly on the attached Exhibit B (the "Park Land").

2. Subdivision Plat and Review. The Foundation shall, at its sole expense, complete, as required a subdivision plat. The subdivision plat shall create two lots and describe the Aquatic Project Land as one lot and the Park Land as one lot in a manner consistent with Section 1 and Exhibit B of this Agreement. The subdivision shall follow the state and local subdivision regulations in effect at the time the subdivision application process is started. The City, as owner and subdivider, or the Foundation, as subdivider, at the election of the City, shall complete the subdivision. Whether the City or the Foundation completes the subdivision, the Foundation shall reimburse the City for any expenses incurred by the City with respect to the completion of such subdivision. Expenses may include, but are not limited to, application and processing fees charged by the City, engineering expenses, and surveying expenses. If the Foundation acts as subdivider, the City shall complete all necessary consents, as owner, and take all other necessary actions to assist the Foundation in completing the subdivision described in this Section.

3. Transfer of Property. Pursuant to City Code Section 22-902, the City shall consider the sale or donation of the Aquatic Project Land to the Foundation and if such sale or donation is approved by the City Council, the City shall transfer the Aquatic project land in fee simple by warranty deed to the Foundation and retain the Park Land. The notice required by City Code Section 22-902(2) shall describe the proposed use as a family aquatic facility consistent with the Master Plan adopted by the City Council in Resolution No. 09-18799. The terms of such sale or donation shall also include a (a) condition subsequent in any sale agreement and deed that the Aquatic Project Land shall only be used for the construction and operation of a family aquatic center, and (b) reversion of the land and all improvements in fee simple to the City if the Aquatic Project Land is not continuously used in satisfaction of such condition subsequent.

If the City council approves a sale or donation of the Aquatic Project Land, until such time as ownership of the property is transferred by warranty deed, the City shall be responsible for all maintenance and control of the property including access by the public consistent with other City park land. When transfer of ownership to the Foundation is accomplished, the Foundation shall be solely responsible for all control, maintenance, and liability for the Aquatic Project Land.

If the City Council does not approve the sale or donation of the Aquatic Project Land, this Agreement is null and void. However, nothing prevents the parties from entering into a subsequent lease Agreement concerning this Aquatic Project Land.

4. Design and Specification. The Foundation agrees to contract with licensed design professionals necessary for the preparation of design and specifications for the Aquatic Project. The Foundation shall continuously consult with Park, Recreation and Public Lands staff and the final design, which shall be substantially similar to the Design, shall be reviewed by the City's Parks, Recreation and Cemetery Board and the Foundation shall consider any recommendations made by the City's Parks, Recreation and Cemetery Board. The Aquatic Project currently proposed to be constructed in phases described as Phase One and Phase two. This Agreement

describes and covers only Phase One. Should this Agreement be executed by the City and the Foundation, Phase Two is planned by the Foundation to include a teaching/exercise pool, climbing wall, expanded deck space and landscaping.

5. Aquatic Project Cost. The Foundation agrees to pay all costs incurred in connection with the design and construction of the Aquatic Project.

6. Satisfaction of Funding Contingency. Within three (3) years from the date of this Agreement, the Foundation shall satisfy the Funding Contingency for Phase One. The Funding Contingency for Phase One shall be deemed satisfied upon the Foundation providing written documentation to the City that it has sufficient cash (by donation and/or loan) and in-kind donations equal to the cost of the Aquatic Project which has been established by the Foundation as Four Million Dollars (\$4,000,000.00). Within ninety (90) days following satisfaction of the Funding Contingency, the Foundation shall begin of the construction of the Aquatic Project Phase One as a private owner. If the Funding Contingency is not satisfied, this Agreement shall terminate and become null and void.

7. Construction. The Foundation shall proceed as owner of the Aquatic Project and enter into contracts with licensed professionals, contractors and material providers as may be required for the construction of the Aquatic Project to Completion (as defined in Section 8 of this Agreement). Prior to the commencement of construction and unless waived in writing by the City, the Foundation shall obtain a payment and performance bond equal to the cost of the Aquatic Project. Such bonds shall name the City as the insured.

8. Final Completion. The Aquatic Project shall be complete upon the issuance of a certificate of occupancy (the "Completion"). The Completion shall occur within one (1) year from commencement of construction, unless extended by a writing subscribed to by both parties.

9. Operation, Management and Maintenance. The Foundation, or a single-member limited liability company owned solely by the Foundation, shall operate, manage and maintain the Aquatic Project in a manner similar to other aquatic centers and City parks operated, managed and maintained by the City, including, but not limited to, parking areas, sidewalks, fencing and storm water detention. The Aquatic Facility shall be open to the public for a minimum of ten (10) weeks each season. Operation, management and maintenance shall be conducted at the sole expense of the Foundation and the Foundation shall retain all proceeds from the operation of the Aquatic Project for use in furtherance of its tax-exempt purposes. The Foundation shall be responsible for payment of water and all other utilities serving the Aquatic facility. The Foundation shall have no responsibility to maintain the adjacent Park Land owned by the City. To secure ongoing performance of its obligations under this Agreement, prior to the start of construction, the Foundation shall establish and maintain one or more of the following at its option:

- A) An annually renewed Irrevocable Standby Letter of Credit in the amount of One Hundred Thousand Dollars (\$100,000.00) in the form as provided in the attached Exhibit C. In the event that all improvements (including buildings and accessory structures) and the Aquatic Project Land revert to the City pursuant to Section 4.

of this Agreement, an applicable sale agreement, deed or otherwise, the City shall in its sole and singular discretion be entitled and authorized to execute upon and present for payment this Irrevocable Standby letter of Credit up to and including the full amount in order to make repairs or other expenditures to the Aquatic Project. The necessity to execute upon this security shall be determined in the sole discretion of the City.

- B) Within five (5) years of the last signature date in this Agreement, an interest bearing escrow account in the amount of One Hundred Thousand Dollars (\$100,000.00) created by an escrow agreement. The terms of such escrow agreement shall allow the city to immediately access this money through a written demand to the Foundation without further action nor through litigation should a default in performance under this Agreement occur by the Foundation. The escrow agreement shall be reviewed and approved by the City Administrator or designee to insure the terms reflect immediate access.
- C) An annually renewed surety bond or similar performance bond instrument in the amount of One Hundred Thousand Dollars (\$100,000.00)

The necessity to execute upon any or all of these alternative performance security instruments shall be determined in the sole discretion of the City. The Foundation shall not object to, obstruct, impair, impede, prevent or institute any legal proceeding challenging the execution upon or payment of funds provided in the attached Irrevocable Standby Letter of Credit, or an escrow account and/or the surety performance bond.

10. No Joint Entity. This Agreement does not create a partnership, joint venture, joint enterprise, or other joint entity between the City and the Foundation.

11. Mediation and Arbitration. Prior to commencing any litigation concerning this Agreement the parties shall use their respective best efforts to resolve any controversy or claim arising out of or relating to this Agreement or breach thereof by non-binding mediation.

12. Compliance with Laws and Regulations. The Foundation agrees that it will comply with all local, state and federal laws and regulations applicable to the planning, contracting, construction, operation and maintenance and use of all government grants and donated funds concerning the Aquatic Project including but not limited to building codes and prevailing wage laws, if applicable, and will indemnify and defend and hold harmless the City from any failure to do so as provided in the indemnification in Section 13 of this Agreement.

13. Indemnification and Insurance. The Foundation shall indemnify, defend and hold harmless the City from and against any and all claims, liabilities, judgments, damages, lawsuits of any type, costs and expenses, including reasonable attorneys' fees, incurred by the City arising from the negligent or intentional acts or omissions of the Foundation while performing its obligations under this Agreement.

The City shall indemnify, defend and hold harmless the Foundation from and against any and all claims, liabilities, judgments, damages, lawsuits of any type, costs and expenses including reasonable attorneys' fees incurred by the Foundation arising from the negligent or intentional acts or omissions of the City while performing its obligations under this Agreement.

14. Choice of law and Jurisdiction. Any civil action arising from this Agreement shall be brought in the District court of the Thirteenth Judicial District of the State of Montana, Billings, Yellowstone County, Montana. The laws of the State of Montana shall govern the rights and obligations of the parties.

15. Duration, Default, Termination and Nonwaiver. This Agreement shall be automatically renewed each year on the original City Council approval dater of December 14, 2009, unless either party gives ninety (90) days written notice that it desires to amend the Agreement. If the parties cannot agree on any amendments, this original Agreement shall remain in effect.

This Agreement shall be reviewed by the parties' representatives every ten (10) years on or near the anniversary date of December 14 for the purpose of determining if the Agreement should be amended to reflect current circumstances concerning the operation and maintenance of the Aquatic Facility.

If either party fails to comply with any condition of this Agreement at the time or in the manner provided for, the other party, at its option, may terminate this Agreement and be released from all obligations of the default is not cured within thirty (30) days after written notice is provided to the defaulting party. The notice shall specify the items to be cured. The non-defaulting party may bring suit for damages, specific performance or any other remedy provided by law. These remedies are cumulative and not exclusive and use of one does not preclude use of the others.

16. Amendment. This Agreement may be amended only in writing subscribed by both parties.

17. Notices and Demands. Any notice, demand, or other communication under this Agreement by either party to the other shall be sufficiently given or delivered only if it is dispatched by registered or certified mail, postage prepaid, return receipt requested, or delivered personally:

as to the City:

City of Billings, Montana
Attn: Mike Whitaker, Director of Parks, Recreation
& Cemetery Board ~~PUBLIC LANDS~~
390 North 23rd Street
Billings, MT 59101

as to the Foundation:

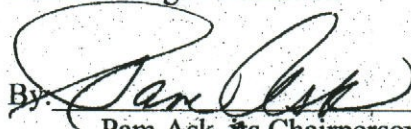
Better Billings Foundation
Attn: Chuck Barthuly
PO Box 50489
Billings, MT 59105

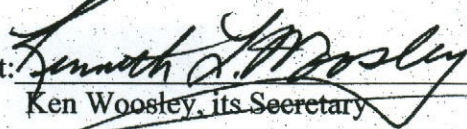
or at such other address with respect to any party as that party may, from time to time, designate in writing.

18. Entire Agreement. This Agreement contains all terms, conditions and agreements agreed upon by the parties to this Agreement relating to the subject of this Agreement and supersedes all prior agreements, negotiations, understandings or communications, whether written or oral.


In testimony whereof, the parties have hereunto set their hands the date and year first above written.

Better Billings Foundation

By: 
Pam Ask, its Chairperson

Attest: 
Ken Woosley, its Secretary

City of Billings

By: 
Thomas W. Hanel, its Mayor 3/1/2010

