

## CITY OF BILLINGS

### CITY OF BILLINGS VISION STATEMENT:

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

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### AGENDA

**COUNCIL CHAMBERS**

**February 14, 2011**

**6:30 P.M.**

**CALL TO ORDER – Mayor Hanel**

**PLEDGE OF ALLEGIANCE – Mayor Hanel**

**INVOCATION – Councilmember Ronquillo**

**ROLL CALL**

**MINUTES: January 24, 2011**

**COURTESIES: Billings Parks, Recreation, and Preservation Foundation Presentation**

**PROCLAMATIONS: Billings Theater Student Day, February 14, 2011**

**ADMINISTRATOR REPORTS - TINA VOLEK**

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1, #2, and #8 ONLY.**  
**Speaker sign-in required.** (Comments offered here are limited to one (1) minute per speaker. Please sign up on the clipboard located at the podium. Comment on items listed as public hearing items will be heard ONLY during the designated public hearing time for each respective item. For Items not on this agenda, public comment will be taken at the end of the agenda.)

1. **CONSENT AGENDA** -- Separations:
  - A. **Agreement** with Seon Design to provide and install security cameras in 26 MET buses and 15 paratransit vans; \$200,225; funded 100% by an American Recovery and Reinvestment Act (ARRA) Grant administered through the FTA grant process.
  - B. **Memorandum of Understanding** with Beartooth RC&D Economic Development District; \$9,271.91 annual payment.
  - C. **Grant Application Request** to submit a Montana State Historic Preservation Office Certified Local Government Grant application for FY2011-2012; \$5,500.

- D. **Approval** of Downtown Revolving Loan Fund recommendation for Tracy Lofts Development Venture, LLP, for renovation of the Tracy Building located at 2600 Montana Avenue; up to \$250,000 and equity of at least 20% of total costs.
- E. **Acknowledge receipt of petition to vacate** South 23rd Street between 3rd Avenue South and 4th Avenue South and 4th Avenue South between South 23rd Street and South 24th Street for a total 54,380 square feet; ConocoPhillips, petitioner; and set a public hearing date of March 14, 2011.
- F. **Acknowledge receipt of petition to vacate** portions of right-of-way within Twin Oaks Subdivision, 2nd Filing; Twin Oaks Corporation, petitioner; and set a public hearing date of March 14, 2011.
- G. **Resolution** approving Yellowstone Family Park Master Plan (formerly Byron Nelson Park).
- H. **Resolution** allocating \$15,000 of FY2011 Council Contingency Funds to be used towards the cost of the Infill Policy Workshop, as recommended by the City Annexation Committee.
- I. **Street Closures:**
  - 1. **Magic City Blues Festival:** Montana Avenue between North 23rd Street and North 25th Street; 9:00 a.m. on Friday, August 12, 2011, to noon on Sunday, August 14, 2011.
- J. **Acceptance of Donation** on behalf of the Billings Area Resource Network from Venture Theatre; \$1,000.
- K. **Resolution of Intent** to construct W.O. 11-02, Miscellaneous and Developer Related Improvements, and a set a public hearing date of March 14, 2011.
- L. **Resolution of Intent** to construct W.O. 05-13, Safe Routes to School Improvements on Jackson Street from Frances Avenue to Ryan Avenue (curb/gutter, sidewalk, and drive approaches), and set a public hearing date of March 14, 2011.
- M. **Resolution of Intent** to create SID 1369, Moore Lane between Monad Road and Central Avenue (sanitary sewer improvements, storm drain, curb and gutter, sidewalk, and necessary widening and reconstruction of the street), and set a public hearing date of March 24, 2011.
- N. **Second/final reading ordinance for Zone Change #870:** a zone change to allow a mixture of commercial, cultural, medical, clinical and residential uses in a Planned Development on a 111.91 acre parcel of land described as Blocks 1 through 5, The Village Subdivision; Sisters of Charity of Leavenworth Health Systems, owner; Will Ralph, Sanderson Stewart and Doug James, Moulton Bellingham PC, representatives. Approval of the zone change and adoption of the determinations of the 12 criteria.

O. **Second/final reading ordinance for Zone Change #871:** a zone change from Residential 9,600 to Entryway General Commercial on a 1.554-acre parcel of land described as the south 310 feet of Lot 24, Sugar Subdivision, less 4,194 square feet for King Avenue East right-of-way, and located at 766 Calhoun Lane. Almon Blain, Jr., owner. Approval of the zone change and adoption of the determinations of the 12 criteria.

P. **Bills and Payroll:**

1. January 7, 2011
2. January 11, 2011
3. January 21, 2011

**REGULAR AGENDA:**

2. **RESOLUTION** declaring an emergency exception to the Purchasing Policy and awarding a contract to Accurate Concrete Cutting, Inc. for the removal and stabilization of rock in and adjacent to 1313 Granite Avenue. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)
3. **PUBLIC HEARING AND RESOLUTION** ordering construction of improvements identified in W.O. 09-11, Rimrock Road from 17th Street West to Forsythia Boulevard. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)
4. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward 1 to include recently annexed property in Annexation #11-01: the south 310 feet of Lot 24, Sugar Subdivision, located at 766 Calhoun Lane. Almon R. Blain, Jr., owner. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)
5. **PUBLIC HEARING AND RESOLUTION** assessing the cost of cutting and/or exterminating weeds. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)
6. **PUBLIC HEARING AND RESOLUTION** authorizing the donation of Lots 9-12, Block 142, Original Town of Billings to RiversStone Health with first right of refusal to reacquire the property if RiverStone Health does not develop the property and wishes to sell or donate the property to another person or entity. Community Development Board recommends approval. (Action: approval or disapproval of Community Development Board recommendation.)
7. **PUBLIC HEARING** and approval of Federal Funding Requests. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)
8. **2011-2012 IAFF LOCAL 521 COLLECTIVE BARGAINING AGREEMENT.** Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

**PUBLIC COMMENT** on Non-Agenda Items -- Speaker Sign-in required. (*Restricted to ONLY items not on this printed agenda; comments are limited to three (3) minutes per speaker. Please sign up on the clipboard located at the podium.*)

**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: 02/14/2011**

**TITLE:** Approval of Agreement with Seon Design for the MET Buses and Paratransit Vans Security Camera System

**PRESENTED BY:** Thomas H. Binford

**Department:** Transit

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**Information**

**PROBLEM/ISSUE STATEMENT**

Thirty-nine Requests for Proposals (RFPs) were distributed by MET to both local and national firms, seeking a vendor to provide and install security cameras in MET's 26 buses and 15 paratransit vans. This project will help address security issues, passenger safety issues, and liability concerns that can take place during MET's regular operations. The RFP process outlined by the Federal Transit Administration (FTA) was utilized for the selection process.

The RFP was advertised in the *Billings Times* on November 18 and 24, 2010, and notice posted on the City's Website. Six proposals were received on December 23, 2010. Proposals were received from TransIT Solutions, LLC, Arnold, Maryland; Radio Engineering Industries, Omaha, Nebraska; 247Security, Inc., Alpharetta, Georgia; Safety Vision, LLC, Houston, Texas; Apollo Video Technology, Woodinville, Washington; and Seon Design, Coquitlan, British Columbia, Canada. An RFP Selection Committee evaluated and ranked the six proposals based on each firm's ability to meet the specifications and various parameters as identified in the RFP. The Committee voted unanimously to select Seon Design as the vendor to provide and install the security camera system.

**ALTERNATIVES ANALYZED**

The City Council may:

- Approve the Selection Committee's recommendation to accept the proposal from Seon Design in the amount of \$200,225; or
- Not approve the Selection Committee's recommendation to accept the proposal from Seon Design in the amount of \$200,225.

**FINANCIAL IMPACT**

The selected vendor, Seon Design, provided a proposal price of \$200,225. Besides providing the best overall proposal, Seon Design's price was also competitively priced. The City has allocated funds for this project through the CIP and budget process. This project will be funded 100% with the American Recovery and Reinvestment Act (ARRA) Grant administered through the FTA grant process.

**RECOMMENDATION**

Staff recommends that City Council accept the proposal from Seon Design for MET's camera installation project and authorize the Mayor to execute the agreement between the City's Aviation and Transit Department and Seon Design.

**APPROVED BY CITY ADMINISTRATOR**

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**Regular City Council Meeting**

**Date:** 02/14/2011

**TITLE:** Memorandum of Understanding with the Beartooth RC&D Economic Development District

**PRESENTED BY:** Bruce McCandless, Asst. City Administrator

**Department:** City Hall Administration

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**Information**

**PROBLEM/ISSUE STATEMENT**

The City of Billings annually approves a Memorandum of Understanding (MOU) with the Beartooth RC&D Economic Development District (District). The 2010 MOU was approved by Council on January 25, 2010. This agreement's term is from the date of execution through December 31, 2011. The District's 2010 annual activities report will be delivered to Councilmembers and it is available for review in the City Clerk's office.

The MOU and the funding provided by the City (\$9,271.91) ensures the City's participation in and access to the District's economic development/grant writing service. The City appoints one member to the District, and that position is presently occupied by Councilmember Ulledalen.

**ALTERNATIVES ANALYZED**

The City Council may approve or disapprove the MOU. Disapproving it would make the economic development and grant writing services inaccessible.

**FINANCIAL IMPACT**

The City's approved FY 2011 budget for this item is \$10,000. The 2011 request is 1.5% higher than in 2010.

**RECOMMENDATION**

Staff recommends that the City Council approve the 2011 MOU with the Beartooth RC&D Economic Development District and authorize the \$9,271.91 annual payment.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

Beartooth RC&D MOU

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A  
**MEMORANDUM OF UNDERSTANDING**  
between  
**Yellowstone County Commissioners**  
and  
**the Beartooth RC&D Economic Development District**

**THIS MEMORANDUM OF UNDERSTANDING** is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2011, by and between the **Beartooth RC&D, Economic Development District**, whose principal business address is P.O. Box 180, Joliet, Montana 59041, hereinafter referred to as "Beartooth RC&D" and **Yellowstone County Commissioners (in cooperation with the City of Billings, City of Laurel, and Big Sky EDA)**, and hereinafter referred to as "**the Entity**".

**WHEREAS**, The Beartooth RC&D has been formally recognized by the U.S. Department of Commerce, Economic Development Administration (EDA) as a designated Economic Development District (EDD), and As a District, the Beartooth RC&D has been awarded funding to carry out its Comprehensive Economic Development Strategy (CEDS). This funding will provide a staff person, administrative support and operating costs. This is a continual grant, renewable based on successful program operation and availability of federal funds. Local match is required.

**WHEREAS**, Each entity participating in the District will designate a representative and an alternate to the regional Economic Development Committee. This individual will convey the needs and development goals of the local entity to the committee. Regular meetings will be held every two months to assess project status, assign workload and evaluate progress.

**NOW THEREFORE IT IS UNDERSTOOD AS FOLLOWS:**

**ARTICLE 1: SCOPE OF WORK:**

Beartooth RC&D employs an Economic Development Coordinator to assist in Economic Development efforts in the region. The Coordinator's time will be allocated consistent with the goals in the Comprehensive Economic Development Strategy by the regional Economic Development Committee. The Committee is composed of one representative and an alternate from Big Horn, Carbon, Stillwater, Sweet Grass and Yellowstone Counties, Crow Tribe and Big Sky Economic Development Authority. Input to this Committee by local entities is essential for obtaining the services of the Coordinator.

Higher priority will be assigned projects of regional scope or projects with strong local leadership. Grant funding for this position is from EDA, therefore, emphasis will be on regional economic development planning and projects which have a correlation to job creation. Matching funds are from participating entities and emphasis will be placed on their specified projects. Specific items of work for this project year are detailed in the attached "Annual Report and Update". It is understood that this Annual Report will be presented each year.

**Annual Evaluation:**

The performance of the Economic Development Coordinator will be evaluated annually by local entities participating on the regional Economic Development Committee. Progress and/or

accomplishments on each program/project will be evaluated to ensure resources are being utilized in the most effective and efficient manner possible.

**ARTICLE 2: PERIOD OF PERFORMANCE:**

The term of this Memorandum of Understanding shall be from the date it is signed through **December 31, 2011**, unless extended by mutual agreement by both parties. Such extension must be in writing, signed by authorized representatives of both parties, and made a part of the original Memorandum of Understanding by modification reference. This Memorandum of Understanding supersedes the prior Memorandum for participation in the Economic Development District.

**ARTICLE 3: PAYMENT:**

The Entity's annual contribution will be **\$3,500.00** as a "Membership" fee plus a per capita assessment of **.1537** cents per person. These funds will provide the necessary match to obtain the \$52,000.00 in federal funds. Entities who do not participate financially in the match requirement will not receive services from the Economic Development Coordinator. The calculated fee for **Yellowstone County** is **\$25,755.30** this figure is based from the **\$3,500.00** county fee plus **\$22,255.30** based on a per capita formula whereby a population of **144,797** was used from the 2009 Estimated Census population estimate. Yellowstone County's full payment of **\$25,755.30** will be separated into a four-way payment system. Each entity within the county will pay a percentage (%) similar to the previous year. Big Sky EDA- 34% or **\$8,756.80**, City of Billings- 36% or **\$9,271.91**, City of Laurel- 6% or **\$1,545.32** and Yellowstone County- 24% or **\$6,181.27**.

Annually, the Beartooth RC&D/EDD staff will provide a comprehensive report of the past year's activity. A new Memorandum of Understanding will be prepared and a request for the following year's match submitted. Entities will be billed for match funds after January 1, 2011, for the current year's assessment.

Payment as provided in this section shall be full compensation for work performed, services rendered and for all materials, supplies, equipment, and incidentals necessary to complete the.

**ARTICLE 4: EXAMINATION OF RC&D RECORDS:**

The Entities or their representatives shall have the right to examine any books, records, or other documents of the Beartooth RC&D directly relating to costs when such costs are the basis of compensation hereunder.

**ARTICLE 5: OWNERSHIP AND USE OF DOCUMENTS:**

Reproducible copies of all documents and other materials produced by the Beartooth RC&D in connection with the services rendered under this memorandum of understanding shall be provided to the Entity for the Entity's use whether the project for which they are made is executed or not. The Beartooth RC&D shall be permitted to retain originals, including reproducible originals, of drawings and specifications for information, reference and use in connection with Beartooth RC&D's endeavors.

#### **ARTICLE 6: WARRANTY:**

The Beartooth RC&D warrants that all services performed herein shall be performed using that degree of skill and care ordinarily exercised in and consistent with generally accepted practices for the nature of the services and shall conform to all requirements of this Memorandum of Understanding.

#### **ARTICLE 7: SAFETY:**

The Beartooth RC&D agrees to fully comply with the Occupational Safety and Health Act of 1970, all regulations issued there under and all state laws and regulations enacted and adopted pursuant thereto. The Beartooth RC&D shall take all necessary precautions in performing the services hereunder to prevent injury to persons or damage to property.

#### **ARTICLE 8: APPLICABLE LAW:**

This Memorandum of Understanding shall be governed in all respects by the laws of the State of Montana. No changes, amendments or modifications of any of the terms and conditions hereof shall be valid unless agreed to in writing. Venue of any proceeding arising hereunder shall be the Thirteenth Judith District.

#### **ARTICLE 9: COMPLIANCE WITH LAWS:**

The Beartooth RC&D shall in performing the services contemplated by this Memorandum of Understanding, faithfully observe and comply with all federal, state, and local laws, ordinances and regulations, applicable to the services to be rendered under this Memorandum of Understanding.

#### **ARTICLE 10: CHANGES:**

The parties, by mutual agreement, may, at any time during the term of this Memorandum of Understanding and without invalidating the Memorandum of Understanding, make changes within the general scope of the Memorandum of Understanding. The Beartooth RC&D agrees to perform such changed services. The Entity's priority list for project work within their county can be changed at any time. In such case, Beartooth RC&D will be informed of this change at the Entity's earliest convenience.

#### **ARTICLE 11: TERMINATION:**

This Memorandum of Understanding may be terminated in whole or in part, in writing, by either party in the event of substantial failure by the other party to fulfill its obligations under this Memorandum of Understanding through no fault of the terminating party, provided that no termination may be effected unless the other party is given: (1) not less than ten (10) days written notice (delivered by certified mail, return receipt requested) of intent to terminate, and (2) an opportunity for consultation with the terminating party prior to termination.

Upon such termination the Entity shall pay the Beartooth RC&D amounts due and unpaid for services rendered as of the effective date of termination, and the Beartooth RC&D shall provide to

the Entity all materials, surveys, reports, data, and other information performed or prepared as of such date.

#### **ARTICLE 12: INDEMNIFICATION:**

The Beartooth RC&D agrees to and does hereby indemnify and save the Entities, their officers, officials and employees, harmless against and from:

1. Any and all claims and liabilities, including but not limited to costs, expenses, and attorney fees arising from injury to, or death of, persons (including claims and liabilities for care or loss of services in connection with any bodily injury or death) and including injuries, sickness, disease, or death to Beartooth RC&D employees occasioned by a negligent act, omission, or failure of the Beartooth RC&D;
2. Any and all claims and liabilities, including costs and expenses, for loss or destruction of or damage to any property belonging to the Beartooth RC&D or the Entities caused by a negligent act, omission, or failure of the Beartooth RC&D and;
3. Any fines, penalties, or other amounts assessed against the Entities by reason of the Beartooth RC&D's failure to comply with all health, safety, and environmental laws and regulations applicable to the services; resulting directly or indirectly from, or occurring in the course of the Beartooth RC&D's performance of the services. However, this indemnity shall not extend to claims and liabilities for (i) injury or death to persons or (ii) loss of or damage to property to the extent that these claims and liabilities result directly from the Entity's negligence or willful misconduct.

#### **ARTICLE 13: INSURANCE:**

The Beartooth RC&D shall maintain and demonstrate the following types of insurance:

1. The Beartooth RC&D agrees that its employees and particularly the employees designated to work on this memorandum of understanding are covered by applicable Worker's Compensation provisions. The Beartooth RC&D further agrees that if the Entities should legally incur any costs whatsoever under the Worker's Compensation laws by reason of the Beartooth RC&D employees' injury or death while engaged in the contract work, the RC&D will indemnify and hold harmless the Entities' for such costs which the Entities' may be legally be required to pay to employees of the Beartooth RC&D.
2. Comprehensive general liability insurance for bodily injury, death, or loss of or damage to property of third persons or other liability due to the negligent acts of the Beartooth RC&D in the minimum amounts of \$500,000 per occurrence and \$1,000,000 aggregate for personal injury; and \$500,000 per occurrence/aggregate for property damage. Proof of coverage as required by this section shall be delivered to the Entity within fifteen (15) days of execution of this Agreement.
3. Professional liability errors and omissions insurance in a minimum amount of \$100,000.00.

**ARTICLE 14: NONDISCRIMINATION:**

The Beartooth RC&D will not discriminate against any employee or applicant for employment relating to this project on the basis of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental handicap or national origin. All hiring associated with any project shall be on the basis of merit and qualifications related to the requirements of the particular position being filled.

**ARTICLE 15: INDEPENDENT CONTRATOR:**

The Beartooth RC&D and the Entity agree that the Beartooth RC&D is an independent contractor with respect to the services provided pursuant to this Memorandum of Understanding. Nothing in this Memorandum of Understanding shall be considered to create the relationship of employer and employee between the parties hereto. Neither the Beartooth RC&D nor any employee of the Beartooth RC&D shall be entitled to any benefits accorded Entity employees by virtue of the services provided under this Memorandum of Understanding. The Entity shall not be responsible for withholding or otherwise deducting federal income tax or social security or for contributing to the state Worker's Compensation program, nor shall the Entity be deemed in any way to assume the duties of an employer with respect to the Beartooth RC&D, or any employee of the Beartooth RC&D.

**ARTICLE 16: ASSIGNMENT:**

The Beartooth RC&D shall not sublet or assign any of the services covered by this Memorandum of Understanding without the express written consent of the Entity.

**ARTICLE 17: NON-WAIVER:**

Waiver by the County of any provision of this memorandum of understanding or any time limitation provided for in this memorandum of understanding shall not constitute a waiver of any other provision.

**ARTICLE 18: NOTICES:**

Any Notice to be served hereunder may be served upon the parties personally or served by certified mail, return receipt. Notice served by mail shall be deemed complete upon deposit of said notice in any United States Post Office, postage prepaid, directed to the party to be served, at the following addresses:

**ENTITY:**     City of Billings  
                  PO Box 1178  
                  Billings, MT 59101

**RC&D:**       Beartooth RC&D  
                  P.O. Box 180  
                  Joliet, MT 59041

**ARTICLE 19: INTEGRATED AGREEMENT:**

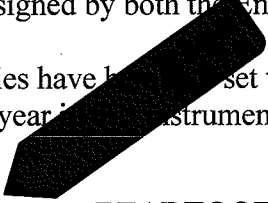
This Memorandum of Understanding together with attachments or addenda represents the entire and integrated Agreement between the Entity and the Beartooth RC&D and supersedes all prior negotiations, representations, or agreements, written or oral. This Memorandum of Understanding may be amended only by written instrument signed by both the Entity and the Beartooth RC&D.

**IN WITNESS WHEREOF**, the parties have hereunto set their hands and seals to this Memorandum of Understanding the day and year first above written.

**CITY OF BILLINGS**

**BEARTOOTH RC&D/EDD**

\_\_\_\_\_  
Thomas W. Hanel  
Mayor

  
\_\_\_\_\_  
Charles E. Egan  
Chairman

**Regular City Council Meeting**

**Date:** 02/14/2011

**TITLE:** Certified Local Government Grant Program

**PRESENTED BY:** Candi Beaudry

**Department:** Planning & Community Services

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**Information**

**PROBLEM/ISSUE STATEMENT**

The State of Montana Historic Preservation Office has designated the City of Billings as a Certified Local Government (CLG) for historic preservation activities. As a CLG, the City is eligible to receive state funding of \$5,500 to coordinate historic preservation efforts in our area. Applications for FY2011-12 funding from the State are due on February 28, 2011. The City of Billings has been utilizing Certified Local Government funding for activities in support of the efforts of the Yellowstone Historic Preservation Board since 1997. A description of these activities is provided in Attachment 1.

**ALTERNATIVES ANALYZED**

The City Council may:

- Agree to participate in the State CLG program and accept CLG grant funding to coordinate historic preservation activities in Billings and Yellowstone County; or
- Decline to participate in the State CLG program and accept CLG grant funding to coordinate historic preservation activities in Billings or Yellowstone County

**FINANCIAL IMPACT**

City Council approval would allow the City of Billings to apply for \$5,500 in State of Montana Certified Local Government funding. The local cash match for the Certified Local Government will be \$2,500 and \$22,177 will be provided in in-kind match for a total match of \$30,177. The majority of the in-kind match is from calculating time and salary of the Historic Preservation Officer. The total cash funding package is \$8,000 that is used for consulting services provided by the Western Heritage Center to perform activities identified in the Yellowstone Historic Preservation Board Annual Work Plan. The Planning Division will provide \$1,031 towards the local cash match. The Yellowstone Historic Preservation Board will request \$1,000 from Yellowstone County and \$469 from the City of Laurel towards the remaining local cash match.

**RECOMMENDATION**

Staff recommends that the City Council authorize the submission of an application for a \$5,500 Certified Local Government grant from the Montana State Historic Preservation Office.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

YHPB Work Plan

Grant Application with Signature Page

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<p style="text-align: center;"><b>Yellowstone Historic Preservation Board Work Plan 2010-2011</b></p>
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Goals & Objectives:

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

**2010 Projects**

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

Time Frame: 2010-2011  
Who: YHPB Board and HPO/WHC, North Elevation Task Force  
Status: This is part of the North Elevation Task Force but will be nominated individually. Subcommittee members: Kathleen, Julie and Kevin.

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

Time Frame: Continuing until complete  
Who: YHPB Board, WHC and staff, North Elevation Task Force  
Status: This project is ongoing and the board will continue assisting as needed.

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

Time Frame: 2010  
Who: Lora Mattox will continue to administer the Preserve America funds for the Old Town, YHPB, WHC, HPO and the Old Town Neighbors, Inc.  
Status: This project should conclude by June 1, 2010.

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

Time Frame: 2010  
Who: Emelie Eaton is the lead board member, YHPB, WHC, HPO and the City of Laurel  
Status: This project should conclude by June 1, 2010.

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

Time Frame: 2010-2011  
Who: Bill DuBeau is the lead board member, YHPB, WHC, HPO  
Status: This project is seeking funding to complete.

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

Time Frame: 2010-2011  
Who: Kathleen Armstrong is the lead board member, YHPB, WHC, HPO, possibly Montana SHPO  
Status: This project is working toward completion. After compilation, the trunks will be housed and maintained by the WHC.

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

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

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

Time Frame: 2010-2011  
Who: YHPB, WHC, HPO, Kevin and Kyle will monitor.  
Status: The board will review this project as time allows.

*Annual Board Activities*

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

Time Frame: Ongoing  
Who: Committee and HPO

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

Time Frame: Ongoing  
Who: WHC

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

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

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

Time Frame: Ongoing  
Who: HPO/WHC

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

Time Frame: Ongoing  
Who: HPO/WHC/Board

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

Time Frame: Ongoing  
Who: HPO/WHC

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

Time Frame: Ongoing  
Who: WHC/HPO

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

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

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

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

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

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

- 11. Continue the review of Community Development Block Grant rehabilitation projects as needed.**

Time Frame: Ongoing  
Who: YHPB/WHC

# **Certified Local Government Grant Application**

**April 1, 2011 to March 31, 2012**

## **Application Deadline**

**February 28, 2011**

**Montana State Historic Preservation Office  
PO Box 201202  
Helena, MT 59620-1202  
(406) 444-7715**

**2011-2012 GRANT APPLICATION**  
**CERTIFIED LOCAL GOVERNMENT PROGRAM**

Certified Local Government: City of Billings

Address: 510 North Broadway, 4<sup>th</sup> Floor, Parmly Billings Library, Billings, MT 59101

Contact Person: Lora Mattox, AICP, Historic Preservation Officer

Period of Grant Request: April 1, 2011 to March 31, 2012

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

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

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

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

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

- Plan and coordinate activities and publicity during National Preservation Week in May 2011.
- Carrying out the responsibilities for the CLG Program as outlined in "The Certified Local Government Program in Montana."
- Submit semi-annual reports on the historic preservation efforts of the community carried out by the City under the CLG grant.

### BUDGET

4-1-2011 to 3-31-2012 Budget	Cash Amount	Cash Source	In-kind Amount	In-kind Source	Total
<b>A. Salaries, Wages, Benefits</b>			\$18,720 HPO	HPO- \$39hr x 40hrs/mo x 12 mos CI/CO	\$18,720
<b>B. Office Rental</b>			\$1,000	Large conference use @ 2 hrs/mo x \$50/hr x 10 mtgs/yr	\$1,000
<b>C. Equipment</b>			*	CI/CO	
<b>D. Supplies &amp; Materials</b> Itemize major categories			*	CI/CO	
<b>E. Postage</b>			*	CI/CO	
<b>F. Telephone &amp; Internet</b>			*	CI/CO	
<b>G. Photocopies</b>			*	CI/CO	
<b>H. Preservation Commission</b> Number of hours X * rate X number of members X number of meetings			\$2,457 2 hrs/mo x \$17.55 x 7 members x 10 mtgs/yr	YHPB Members	\$2,457
<b>I. Volunteers</b> Hours X * rate X number of volunteers.					

<b>J. Travel Mileage</b> Number of miles X 0.51 cents. <b>Include funds for HPO and/or Commissioners to attend CLG annual training</b>			*	PR	
<b>K. Travel Meals</b> # of Meals X rate: Breakfast - \$5.00 Lunch - \$6.00 Dinner - \$12.00			*	CI/CO	
<b>L. Lodging</b> \$70.00 plus tax X number of nights			*	CI/CO	
<b>M. Project (s) Expenses – fully itemized</b>	\$5,500 \$2,500	F CI/CO			\$8,000
<b>N. Other Expenses</b> – fully itemized.					
<b>M. Total Expenses</b>					\$30,177

**SOURCE KEY:**

F-Federal

CI-City

CO-County

NP- Private/Non-Profit

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

<b>SOURCES OF REVENUE</b>	<b>AMOUNT</b>
<b>Itemized Cash Match Source</b>	
<u>City of Billings</u>	<u>\$1,031</u>
<u>City of Laurel</u>	<u>\$469</u>
<u>Yellowstone County</u>	<u>\$1,000</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<b>Itemized In-Kind Match Source</b>	
<u>Room rental for board meetings</u>	<u>\$1,000</u>
<u>Large conference use @ 2 hrs/mo x \$50/hr x 10 mtgs/yr</u>	<u> </u>
<u>Preservation Member Time</u>	<u>\$2,457</u>
<u>2 hrs/mo x \$17.55 x 7 members x 10 mtgs/yr</u>	<u> </u>
<u>HPO Time</u>	<u>\$18,720</u>
<u>HPO \$39/hr x 40 hrs/mo x 12 mos</u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<b>Federal HPF Grant Request from SHPO</b>	
<u>CLG Funds</u>	<u>\$5,500</u>
<b>TOTAL REVENUE</b>	<u><b>\$30,177</b></u>

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

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

Name (typed) Bill DuBeau

Address 235 Avenue F, Billings, Montana 59101

Telephone 406-248-2633

\*\*\*\*\*

**Certified Local Government  
Chief Elected Official**

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

Name (typed) Thomas W. Hanel

Title Mayor

Address PO Box 1178, Billings, Montana 59103

Telephone 406-657-8296

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

\*\*\*\*\*

**Certified Local Government  
Historic Preservation Officer**

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

Name (typed) Lora Mattox

Address 510 N Broadway, 4<sup>th</sup> Floor, Parmly Billings Library, Billings, Montana 59101

Telephone 406-247-8622

\*\*\*\*\*

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

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

**Regular City Council Meeting**

**Date: 02/14/2011**

**TITLE:** Approval of Downtown Revolving Loan Fund Recommendation for Tracy Lofts Development Venture, LLP

**PRESENTED BY:** Patrick M. Weber

**Department:** City Hall Administration

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**Information**

**PROBLEM/ISSUE STATEMENT**

The Downtown Revolving Loan Committee met on January 18, 2011, and approved a loan to Tracy Lofts Development Venture, LLP.

Tracy Lofts Development Venture, LLP is requesting a loan from the Downtown Revolving Loan Fund for the purpose of constructing loft apartments in the Tracy Building, located at 2600 Montana Avenue. Tracy Lofts Development Venture, LLP purchased the building and is in the process of remodeling the former warehouse. The total project costs will be approximately \$1,870,000, of which the Downtown Revolving Loan Fund will loan no more than \$250,000 while requiring equity by the partnership of at least 20% of total costs. The Downtown Revolving Loan will be subordinate to a bank loan of approximately \$1,345,000.

**ALTERNATIVES ANALYZED**

If Council does not approve the loan, completion of the project may be difficult and the building could remain vacant.

**FINANCIAL IMPACT**

Subsequent to approval of this loan, the loan fund will have a balance available of approximately \$2,230,000. (\$3,200,000 approved and \$970,000 outstanding)

**RECOMMENDATION**

The Downtown Revolving Loan Committee recommends that council approve the loan to Tracy Lofts Development Venture, LLP for no more than \$250,000 while requiring equity of at least 20% of total costs.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

[Attachment A](#)

[Tracy Building picture](#)

[Historic Approval](#)

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Revolving Loan Fund Loan

Monday, February 14, 2011

The Tracy Lofts Development Venture, LLP, loan terms are as follows:

Loan	Not to exceed \$250,000.
Interest Rate	5% Adjusted annually.
Term	Amortized over twenty years with a balloon payment at maturity.
Payments	Minimum Payments calculated at a rate of 5% over a ten year term.
Collateral	Second mortgage on the real property and personal guarantees of LLC members Michael and Cara Schaer, Greg and Martha McDowell and W. Randall and Janna Hafer.
Disbursement	The City will disburse funds after it receives documentation supporting the actual project costs to assure that 20% equity exists.

This loan is for the purpose of remodeling the Tracy Building located at 2600 Montana Avenue.



GAMBLE-ROB <sup>TH</sup>SON  
COP  
600 MONROE AVE

ONE WAY

**TE**  
REALTY  
www.te-realty.com

**BUILDING FOR SALE**  
For Information Call  
Tracy Miranda  
Emilio Campos  
**406-245-4220**



# United States Department of the Interior

## NATIONAL PARK SERVICE

1849 C Street, N.W.  
Washington, D.C. 20240

January 10, 2011

Mr. Randy Hafer  
Tracy Lofts Development Venture, LLP  
PO Box 2203  
Billings, MT 59103

PROPERTY: **George L. Tracy Building, 2528 Montana Ave. (formerly #2600), Billings, MT**  
PROJECT NUMBER: **25512**

Dear Mr. Hafer:

The National Park Service has determined that the subject property contributes to the significance of the Billings Townsite historic district. The George L. Tracy Building, along with its site and environment, contributes to the historic district with character defining features that include, but are not necessarily limited to, the exterior of the brick block with its modest brick and stone trim, and recessed window bays with wide spandrels. This determination is made in response to the Historic Preservation Certification Application -- Part 1 submitted to this office, and this property is therefore considered a "certified historic structure".

As you plan your rehabilitation, we strongly recommend that you review the Preservation Briefs and other preservation-related information provided online by NPS at <http://www.nps.gov/history/hps/tps/tax/index.htm> to help you plan a successful rehabilitation that will preserve the historic character of this building/site/complex and will meet the Secretary of the Interior's Standards for Rehabilitation. The National Park Service also strongly encourages applicants to obtain approval of your Part 2 - Description of Rehabilitation - prior to beginning work, in order to ensure conformance with the Standards.

Obtaining "certified historic structure" status is the first step in qualifying for maximum tax benefits under Federal Laws. These benefits apply only to structures that have either undergone or are about to undergo rehabilitation that can be certified in accordance with the Secretary of the Interior's "Standards for Rehabilitation."

If you have any questions regarding your Part I application, please call the State Historic Preservation Office or me at 202-354-2278.

Sincerely,

Roger Reed, Historian  
National Register of Historic Places

cc: IRS  
MT SHPO

**Regular City Council Meeting**

**Date: 02/14/2011**

**TITLE:** Acknowledge Receipt of Petition to Vacate portions of 4th Avenue South and South 23rd Street and Set a Public Hearing

**PRESENTED BY:** David Mumford

**Department:** Public Works

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**Information**

**PROBLEM/ISSUE STATEMENT**

ConocoPhillips has petitioned to vacate South 23rd Street between 3rd Avenue South and 4th Avenue South and 4th Avenue South between South 23rd Street and South 24th Street totaling 54,380 square feet. ConocoPhillips owns all of the property abutting the proposed right-of-way and may develop the property in the future, but has no immediate redevelopment plans. Conoco's goal is to reduce traffic on the streets by making them private and allowing private road signs to be installed. Currently, there is a water and a sanitary sewer line running through the proposed vacated area. ConocoPhillips will enter into an easement agreement that will allow full access to these lines and will require ConocoPhillips to relocate the water and sanitary sewer lines if they ever propose to construct a structure over the lines, including constructing a fence that limits access to the property and utilities.

**ALTERNATIVES ANALYZED**

The Council may:

- Approve acknowledgement of petition to vacate the above-mentioned right-of-way and set a public hearing for March 14, 2011.
- Do not acknowledge the petition and terminate the street vacation process.

**FINANCIAL IMPACT**

A comparison land sales report was completed by Charles H. Hamwey, valuing the right-of-way at \$2.25 to \$2.50 per square foot. ConocoPhillips is offering the city \$2.50 per square foot. In the past, the City has accepted \$2.35 per square foot from ConocoPhillips for right-of-way. The total amount offered from ConocoPhillips is \$135,950.00.

**RECOMMENDATION**

Staff recommends that Council acknowledge the receipt of petition to vacate portions of South 23rd Street and 4th Avenue South and set a public hearing for March 14, 2011.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

Exhibit of Right of Way

Letter from Charles H. Hamwey establishing value of land

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1010 Grand Ave.  
Billings, Montana 59102  
(406) 248-2020  
FAX (406) 248-3949  
www.hamwey.com

July 30, 2010

Vicki Westby  
ConocoPhillips Co.  
Property Tax, Real Estate, Right of Way and Claims  
2626 Lillian Ave.  
Billings MT 59101

RE: Portions of S. 23<sup>rd</sup> ST. & 4<sup>th</sup> Ave. S. Right-Of-Way  
Attached Legal Description

Dear Vicki,

Upon your request I have reviewed the above subject property on July 29, 2010 to establish the Estimated Fair Market Value as of this date.

The property that is being evaluated belongs to the City of Billings which consists of S23th St. and 4<sup>th</sup> Ave. S. along with any alley ways. This property is West of the ConocoPhillips Refinery.

In researching comparable sales that are zoned Community Commercial that have sold in this area, The last known comparable sale was 8/29/07 and sold for \$2.50 per Sq.Ft. From 2005 to 2007 the range of value was \$2.25 to \$2.50 per Sq.Ft.

Based on the economic conditions and demand for this type of property, this area has been non existent. Based on this information I feel that the fair market value for the above subject property would be \$2.50 per Sq.Ft. or is worth,

**\$135,950.00**

If you have any further questions please feel free to contact me.

Sincerely,

  
Charlie Hamwey



## **PROFESSIONAL QUALIFICATIONS**

### **CHARLES H. HAMWEY**

#### **APPRAISED FOR:**

US Bank, Yellowstone Bank, Valley Federal Credit Union, M.G.I.C., Billings Clinic, Billings School District #2, Burlington Northern, Kodak, Plus Relocation, Conoco, Small Business Administration, Various Attorneys in the Billings area including: Crowley Law Firm, Brown Law Firm and Dorsey & Whitney Law Firm, Tim Filz Lawyer, Angus Fulton Lawyer, Stewart Kirkpatrick Lawyer, Western Security Bank, First Interstate Bank, US Bank, Served on Condemnation Commission for the State of Montana, Qualified in District Court as an expert in Real Estate and Real Estate Values

#### **EDUCATION:**

Graduate of Oneonta High School, Oneonta NY, in 1960 with Academic Degree  
Graduate of Rocky Mountain College, Billings MT, in 1964 with BA Degree  
Advance courses in Real Estate, including commercial courses at the University of Washington and commercial courses sponsored by the National Association of Realtors  
Graduate Real Estate Institute, GRI  
Certified Residential Specialist, CRI  
Certified Residential Broker, CRB

#### **BUSINESS AFFILIATIONS:**

Texaco, Inc., Real Estate Dept., 3 ½ years  
Husky Oil Co., Real Estate Dept., Assistant Division Mgr., 7 years  
Broker/Manager and Vice President of Floberg Realtors Inc., supervising 18 full time salespeople, 5 years  
Broker/Owner and President of Real Estate by Hamwey Inc., since 1980, 15 full time Sales Associates/Brokers  
Commercial Broker since 1975  
Appraising Real Estate since 1974

#### **MEMBERSHIP IN PROFESSIONAL SOCIETIES:**

National Association of Realtors  
Montana Association of Realtors  
Billings Board of Realtors  
Realtors National Marketing Institute

#### **REAL ESTATE RECOGNITION:**

Realtor of the Year, Billings Board of Realtors, 1981  
Salesman of the Year, Billings Board of Realtors, 1975  
Member of the Million-Dollar Club since 1975  
Real Estate Broker since 1973  
President of Billings Board of Realtors, 1981  
President Billings Multiple Listing Service, 1987, 1999, 2000, 2003  
State Director for the Billings Board of Realtors, 1980-1984, 1990-1994  
Chairman of Billings Legislative Committee, 1984-1990  
Member of the Yellowstone County Board of Planning, 1994 - 2004  
Chairman of the Yellowstone County Board of Planning 1999, 2000

**Regular City Council Meeting**

**Date: 02/14/2011**

**TITLE:** Acknowledge Receipt of Petition to Vacate Portions of Right of Way in Twin Oaks Subdivision

**PRESENTED BY:** David Mumford

**Department:** Public Works

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**Information**

**PROBLEM/ISSUE STATEMENT**

Twin Oaks Corporation, the property owner of Twin Oaks Subdivision 2nd Filing, is replatting portions of the subdivision. With the new plat, portions of the internal streets will be realigned. This requires portions of the street right of way to be vacated and new right of way to be dedicated. None of these streets have been constructed. Twin Oaks Corporation is the original developer, therefore, the right of way to be vacated will be at no cost to the developer. Attached is a map showing the right of way to be vacated and the new right of way to be dedicated. This Council action acknowledges receipt of the street vacation application and sets a public hearing date. The new plat for Twin Oaks Subdivision, which will dedicate new rights of way, will be presented for approval at the March 14, 2011, City Council meeting along with the public hearing for the proposed right of way vacation.

**ALTERNATIVES ANALYZED**

The Council may:

- Acknowledge receipt of petition to vacate the above mentioned right of way and set a public hearing for March 14, 2011; or
- Do not acknowledge the petition and terminate the street vacation process.

**FINANCIAL IMPACT**

Since the right of way proposed to be vacated will revert to the original developer and no streets are constructed, there is no cost for the vacation. New rights of way will be dedicated to replace the vacated area.

**RECOMMENDATION**

Staff recommends that Council acknowledge receipt of the petition to vacate portions of right of way within Twin Oaks Subdivision 2nd Filing and set a public hearing for March 14, 2011.

**APPROVED BY CITY ADMINISTRATOR**

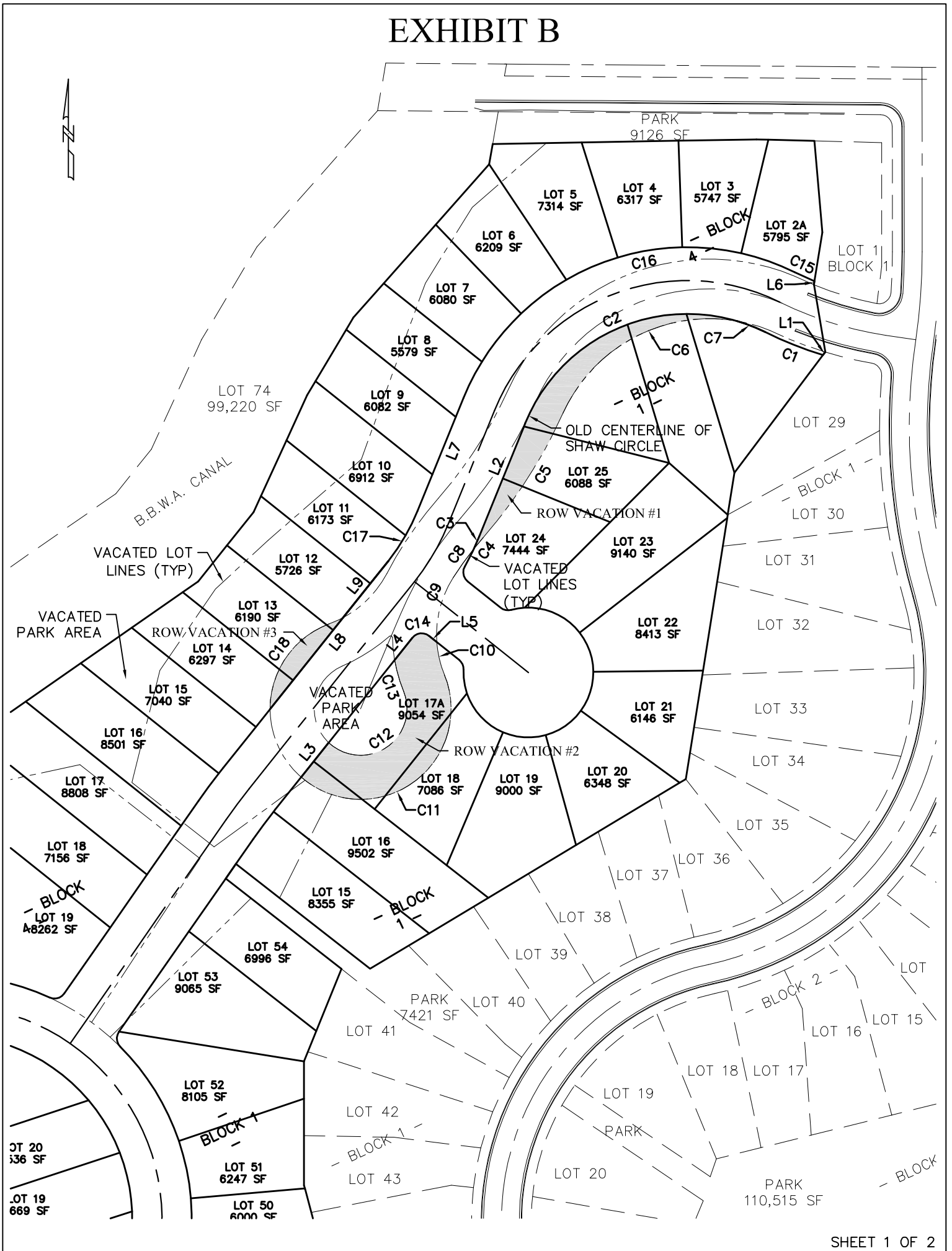
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**Attachments**

Vacation Map

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# EXHIBIT B



**Regular City Council Meeting**

**Date: 02/14/2011**

**TITLE:** Resolution approving Yellowstone Family Park Master Plan (formerly Byron Nelson Park)

**PRESENTED BY:** Mike Whitaker

**Department:** Parks/Rec/Public Lands

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**Information**

**PROBLEM/ISSUE STATEMENT**

In May, 2010, the Yellowstone Club Estates (YCE) Home Owners Association (HOA) approached the Billings Parks and Recreation Department requesting that dedicated parkland in their subdivision be developed. Byron Nelson Park, located at the intersection of 54th Street West and Bobby Jones Blvd. was dedicated when the subdivision was created in 1960, but it was never improved. The HOA provided \$25,000 for the first phase of the project, to develop a park master plan. On August 16th a Request For Proposals to develop a park master plan was issued and Land Design, Inc. of Billings was selected as the consultant. Contract negotiations followed and on November 8th, Council approved the contract. A notice to proceed was issued on November 19th and design work began. Two public meetings were held at the Yellowstone Country Club on December 21st and January 4th. The concepts were presented and public comment and input was received. On January 12th, the Yellowstone Family Park Master Plan was presented to the Parks, Recreation and Cemetery Board and it unanimously recommends approval by Council.

**ALTERNATIVES ANALYZED**

Council may:

- Adopt the Yellowstone Family Park Master Plan; or,
- Not adopt the plan. The park cannot be improved without an adopted master plan.

**FINANCIAL IMPACT**

The park will be designed, constructed and maintained through the creation of a Special Improvement District (SID) and a Park Maintenance District (PMD). therefore there will be no financial impact to the City.

**RECOMMENDATION**

Staff and the Parks, Recreation and Cemetery Board recommend adoption of the Yellowstone Family Park Master Plan.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

Resolution

Master Plan

---

RESOLUTION NO. 11 - \_\_\_\_\_

**A RESOLUTION ADOPTING A MASTER PLAN FOR THE DEVELOPMENT OF YELLOWSTONE FAMILY PARK IN YELLOWSTONE CLUB ESTATES SUBDIVISION**

**WHEREAS**, the public interest requires the creation and adoption of a Master Plan for Yellowstone Family Park in the Yellowstone Club Estates Subdivision to control and limit development in accordance with the needs of the subdivision and the community, the limitations and constraints of the park site, and with improvements suited to and appropriate for the surrounding land uses; and

**WHEREAS**, it is in the public interest and necessary that the current and future development of the park shall conform to the adopted master plan; and

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

1. *Master Plan.* The master plan for Yellowstone Family Park presented for adoption and attached as *Exhibit "A"* is the official Master Plan for the park;
2. *General Character of Improvements Provided for by the Plan.* The master plan describes the general character of the improvements to the park and the facilities to be located on the public parkland known as Yellowstone Family Park. The purpose of the plan is to guide development of the park and a maintenance district to provide perpetual maintenance of the subject park facilities.
3. *Changes.* Proposed improvements not part of the adopted plan shall not be installed unless a new master plan is adopted through the normal park planning process that finds that the proposed improvement is appropriate as described above and can be incorporated as part of an "amended" park master plan to be presented for adoption at that time.

**PASSED, ADOPTED AND APPROVED** by the City Council of the City of Billings, Montana, this 14<sup>th</sup> day of February, 2011.

CITY OF BILLINGS

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

ATTEST:

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

# YELLOWSTONE FAMILY PARK MASTER PLAN

PREPARED FOR



FEBRUARY 2011

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## ACKNOWLEDGEMENTS

### PREPARED BY:

Land Design, Inc.  
Stacey Robinson, ASLA CLARB  
3529 Gabel Rd  
Billings, MT 59102  
www.ldinc.net



Yellowstone Club Estates Park Planning Committee  
Cari Piatkowski  
Reg Gibbs  
Rick Selensky  
Sterling Starr  
Cheryl Pittack  
Lisa Williams  
Mike Follett

## PROCESS OVERVIEW

The Master Plan for Byron Nelson Park began in November of 2010 with the goal to provide a meaningful and open master planning process lead by the Billings Parks, Recreation and Public Lands (PRPL) that fully engaged Yellowstone Club Estates (YCE) and surrounding Community served by Byron Nelson Park. The Master Plan for Byron Nelson Park was initiated by and funded by the YCE Home Owners Association through the City of Billings Parks Recreation and Public Lands following a vote by the YCCE Home Owners Association at their annual meeting that had over 100 members in attendance.

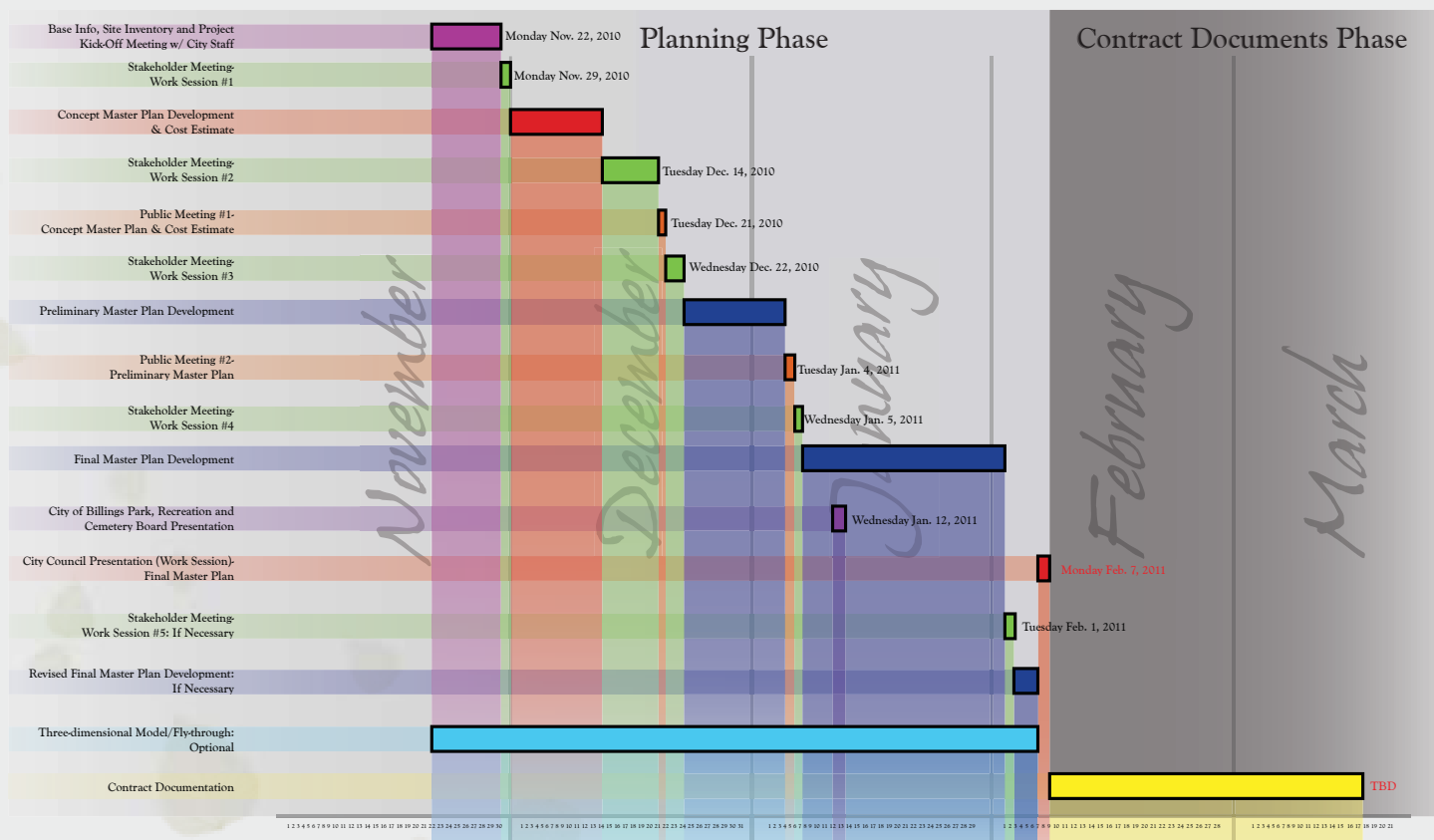
In addition to the Community, the planning team included PRPL, YCE, the YCE Home Owners Association and the YCE Park Planning Committee (PPC). Public input was provided by and solicited from the Community and ultimately drove the planning process and final Master Plan. This input was received throughout the project and was incorporated into the Master Plan.

## CITY WORK SESSION 1- NOVEMBER 22<sup>ND</sup>, 2010

The project kick-off meeting with PRPL was held to identify City of Billings goals and objectives for the project as well as project schedule and key tasks necessary for a complete and successful planning process. See Table 1. Public input and a Community driven process were stressed as important drivers for the project and incorporated into the key tasks.

## STAKEHOLDER MEETING 1- NOVEMBER 29<sup>TH</sup>, 2010

The project began with a kick-off meeting with the PRPL Staff (Mr. Mike Whitaker- Parks Director and Mr. Mark Jarvis- Parks Planner) and the YCE Park Planning Committee (PPC) who was appointed by the YCE Home Owners Association to speak on their behalf. This work session identified City expectations for the park as well as neighborhood expectations and desires. It was confirmed that the Byron Nelson Park was a Neighborhood Park by City definition, which is based on the National Parks and Recreation Association (NRPA) Standards, and as such would be planned with elements and uses consistent with neighborhood parks found throughout the City of



**Table 1. Master Plan Schedule.** (Tasks and schedule from City Work Session 1 with PRPL, YCE and Land Design Inc.)

Billings. See Table 2. The following is the preliminary program discussed in this meeting:

- User Safety
- Park shelter
- Gathering space
- Basketball court
- Playground equipment with accessible surfacing
- Irrigated turf lawn for multi-use recreation
- Park and neighborhood identity/signage
- Enhanced intersection at Bobby Jones and 54<sup>th</sup> Street
- Water conservation
- Improved visibility from 54<sup>th</sup> Street
- Balance of irrigated park land and natural park land
- Consideration of operation and maintenance costs
- Sustainability

The PPC also requested that the park change its name from Byron Nelson Park to Yellowstone Family Park and this was agreed to in concept by PRPL staff with the final consideration and approval by City Council.

The Consultant was tasked with the development of two concept plans: Plan A- Traditional Park Master Plan and Plan B- Stylized Park Master Plan. Both plans were to include the key programming elements identified in the Work Session and maintain the intent of a Neighborhood Park as defined by the City of Billings and NRPA Standards.

## STAKEHOLDER MEETING 2 - DECEMBER 14<sup>TH</sup>, 2010

Stakeholder Meeting 2 provided a preliminary review of the two Concept Plans for City Staff and the PPC to ensure the Concept Plans were consistent with City requirements and Community expectations. Both Concept Plans were presented and comments were received by those in attendance. Comments were favorable to both plans. Comments received in this work session were then incorporated into the plans in preparation for Public Meeting #1.

## PUBLIC MEETING 1- DECEMBER 21<sup>ST</sup>, 2010

Public Meeting #1 was held at the Yellowstone Country Club and was well attended with over 40 people. An overview of the planning process was presented to ensure those in attendance had an understanding of how the project was initiated (by YCE) and the next steps in the planning and public input process as required by the City of Billings.

A context map showing the relationship between Yellowstone Family Park and its fit into the City of Billings Parks System as well as the adjacent trails on the Heritage Trail network was presented. See Figure 1.

Work by PRPL to determine the service area of Yellowstone Family Park was also presented. This work revealed a service area of 381 homes/properties within the service district for Yellowstone Family Park.

Neighborhood Park	Community Park	Regional Park
5-10 Acres in size	30-50 Acres in Size	50+ Acres in Size
1/2 mile Service radius	3 Mile Service Radius	5 + Mile Service Radius
Walk to facility	Drive to Park/Serves several Neighborhoods	Drive to Park/City wide service
On Street Parking	Lot Parking	Lot Parking
No Restroom Facilities	Restroom Facilities	Restroom Facilities
No/Minimal Programmed Recreational Uses (non illuminated)	Grouped programmed Recreational Uses (illuminated)	Multiple programmed Recreational Uses (illuminated)
Activities Smaller in Scale- (More Neighborhood oriented)	Activities moderate in Scale- (Intermediate Size)	Activities larger in Scale- (Greater Quantity & Broader Selection of recreational uses)

**Table 2.** Park Definitions. (Programming elements based on park size and intended use level.)



**Figure 1.** Context map presentation board. (Map showing Yellowstone Family/Byron Nelson Park and its adjacency to surrounding trails and parks.)

important dates in the planning process including key dates where additional public input would be accepted.

The intent of the Public Meeting was to hear comments, concerns and ideas the Community might have related to the park master plan and incorporate these comments, to the extent possible, into the plan. The venue of the meeting allowed spoken comment during and following the presentation. Additionally, written comment sheets were offered to all in attendance with those comments directed to PRPL.

**Plan A- Traditional Park Master Plan**

Plan A features a built up central plaza on which the rustic style park shelter is placed. See Figure 2. This sets up the shelter as the focal point of the design. It also creates an elevated terrace from which parents can supervise the play of their children on the surrounding active use areas. The design also features a revised intersection at Bobby Jones and 54<sup>th</sup>. Street West which eliminates an existing right hand turn lane and lane divider in order to calm traffic and create a gateway entry feature for both the neighborhood and the park.

Gateway entry signs are envisioned as a part of the reworking of the intersection in order to provide identification for the park and the neighborhood. A large area of Plan A is dedicated to irrigated turf. Of the 4.6 acres, 3.1 are irrigated turf and planting beds, or enough turf area for 3 youth soccer fields. The remaining 1.5 acres are native grass meadow (non-irrigated). The inclusion of native dryland grasses represents a significant shift in thought from the traditional expectation of an irrigated turf park. The rationale behind the inclusion of dryland grasses in the design is to reduce operations and maintenance costs by keeping more intense park uses off of difficult to develop slopes. The prominent feature in the native grass meadow area is an embellished sledding hill in the north corner of the park. Neighborhood children already use this section of park as a sledding hill despite the relatively insufficient slopes that are present in the area. By enhancing the existing topography the design improves the sledding experience and encourages greater year round use of the park. The park also features perimeter berming and vegetative screening to separate the active play uses. This



Figure 2. Plan A presentation board. (Plan A is characterized as the "Traditional Plan")



Figure 3. Plan B presentation board. (Plan B is characterized as the "Stylized Plan")

berming and screening is a critical to ensure a user safety by providing physical separation from vehicles. A pedestrian crossing on 54<sup>th</sup> street as well as hard and soft surface trails ensure ease of pedestrian use while providing walking/jogging loops.

### **Plan B- Stylized Park Master Plan**

Plan B features the same elements as Plan A in a more stylized design. See Figure 3. The design features a 3-tier scheme in which terraces are graded to step down following the natural slope of the site. The design is focused around the central park shelter and plaza, which are set up to be the focal point for the design. The tiered nature of the design allows the plaza to be elevated above the surrounding active play areas providing an overlook from which parents can supervise their children, as well as making the plaza and shelter the defining element in the park. The shelter in this plan is made of a tensile fabric to further distinguish the shelter as the focal point of the design. Plan B also features the same revised gateway intersection design of Plan A, creating a gateway entry for the park and neighborhood. Plan B features a poured in place play surface which holds traditional playground elements. See Figure 4. Additionally, the plan has an irrigated turf activity lawn which is approximately 2.4 acres, or large enough for 2 youth soccer fields. The remaining 2.2 acres are left in an unirrigated native dryland grass meadow. The native meadow is included in order to reduce irrigation and maintenance costs. The major emphasis on Plan B was the incorporation of the concepts of Discovery Play and Land Art into the design. The Discovery Play concept is the idea that children are being denied the opportunity to interact with the natural



**Figure 4.** Poured in place play surface and traditional playground equipment.

environment in an imaginative way due to the over structuring of traditional playgrounds. Land Art is a means of creating interesting natural features, structures, and landforms from natural materials, which provide an interesting focal point for people to contemplate. Plan B features sculptural berming in the native grass meadow and can double as sledding chutes in winter. See Figure 5. The intent of the berming is to create a unique sculptural landform that will help visitors to identify the significance of the native grass meadow and stimulate the imaginations of visiting children to play and interact with the landform. A boulder field matrix was also included in the design scheme. See Figure 6. The boulder field matrix is an area of boulders on a geometric layout which will present children and users with another unique landscape that can be used in any number of ways from hide and seek to climbing and jumping. An additional function of the matrix is to reinforce the geometry of the design as a whole and tie the berming back into the central hub of the design. Perimeter



**Figure 5.** Sculptural landform.



**Figure 6.** Boulder matrix.

berming for screening and buffering are also utilized to separate the high activity uses from the adjacent roadways providing a safe physical buffer zone. Hard and soft surface walks are also included in the design to define circulation throughout the park for the benefit of walkers and joggers.

A detailed Estimate of Costs was presented for each of the plans. Assumptions related to grades and geotechnical information was made in the development of these estimates and this was explained to those present at the meeting. The estimates were broken down into hard-costs (cost for development) and soft- costs (cost for design, creation of an SID and contingency) and then broken down into cost per household (total cost, annual cost and monthly cost). See Table 3.

The YCE also presented benefits of park development to a neighborhood based on national trends and local needs directly related to Yellowstone Family Park. This offered an interactive dialogue, neighbor to neighbor, that was peer driven and well received. See Table 4.

General comments in Public Meeting 1 were favorable to the concept of developing the park. There were some in opposition to any development and some disagreed with the identified service area and the actual benefit of the park to their individual properties, but the

vast majority of people in attendance spoke in favor of the master planning process and development of the park.

Plan B- Stylized Plan was favored over Plan A in the numerous spoken comments as well as written comments received. There was favorable comment to combine elements of Plan A and Plan B into the Preliminary Master Plan. Elements such as the discovery play area, enhancing the loop trail system, including the proposed land art and the use of a rustic park shelter vs. a tensile shelter were taken and ultimately incorporated into the revised Preliminary Master Plan based on those comments received. There was also discussion related to off-site drainage issues that could be mitigated through proper grading and drainage within the park design as well as the proposed intersection redesign at Bobby Jones and 54th Street.

There was concern related to costs expressed by those in opposition to the park being developed. This was addressed by other neighbors stating that the benefit of the park to the neighborhood and individual property owners, in their opinion, outweighed the drawbacks. This was a good and meaningful discussion on cost accountability for both the development of the park and the operations and maintenance of the park.

Plan A				Plan B			
	Low	Costs High	Avg.		Low	Costs High	Avg.
Earthwork & Site Prep .....	\$55,088.84	\$69,105.18	\$62,097.01	Earthwork & Site Prep .....	\$56,310.80	\$72,688.12	\$64,499.46
Hardscape (includes rework of street intersection and entry signs) .....	\$241,479.20	\$302,555.20	\$272,017.20	Hardscape (includes rework of street intersection and entry signs) .....	\$279,126.80	\$352,757.00	\$315,941.90
Play Equipment .....	\$91,500.00	\$116,500.00	\$104,000.00	Play Equipment .....	\$91,500.00	\$116,500.00	\$104,000.00
Landscape .....	\$153,434.48	\$190,584.62	\$172,009.55	Landscape .....	\$166,283.30	\$207,980.44	\$187,131.87
Soft Costs .....	\$194,940.91	\$217,198.40	\$206,069.65	Soft Costs .....	\$213,559.52	\$239,976.18	\$226,767.85
<b>Total .....</b>	<b>\$736,443.43</b>	<b>\$895,943.40</b>	<b>\$816,193.41</b>	<b>Total .....</b>	<b>\$806,780.42</b>	<b>\$989,901.74</b>	<b>\$898,341.08</b>
Total cost per household- 381 households over 15 years .....	\$1,932.92	\$2,351.56	\$2,142.24	Total cost per household- 381 households over 15 years .....	\$2,117.53	\$2,598.17	\$2,357.85
Total annual cost per household- 381 households .....	\$128.86	\$156.77	\$142.82	Total annual cost per household- 381 households .....	\$141.17	\$173.21	\$157.19
Monthly Cost per household- 381 households .....	\$10.74	\$13.06	\$11.90	Monthly Cost per household- 381 households .....	\$11.75	\$14.43	\$13.10

**Table 3.** Park cost estimates. (Cost estimates for construction of preliminary plans A & B, as compiled by Land Design Inc.)

- Average home values increase 4-5% with the addition of a neighborhood park. Current homes in YCE and Yellowstone Ridge (YR) average around \$325,000 and, based on a 4% increase, the completed park could add an additional \$12,500 to the value of the average home. This is a great return on a \$2,360 (high end) investment.
- The Yellowstone Club Estates Homeowner's Association has paid for the Park Master Plan. This is step one of two required by the city to complete the park improvements. The second step is creating an SID to fund the design and construction of improvements selected from the Master Plan.
- Construction costs and bond rates are at their lowest in years – this equals an unparalleled opportunity to maximize our investment in our neighborhood.
- If we fail to develop our park, we risk of the acreage being sold to developers. A new development would not have to comply with our subdivision regulations (see Cottonwood Subdivision on 54th St.). We would have little to no input regarding the new development.
- Neighborhood Park versus Community Park. The park will not include lights, bathrooms, or off-street parking. It is designed for our neighborhood and not the community in general.
- YCE is an aging subdivision and needs some updating; a nice sign and a welcoming park would be a great beginning to neighborhood revitalization.
- When a homeowner markets their home, the aesthetic value of a neighborhood park could improve the opportunity of a family buying at YCE or YR home over other subdivisions.

**Table 4.** Pro-Park development rationale. (Reasons for park development as compiled by the YCE Homeowners Association Board.)

There was a request by the Public to look at like parks within the City of Billings and compare their Operations and Maintenance costs with those anticipated for Yellowstone Family Park. PRPL was tasked with this effort and provided information to the Consultant for use in Public Meeting 2.

### STAKEHOLDER MEETING 3 - DECEMBER 22<sup>ND</sup>, 2010

Stakeholder Meeting 3 provided an opportunity to discuss comments received from Public Meeting 1. Those in attendance included PRPL Staff and the PPC. Overall, review of the comments from Public Meeting 1 was positive as it related to the Plans presented. There was consensus that the Community preferred Plan B- Stylized Park to Plan A- Traditional Park.

### PUBLIC MEETING 2- JANUARY 4, 2011

Public Meeting 2 was also well attended with over 40 neighbors and community members. Review of the planning process, where we have been, where we are, and where we are going was reviewed with the project schedule. The Preliminary Master Plan was then presented:

#### **Preliminary Master Plan**

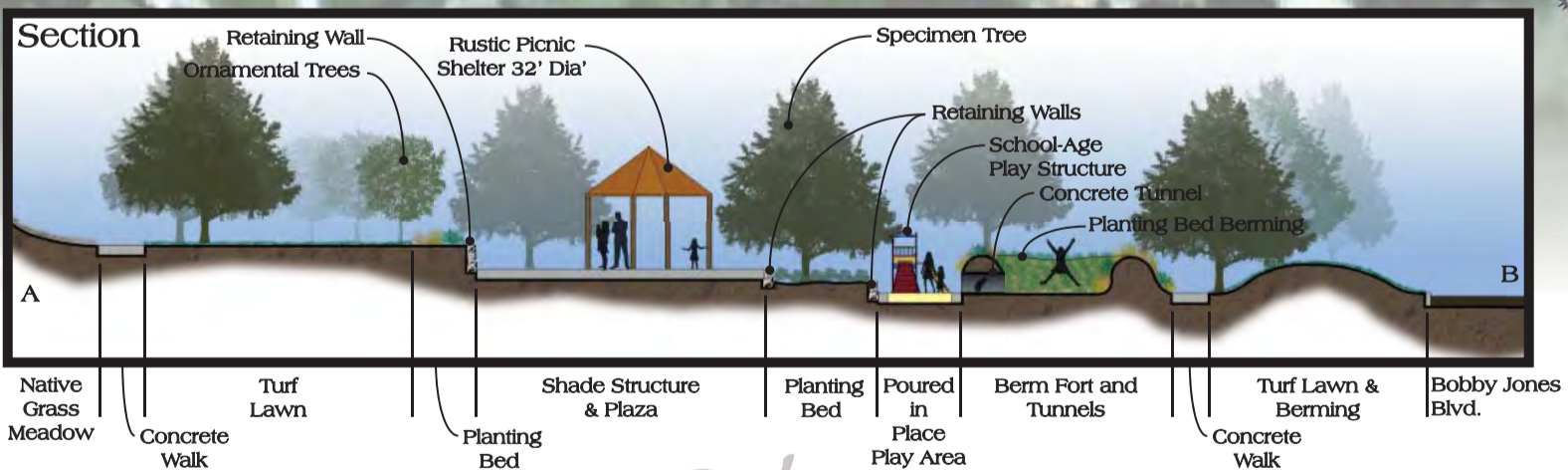
The Preliminary Master Plan or preferred plan is a combination of Plan A and Plan B based on comments received from the Community.

The Preliminary Master Plan incorporates the geometry of Plan B with more active use areas programmed into the overall geometry based on comments received. See Figure 7. The plan features 3 levels of groundcover that correspond to 3 activity levels within the park. Ground treatment ranges from dryland native grass for low activity levels, partially irrigated turf for moderate activity levels, and fully irrigated turf for high activity areas. The design was adjusted based on Community input so that a larger space of high use irrigated turf was created providing open space for 3 youth soccer fields or about 2.89 acres of irrigated turf and planting beds. The design also features a larger network of both hard and soft surface walks based on input received, comprising small and large loops of approximately .1 miles and .2 miles respectively. The key pedestrian crossing at 54<sup>th</sup> street was maintained as an important connection for park users in the Yellowstone Ridge Subdivision. The grading of the park is configured to follow the natural grades of the park, once again celebrating the shelter plaza as the primary focal point for the park. The park shelter was changed from the tensile fabric structure to the more traditional rustic structure based on several comments in favor of the more traditional, rustic shelter design. See Figure 8. The gateway entry feature and revised intersection was maintained in the preliminary master plan. See Figure 9. The poured in place play surface and traditional playground equipment were reduced in size while additional

# PRELIMINARY MASTER PLAN



Total Park Size - 4.6 Acres



## Master Plan YELLOWSTONE FAMILY PARK

1.4.2011



Figure 7. Preliminary Master Plan presentation board. (Preliminary Master Plan is a synthesis of public comments from previous work sessions.)

discovery play areas were expanded as the discovery play areas were favorably received by the Community. In addition to the sculptural landform and boulder matrix, a Berm Fort with boulder scrambles was also added. See Figure 10. The berm fort provides another interesting naturalistic element with which children can interact with by climbing or exploring. Overall tree counts were reduced and tree placements were revised in order to meet the expressed needs of some of the adjacent landowners to maintain their views of the Rimrocks or the Bearhooths. Perimeter Berming was maintained to ensure user safety from adjacent roads.

Following the presentation of the Preliminary Master Plan the Estimate of Costs for the development of



**Figure 8.** Example of rustic park shelter.



**Figure 9.** Gateway entry perspective. (Drawing of the entry gateway and signs proposed in the Yellowstone Family Park Preliminary Master Plan.)

the plan was presented. See Table 5. Case studies were also presented to provide a comparison of the Operations and Maintenance costs for Yellowstone Family Park. The parks evaluated for the case studies were Circle 50/Country Manor Park and Rimrock West Park. See Table 5. This information was provided by PRPL.

Discussion following the presentation was favorable for the Preliminary Master Plan. Most of the comments received were primarily focused on the operation and maintenance costs. There was the suggestion to include an area for ice skating in the active use area.



**Figure 10.** Boulder scramble. (Photo of Boulder Scramble proposed as a Discovery Play element in the Preliminary Master Plan.)

## Preliminary Construction Costs

	Costs		
	Low	High	Avg.
Earthwork & Site Prep .....	\$63,169.40	\$81,472.02	\$72,320.71
Hardscape (includes rework of street intersection ..... and entry signs)	\$373,981.53	\$449,115.03	\$411,548.28
Play Equipment .....	\$91,500.00	\$116,500.00	\$104,000.00
Landscape .....	\$190,955.78	\$237,853.26	\$214,404.52
Soft Costs .....	\$280,646.62	\$345,126.72	\$312,886.67
<b>Total .....</b>	<b>\$1,000,253.33</b>	<b>\$1,230,067.04</b>	<b>\$1,115,160.18</b>
<b>Total cost per household- 381 households .....</b>	<b>\$2,625.34</b>	<b>\$3,228.52</b>	<b>\$2,926.93</b>
<i>*Does not include interest</i>			
<b>Total annual cost per household- 381 households .....</b>	<b>\$175.02</b>	<b>\$215.23</b>	<b>\$195.13</b>
<i>*Does not include interest</i>			
<b>Monthly Cost per household- 381 households .....</b>	<b>\$14.59</b>	<b>\$17.94</b>	<b>\$16.26</b>
<i>*Does not include interest</i>			

## Maintenance & Operation Cost Comparisons

	Total Annual Cost	Annual Cost Per Household	Monthly Cost Per Household
Circle Fifty/Country Manor Park .....	\$16,000.00	\$58.00	\$4.88
(5 acres, 273 Households)			
Rimrock West Park .....	\$35,000.00	\$142.00	\$11.90
(10 acres, all irrigated, 245 Households)			

**Table 5.** Preliminary Master Plan cost estimates. (Cost estimates for the Preliminary Master Plan as presented at the 2nd public meeting, including operation and maintenance cost case studies from similar parks, as compiled by Land Design, Inc. and PRPL.)

There was opposition to the development of the park by some in attendance. Those who spoke in opposition had concerns regarding operation and maintenance costs and the ability to control those costs in the future and the actual service area of Yellowstone Family Park to those neighbors in YCE in the west end of the subdivision.

It was requested by one of those in attendance to take a vote by hands of those in favor and those opposed to the Preliminary Master Plan and potential development of Yellowstone Family Park. The vote was 41 in favor and 4 opposed.

## STAKEHOLDER MEETING 4 - JANUARY 5, 2011

Stakeholder Meeting 4 again included PRPL Staff and the YCE Neighbor's, and the YCE PPC. The Consultant presented the Yellowstone Family Park Master Plan and associated support materials in a Power Point presentation in anticipation of presenting the plan to the City of Billings Park, Recreation and Cemetery Board. The primary comment and revision from this meeting included how the estimated operation and maintenance costs were presented to ensure a fair and accurate estimation of these costs was illustrated. This change was incorporated in the final presentation.

The Consultant also presented a 3-dimensional ‘fly-through’ of the park, which was paid for directly by the YCE Home Owners Association. See Figures 11,12 &13. This effort graphically illustrates in 3-dimension what the proposed improvements for the park might look like. The PPC discussed its intent to carry forward the Yellowstone Park Master Plan, once approved by City Council, to its constituents in an effort to sell a Park Special Improvement District (SID) for the development of the park per the Master Plan and a Park Maintenance District (PMD) for the operation and maintenance of the park.



**Figure 11.** Computer model of rustic park shelter and poured in place playground and equipment.

CITY OF BILLINGS PARK,  
RECREATION AND CEMETERY  
BOARD PRESENTATION - JANUARY  
12, 2011

The Yellowstone Family Park Master Plan was presented to the City of Billings Park, Recreation and Cemetery Board. Following the presentation, several neighborhood and community members spoke in favor of the plan and the planning process. The Board unanimously recommended approval by the Billings City Council. Additionally, the Board unanimously approved the recommendation of the name change of Byron Nelson Park to Yellowstone Family Park.

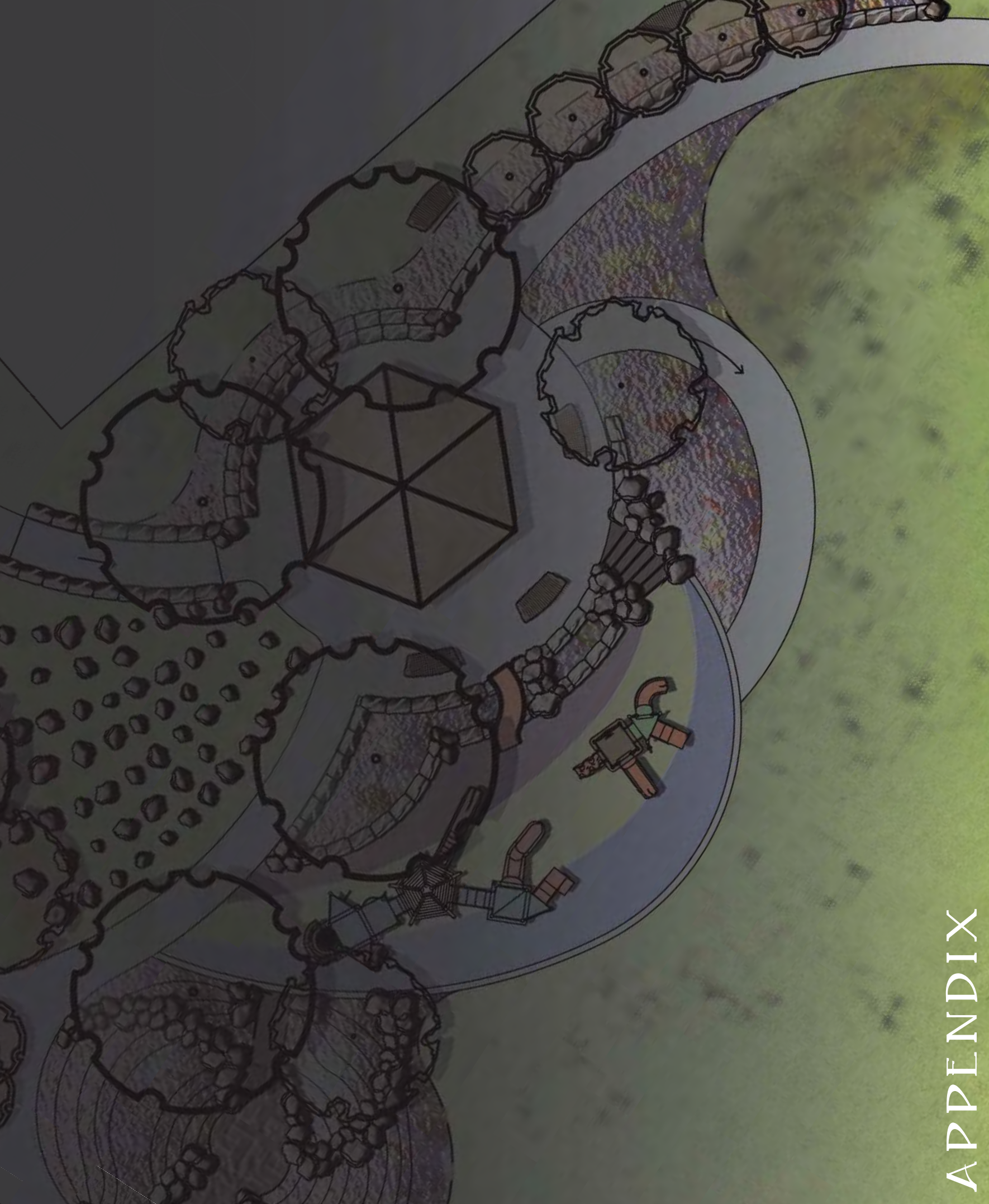


**Figure 12.** Computer model of partially irrigated turf and view to Rimrocks. (The partially irrigated turf features Land Art Berming.)

CITY COUNCIL WORK SESSION -  
FEBRUARY 7, 2011



**Figure 13.** Computer model of native grass turf and Land Art Berming sledding hill embellishments.



# MATERIAL PRESENTED AT PUBLIC MEETING I

- Neighborhood Needs/Expectations
- City Needs/Expectations
- Public Safety
- ADA Compliance
- Development Cost
- Operations/Maintenance
- Public Process/Timeline



## YELLOWSTONE FAMILY PARK MASTER PLAN

DESIGN DRIVERS



*Design Drivers. (Design considerations for master plan development.)*

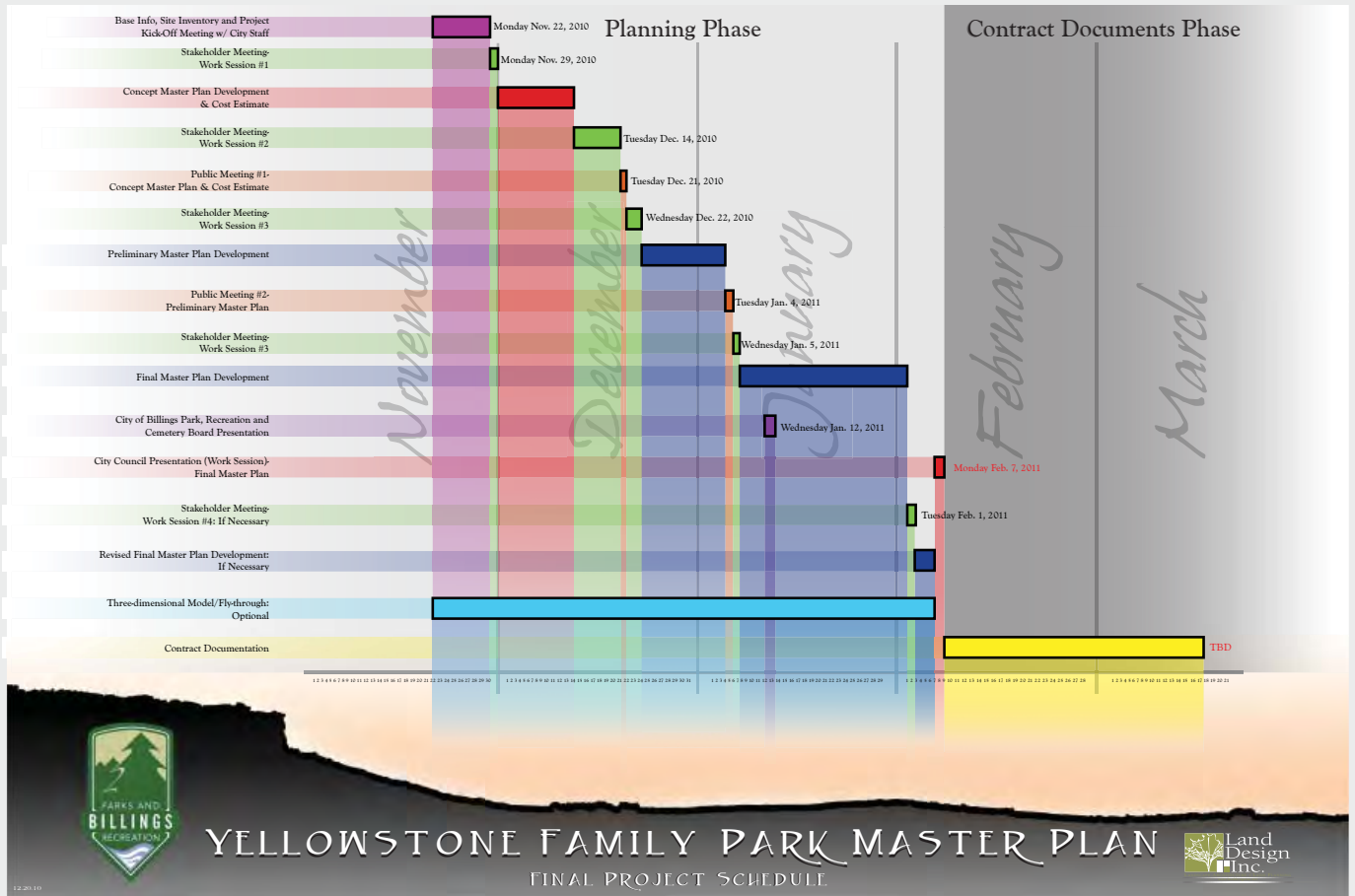


## YELLOWSTONE FAMILY PARK MASTER PLAN

SURROUNDING PARKS CONTEXT MAP



*Context map presentation board. (Map showing Yellowstone Family/Byron Nelson park and its adjacency to surrounding trails and parks.)*



*Master Plan Schedule. (Tasks and schedule from RFP requirements.)*



*Park Definitions. (Programming elements based on intended park use scale.)*



*Existing Park Conditions. (Photos illustrating existing views and site conditions.)*



*Analysis Diagram. (Inventory and analysis of site conditions for Yellowstone Family Park.)*



Slide Structure



Rock n Ride



Climbing Net



Playground



Swing Set



Tot Pole



Merry-Go-Round



Climbing Set



Climbing Set with Slide



Tilt-A-Whirl



# YELLOWSTONE FAMILY PARK MASTER PLAN

TRADITIONAL PLAYGROUND ELEMENTS



*Traditional Playground Elements image board. (Traditional playground element examples.)*



Tent Structure



Tent Structure



Tinder Structure Shelter



Rustic Shade Structure



Sliding Hill



Play Mats and Tot Poles



Boulder Scavenger



Boulder Scavenger



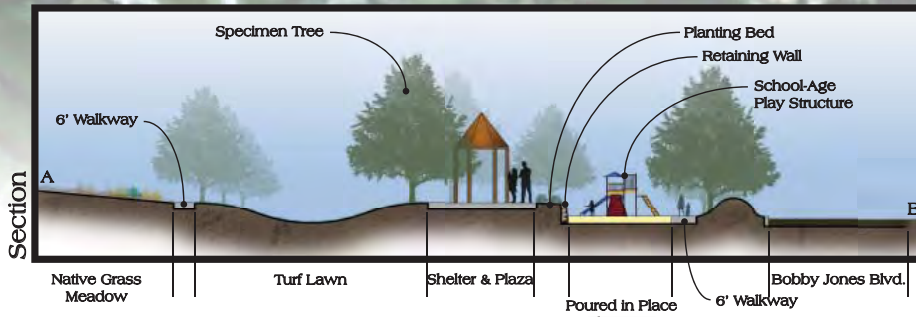
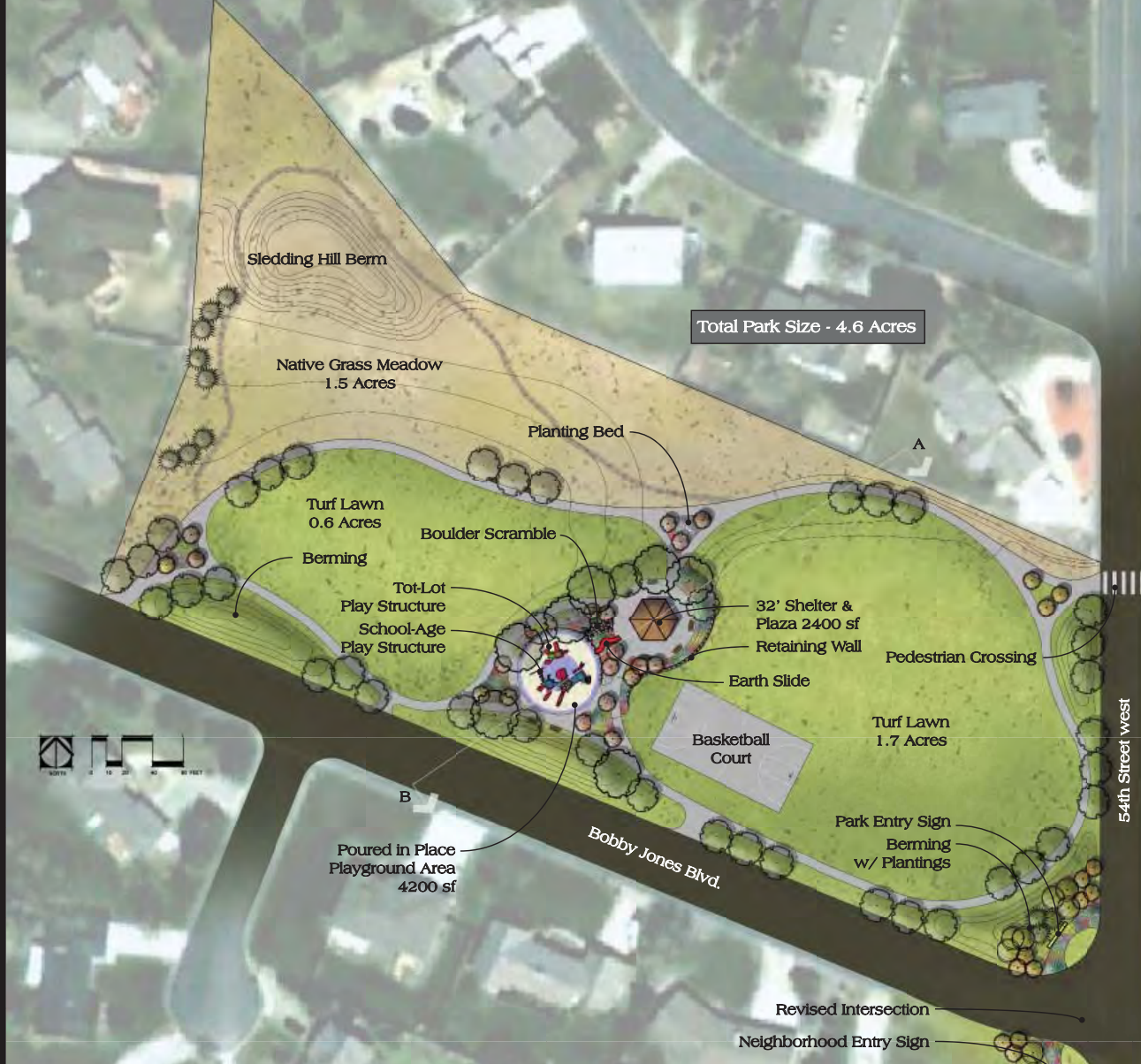
# YELLOWSTONE FAMILY PARK MASTER PLAN

PROGRAM ELEMENTS



*Program Elements image board. (Program elements proposed in Plans A & B, including traditional playground elements, discovery play elements and various park shelters)*

# PLAN A



*Master Plan*

# YELLOWSTONE FAMILY PARK

12.21.2010



Plan A presentation board. (Plan A is characterized as the "Traditional Plan")

# PLAN B



*Master Plan*

# YELLOWSTONE FAMILY PARK

12.21.2010



*Plan B presentation board. (Plan B is characterized as the "Stylized Plan" featuring discovery play elements and land art concepts)*

## Plan A

	Low	Costs High	Avg.
Earthwork & Site Prep .....	\$55,088.84	\$69,105.18	\$62,097.01
Hardscape (includes rework of street intersection and entry signs) .....	\$241,479.20	\$302,555.20	\$272,017.20
Play Equipment .....	\$91,500.00	\$116,500.00	\$104,000.00
Landscape .....	\$153,434.48	\$190,584.62	\$172,009.55
Soft Costs .....	\$194,940.91	\$217,198.40	\$206,069.65
<b>Total .....</b>	<b>\$736,443.43</b>	<b>\$895,943.40</b>	<b>\$816,193.41</b>
<b>Total cost per household- 381 households over 15 years .....</b>	<b>\$1,932.92</b>	<b>\$2,351.56</b>	<b>\$2,142.24</b>
<b>Total annual cost per household- 381 households .....</b>	<b>\$128.86</b>	<b>\$156.77</b>	<b>\$142.82</b>
<b>Monthly Cost per household- 381 households .....</b>	<b>\$10.74</b>	<b>\$13.06</b>	<b>\$11.90</b>

## Plan B

	Low	Costs High	Avg.
Earthwork & Site Prep .....	\$56,310.80	\$72,688.12	\$64,499.46
Hardscape (includes rework of street intersection and entry signs) .....	\$279,126.80	\$352,757.00	\$315,941.90
Play Equipment .....	\$91,500.00	\$116,500.00	\$104,000.00
Landscape .....	\$166,283.30	\$207,980.44	\$187,131.87
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<b>Total .....</b>	<b>\$806,780.42</b>	<b>\$989,901.74</b>	<b>\$898,341.08</b>
<b>Total cost per household- 381 households over 15 years .....</b>	<b>\$2,117.53</b>	<b>\$2,598.17</b>	<b>\$2,357.85</b>
<b>Total annual cost per household- 381 households .....</b>	<b>\$141.17</b>	<b>\$173.21</b>	<b>\$157.19</b>
<b>Monthly Cost per household- 381 households .....</b>	<b>\$11.75</b>	<b>\$14.43</b>	<b>\$13.10</b>



# YELLOWSTONE FAMILY PARK MASTER PLAN

PRELIMINARY COST ESTIMATES



*Park cost estimates. (Cost estimates for construction of preliminary plans A & B, as compiled by Land Design Inc.)*

- Average home values increase 4-5% with the addition of a neighborhood park. Current homes in YCE and Yellowstone Ridge (YR) average around \$325,000 and, based on a 4% increase, the completed park could add an additional \$12,500 to the value of the average home. This is a great return on a \$2,360 (high end) investment.
- The Yellowstone Club Estates Homeowner's Association has paid for the Park Master Plan. This is step one of two required by the city to complete the park improvements. The second step is creating an SID to fund the design and construction of improvements selected from the Master Plan.
- Construction costs and bond rates are at their lowest in years – this equals an unparalleled opportunity to maximize our investment in our neighborhood.
- If we fail to develop our park, we risk of the acreage being sold to developers. A new development would not have to comply with our subdivision regulations (see Cottonwood Subdivision on 54th St.). We would little to no input regarding the new development.
- Neighborhood Park versus Community Park. The park will not include lights, bathrooms, or off-street parking. It is designed for our neighborhood and not the community in general.
- YCE is an aging subdivision and needs some updating; a nice sign and a welcoming park would be a great beginning to neighborhood revitalization.
- When a homeowner markets their home, the aesthetic value of a neighborhood park could improve the opportunity of a family buying at YCE or YR home over other subdivisions.



# YELLOWSTONE FAMILY PARK MASTER PLAN

PARK DEVELOPMENT ADVANTAGES



*Pro-Park development rationale. (Reasons for park development as compiled by the Yellowstone Country Club Estates Homeowners Association Board.)*



Yellowstone Family Park  
Sign In Sheet  
Public Meeting 12-21-10



<u>Rick Selensky 651-0573</u>	<u>George Auker 652-5303</u>
<u>Cari Piattowski 534-1310</u>	<u>Shay Headrick 697-8474</u>
<u>Karen Allen 651-0498</u>	<u>Jami McNea 656-3357</u>
<u>Mike &amp; Pat Hastings 656-0072</u>	<u>JOHN + LINDA CLAWSON - 371-5108</u>
<u>LES BARNES 656-0227</u>	<u>STERLING STARR 652-2500</u>
<u>Frances Ballantyne 656-1304</u>	<u>Wayne Fincher 656-5349</u>
<u>TAVIS &amp; EMILY BEUYERE 656-3920</u>	<u>Gerald Christensen 657-9316</u>
<u>Nancy Porter 652-9695</u>	<u>Paul Hoyer 656-3266</u>
<u>Wes &amp; Joppie Budke 652-4525</u>	<u>Marcia Hurlburt 656-1999</u>
<u>Bill &amp; Dukun Smoot 652-3484</u>	<u>Joyce Taylor 256-1199</u>
<u>ROBERT ROSATTI 656-1572</u>	
<u>Van &amp; Cheryl Pittack 656-4725</u>	
<u>Lynda Ballard 652-2860</u>	
<u>Marilyn Heinemann 656-0564</u>	
<u>Mike Jullitt 655-0213</u>	
<u>Lisa M. Williams 252-8374</u>	
<u>Ed Jones 656-6020</u>	
<u>Roger McCalla 656-2814</u>	
<u>Jason Horta 591-1042</u>	
<u>Pat Curry 252-8296</u>	
<u>STAN &amp; FAY DANIELSEN 655-1929</u>	
<u>Steve Heiken 656-4975</u>	



Yellowstone Family Park  
Comment Card

Public Meeting 12-21-10

Please Send Additional Comments to jarvism@ci.billings.mt.us



Comments: *- need a sledding hill !! ☺  
i think: minimal "traditional" equipment + more imaginative play*

Likes: *love the natural -- land art! -> boulder fields, etc., earth slide, stumps  
playhuts imaginative play -- if there was anyway to include these features in either  
plan, that would be great*

Dislikes: *? do we need ball court?  
? Plan B with a less expensive shelter  
-? Keep the Yield sign (or stop sign)*



Yellowstone Family Park  
Comment Card

Public Meeting 12-21-10

Please Send Additional Comments to jarvism@ci.billings.mt.us



Comments: *need a walking trail*

Likes:

Dislikes: *traffic, parking, and loss  
of view of our home on Bobby Jones*



Yellowstone Family Park  
Comment Card

Public Meeting 12-21-10

Please Send Additional Comments to jarvism@ci.billings.mt.us



Comments: *I would love A park!*

Likes: *I like the sledding hill.*

Dislikes: *I would like Plan B but with a different shelter  
too cheaper one. I would like my yield sign! ← on 54th  
Emily Brunson*

# MATERIAL PRESENTED AT PUBLIC MEETING 2



*Preliminary Master Plan presentation board. (Preliminary Master Plan is a synthesis of public comments from previous work sessions.)*



**Gateway entry perspective.** (Drawing of the entry gateway and signs proposed in the Yellowstone Family Park Preliminary Master Plan.)

**Preliminary Construction Costs**

	Costs		
	Low	High	Avg.
Earthwork & Site Prep .....	\$63,169.40	\$81,472.02	\$72,320.71
Hardscape (includes rework of street intersection ..... and entry signs)	\$373,981.53	\$449,115.03	\$411,548.28
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Soft Costs .....	\$280,646.62	\$345,126.72	\$312,886.67
<b>Total .....</b>	<b>\$1,000,253.33</b>	<b>\$1,230,067.04</b>	<b>\$1,115,160.18</b>
<b>Total cost per household- 381 households .....</b>	<b>\$2,625.34</b>	<b>\$3,228.52</b>	<b>\$2,926.93</b>
<i>*Does not include interest</i>			
<b>Total annual cost per household- 381 households .....</b>	<b>\$175.02</b>	<b>\$215.23</b>	<b>\$195.13</b>
<i>*Does not include interest</i>			
<b>Monthly Cost per household- 381 households .....</b>	<b>\$14.59</b>	<b>\$17.94</b>	<b>\$16.26</b>
<i>*Does not include interest</i>			

**Maintenance & Operation Cost Comparisons**

	Total Annual Cost	Annual Cost Per Household	Monthly Cost Per Household
Circle Fifty/Country Manor Park .....	\$16,000.00	\$58.00	\$4.88
(5 acres, 273 Households)			
Rimrock West Park .....	\$35,000.00	\$142.00	\$11.90
(10 acres, all irrigated, 245 Households)			



**YELLOWSTONE FAMILY PARK MASTER PLAN**  
PRELIMINARY MASTER PLAN COST ESTIMATE



**Preliminary Master Plan cost estimates.** (Cost estimates for the Preliminary Master Plan as presented at the 2nd public meeting, including operation and maintenance cost case studies from similar parks, as compiled by Land Design Inc and Billings Parks and Recreation.)

My name is Ed Jones; I reside at 3134 Lloyd Mangrum – near the proposed park and am a member of the Yellowstone Country Club. I am a retired Architect, former president of CTA Architects, and have designed hundreds of schools and community facilities. With both my “concerned neighbor” and my architectural design hats on, I have studied the preliminary plans for the proposed Yellowstone Family Park and have the following comments

- a) Although both of the original concepts were viable design solutions that provide good financial return on investment and outstanding long-term neighborhood revitalization. Plan B results in the creation of better use of the outdoor space for the neighborhood because it is more creative and visually pleasing, primarily due to the proposed Land Art features. It responds in a practical way to the existing topography. Mounds are used for screening, safety and interest.
- b) The Parks and Recreation Department has advised me that the Maintenance and Operating costs are reasonable and will be provided, and that the soft costs presented include design and construction oversight and SID administrative costs. Geo-tech reports have not been conducted to date. The findings of those reports could result in potential project cost increases and modification to the Master Plan.
- c) A comparative analysis of the plans reveals the following
  - 1) Plan A showed a sledding hill berm. Although not indicated on Plan B, it provides the identical opportunity in the same location and should be modified to include sledding.
  - 2) The revised location for the basketball court in Plan B is an excellent improvement
  - 3) The locations of the signs were the same in both plans. Since the proposed location of the neighborhood sign, south of Bobby Jones is not as prominent as the location suggested for the Park identification sign, I suggest both the park and the neighborhood sign and the golf club identifier be merged into a single monument at a location to be determined by the parks and Recreation Department after careful study. While no sign will likely be located on the South side the South side should still be planted with landscaping that is similar to that on the North side.

In closing I'd like to say that now is the time to act. Timing is everything and this is an opportunity of a lifetime in our neighborhood.

- Long-term revitalization will improve quality of life and increase the value of all neighborhood properties
- It appears that a 500% minimum return on investment is likely due to the present bargain pricing of local construction and low bond financing. In a similar economic environment during the depression, construction on the Empire State Building was completed in ~~12~~<sup>14</sup> months at less than half of the estimated costs—coming in at \$24.7 million Vs. the \$50 million that was estimated.
- We have an opportunity to help to assure that our concerns regarding view-shed will be properly addressed by requesting the planners balance design considerations with preservation of reasonable neighborhood views of the nearby Rimrocks and mountains.

Good design must delight and inspire. Stated simply, design serves us well when it creates a more secure, effective, pleasant and rewarding way of life. The Yellowstone Club Estates Board, Billings Parks and Recreation Department and Land Design, Inc. deserve our appreciation for the results achieved to date. The rest is up to us and the City Council which has to first approve a Master Plan and then an SID.

I recommend that we get the ball rolling tonight by adopting Plan B, modified as I've suggested along with any other modifications we adopt this evening.

Thank you.



Yellowstone Family Park  
Sign In Sheet  
Public Meeting 01-04-11



Ed Jones - 3134 Cloyd Mangrum	Lee & Marti Holmes 6122 Sam Sneed
Steve Neiken 3303 Ben Hogan	Paul Hoyer 6124 Sam Sneed Tr
Frances Ballantyne 3240 Horton Smith	DAVID STENSRUD 5614 GENE SARAUSN
Steve Volk 3214 Horton Smith	LINDA CLAWSON 6114 SAM SNEAD
Wes & Jennie Budke 5428 Bobby Jones	JOHN CLAWSON "
Kirk & Nancy Porter 5432 Vardon Pl.	Jami McVea 5841 Sam Sneed
Karen Michaud 3036 Lloyd Mangrum L 651-9252	Mel McVea 5841 SAM SNEAD
Wally Hoffer 5237 Rocky Mtn Blvd 54104	ROBERT ROSATTI - 5404 GENE SARAZELL
George Anker 3311 Jack Burke Lane	Marilyn Heinenmann 5405 Sam Sneed
Stana Fay Danielsen 5522 Bobby Jones	Alma Brown 5411 Gene Sarazell
Amy Selensky 3625 Tommy Armour	PAT Curry 5412 Gene Sarazell Dr.
RICK SELENSKY 3625 TOMMY ARMOUR CIR.	Bob Mackinn 3653 Summit bridges @ wtp.net
MIKE WHITAKER CITY	Jayce Taylor 3211 Jack Burke Lane
Charles Pitted 5711 Bobby Jones	3504 Tommy Armour Circle
Cari Piatkowski 5514 Billy Casper	MIKE FOWETT BILLINGS 59106
Bill & Suzanne Smoot 5430 Gene Sarazell	3500 TOMMY ARMOUR CIR.
John W & Carol L.H. GREEN	HARRY DECOTT BILLINGS, MT 59116
5617 WALTER HAGEN	S.C. PARMETER 3606 64th Ave Cir 656-1574
Lanette & Mark Sorlie 3443 Stone Mt. Circle 59126	Lisa Williams 3308 Lloyd Mangrum 208-4095
Dennis/Kathy Steadman 3134 Ben Hogan	Reg Cillo 3507 Tommy Armour
Shay Headrick 5635 Billy Casper	Jay & Christena 3506 Tommy Armour
Lynda Belled 5425 Billy Casper	Sterling Starr 3713 Tommy Armour
Dick Stratford 5810 Sam Sneed	Ed Davis 3329 Jack Burke Lane
Craig & Bartholomew - 5405 Sam Sneed	Lynne McVea 3126 Lloyd Mangrum



Yellowstone Family Park  
Comment Card

Public Meeting 01-04-11

Please Send Additional Comments to jarvism@ci.billings.mt.us



Comments: Natural elements are great - Fort is a great  
would be open to 1/2 court basketball.  
sled hill is fantastic

Likes: ~~and 1/2~~

Dislikes: take out concrete and put asphalt or  
salted dirt walk on the lake



Yellowstone Family Park  
Comment Card

Public Meeting 01-04-11

Please Send Additional Comments to jarvism@ci.billings.mt.us



Comments: love the natural elements - earth slide, <sup>slides</sup> batters, etc. LOVE the fort!  
would be open to 1/2 court ball court  
love sled hill! thank you  
? take out concrete walk - go back to "cow path" or alternative,

Likes: \_\_\_\_\_

Dislikes: \_\_\_\_\_



Yellowstone Family Park  
Comment Card

Public Meeting 01-04-11

Please Send Additional Comments to [jarvism@ci.billings.mt.us](mailto:jarvism@ci.billings.mt.us)



Comments: I LIKE THE DESIGN  
- prefer a softer surface for walkway (Sand-like <sup>an old fashioned</sup> at road)  
Also - ARE garbage can(s) planned?

Likes: PLAN SEEMS TO INCORPORATE THE BEST OF THE  
FIRST TWO INITIAL PLANS.

Dislikes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Yellowstone Family Park  
Comment Card

Public Meeting 01-04-11

Please Send Additional Comments to [jarvism@ci.billings.mt.us](mailto:jarvism@ci.billings.mt.us)

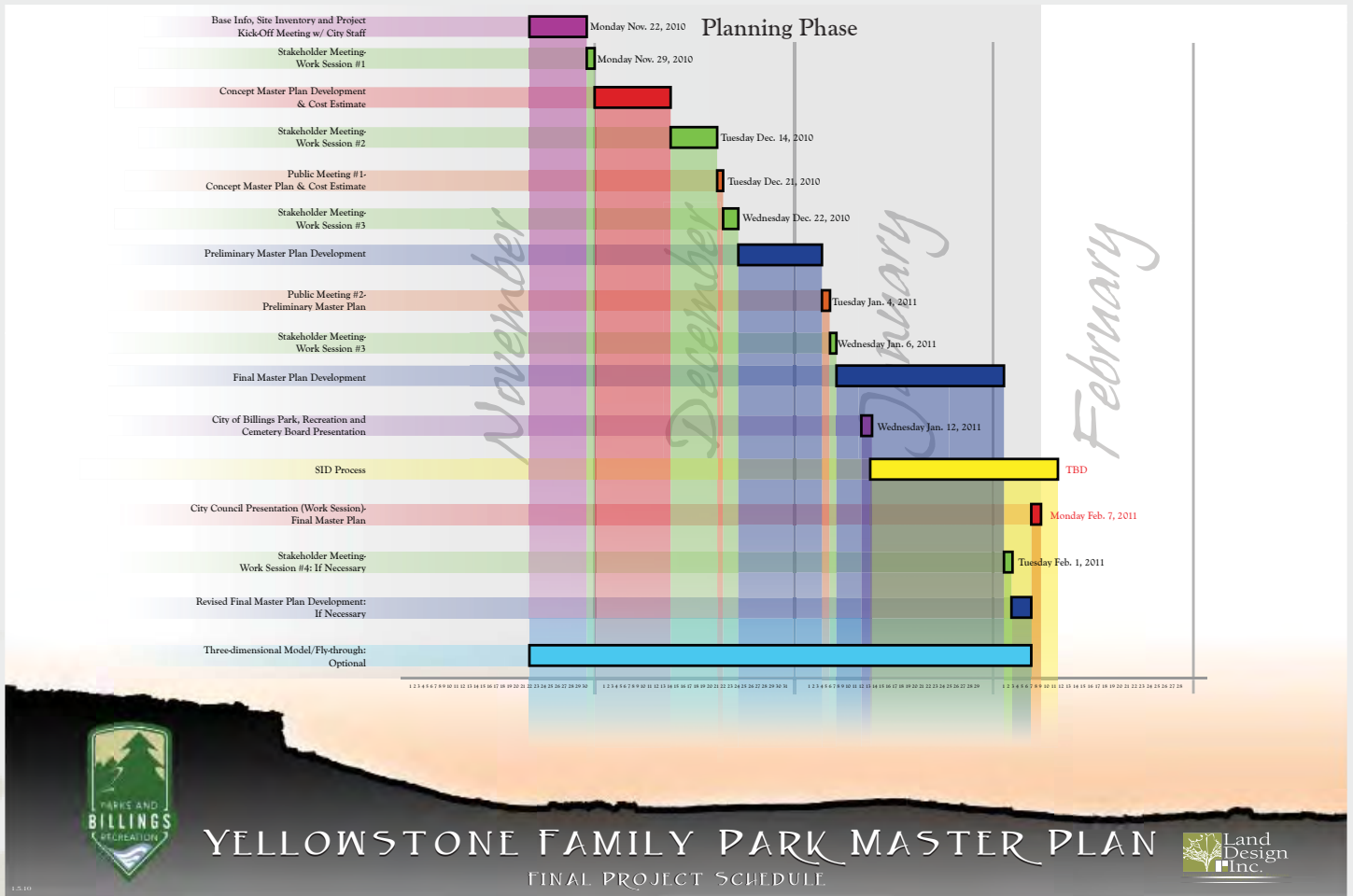


Comments: \_\_\_\_\_  
1/2 basketball court  
Asphalt or soft walking path - natural look  
+ benches on the side.

Likes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dislikes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_





**Master Plan Schedule.** (Tasks and schedule from RFP requirements, with construction documentation phase removed as directed by the Yellowstone Country Club Estates Homeowners Association Board.)



**Computer model of rustic park shelter and poured in place playground and equipment.**



**Computer model of intersection gateway.** (Drawing of the entry gateway and signs proposed in the Yellowstone Family Park Preliminary Master Plan.)



**Computer model of poured in place playground and berm fort with boulder scrambles.** (The berm fort is one of the discovery play elements incorporated into the Preliminary Master Plan.)

**Regular City Council Meeting**

**Date: 02/14/2011**

**TITLE:** Infill Workshop Funding Request from Council Contingency Fund

**PRESENTED BY:** Candi Beaudry

**Department:** Planning & Community Services

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**Information**

**PROBLEM/ISSUE STATEMENT**

The City Annexation Committee is recommending the City take the lead in organizing a two day workshop, open to the public and key stakeholders, to examine the benefits of infill development and begin crafting a policy that facilitates and incentivizes growth within the existing City limits. This recommendation stems from the City Council's recognition of the value of orderly growth to ensure the demand for public services from new development does not exceed the ability to provide those services to the remainder of the community. In its 2009 Community Investment Plan, the Council adopted a goal of "careful consideration and management of the process of community growth." Listed as a priority under this goal is the mechanism of infill. Before moving forward to try and craft an Infill Policy, the Annexation Committee believes a workshop to introduce the community to infill activities nationally, and right here in Billings, would be very productive.

A scope of work for this proposed workshop was submitted to the Annexation Committee by Smart Growth America's Leadership Institute, featuring nationally recognized professionals in the field of infill development combined with local developer perspectives. The purpose of the workshop is to review successful infill strategies from other communities and Billings, and draft an Infill Policy for the City. The Annexation Committee believes that national perspectives on infill are critical for Billings to develop an effective infill policy of its own. The cost of the workshop is estimated at approximately \$23,000. Smart Growth America is charging \$19,787 to bring in the outside professionals and facilitate the workshop. The remaining costs are for logistics. The Billings Association of Realtors has already agreed to contribute \$2,500 along with providing support for online registration for the workshop. A small grant is being requested from the Montana Association of Planners of \$500. Other contributing funds are anticipated from local sponsors and registration fees will also help offset some of the workshop costs. The Annexation Committee is requesting \$15,000 from the City Council contingency funds to cover a portion of the workshop costs.

**ALTERNATIVES ANALYZED**

The City Council may:

- Approve the request for funding in the amount of \$15,000 for the Infill Policy Workshop, or
- Deny the request for funding the Infill Policy Workshop.

**FINANCIAL IMPACT**

As of January 26, the balance in the Council's contingency fund was \$41,500 for FY2011. Funding this request for \$15,000 for the Infill Policy Workshop would reduce the balance to \$26,500.

**RECOMMENDATION**

The City Annexation Committee recommends that Council appropriate \$15,000 towards the cost of the Infill Policy Workshop from its FY2011 contingency fund.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

Resolution

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RESOLUTION NO. 11-

A RESOLUTION BY THE BILLINGS MONTANA CITY COUNCIL, APPROVING  
THE EXPENDITURE OF UP TO \$15,000 OF COUNCIL CONTINGENCY FUNDS  
FOR THE EXECUTION OF A TWO-DAY INFILL POLICY WORKSHOP FOR  
BILLINGS IN APRIL 2011

WHEREAS, the City Council recognizes the value of orderly growth to ensure the demand for public services from new development does not exceed the ability to provide those services to the remainder of the community, and

WHEREAS, the City Council in its 2009 Community Investment Plan adopted a goal of “careful consideration and management of the process of community growth” and listed as a priority under this goal the mechanism of infill, and

WHEREAS, an Infill Policy would provide the direction needed by the City to encourage infill development within the existing City Limits and minimize the impacts to infrastructure and services, and

WHEREAS, an Infill Workshop will provide information and educate the community about best infill practices and how to develop an Infill Policy for the City, and

WHEREAS, the cost of executing a two-day Infill Policy Workshop with national expertise as well as local talent is estimated to be about \$23,000 based on a public-private collaborative effort to fund the workshop, and

WHEREAS, a contribution by the City Council of \$15,000 toward the Infill Policy Workshop actual costs would allow City staff to provide in-kind contributions of time toward the workshop effort without significantly affecting any Department budgets that did not anticipate this expenditure.

NOW, THEREFORE BE IT RESOLVED BY THE BILLINGS CITY COUNCIL THAT up to \$15,000 of Council Contingency funding is approved for executing a two-day Infill Policy Work Shop in Billings in April 2011.

ADOPTED this 14<sup>th</sup> day of February, 2011 by the Billings City Council.

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Thomas W. Hanel, Mayor

Attest:

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Cari Martin, City Clerk

**Regular City Council Meeting**

**Date: 02/14/2011**

**TITLE:** Magic City Blues Festival

**PRESENTED BY:** David Mumford

**Department:** Public Works

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**Information**

**PROBLEM/ISSUE STATEMENT**

Tim Goodridge, Executive producer of the Magic City Blues Festival requests the closure of Montana Avenue between N. 23rd and N. 25th from 9:00 am on Friday August 12th until 12:00 noon on Sunday August 14th for this annual event. The attachment contains the application, a map showing the event layout and signatures of support from Montana Avenue business owners. The recommended conditions of approval are as follows:

1. Provide the certificates of insurance with the required liquor liability and commercial general liability amounts naming the City of Billings as additional insured prior to the event
2. Provide an unobstructed 10' wide lane along the closed streets to allow for emergency access
3. Gates/fencing must be arranged so that they can easily be removed to allow for emergency vehicle access
4. Provide and install adequate traffic barricades and signs directing motorists around closure
5. Restrict signage in the street right-of-way to traffic control and not event advertising or promotion
6. Provide security for the event
7. Obtain the proper permit for open container in the public right of way
8. Contact all businesses that will be affected by the event closures
9. Provide adequate waste cans and clean the area used following the event

**ALTERNATIVES ANALYZED**

The Council may:

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

**FINANCIAL IMPACT**

There are no costs to the city other than administrative time to process the application. Police, traffic control and litter removal are to be paid by the Magic City Blues Fest.

**RECOMMENDATION**

Staff recommends that Council approve the closure request for Montana Avenue between N. 23rd and N. 25th for the Magic City Blues Festival from 9:00 a.m. Friday August 12th until noon on Sunday, August 14th.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

[Magic City Blues Attach](#)

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City of Billings  
RIGHT - OF - WAY ACTIVITY  
PERMIT

Please check the type of activity you are applying for:

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

Submit this application with attachments to either: The Public Works office – 2224 Montana Ave. or Downtown Billings office – 2815 2<sup>nd</sup> Ave. N. (both – Billings, MT 59101) Application packet should be turned in at least 60 days prior to the date of the proposed event for approval.

PERSON MAKING APPLICATION Tim Goodridge  
ORGANIZATION MAKING APPLICATION Magic City Blues Festival  
ADDRESS 2990 Lokaf City Billings State MT Zip 59102  
EMAIL ADDRESS tgoodridge3@bresnan.net  
APPROXIMATE TIME EVENT WILL: 6pm-1am each night  
Assemble \_\_\_\_\_ Start \_\_\_\_\_ Disband \_\_\_\_\_

DATE OF EVENT August 12 & 13, 2011

PURPOSE OF EVENT: (Description and detail of plans) see attached.  
2 night outdoor music festival on Montana Ave.  
6 bands on 2 stages on Friday & Saturday nights  
street closure from 23<sup>rd</sup> to 25<sup>th</sup> on Montana Ave

EVENT ROUTE DESIRED (IF APPLICABLE) – Please attach map  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

BLOCK PARTY STREET LOCATION (IF APPLICABLE)  
\_\_\_\_\_  
\_\_\_\_\_

CLEAN UP IMPLEMENTATION: (Company contracted or services you will provide)  
We clean up  
\_\_\_\_\_  
\_\_\_\_\_

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

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

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

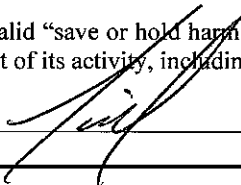
**IF USING THE ESTABLISHED EVEN ROUTE (PARADE),** THE CITY WILL PROVIDE TWO POLICE OFFICERS WITH VEHICLES TO START THE3 EVENT, AND A STREET SWEEPER (IF NECESSARY AND WEATHER PERMITTING) TO FOLLOW THE EVENT.

**COORDINATOR OF EVENTS WITH ALCOHOL WILL BE CONSUMED IN PUBLIC RIGHT-OF-WAY ARE REQUIRED TO OBTAIN AN OPEN CONTAINER PERMIT FROM THE POLICE DEPT.**

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

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

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

APPLICANT SIGNATURE  DATE 12/14/10

APPLICANT APPROVED \_\_\_\_\_ DATE \_\_\_\_\_

APPLICANT DENIED \_\_\_\_\_ DATE \_\_\_\_\_

ADDITIONAL RESTRICTIONS OR SPECIAL CONDITIONS: YES \_\_\_ NO \_\_\_ (IF YES ATTACH COPY)

**FOR CITY USE ONLY**

FEE: \_\_\_\_\_

APPLICANT NOTIFIED BY: \_\_\_\_\_

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

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

December 14, 2010

Magic City Blues (MCB) is a two-day annual music festival planned for the second weekend in August each year. The event takes place in the Billings, Montana "Historic District". This year, 2011, will be the tenth annual.

It will be a combination of local, national and international musical acts appearing on two outdoor stages.

To accommodate the outdoor stages and provide a safe gathering place for the people attending MCB, Montana Avenue will need to be closed to all vehicle traffic. Affected blocks will be 2500–2300 block of Montana Avenue. Closures will be from 9am Friday, August 12 to 12 noon Sunday, August 14, 2010. These are the same festival closure times approved by council for the past seven years.

Billings Construction Supply will handle traffic closure and diversion.

Our marketing and advertising is very strong and will make people aware of the event on Montana Ave., the dates, and the resulting street closure. In addition to our marketing campaign, major media outlets in Billings will cover the festival as a story to further the awareness. It is the intention of the organizers to make the 2011 festival as smooth and complaint free as years past to ensure continued city support for future festivals.

Traffic diversion on Montana Avenue will begin at N 29<sup>th</sup> with two signs, one in the north and one in the south lane – MONTANA AVE CLOSED AT N 25<sup>th</sup> ST. This will be repeated at N 28<sup>th</sup> and N 27<sup>th</sup>. Through traffic can divert to either 2<sup>nd</sup> Ave N or 1<sup>st</sup> Ave. S at each intersection up to 25<sup>th</sup>, where the barricade will divert remaining cars to 2<sup>nd</sup> Ave. North. Signs will include electronic arrows, cones and road closed ahead signs.

The main outdoor stage will be erected on Montana Avenue, just like last year. Having the stage in this spot provides excellent views and acoustics for the audience, which will be gathering in front of the stage and in the parking lot between the Rex and Venture Theater. This space can comfortably and safely hold the 3500 – 5000 people we expect each night.

Billings Police Association and Starplex Crowd Management Services will again act as the primary agents providing security.

Event liability insurance will be acquired at the required levels. As it has on all previous festivals, the special event policy cannot be issued until 30 days prior to festival. A certificate listing the City of Billings as an additional insured will be issued and mailed to the city once the insurance is bound.

The night shows will remain adult-oriented with no one under 18 allowed into the site after 4pm each day. The Rex and Carlin will provide staff and license for alcohol service within the perimeter. A chain link fence perimeter will be erected with gate entries at 25<sup>th</sup>, 23<sup>rd</sup> and the north end of the Rex parking lot on 24<sup>th</sup>.

Our intention, in addition to presenting more Live Music, is to draw people downtown and develop a broad festival atmosphere over the weekend. We are adding two days of concerts in South Park this year. They will occur from 11am-5pm on 8/13&14. Magic City Blues at South Park will be FREE general admission and feature top tier artists and the same quality sound and production as on Montana Avenue. It is our goal to make Magic City Blues a national destination event and attract thousands of music fans from out of town each year. The resulting commerce provides a big boost to city hotels, restaurants and merchants and further builds the live music culture in Billings.

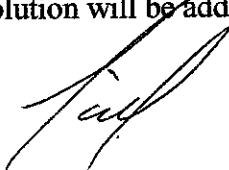
We are very proud of our involvement in providing community entertainment and donating \$40,000 to Public School music programs over the years, both through the festival and also through Perfect Pitch, a 501(c)3 non-profit. This relationship with the public schools is a foundation of our business practices and we will continue to work to increase opportunities and funding for the students.

The Magic City Blues festival has become a signature event for the City of Billings and fans come from all over the city, state and country to enjoy the hospitality and great music. We have worked hard to build the festival in a responsible manner and have gone to great lengths to develop a very good reputation with both the people who attend and the businesses we impact.

The objective of this proposal is to obtain an event permit and permission to close Montana Avenue for the festival. Once this is accomplished, the festival organizers can proceed with obtaining sponsorships, booking talent and all other logistical challenges associated with the event.

All other issues needing resolution will be addressed as is deemed necessary by governing authorities.

Respectfully submitted by:



Tim Goodridge – Executive producer, Magic City Blues

Mike Schaer - partner, Magic City Blues

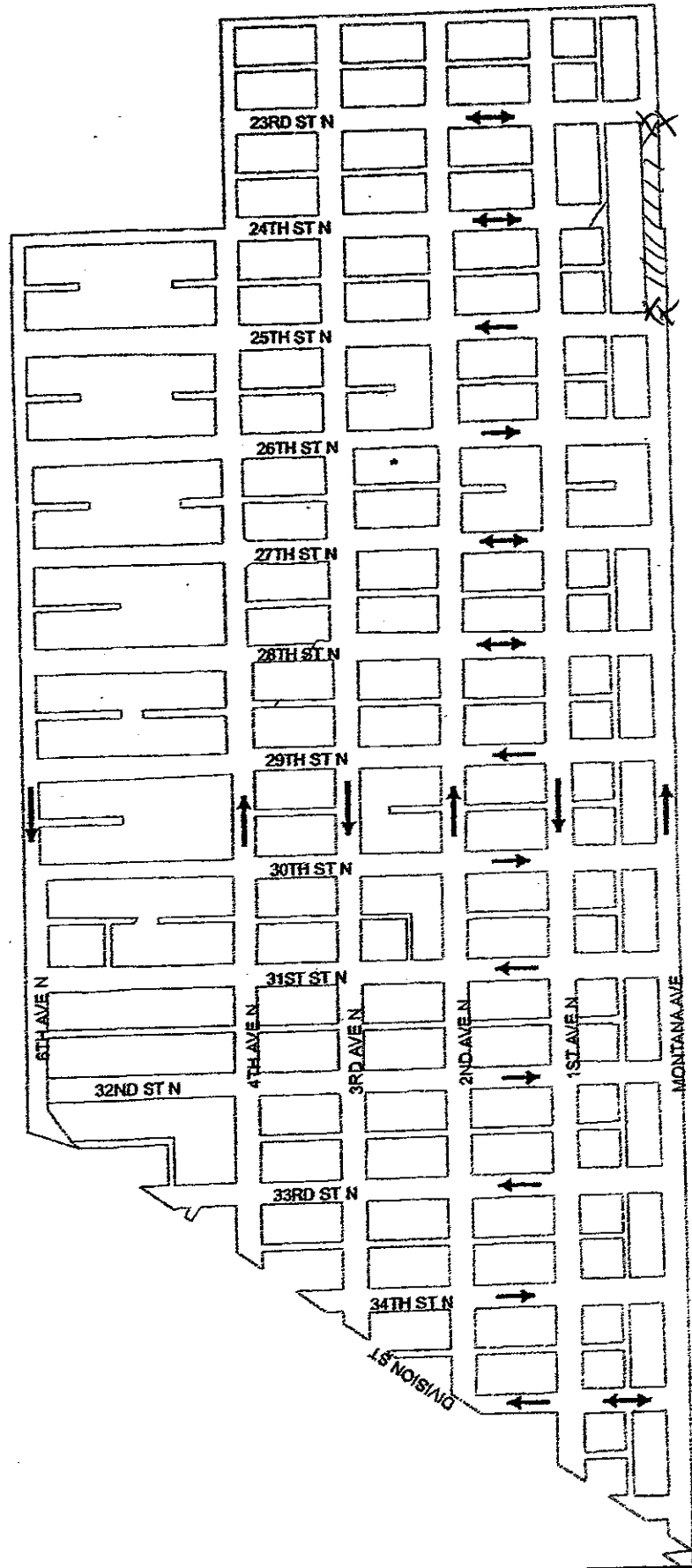
Gene Burgad – partner, Magic City Blues

[tgoodridge3@bresnan.net](mailto:tgoodridge3@bresnan.net)

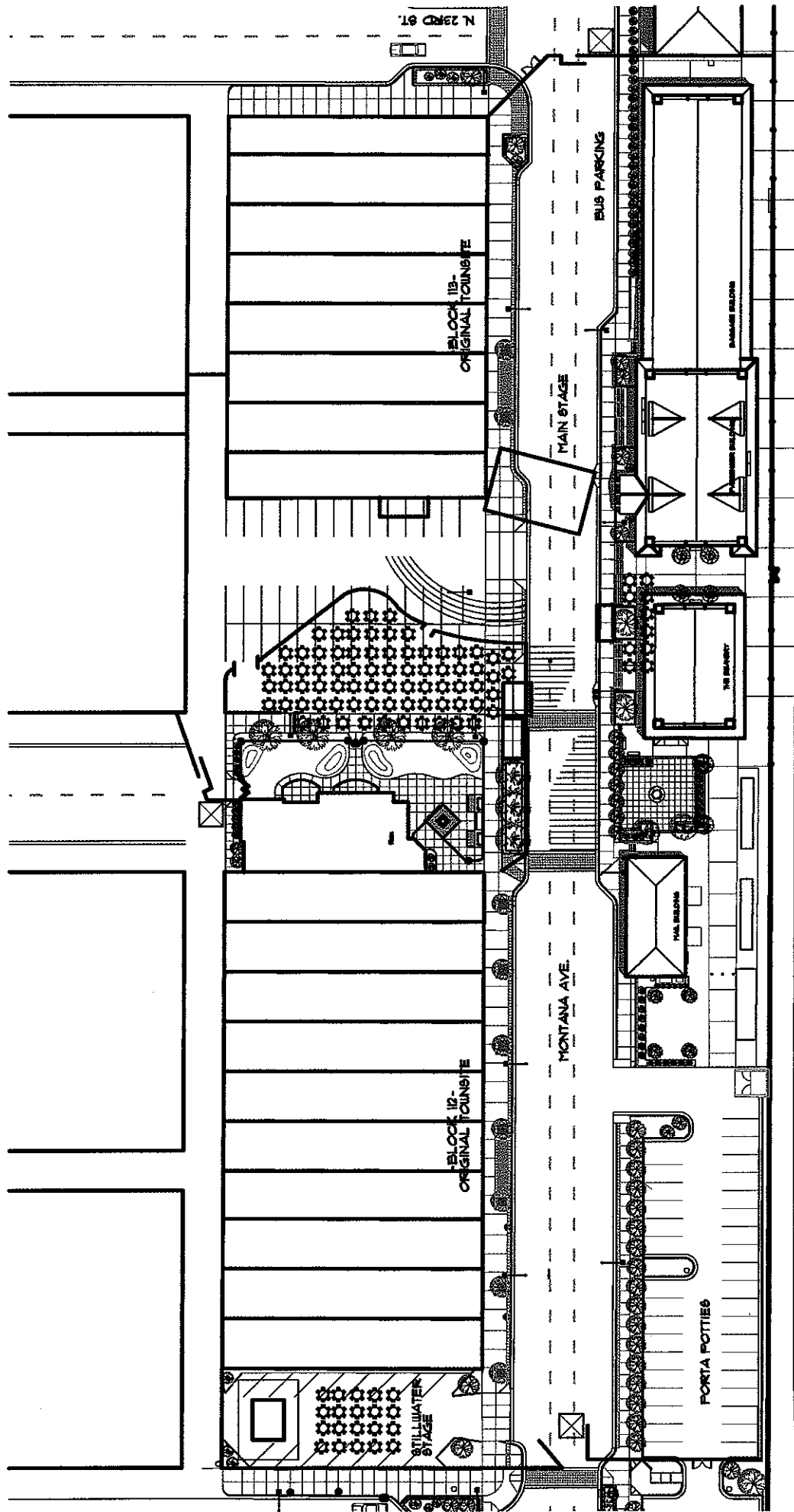
670-2329

2990 Lohof Dr. Billings, MT 59102

# Downtown Billings Street Direction Map



Magic City Blues  
2011 August 12 & 13



N. 25TH STREET

N. 26TH STREET

N. 27TH STREET

N. 28TH STREET

N. 29TH STREET

MONTANA AVE

Date : 3/4/2010 Author : KIM STARR Project : MAGIC CITY BLUES

Comments :

MAGIC CITY BLUES, MONTANA AVENUE  
DATES SUBJECT TO CHANGE



PHONE 406-244-8228  
FAX 406-244-8779  
8911 FIRST AVENUE EAST • PO BOX 6700  
CENTRALIZACION LICENSE NO. 2007

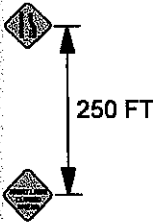
MT AVE CLOSED  
AUG. 10, 11, 12

MT AVE CLOSED  
AUG. 10, 11, 12

MT AVE CLOSED  
AUG. 10, 11, 12

MT AVE CLOSED  
AUG. 10, 11, 12

MT AVE CLOSED  
AUG. 10, 11, 12



MT AVE CLOSED  
AUG. 10, 11, 12

MT AVE	USE
CLOSURE	DATE
AT # 25TH	DATE

The 10th annual Magic City Blues festival will be held in the 2500-2300 block of Montana Ave. on Friday and Saturday August 12 & 13, 2011. The street will be closed to vehicle traffic during those two days and part of Sunday to allow site set up and clean up. Pedestrian access to the two blocks will only be affected from 3 pm to 1am on Friday and Saturday. At those times access will be restricted to ticket holders with admission only through the gates. During the rest of the day, people on foot can come and go as they please with no restrictions.

The festival will control all vendor activity in the street and on the sidewalk during the closure. Vendors will be required to abide by festival rules. Private businesses are encouraged to remain open during evening hours to take advantage of the concert crowds.

**I support the closure of Montana Avenue for Magic City Blues.**

Address	Property Owner	Business Name	Signature
2317 Montana Ave.	ROBERT WOOD	VENTURE THEATRE	Robert R. Wood
2301 Montana Ave.	Pat Schwan	CHAO MAMBO	Pat Schwan
2501-2503 Montana Ave.	CU	CARLU / Q	Michael Schwan
2515-2519 Montana Ave.	CU	LOG CABIN	Michael Schwan
2519 Montana Ave.	CU	McGermick	Michael Schwan
2517 Montana Ave.	CU	CAFE ITALIA	Michael Schwan
2515 Montana Ave.	CU	CU	Michael Schwan

The 10th annual Magic City Blues festival will be held in the 2500-2300 block of Montana Ave. on Friday and Saturday August 12 & 13, 2011. The street will be closed to vehicle traffic during those two days and part of Sunday to allow site set up and clean up. Pedestrian access to the two blocks will only be affected from 3 pm to 1am on Friday and Saturday. At those times access will be restricted to ticket holders with admission only through the gates. During the rest of the day, people on foot can come and go as they please with no restrictions.

The festival will control all vendor activity in the street and on the sidewalk during the closure. Vendors will be required to abide by festival rules. Private businesses are encouraged to remain open during evening hours to take advantage of the concert crowds.

**I support the closure of Montana Avenue for Magic City Blues.**

Address	Property Owner	Business Name	Signature
2503-2509 Montana Ave.	CU	CU	Michael Schen
2600-2619 Montana Ave.	CU	CHARTERS Rt/lyred/G-R	Michael Schen
2305 Montana Ave.	KEN KUNKER	KEN KUNKER	Ken Kunker
2401 Montana Ave.	Gina Burgess	The Best	Gina Burgess
2411 Montana Ave.	Mike Hegarty	Cafel Antigua	Mike Hegarty
2310 Montana Ave.	H.C. Gottwald	Billings Depot Inc	James Gottwald
2113 Montana Ave.	Amy Bersen	Yarrowstone Hostel	AM

**Regular City Council Meeting**

**Date:** 02/14/2011

**TITLE:** Donation Acceptance for the Billings Area Resource Network - Project Homeless Connect

**PRESENTED BY:** Candi Beaudry

**Department:** Planning & Community Services

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**Information**

**PROBLEM/ISSUE STATEMENT**

The Community Development Division is requesting approval to accept a \$1,000 donation from Venture Theatre, proceeds from the donation drama event: "A Heart Without: Real stories of homelessness" on behalf of the Billings Area Resource Network. Approximately 100 people attended this event.

The funding will help the Billings Area Resource Network to provide services to individuals experiencing homelessness and individuals at risk of homelessness at the 2011 Project Homeless Connect.

The 2011 Project Homeless Connect will be the fifth annual event organized as collaboration between the City of Billings AmeriCorps VISTA and the Billings Area Resource Network. Over 50 service providers will be present to help the estimated 600 individuals who will attend this year's Project Homeless Connect at the Al Bedoo Shrine Auditorium on January 26, 2011.

**ALTERNATIVES ANALYZED**

Alternatives analyzed include either accepting the donation or not accepting the donation. If unable to accept the donation, the Billings Area Resource Network would not be able to receive funding which helps them to connect services to those in need in our community.

**FINANCIAL IMPACT**

The City is not required to match the donation and the financial impact to the organization is limited to costs associated with Project Homeless Connect.

**RECOMMENDATION**

Staff recommends that the City Council accept the donation of \$1,000 from Venture Theater on behalf of the Billings Area Resource Network.

**APPROVED BY CITY ADMINISTRATOR**

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**Regular City Council Meeting**

**Date: 02/14/2011**

**TITLE:** W.O. 11-02 Miscellaneous/Developer Related - Resolution of Intent to Construct Improvements and set a Public Hearing

**PRESENTED BY:** David Mumford

**Department:** Public Works

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**Information**

**PROBLEM/ISSUE STATEMENT**

The proposed project will install curb, gutter, and sidewalk improvements at various locations in the city and consists of two categories of properties. The first category is unfulfilled building permit obligations. The City of Billings Site Development and/or Subdivision Ordinances require the installation of public improvements in conjunction with the issuance of building permits. A small number of these properties either did not complete the requirements of the right-of-way permits or have requested that the improvements be completed under the City's project. Per Council policy, the uncompleted right-of-way permits are included in the next annual Developer Related Program. The costs of completing these improvements are assessed to the property owner.

The second category represents continuation of the annual improvements project for dealing with tripping hazards, drainage problems, property owner requests, citizen complaints, and other miscellaneous concrete work brought to the attention of the City Engineer's Office. This program proposes a continuation of the Council policy of allocating gas tax funds for reconstruction of side street frontages on corner lots and to cover the cost of curb and gutter repair.

The proposed project also uses additional funding allocations to cover costs not normally assessed to property owners. Storm drain funds are used for repairing defective valley gutters, improperly graded curb and gutter, and substandard storm drain inlets. Water funds are used for minor adjustments of water lines.

These improvements have historically been constructed under the annual Miscellaneous/Developer Related Program. In order to construct this year's improvements, Council must pass a Resolution of Intent and set a Public Hearing for the project in order to allow adjacent property owners to be assessed for this work.

**ALTERNATIVES ANALYZED**

The Council may:

- Pass the Resolution of Intent and establish a Public Hearing; or
- Do not pass the Resolution of Intent and establish a Public Hearing. If the Council does not adopt the Resolution, the property owners cannot be assessed and the work will not occur because there is no other source of financing for the replacement and new construction.

**FINANCIAL IMPACT**

The proposed project is funded through multiple sources, including direct property assessments, for a total project cost of \$662,703.

Estimated Assessed Costs	\$351,000
Storm Drain Funds	\$ 52,500
Gas Tax Funds	\$260,000
Water and Sewer Funds	\$ 5,000

Funding for the proposed project has already been authorized in the Capital Improvement Plan and is appropriated in the Fiscal Year 2011 budget.

**RECOMMENDATION**

Staff recommends that Council approve this Resolution of Intent for W.O. 11-02 and set a public hearing for the March 14th Council meeting.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

Resolution

Exhibit A

Exhibit B

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RESOLUTION NO. 11-\_\_\_\_\_

A RESOLUTION RELATING TO W.O. 11-02, MISCELLANEOUS DEVELOPER-RELATED IMPROVEMENTS; DECLARING IT TO BE THE INTENTION OF THE CITY COUNCIL TO ORDER IN THE PROGRAM FOR THE PURPOSE OF UNDERTAKING CERTAIN LOCAL IMPROVEMENTS AND FINANCING THE COSTS THEREOF AND INCIDENTAL THERETO THROUGH THE ISSUANCE OF SIDEWALK, CURB AND GUTTER IMPROVEMENT BONDS SECURED BY THE CITY'S SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND.

WHEREAS, the city is granted the power pursuant to M.C.A. 7-14-4109 to order certain improvements without creation of a special improvement district and certain sections of curb and gutter, sidewalks, drive approaches, alley approaches and/or appurtenant features have deteriorated, settled and cracked, or none exist, or some of the foregoing do not exist; and

WHEREAS, the safety and convenience of the public require installation, construction, reconstruction, repair or replacement of curbs and gutters, sidewalks, drive approaches, alley approaches, and/or appurtenant features or combinations thereof; and

WHEREAS, said improvements should be ordered as provided by law.

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

1. INTENTION TO ORDER IN. It is the intention of the Council to order the installation, construction, reconstruction, or replacements of certain curbs, gutters, sidewalks, drive approaches, alley approaches and appurtenant improvements in certain locations, which improvements and locations are more fully described in Exhibits "A" and "B" attached hereto.
2. AFFECTED PROPERTIES. All properties, which will be required to pay any portion of the costs of the improvements identified herein, are listed and the owners of those properties are identified on Exhibit "B" attached hereto.
3. ESTIMATED COSTS. The estimated assessed costs of the proposed improvements, including construction costs, incidental expenses, engineering fees, legal fees, administrative fees and bond issuance costs, but exclusive of interest charges, will be \$351,000 as described below:

Construction Costs	\$268,228.10
Management Costs	\$26,822.81
Engineering & Administration (6%)	\$21,060.00
Revolving Fund (5%)	\$17,550.00
Bond Discount (2%)	\$7,020.00
Issuance Costs (3.0%)	\$10,530.00

Bank Fees	\$100.00
Roundoff	\$(310.91)
<hr/>	<hr/>
Total Assessed Costs	\$351,000.00

Estimated unit costs for construction only, not including engineering, legal, administrative, and bond costs as follows:

<u>Removal of:</u>	<u>Unit Price:</u>
Flatwork Removal	\$11.00/SY
Curb and Gutter Removal	\$6.50/LF
<u>New Construction:</u>	
Concrete Sidewalk	\$ 5.25/SF
Curb and Gutter	\$22.00/LF
New Drive Approach	\$ 6.00/SF
New Alley Approach	\$ 6.10/SF
Street Reconstruction	\$42.00/SY

The actual cost to be assessed against any benefited property will be determined by the actual amount of work done adjacent to the property.

4. ASSESSMENT OF COSTS. All costs of constructing the curbs, gutters, sidewalks, and drive approaches, including engineering, administrative and bond costs, will be assessed against the properties which are adjacent to the improvements installed. As shown on Exhibit "B", assessments will be levied against 177 separate lots, parcels, or tracts.

The costs for each property will vary depending upon the actual construction that is required adjacent to each property. The average total assessment, including engineering, administrative, and bond costs is estimated to be \$1,983, with a high of \$14,006, low of \$0.00, and a median of \$1063.

5. PERIOD OF ASSESSMENT. The assessments for all improvements and costs shall be paid in not more than twelve (12) annual installments, plus interest, provided however, that payment of one-half of each annual installment, plus interest, may be deferred to May 31 of the year following the assessment.
6. PROPERTY OWNER OPTION TO CONSTRUCT IMPROVEMENTS. In the event that the City Council orders in the above-described improvements following the public hearing, then the owners of all properties to be assessed for the costs of said improvements will be notified of such action in writing. Said owners will have thirty (30) days from the date of said notice in which to install the required improvements at their own expense. In the event the owners do not install these improvements, the City will do so and will assess the costs against the benefited properties as described herein.

7. METHOD OF FINANCING; PLEDGE OF REVOLVING FUND; FINDINGS AND DETERMINATIONS. The City will issue **Sidewalk, Curb, and Gutter Improvement Bonds** in an aggregate principal amount not to exceed \$351,000 in order to finance the costs of the Improvements. Principal of and interest on the Bonds will be paid from special assessments levied against the property in the Project. This Council further finds it is in the public interest, and in the best interest of the City and the Project, to secure payment of principal of and interest on the Bonds by the Revolving Fund and hereby authorizes the City to enter into the undertakings and agreements authorized in Section 7-12-4225 in respect to the Bonds.

In determining to authorize such undertakings and agreements, this Council has taken into consideration the following factors:

- (a) Estimated Market Value of Parcels. The estimated total market value of the lots, parcels, or tracts in the Project, as of the date of adoption of this resolution, as estimated by the County Assessor, is \$22,502,140. The average market value is \$127,131 with a high of \$2,732,567 and a low of \$7,662 and median value of \$72,878. The special assessments to be levied against each lot, parcel, or tract are less than the increase in the estimated market value of the properties as a result of the construction of the improvements.
- (b) Diversity of Property Ownership. For the 177 Tax codes in this project, there are 174 separate owners. Ellingson Brothers LLC owns (2) lots. Susan Mershon owns (2) parcels on (1) lot. Kolby Stuart owns (2) parcels on (1) lot. All other parcels are under separate ownership. It is unlikely that financial difficulties would arise that would require a loan to be made from the Revolving Fund.
- (c) Comparison of Special Assessments, Property Taxes and Market Value. Currently, three (3) parcels have an SID levied against them. Parcel A00687 is being assessed under SID 2501, with a payoff amount of \$12,088.36 and a payoff date of 2018. Parcel A03490 is being assessed under SID 2102 and 2103, with payoff amounts of \$21.66 and \$90.60, and a payoff date of 2013; Parcel A14889 is being assessed under SID 2399, with a payoff amount of \$50.01 and a payoff date of 2015

As noted in Section 4, the estimated average assessment levied by this project will be \$1,983. With an average market value of \$127,131, and an average yearly principal payment of \$165.25 (monthly principal of \$13.77) assuming 6% interest rate, the amount of assessment versus the value of the property would appear acceptable. As such, no unusual need for loans from the Revolving Fund would be expected. Further information comparing the total cost (estimate) to the market value for each parcel is listed in Exhibit "B".

- (d) Delinquencies. For tax year 2009, Zero (0) parcels were delinquent. This rate is above the average city collection rate of 95%.

Therefore, given the delinquency history of this Project area, no unusual need for loans from the Revolving Fund would be expected.

- (e) The Public Benefit of the Improvements. Current City Subdivision and Site Development Ordinances, and under City Council policies, the cost of installation of new curb, gutter, sidewalk, and drive approaches is to be borne by the adjoining property owners.

Some of the parcels have been involved in recent construction or subdivision activity. Some of these parcels have undergone recent site developments, both residential and commercial, in which a permit was taken out, but the improvements were not constructed, or the developer has requested that the improvements be included and constructed under the proposed project. Developers generally make a request to be included in the proposed project to take advantage of the financing opportunity of the 12-year assessment. Some of these parcels are lots included in recently approved subdivisions. The improvements were required as part of the Subdivision Improvements Agreements, but were not installed by the subdivider/developer.

The remaining parcels represent a continuation of an annual improvement project for repairs of tripping hazards, deteriorated sidewalks, drainage problems, property owner requests and citizen complaints.

The project improvements are located in various Task Force areas, both commercial and residential, throughout the City.

## 8. REIMBURSEMENT EXPENDITURES.

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

amount (as defined in Section 1.150-2(f)(1) of the Regulations), no expenditures for the Improvements have been paid by the City before the date 60 days before the date of adoption of this resolution.

- (c) Declaration of Intent. The City reasonably expects to reimburse the expenditures made for costs of the Improvements out of the proceeds of Bonds in an estimated maximum aggregate principal amount of \$351,000 after the date of payment of all or a portion of the costs of the Improvements. All reimbursed expenditures shall be capital expenditures, a cost of issuance of the Bonds or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Regulations.
- (d) Budgetary Matters. As of the date hereof, there are no City funds reserved, allocated on a long-term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside) to provide permanent financing for the expenditures related to the Improvements, other than pursuant to the issuance of the Bonds. The statement of intent contained in this resolution, therefore, is determined to be consistent with the City's budgetary and financial circumstances as they exist or are reasonably foreseeable on the date hereof.
- (e) Reimbursement Allocations. The City's financial officer shall be responsible for making the "reimbursement allocations" described in the Regulations, being generally the transfer of the appropriate amount of proceeds of the Bonds to reimburse the source of temporary financing used by the City to make prior payment of the costs of the Improvements. Each allocation shall be evidenced by an entry on the official books and records of the City maintained for the Bonds or the Improvements and shall specifically identify the actual original expenditure being reimbursed.

9. PUBLIC HEARING. On Monday, March 14, 2011, at 6:30 p.m., in the Council Chambers located on the Second Floor of the Police Facility, 220 North 27<sup>th</sup> Street, Billings, MT, the City Council will conduct a public hearing concerning this project and all interested parties will be allowed to testify. The City Council will also consider all written comments submitted to the City Clerk prior to the hearing or submitted to the Council during the hearing.

10. NOTICE OF PASSAGE OF RESOLUTION OF INTENTION. The City Clerk is hereby authorized and directed to publish or cause to be published a copy of a Notice of the passage of this Resolution in the BILLINGS TIMES, a newspaper of general circulation in the county on February 17 and February 24, 2011, in the form and manner prescribed by law, and to mail or cause to be mailed, a copy of said Notice to every person, firm corporation, or the agent of such person, firm, or corporation having real property within the District listed in his or her name upon the last completed assessment roll for state, county and school district taxes, at his last-known address, on or before the same day such notice is published.

PASSED by the City Council and APPROVED this 14<sup>th</sup> day of February, 2011.

CITY OF BILLINGS:

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

ATTEST:

\_\_\_\_\_  
Cari Martin, City Clerk

**Exhibit A**  
**Location of Work**  
**WO 11-02 Miscellaneous and Developer Related**

1. SIDEWALK: 2506 Wildwood Way \* 440 Lewis Avenue \* 2211 Pine Street \* 814 South 28<sup>th</sup> Street (Dev. Rel.) \* East Side of 32<sup>nd</sup> Street West between Rosebud Avenue and Stillwater Avenue \* 208 N 23<sup>rd</sup> Street \* 818 South 28<sup>th</sup> Street (Dev. Rel.) \* 133 Custer Avenue (Dev. Rel.) \* 602 Nelson Drive \* 421 South 37<sup>th</sup> Street (Dev. Rel.) \* 420 Nelson Drive \* 606 Nelson Drive \* 3007 Montana Avenue
2. CURB & GUTTER: 2543 Yellowstone Avenue \* 2524 Lewis Avenue \* 2910 3<sup>rd</sup> Avenue South \* 313 South 36<sup>th</sup> Street \* 2642 Yellowstone Avenue
3. DRIVEWAY APRON: 1109 Miles Avenue \* 4067 Rifle Creek Trail (Dev. Rel.) \* 2333 Central Avenue \* 737 Key City Drive (Dev. Rel.) \* 2430 Lydia Lane (Dev. Rel.) \* 1010 Central Avenue (Dev. Rel.) \* 1207 Watson Peak Road (Dev. Rel.) \* 3134 Marguerite Boulevard \* 539 Avenue B \* 604 2<sup>nd</sup> Street West
4. SIDEWALK, CURB & GUTTER: 2541 Yellowstone Avenue \* 2549 Yellowstone Avenue \* Pine Street \* 2217 Pine Street \* 600 S 27<sup>th</sup> Street \* 2601 Minnesota Avenue (Dev. Rel.) \* 4639 Stone Street \* 702 North 23<sup>rd</sup> Street \* 605 18<sup>th</sup> Street West \* 946 Avenue C \* 2904 Stinson Avenue \* 2031 Poly Drive \* # 7 North 31<sup>st</sup> Street \* 2825 3<sup>rd</sup> Avenue North- (work on 4<sup>th</sup> Avenue North) \* 242 Fair park Drive
5. SIDEWALK, CURB & GUTTER, DRIVEWAY APRONS: 2553, 2554 Yellowstone Avenue \* 2815 5<sup>th</sup> Avenue South (Dev. Rel.) \* Both Sides of Wyoming Avenue from 8<sup>th</sup> Street West to 9<sup>th</sup> Street West \* Both Sides of Park hill Drive, Between # 529 Park hill Drive and 6<sup>th</sup> Street West \* 2222 Spruce Street \* East Side of South 30<sup>th</sup> Street, from 4<sup>th</sup> Avenue South to 5<sup>th</sup> Avenue South \* West Side of South 29<sup>th</sup> Street, from 4<sup>th</sup> Avenue South to 5<sup>th</sup> Avenue South \* 1803 Avenue F \* West Side of South 28<sup>th</sup> Street Between 4<sup>th</sup> Avenue South and 5<sup>th</sup> Avenue South \* East Side of South 29<sup>th</sup> Streets Between 4<sup>th</sup> Avenue South and 5<sup>th</sup> Avenue South \* 4203 Audubon Way \* 2322 Wyoming Avenue \* 2228 Pine Street \* 245 & 303 Emerald Drive \* 704 Hollowell Lane \* 2032 Colton Boulevard \* 2613 Yellowstone Avenue \* 219 Glenhaven Drive \* 227 Glenhaven Drive \* 241 Glenhaven Drive

6. SIDEWALK, DRIVEWAY APRONS: 504 South 26<sup>th</sup> street \* 2207 Pine Street \* 620 30<sup>th</sup> Street West (Dev. Rel. ) \* 2166 Beloit Drive (Dev. Rel.) \* 2005 8<sup>th</sup> Avenue North (Dev. Rel.) \* 232 Birchwood Drive \* 2039 Poly Drive \*
7. ALLEY APRONS: North Side of 1<sup>st</sup> Avenue North between North 33<sup>rd</sup> Street & North 34<sup>th</sup> Street \* South Side of 2<sup>nd</sup> Avenue North between N 33<sup>rd</sup> Street and North 34<sup>th</sup> Street. \* North Side of Beloit Drive Between Fair Park Drive and Santa Fe Drive \* East Side of Santa Fe Drive between Fair Park Drive and Beloit Drive
8. CURB & GUTTER, SIDEWALK, ALLEY APRONS, DRIVEWAY APRONS: \* North Side of 5<sup>th</sup> Avenue South, from South 29<sup>th</sup> Street to South 30<sup>th</sup> Street \* South Side of 4<sup>th</sup> Avenue South, from South 29<sup>th</sup> Street to South 30<sup>th</sup> Street\* East Side of N 22<sup>nd</sup> Street from 1<sup>st</sup> Avenue North to 2<sup>nd</sup> Avenue North \* South side of 2<sup>nd</sup> Avenue from North 22<sup>nd</sup> Street to R/R tracks \* South Side of 4<sup>th</sup> Avenue South between South 28<sup>th</sup> Street and South 29<sup>th</sup> Streets \* North Side of 5<sup>th</sup> Avenue South, Between South 28<sup>th</sup> Street and South 29<sup>th</sup> Streets \* 615 Cook Avenue \* 2912 Stinson Avenue
9. ADA COMPLIANT W/C RAMPS: 1613 8<sup>th</sup> Street West (Dev. Rel.) \* 544 Crawford Drive

## Exhibit B

### WO 11-02 Misc/Developer Related

Tax Code	SID #	SID Pay-off (A)	Delinquent (B)	WO 09-02- Assessment (C)	A + B + C	Market Value
A00264				\$3,595.74	\$3,595.74	\$2,732,567.00
A00406				\$3,084.58	\$3,084.58	\$220,094.00
A00567				\$752.92	\$752.92	\$88,722.00
A00568				\$1,505.83	\$1,505.83	\$567,092.00
A00569				\$4,898.80	\$4,898.80	\$27,988.00
A00570				\$2,043.26	\$2,043.26	\$31,436.00
A00571				\$282.34	\$282.34	\$36,378.00
A00572				\$376.46	\$376.46	\$30,020.00
A00573				\$1,317.61	\$1,317.61	\$315,186.00
A00687	2501	\$12,088.36		\$4,443.84	\$16,532.20	\$617,541.00
A00688				\$1,481.28	\$1,481.28	\$368,490.00
A00689				\$1,975.04	\$1,975.04	\$276,599.00
A00690				\$987.53	\$987.53	\$101,049.00
A00691				\$987.53	\$987.53	\$47,409.00
A00692				\$1,975.04	\$1,975.04	\$208,171.00
A00753				\$2,860.21	\$2,860.21	\$220,021.00
A00756				\$6,889.67	\$6,889.67	\$1,555,366.00
A01104				\$3,536.86	\$3,536.86	\$64,960.00
A01238				\$2,824.81	\$2,824.81	\$49,827.00
A01381				\$4,683.42	\$4,683.42	\$34,030.00
A01382				\$2,801.43	\$2,801.43	\$53,318.00
A01383				\$3,524.54	\$3,524.54	\$57,835.00
A01384				\$1,182.13	\$1,182.13	\$62,795.00
A01385				\$6,581.89	\$6,581.89	\$129,097.00
A01386				\$3,487.03	\$3,487.03	\$20,083.00
A01387				\$4,632.75	\$4,632.75	\$91,183.00
A01388				\$895.36	\$895.36	\$32,425.00
A01388A				\$895.36	\$895.36	\$45,631.00
A01389				\$10,710.85	\$10,710.85	\$41,253.00
A01390				\$561.67	\$561.67	\$7,662.00
A01391				\$2,591.66	\$2,591.66	\$38,413.00
A01392				\$1,082.69	\$1,082.69	\$34,603.00
A01393				\$3,244.37	\$3,244.37	\$38,514.00
A01394				\$1,659.66	\$1,659.66	\$48,277.00
A01395				\$2,404.76	\$2,404.76	\$70,923.00
A01396				\$5,497.66	\$5,497.66	\$48,417.00
A01396A				\$2,300.00	\$2,300.00	\$32,670.00
A01397				\$4,776.14	\$4,776.14	\$36,579.00
A01398				\$5,726.63	\$5,726.63	\$54,951.00
A01399				\$644.64	\$644.64	\$41,076.00
A01401				\$1,636.98	\$1,636.98	\$50,818.00
A01402				\$2,385.94	\$2,385.94	\$35,228.00
A01403				\$5,576.50	\$5,576.50	\$51,964.00
A01567				\$410.39	\$410.39	\$2,308,343.00

## Exhibit B

### WO 11-02 Misc/Developer Related

Tax Code	SID #	SID Pay-off (A)	Delinquent (B)	WO 09-02- Assessment (C)	A + B + C	Market Value
A01745				\$1,905.63	\$1,905.63	\$70,543.00
A01746				\$304.90	\$304.90	\$70,494.00
A02065				\$1,160.89	\$1,160.89	\$10,210.00
A02211				\$894.75	\$894.75	\$313,819.00
A02462				\$5,741.63	\$5,741.63	\$77,536.00
A02487				\$0.00	\$0.00	\$59,488.00
A03068A				\$873.35	\$873.35	\$99,144.00
A03068B				\$873.35	\$873.35	\$99,144.00
A03068C				\$873.35	\$873.35	\$100,029.00
A03068D				\$873.35	\$873.35	\$100,029.00
A03081				\$635.22	\$635.22	\$69,368.00
A03490	2103 2102	\$90.60 \$21.66		1,718.32	\$1,830.58	\$42,668.00
A04154				\$1,925.20	\$1,925.20	\$78,564.00
A04155				\$2,611.51	\$2,611.51	\$93,024.00
A04472				\$2,690.70	\$2,690.70	\$84,937.00
A04584				\$555.27	\$555.27	\$80,925.00
A04605				\$139.04	\$139.04	\$71,950.00
A04606				\$138.92	\$138.92	\$62,655.00
A04607				\$138.92	\$138.92	\$72,030.00
A04608				\$138.92	\$138.92	\$72,293.00
A04609				\$138.92	\$138.92	\$78,685.00
A04610				\$138.92	\$138.92	\$72,676.00
A04611				\$138.92	\$138.92	\$66,445.00
A04612				\$138.92	\$138.92	\$57,753.00
A04613				\$141.63	\$141.63	\$72,878.00
A04614				\$141.63	\$141.63	\$75,802.00
A04615				\$141.63	\$141.63	\$77,961.00
A04616				\$141.63	\$141.63	\$67,978.00
A04617				\$141.63	\$141.63	\$79,129.00
A04618				\$173.60	\$173.60	\$86,187.00
A04619				\$147.40	\$147.40	\$72,031.00
A04620				\$124.59	\$124.59	\$73,725.00
A04621				\$125.09	\$125.09	\$81,308.00
A04622				\$124.93	\$124.93	\$68,784.00
A04623				\$141.67	\$141.67	\$73,967.00
A04624				\$141.67	\$141.67	\$71,849.00
A04625				\$141.67	\$141.67	\$76,931.00
A04626				\$141.67	\$141.67	\$75,299.00
A04627				\$141.67	\$141.67	\$80,824.00
A04628				\$141.65	\$141.65	\$74,248.00
A04629				\$141.67	\$141.67	\$76,205.00
A04630				\$141.67	\$141.67	\$65,517.00
A04631				\$141.67	\$141.67	\$67,352.00

## Exhibit B

### WO 11-02 Misc/Developer Related

Tax Code	SID #	SID Pay-off (A)	Delinquent (B)	WO 09-02- Assessment (C)	A + B + C	Market Value
A04632				\$141.67	\$141.67	\$79,512.00
A04633				\$141.67	\$141.67	\$62,331.00
A04634				\$141.67	\$141.67	\$78,564.00
A04635				\$148.08	\$148.08	\$81,126.00
A04636				\$148.08	\$148.08	\$66,527.00
A04637				\$148.08	\$148.08	\$72,293.00
A04638				\$148.08	\$148.08	\$76,832.00
A04639				\$148.08	\$148.08	\$81,812.00
A04640				\$148.08	\$148.08	\$76,004.00
A04641				\$148.08	\$148.08	\$68,360.00
A04642				\$2,746.34	\$2,746.34	\$76,023.00
A04643				\$107.38	\$107.38	\$57,532.00
A04644				\$127.84	\$127.84	\$69,530.00
A04645				\$184.07	\$184.07	\$69,631.00
A04790				\$6,734.55	\$6,734.55	\$86,047.00
A04972				\$2,033.81	\$2,033.81	\$71,081.00
A04973				\$1,998.77	\$1,998.77	\$80,018.00
A04975				\$2,174.99	\$2,174.99	\$71,809.00
A04976				\$0.00	\$0.00	\$56,583.00
A04996				\$3,004.04	\$3,004.04	\$77,396.00
A04997				\$3,060.14	\$3,060.14	\$53,297.00
A04998				\$2,348.04	\$2,348.04	\$68,924.00
A05449				\$2,599.74	\$2,599.74	\$74,592.00
A05450				\$1,321.24	\$1,321.24	\$69,793.00
A05451				\$304.90	\$304.90	\$66,485.00
A05453				\$2,315.62	\$2,315.62	\$79,028.00
A05454				\$1,923.42	\$1,923.42	\$74,915.00
A05455				\$656.91	\$656.91	\$44,557.00
A05456				\$1,337.38	\$1,337.38	\$75,399.00
A05480				\$809.36	\$809.36	\$73,723.00
A05481				\$961.81	\$961.81	\$58,762.00
A05482				\$2,599.74	\$2,599.74	\$62,210.00
A05483				\$2,599.74	\$2,599.74	\$52,994.00
A05484				\$1,063.45	\$1,063.45	\$55,293.00
A05486				\$656.91	\$656.91	\$70,316.00
A05487				\$555.27	\$555.27	\$64,207.00
A05488				\$809.36	\$809.36	\$56,947.00
A05778				\$0.00	\$0.00	\$84,153.00
A08272				\$1,199.06	\$1,199.06	\$88,041.00
A08273				\$955.36	\$955.36	\$79,289.00
A08274				\$2,552.18	\$2,552.18	\$62,794.00
A08275				\$1,229.77	\$1,229.77	\$94,030.00
A08281				\$4,064.48	\$4,064.48	\$84,230.00
A08331				\$2,576.94	\$2,576.94	\$86,226.00

## Exhibit B

### WO 11-02 Misc/Developer Related

Tax Code	SID #	SID Pay-off (A)	Delinquent (B)	WO 09-02- Assessment (C)	A + B + C	Market Value
A08723				\$0.00	\$0.00	\$67,886.00
A09047				\$2,801.91	\$2,801.91	\$74,612.00
A09817				\$6,422.35	\$6,422.35	\$74,069.00
A10320				\$944.95	\$944.95	\$72,374.00
A10329				\$0.00	\$0.00	\$73,018.00
A10398				\$3,598.91	\$3,598.91	\$72,314.00
A10399				\$271.02	\$271.02	\$80,803.00
A10402				\$1,626.94	\$1,626.94	\$81,691.00
A10403				\$370.19	\$370.19	\$97,880.00
A10404				\$0.00	\$0.00	\$82,135.00
A10405				\$677.55	\$677.55	\$72,213.00
A10421				\$0.00	\$0.00	\$73,845.00
A10788				\$3,112.52	\$3,112.52	\$97,460.00
A10789				\$0.00	\$0.00	\$105,909.00
A12266C				\$0.00	\$0.00	\$92,458.00
A12266D				\$2,670.69	\$2,670.69	\$100,828.00
A13510				\$914.70	\$914.70	\$70,457.00
A13511				\$909.76	\$909.76	\$72,454.00
A13512				\$539.57	\$539.57	\$52,146.00
A13595				\$1,756.70	\$1,756.70	\$79,836.00
A14101				\$2,126.89	\$2,126.89	\$55,562.00
A14302				\$4,422.45	\$4,472.46	\$63,521.00
A14889	2399	\$50.01		\$1,026.09	\$1,076.10	\$67,816.00
A15126				\$492.68	\$492.68	\$57,531.00
A15735				\$713.73	\$713.73	\$70,401.00
A15751				\$1,499.93	\$1,499.93	\$57,026.00
A19210				\$1,945.79	\$1,945.79	\$55,837.00
A20202A				\$7,745.40	\$7,745.40	\$447,828.00
A20300				\$1,652.09	\$1,652.09	\$132,873.00
A21565				\$1,177.16	\$1,177.16	\$113,131.00
A22818				\$14,006.14	\$14,006.14	\$124,181.00
A22819				\$11,410.58	\$11,410.58	\$136,424.00
A22837B				\$10,574.18	\$10,574.18	\$95,123.00
A29434				\$12,115.21	\$12,115.21	\$263,232.00
A30109				\$2,313.59	\$2,313.59	\$143,818.00
A30919				\$2,795.58	\$2,795.58	\$106,031.00
A33561				\$1,513.61	\$1,513.61	\$98,204.00
C00713				\$1,587.75	\$1,587.75	\$70,863.00
C01970				\$5,069.27	\$5,069.27	\$79,027.00
C08003				\$0.00	\$0.00	\$19,302.00
C08004				\$0.00	\$0.00	\$89,172.00
C08015				\$0.00	\$0.00	\$73,161.00
C09131				\$9,653.98	\$9,653.98	\$124,464.00
D01447A				\$3,171.15	\$3,171.15	\$609,434.00

## Exhibit B

### WO 11-02 Misc/Developer Related

<b>Tax Code</b>	<b>SID #</b>	<b>SID Pay-off (A)</b>	<b>Delinquent (B)</b>	<b>WO 09-02- Assessment (C)</b>	<b>A + B + C</b>	<b>Market Value</b>
D05850				\$3,462.96	\$3,462.96	\$117,585.00
D12013				\$11,690.94	\$11,690.94	\$49,601.00

**Regular City Council Meeting**

**Date: 02/14/2011**

**TITLE:** W.O. 05-13 Jackson Street Sidewalks Phase II - Resolution of Intent to Construct Improvements and set a Public Hearing

**PRESENTED BY:** David Mumford

**Department:** Public Works

**Information**

**PROBLEM/ISSUE STATEMENT**

W.O. 05-13 is a Safe Routes to School project on Jackson Street which includes installation of curb/gutter, sidewalk, and drive approaches from Frances to Ryan. The improvements will complete sidewalk where it is missing on the west side of Jackson and will provide a continuous pedestrian facility from State Avenue to King Avenue. This project will include assessments to property owners for curb/gutter, sidewalk, drive approaches, and driveway improvements for lots which do not already have those improvements. Properties will be assessed 50% of the cost of a 5 foot sidewalk and 100% of their drive approaches, curb/gutter, and driveway work. CTEP funds will be used toward the remaining cost of the sidewalk, corners, and other miscellaneous items. In order to construct these improvements, Council must pass a Resolution of Intent and set a Public Hearing for the project to allow for property owner assessments.

**ALTERNATIVES ANALYZED**

The Council may:

- Pass the Resolution of Intent and establish a Public Hearing; or
- Do not pass the Resolution of Intent and establish a Public Hearing. If the Resolution of Intent is not passed, property owners cannot be assessed and the project funding will be inadequate to complete the project.

**FINANCIAL IMPACT**

The proposed project is funded through CTEP, Gas Tax, and direct property assessments for an estimated total project cost of \$411,980 as follows:

Estimated Assessed Costs	\$ 75,000.00
Estimated CTEP/Gas Tax	\$336,980.00

**RECOMMENDATION**

Staff recommends that Council approve this Resolution of Intent for W.O. 05-13 and set a public hearing for the March 14th Council meeting.

**APPROVED BY CITY ADMINISTRATOR**

**Attachments**

Resolution

Exhibit A

Exhibit B



RESOLUTION NO. 11-\_\_\_\_\_

A RESOLUTION RELATING TO W.O. 05-13, JACKSON STREET SIDEWALKS PHASE II; DECLARING IT TO BE THE INTENTION OF THE CITY COUNCIL TO ORDER IN THE PROGRAM FOR THE PURPOSE OF UNDERTAKING CERTAIN LOCAL IMPROVEMENTS AND FINANCING THE COSTS THEREOF AND INCIDENTAL THERETO THROUGH THE ISSUANCE OF SIDEWALK, CURB AND GUTTER IMPROVEMENT BONDS SECURED BY THE CITY'S SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND.

WHEREAS, the city is granted the power pursuant to M.C.A. 7-14-4109 to order certain improvements without creation of a special improvement district and certain sections of curb and gutter, sidewalks, drive approaches, alley approaches and/or appurtenant features have deteriorated, settled and cracked, or none exist, or some of the foregoing do not exist; and

WHEREAS, the safety and convenience of the public require installation, construction, reconstruction, repair or replacement of curbs and gutters, sidewalks, drive approaches, alley approaches, and/or appurtenant features or combinations thereof; and

WHEREAS, said improvements should be ordered as provided by law.

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

1. INTENTION TO ORDER IN. It is the intention of the Council to order the installation, construction, reconstruction, or replacements of certain curbs, gutters, sidewalks, drive approaches, alley approaches and appurtenant improvements in certain locations, which improvements and locations are more fully described in Exhibits "A" and "B" attached hereto.
2. AFFECTED PROPERTIES. All properties, which will be required to pay any portion of the costs of the improvements identified herein, are listed and the owners of those properties are identified on Exhibit "B" attached hereto.
3. ESTIMATED COSTS. The estimated assessed costs of the proposed improvements, including construction costs, incidental expenses, engineering fees, legal fees, administrative fees and bond issuance costs, but exclusive of interest charges, will be \$75,000.00 as described below:

Construction Costs	\$57,488.17
Management Costs	\$5,748.82
Engineering & Administration (6%)	\$4,500.00
Revolving Fund (5%)	\$3,750.00
Bond Discount (2%)	\$1,500.00

Issuance Costs (3.0%)	\$2,250.00
Bank Fees	\$100.00
Roundoff	\$(336.99)
<hr/>	
Total Assessed Costs	\$75,000.00

Estimated unit costs for construction only, not including engineering, legal, administrative, and bond costs as follows:

<u>Removal of:</u>	<u>Unit Price:</u>
Flatwork Removal	\$10.00/SY
Curb and Gutter Removal	\$5.00/LF
<u>New Construction:</u>	
Concrete Sidewalk	\$ 4.75/SF
Curb and Gutter	\$12.00/LF
New Drive Approach	\$ 5.50/SF
Street Reconstruction	\$48.00/SY

The actual cost to be assessed against any benefited property will be determined by the actual amount of work done adjacent to the property.

4. ASSESSMENT OF COSTS. All costs of constructing the curbs, gutters, sidewalks, and drive approaches, including engineering, administrative and bond costs, will be assessed against the properties which are adjacent to the improvements installed. As shown on Exhibit "B", assessments will be levied against 18 separate lots, parcels, or tracts.

The costs for each property will vary depending upon the actual construction that is required adjacent to each property. The average total assessment, including engineering, administrative, and bond costs is estimated to be \$4,167 with a high of \$7,374, low of \$311, and a median of \$4,256.

5. PERIOD OF ASSESSMENT. The assessments for all improvements and costs shall be paid in not more than twelve (12) annual installments, plus interest, provided however, that payment of one-half of each annual installment, plus interest, may be deferred to May 31 of the year following the assessment.
6. PROPERTY OWNER OPTION TO CONSTRUCT IMPROVEMENTS. In the event that the City Council orders in the above-described improvements following the public hearing, then the owners of all properties to be assessed for the costs of said improvements will be notified of such action in writing. Said owners will have thirty (30) days from the date of said notice in which to install the required improvements at their own expense. In the event the owners do not install these improvements, the City will do so and will assess the costs against the benefited properties as described herein.
7. METHOD OF FINANCING; PLEDGE OF REVOLVING FUND; FINDINGS AND DETERMINATIONS.

The City will issue **Sidewalk, Curb, and Gutter Improvement Bonds** in an aggregate principal amount not to exceed \$75,000 in order to finance the costs of the Improvements. Principal of and interest on the Bonds will be paid from special assessments levied against the property in the Project. This Council further finds it is in the public interest, and in the best interest of the City and the Project, to secure payment of principal of and interest on the Bonds by the Revolving Fund and hereby authorizes the City to enter into the undertakings and agreements authorized in Section 7-12-4225 in respect to the Bonds.

In determining to authorize such undertakings and agreements, this Council has taken into consideration the following factors:

- (a) Estimated Market Value of Parcels. The estimated total market value of the lots, parcels, or tracts in the Project, as of the date of adoption of this resolution, as estimated by the County Assessor, is \$1,334,930. The average market value is \$74,163 with a high of \$626,850 and a low of \$4,081 and median value of \$45,917. The special assessments to be levied against each lot, parcel, or tract are less than the increase in the estimated market value of the properties as a result of the construction of the improvements.
- (b) Diversity of Property Ownership. For the 18 Tax codes in this project, there are 17 separate owners. Carter and Brown Properties LLC owns (2) lots. All other parcels are under separate ownership, it is unlikely that financial difficulties would arise that would require a loan to be made from the Revolving Fund.
- (c) Comparison of Special Assessments, Property Taxes and Market Value. Currently, there are no parcels that have an SID levied against them.

As noted in Section 4, the estimated average assessment levied by this project will be \$4,167. With an average market value of \$74,163, and an average yearly principal payment of \$347.25 (monthly principal of \$28.94) assuming 6% interest rate, the amount of assessment versus the value of the property would appear acceptable. As such, no unusual need for loans from the Revolving Fund would be expected. Further information comparing the total cost (estimate) to the market value for each parcel is listed in Exhibit "B".

- (d) Delinquencies. For tax year 2009, Zero (0) parcels were delinquent. This rate is above the average city collection rate of 95%.

Therefore, given the delinquency history of this Project area, no unusual need for loans from the Revolving Fund would be expected.

- (e) The Public Benefit of the Improvements. Current City Subdivision and Site Development Ordinances, and under City Council policies, the cost of installation of new curb, gutter, sidewalk, and drive approaches is to be borne by the adjoining property owners.

Some of the parcels have been involved in recent construction or subdivision activity. Some of these parcels have undergone recent site developments, both residential and commercial, in which a permit was taken out, but the improvements were not constructed, or the developer has requested that the improvements be included and constructed under the proposed project. Developers generally make a request to be included in the proposed project to take advantage of the financing opportunity of the 12-year assessment. Some of these parcels are lots included in recently approved subdivisions. The improvements were required as part of the Subdivision Improvements Agreements, but were not installed by the subdivider/developer.

The remaining parcels represent a continuation of an annual improvement project for repairs of tripping hazards, deteriorated sidewalks, drainage problems, property owner requests and citizen complaints.

The project improvements are located in various Task Force areas, both commercial and residential, throughout the City.

#### 8. REIMBURSEMENT EXPENDITURES.

- (a) Regulations. The United States Department of Treasury has promulgated final regulations governing the use of proceeds of tax-exempt bonds, all or a portion of which are to be used to reimburse the City for project expenditures paid by the City prior to the date of issuance of such bonds. Those regulations (Treasury Regulations, Section 1.150-2) (the “Regulations”) require that the City adopt a statement of official intent to reimburse an original expenditure not later than 60 days after payment of the original expenditure. The Regulations also generally require that the bonds be issued and the reimbursement allocation made from the proceeds of the bonds within 18 months (or three years, if the reimbursement bond issue qualifies for the “small issuer” exception from the arbitrage rebate requirement) after the later of (i) the date the expenditure is paid or (ii) the date the project is placed in service or abandoned, but (unless the issue qualifies for the “small issuer” exception from the arbitrage rebate requirement) in no event more than three years after the date the expenditure is paid. The Regulations generally permit reimbursement of capital expenditures and costs of issuance of the bonds.
- (b) Prior Expenditures. Other than (i) expenditures to be paid or reimbursed from sources other than the Bonds, (ii) expenditures permitted to be reimbursed under the transitional provision contained in Section 1.150-2(j)(2) of the Regulations, (iii) expenditures constituting preliminary expenditures within the meaning of Section 1.150-2(f)(2) of the Regulations, or (iv) expenditures in a “de minimus” amount (as defined in Section 1.150-2(f)(1) of the Regulations), no expenditures for the Improvements have been paid by the City before the date 60 days before the date of adoption of this resolution.
- (c) Declaration of Intent. The City reasonably expects to reimburse the expenditures made for costs of the Improvements out of the proceeds of Bonds in an estimated

maximum aggregate principal amount of \$75,000 after the date of payment of all or a portion of the costs of the Improvements. All reimbursed expenditures shall be capital expenditures, a cost of issuance of the Bonds or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Regulations.

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

(e) Reimbursement Allocations. The City's financial officer shall be responsible for making the "reimbursement allocations" described in the Regulations, being generally the transfer of the appropriate amount of proceeds of the Bonds to reimburse the source of temporary financing used by the City to make prior payment of the costs of the Improvements. Each allocation shall be evidenced by an entry on the official books and records of the City maintained for the Bonds or the Improvements and shall specifically identify the actual original expenditure being reimbursed.

9. PUBLIC HEARING. On Monday, March 14, 2011, at 6:30 p.m., in the Council Chambers located on the Second Floor of the Police Facility, 220 North 27<sup>th</sup> Street, Billings, MT, the City Council will conduct a public hearing concerning this project and all interested parties will be allowed to testify. The City Council will also consider all written comments submitted to the City Clerk prior to the hearing or submitted to the Council during the hearing.

10. NOTICE OF PASSAGE OF RESOLUTION OF INTENTION. The City Clerk is hereby authorized and directed to publish or cause to be published a copy of a Notice of the passage of this Resolution in the BILLINGS TIMES, a newspaper of general circulation in the county on February 17 and February 24, 2011, in the form and manner prescribed by law, and to mail or cause to be mailed, a copy of said Notice to every person, firm corporation, or the agent of such person, firm, or corporation having real property within the District listed in his or her name upon the last completed assessment roll for state, county and school district taxes, at his last-known address, on or before the same day such notice is published.

PASSED by the City Council and APPROVED this 14<sup>th</sup> day of February, 2011.

CITY OF BILLINGS:

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

ATTEST:

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Cari Martin, City Clerk

# Exhibit A Location of Work W.O. 05-13 Jackson Street Sidewalks Phase II



Project Limits

Project Limits



## Exhibit B

### WO 05-13 Jackson Street Sidewalks Phase II

<b>Tax Code</b>	<b>SID #</b>	<b>SID Pay-off (A)</b>	<b>Delinquent (B)</b>	<b>WO 05-13- Assessment (C)</b>	<b>A + B + C</b>	<b>Market Value</b>
A08460				\$2,734.16	\$2,734.16	\$4,081.00
A08656				\$3,956.59	\$3,956.59	\$50,232.00
A09295				\$5,107.09	\$5,107.09	\$22,569.00
A09301				\$4,727.77	\$4,727.77	\$43,114.00
A09664				\$6,680.46	\$6,680.46	\$41,436.00
A09665				\$4,741.97	\$4,741.97	\$44,849.00
A09666				\$3,456.75	\$3,456.75	\$55,277.00
A17127				\$5,871.17	\$5,871.17	\$57,612.00
A17153				\$5,039.54	\$5,039.54	\$51,200.00
A17154				\$4,035.95	\$4,035.95	\$62,796.00
A27700				\$3,726.26	\$3,726.26	\$26,660.00
D01607				\$7,374.04	\$7,374.04	\$46,984.00
D01608				\$310.66	\$310.66	\$626,850.00
D01621				\$6,517.71	\$6,517.71	\$21,810.00
D01622				\$2,102.88	\$2,102.88	\$54,992.00
D01623				\$2,097.99	\$2,097.99	\$40,856.00
D01624				\$2,043.52	\$2,043.52	\$9,342.00
D01625				\$4,475.66	\$4,475.66	\$74,270.00

**Regular City Council Meeting**

**Date: 02/14/2011**

**TITLE:** SID 1369 Moore Lane Resolution of Intent to Create District and Set a Public Hearing

**PRESENTED BY:** David Mumford

**Department:** Public Works

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**Information**

**PROBLEM/ISSUE STATEMENT**

Some of the property owners along Moore Lane between Monad Road and Central Avenue have expressed interest in creating an SID to reconstruct Moore Lane. SID 1369 will construct the missing sanitary sewer improvements, new storm drain, curb and gutter, sidewalk, and the necessary widening and reconstruction of the street. There are thirty-four properties on Moore Lane which are all commercially zoned. The Public Works Department held a public meeting with the property owners and more than half of the owners are in favor of the creation of an SID. Per the City's SID policy, the City will need to fund the reconstruction of the existing width of the street and fund any reconstruction of existing curb and gutter and sidewalk. The City is contributing \$425,000 of arterial funds and storm funds to the SID.

**ALTERNATIVES ANALYZED**

The Council may:

- Approve the Resolution of Intent to Create SID 1369 and set a public hearing for March 14, 2011, City Council Meeting; or
- Do not approve the Resolution of Intent to Create SID 1369.

**FINANCIAL IMPACT**

The total estimated costs of the Improvements are \$1,721,000.00. The costs of the Improvements are to be paid from the following sources: (1) \$1,296,000.00 of Special Improvement District bonds; and (2) \$425,000.00 cash contribution from the City of Billings utilizing arterial fee and storm funds.

**RECOMMENDATION**

Staff recommends that Council approve the Resolution of Intent to Create SID 1369 and set a public hearing date for March 14, 2011.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

SID 1369 Resolution of Intent

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CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of the City of Billings, Montana (the City), hereby certify that the attached resolution is a true copy of Resolution No. \_\_\_\_\_, entitled: **RESOLUTION RELATING TO SPECIAL IMPROVEMENT DISTRICT NO. 1369; DECLARING IT TO BE THE INTENTION OF THE CITY COUNCIL TO CREATE THE DISTRICT FOR THE PURPOSE OF UNDERTAKING CERTAIN LOCAL IMPROVEMENTS AND FINANCING THE COSTS THEREOF AND INCIDENTAL THERETO THROUGH THE ISSUANCE OF SPECIAL IMPROVEMENT DISTRICT BONDS SECURED BY THE CITY'S SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND** (the Resolution" was duly adopted by the City Council of the City at a meeting on February 14, 2011 that the meeting was duly held by the City Council and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.)

I further certify that, upon vote being taken on the Resolution at said meeting, the following Councilmembers voted in favor thereof: \_\_\_\_\_

\_\_\_\_\_;

voted against the same: \_\_\_\_\_

\_\_\_\_\_;

or were absent: \_\_\_\_\_.

WITNESS my hand officially this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_.

\_\_\_\_\_  
Cari Martin

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

RESOLUTION NO. 11-\_\_\_\_\_

RESOLUTION RELATING TO SPECIAL IMPROVEMENT DISTRICT NO. 1369; DECLARING IT TO BE THE INTENTION OF THE CITY COUNCIL TO CREATE THE DISTRICT FOR THE PURPOSE OF UNDERTAKING CERTAIN LOCAL IMPROVEMENTS AND FINANCING THE COSTS THEREOF AND INCIDENTAL THERETO THROUGH THE ISSUANCE OF SPECIAL IMPROVEMENT DISTRICT BONDS SECURED BY THE CITY'S SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND

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

**Section 1. Proposed Improvements; Intention To Create District.** The City proposes to undertake certain local Improvements (the "Improvements") to benefit certain property located in the City. The Improvements consist of the construction of Moore Land, as more particularly described in Section 5. The total estimated costs of the Improvements are \$1,721,000.00. The costs of the Improvements are to be paid from the following sources: (1) \$1,296,000.00 of Special Improvement District bonds hereinafter described; and (2) \$425,000.00 of cash contribution by the City of Billings. It is the intention of this Council to create and establish in the City under Montana Code Annotated, Title 7, Chapter 12, Parts 41 and 42, as amended, a Special Improvement District (the "District") for the purpose of financing costs of the Improvements and paying costs incidental thereto, including costs associated with the sale and the security of Special Improvement District bonds drawn on the District (the "Bonds"), the creation and administration of the District, the funding of a deposit to the City's Special Improvement District Revolving Fund (the "Revolving Fund"). The total estimated costs of the Improvements, including such incidental costs, to be financed by the Bonds are \$1,296,000.00. The Bonds are to be payable primarily from special assessments to be levied against property in the District, which property will be specially benefited by the Improvements.

**Section 2. Number of District.** The District, if the same shall be created and established, shall be known and designated as Special Improvement District No. 1369 of the City of Billings, Montana.

**Section 3. Boundaries of District.** The limits and boundaries of the District are depicted on a map attached as Exhibit A hereto (which is hereby incorporated herein and made a part hereof) and more particularly described on Exhibit B hereto (which is hereby incorporated herein and made a part hereof), which boundaries are designated and confirmed as the boundaries of the District. A listing of each of the properties in the District is shown on Exhibit F hereto (which are hereby incorporated herein and made a part hereof).

**Section 4. Benefited Property.** The District and territory included within the limits and boundaries described in Section 3 and as shown on Exhibits A, B, and F are hereby declared to be the Special Improvement District and the territory which will benefit and be benefited by the Improvements and will be assessed for the costs of the Improvements as described in Section 7.

**Section 5. General Character of the Improvements.** The general character of the Improvements, as shown in Exhibit E, is the construction of curb and gutter, sidewalk, sanitary sewer mains, sanitary sewer services, water services, and necessary street improvements fronting Lots on Moore Lane between Central Avenue and Monad Road.

**Section 6. Engineer and Estimated Cost.** The Engineer for this project will be chosen from a list of pre-approved consultants. The City Engineer's Office has estimated that the costs of the Improvements, including all incidental costs, are \$1,721,000.00.

**Section 7. Assessment Methods.**

**7.1. Property to be Assessed.** All properties within the district are to be assessed for the costs of the Improvements, as specified herein. The costs of the Improvements shall be assessed against the property in the District benefiting from the Improvements based on the equal amount methods described in Section 7-12-4162 and 7-12-4163 M.C.A., as particularly applied and set forth in this Section 7.

**7.1.1 Frontage Method.**

Assessment #1 will include street improvements to be constructed on Moore Lane between Central Avenue and Monad Road. The properties to be assessed for these improvements include COS 363; COS 116, Tracts 1A & 1B and 1C; COS 352, Tracts A, B, and C; Maverik Subdivision, Lots 1, 2, 3, 4, and 5; Flanagan Subdivision, Lots 5A, 5C, South 145' of 6, 6B1, 6B2, 12A, 12D, Remainder of Lot 12, North 150' of 21, 21A, 21B1, 21B2, Remainder of 22, 22A, 22B, and 28; COS 1495; Flanagan Subdivision Amended Lot 22, Lots 7, 8, 9, 10, 11, and 12; Flanagan Subdivision Amended Lot 27, Lots 1 and 2 as described in Part III. For the purposes of being fair and equitable to each parcel of land in the District, as above-mentioned, the Engineer has determined that each parcel of land, receiving street improvements shall bear the costs of only the improvements along their lot frontage as set forth in Part III hereto to arrive at a lineal footage method for street improvements. The total estimated cost of Assessment #1 is \$615,569.72 and shall be assessed against each parcel of land within the District, as above-mentioned, receiving street improvements and not paying a cash contribution, on a lineal footage amount basis based on the bid price to be received. The lineal foot assessment is estimated to be \$134.8712 per lineal foot.

Assessment #5 will include curb and gutter and driveway improvements to be constructed on Moore Lane between Central Avenue and Monad Road. The properties to be assessed for these improvements include COS 363; COS 116, Tracts 1A & 1B and 1C; COS 352, Tracts A, B, and C; Maverik Subdivision, Lots 1, 2, 3, 4, and 5; Flanagan Subdivision, Lots 5A, 5C, 6B1, 6B2, 12A, 12D, Remainder of Lot 12, North 150' of 21, 21B2, Remainder of 22, 22A, 22B, and 28; COS 1495; Flanagan Subdivision Amended Lot 22, Lots 7, 8, 9, 10, 11, and 12; Flanagan Subdivision Amended Lot 27, Lots 1 and 2 as described in Part III. For the purposes of being fair and equitable to each parcel of land in the District, as above-mentioned, the Engineer has determined that each parcel of land, receiving curb and gutter and driveway improvements shall bear the costs of only the improvements along their lot frontage as set forth in Part III hereto to arrive at a lineal footage method for curb and gutter and driveway improvements. The total estimated cost of Assessment #5 is \$131,610.08 and

shall be assessed against each parcel of land within the District, as above-mentioned, receiving curb and gutter and driveway improvements and not paying a cash contribution, on a lineal footage amount basis based on the bid price to be received. The lineal foot assessment is estimated to be \$32.6519 per lineal foot.

Assessment #6 will include sidewalk improvements to be constructed on Moore Lane between Central Avenue and Monad Road. The properties to be assessed for these improvements include COS 363; COS 116, Tracts 1A & 1B and 1C; COS 352, Tracts A, B, and C; Maverik Subdivision, Lots 1, 2, 3, 4, and 5; Flanagan Subdivision, Lots 5A, 5C, South 145' of 6, 6B1, 6B2, 12A, 12D, Remainder of Lot 12, North 150' of 21, 21B2, Remainder of 22, 22A, 22B, and 28; COS 1495; Flanagan Subdivision Amended Lot 22, Lots 7, 8, 9, 10, 11, and 12; Flanagan Subdivision Amended Lot 27, Lots 1 and 2 as described in Part III. For the purposes of being fair and equitable to each parcel of land in the District, as above-mentioned, the Engineer has determined that each parcel of land, receiving sidewalk improvements shall bear the costs of only the improvements along their lot frontage as set forth in Part III hereto to arrive at a lineal footage method for sidewalk improvements. The total estimated cost of Assessment #6 is \$381,484.45 and shall be assessed against each parcel of land within the District, as above-mentioned, receiving sidewalk improvements and not paying a cash contribution, on a lineal footage amount basis based on the bid price to be received. The lineal foot assessment is estimated to be \$91.3582 per lineal foot.

#### **7.1.1 Equal Amount Method.**

Assessment #2 will include the construction of sanitary sewer main in Moore Lane. The properties to be assessed for these improvements include COS 116, Tracts 1A & 1B and 1C; Flanagan Subdivision, Lots 21A, 21B1, 21B2, Remainder of 22, 22A, 22B, and 28; Flanagan Subdivision Amended Lot 22, Lots 9, 10, 11, and 12; Flanagan Subdivision Amended Lot 27, Lots 1 and 2 as described in Part III. For the purposes of equitably apportioning special benefit to each lot, tract or parcel of land in the District, as above-mentioned, the Engineer has determined that each lot, tract, or parcel of land, receiving sanitary sewer main improvements, shall equally bear the costs of the sanitary sewer main improvements as set forth in Part III hereto to arrive at an equal cost for the sanitary sewer main improvements. The total estimated cost of Assessment #2 is \$88,287.57 and shall be assessed against each lot, tract, or parcel of land within the District, as above-mentioned, receiving sanitary sewer main improvements and not paying a cash contribution, on an equal amount basis based on the bid price to be received. The equal amount assessment is estimated to be \$6,306.2553.

Assessment #3 will include the construction of sanitary sewer services in Moore Lane. The properties to be assessed for these improvements include COS 116, Tracts 1A & 1B and 1C; Maverik Subdivision, Lot 5; Flanagan Subdivision, Lots 6B1, 21A, 21B1, 21B2, Remainder of 22, 22A, and 22B; Flanagan Subdivision Amended Lot 22, Lots 7, 9, 10, 11, and 12; Flanagan Subdivision Amended Lot 27, Lots 1 and 2 as described in Part III. For the purposes of equitably apportioning special benefit to each lot, tract or parcel of land in the District, as above-mentioned, the Engineer has determined that each lot, tract, or parcel of land, receiving sanitary sewer service improvements, shall equally bear the costs of the sanitary sewer service improvements as set forth in Part III hereto to arrive at an equal cost for the sanitary sewer service improvements. The total estimated cost of Assessment

#3 is \$71,861.98 and shall be assessed against each lot, tract, or parcel of land within the District, as above-mentioned, receiving sanitary sewer service improvements and not paying a cash contribution, on an equal amount basis based on the bid price to be received. The equal amount assessment is estimated to be \$5,132.9985.

Assessment #4 will include the construction of water services in Moore Lane. The properties to be assessed for these improvements include Flanagan Subdivision, Lots 6B1 as described in Part III. For the purposes of equitably apportioning special benefit to each lot, tract or parcel of land in the District, as above-mentioned, the Engineer has determined that each lot, tract, or parcel of land, receiving water service improvements, shall equally bear the costs of the water service improvements as set forth in Part III hereto to arrive at an equal cost for the water service improvements. The total estimated cost of Assessment #4 is \$7,186.1979 and shall be assessed against each lot, tract, or parcel of land within the District, as above-mentioned, receiving water service improvements and not paying a cash contribution, on an equal amount basis based on the bid price to be received. The equal amount assessment is estimated to be \$7,186.1979.

**7.2. Assessment Methodologies Equitable and Consistent With Benefit.** This Council hereby determines that the methods of assessment and the assessment of costs of the specific improvements against the properties benefited thereby as prescribed in this Section 7 are equitable in proportion to and not exceeding the special benefits derived from the respective improvements by the lots, tracts, and parcels to be assessed therefore within the District.

**Section 8. Payment of Assessments.** The special assessments for the costs of the Improvements shall be payable over a term not exceeding 15 years, each in equal semiannual installments of principal, plus interest, or equal semiannual payments of principal and interest, as this Council shall prescribe in the resolution authorizing the issuance of the Bonds. Property Owners have the right to prepay assessments as provided by law. Further, all owners shall have the opportunity to prepay their assessments prior to sale of the SID bonds.

**Section 9. Method of Financing; Pledge of Revolving Fund; Findings and Determinations.** The City will issue the Bonds in an aggregate principal amount not to exceed \$1,322,000.00 in order to finance the costs of the Improvements. Principal of and interest on the Bonds will be paid from special assessments levied against the properties in the District. This Council further finds it is in the public interest, and in the best interest of the City and the District, to secure payment of principal of and interest on the Bonds by the Revolving Fund and hereby authorizes the city to enter into the undertakings and agreements authorized in Section 7-12-4225 in respect of the Bonds.

In determining to authorize such undertakings and agreements, this Council has taken into consideration the following factors:

(a) **Estimated Market Value of Parcels.** The estimated market value of the lots, parcels, or tracts in the District as of the date of adoption of this resolution, as estimated, by the County Assessor for property tax purposes ranges from \$29,634.00 to \$1,635,980.00, and is set forth in Exhibit F. The average market value is \$320,437.41 with the median being

\$201,250.50. The special assessments to be levied under Section 7 against each lot, parcel, or tract in the District is less than the increase in estimated value of the lot, parcel, or tract as a result of the construction of the Improvements.

(b) **Diversity of Property Ownership.** There are a total of 34 parcels within the district boundaries. No improvements, public or private, are located on any of the parcels within the District. Four property owners own two parcels, one property owner owns three parcels, and the remaining parcels are owned by separate owners.

(c) **Comparison of Special Assessments and Property Taxes and Market Value.** Based on an analysis of the aggregate amount of the proposed, any outstanding special assessments (whether or not delinquent), and any delinquent property taxes (as well as any known industrial development bonds theretofore issued and secured by a mortgage against a parcel in the District) against each lot, parcel, or tract in the District in comparison to the estimated market value of such lot, parcel, or tract after the Improvements, the City concludes that, overall, the estimated market value of the lots, tracts, or parcels of land in the District exceeds the sum of special assessments, delinquent property taxes, and current assessments and is set forth in Exhibit F.

(d) **Delinquencies.** An analysis of the amount of delinquencies in the payment of outstanding special assessments or property taxes levied against the properties in the District shows that of 34 properties, zero (0) properties were delinquent, and is set forth in Exhibit F.

(e) **The Public Benefit of the Improvements.** The total estimated costs of the Improvements are \$1,721,100.00. The costs of the Improvements are to be paid from the following sources: (1) \$1,296,000.00 of Special Improvement District bonds hereinafter described; and (2) \$425,000.00 of cash contribution by the City of Billings. All of the properties are zoned Controlled Industrial. Only one of the parcels is vacant. The public improvements contemplated under the terms of this proposed District are required by the City Subdivision, Site Development and Zoning Ordinances in order for the parcels to develop.

## **Section 10. Reimbursement Expenditures.**

**10.01. Regulations.** The United States Department of Treasury has promulgated final regulations governing the use of proceeds of tax-exempt bonds, all or a portion of which are to be used to reimburse the City for project expenditures paid by the City prior to the date of issuance of such bonds. Those regulations (Treasury Regulations, Section 1.150-2) (the "Regulations") require that the City adopt a statement of official intent to reimburse an original expenditure not later than 60 days after payment of the original expenditure. The Regulations also generally require that the bonds be issued and the reimbursement allocation made from the proceeds of the bonds within 18 months (or three years, if the reimbursement bond issue qualifies for the "small issuer" exception from the arbitrage rebate requirement) after the later of (i) the date the expenditure is paid or (ii) the date the project is placed in service or abandoned, but (unless the issue qualifies for the "small issuer" exception from the arbitrage

rebate requirement) in no event more than three years after the date the expenditure is paid. The Regulations generally permit reimbursement of capital expenditures and costs of issuance of the bonds.

**10.02. Prior Expenditures.** Other than (i) expenditures to be paid or reimbursed from sources other than the Bonds, (ii) expenditures permitted to be reimbursed under the transitional provision contained in Section 1.150-2(j)(2) of the Regulations, (iii) expenditures constituting preliminary expenditures within the meaning of Section 1.150-2(f)(2) of the Regulations, or (iv) expenditures in a “de minimus” amount (as defined in Section 1.150-2(f)(1) of the Regulations), no expenditures for the Improvements have been paid by the City before the date 60 days before the date of adoption of this resolution.

**10.03. Declaration of Intent.** The City reasonably expects to reimburse the expenditures made for costs of the Improvements out of the proceeds of Bonds in an estimated maximum aggregate principal amount of \$1,296,000.00 after the date of payment of all or a portion of the costs of the Improvements. All reimbursed expenditures shall be capital expenditures, a cost of issuance of the Bonds or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Regulations.

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

**10.05. Reimbursement Allocations.** The City’s financial officer shall be responsible for making the “reimbursement allocations” described in the Regulations, being generally the transfer of the appropriate amount of proceeds of the Bonds to reimburse the source of temporary financing used by the City to make prior payment of the costs of the Improvements. Each allocation shall be evidenced by an entry on the official books and records of the City maintained for the Bonds or the Improvements and shall specifically identify the actual original expenditure being reimbursed.

**Section 11. Public Hearing Protests.** At any time within fifteen (15) days from and after the date of the first publication of the notice of the passage and approval of this resolution, any owner of real property within the District subject to assessment and taxation for the cost and expense of making the Improvements may make and file with the City Clerk until 5:00 p.m., M.T., on the expiration date of said 15-day period (March 4, 2011), written protest against the proposed Improvements, or against the extension or creation of the District or both, and this Council will at its next regular meeting after the expiration of the fifteen (15) days in which such protests in writing can be made and filed, proceed to hear all such protests so made and filed; which said, regular meeting will be held on Monday the 14<sup>th</sup>

day of March 2011, at 6:30 p.m., in the Council Chambers, at 220 North 27<sup>th</sup> Street, in Billings, Montana.

**Section 12. Notice of Passage of Resolution of Intention.** The City Clerk is hereby authorized and directed to publish or cause to be published a copy of a notice of the passage of this resolution in the Billings Times, a newspaper of general circulation in the county on February 17 and February 24, 2011, in the form and manner prescribed by law, and to mail or cause to be mailed a copy of said notice to every person, firm, corporation, or the agent of such person, firm, or corporation having real property within the District listed in his or her name upon the last completed assessment roll for state, county, and school district taxes, at his last-known address, on or before the same day such notice is first published.

PASSED AND ADOPTED by the City Council of the City of Billings, Montana, this 14<sup>th</sup> day of February 2011.

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Mayor

Attest:

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City Clerk



EXHIBIT B  
SID 1369, MOORE LANE STRET IMPROVEMENTS

Certificate of Survey 363, Recorded December 1, 1950, Under Document No. 471438;  
Lots 5A & 5C of Amended Plat of Lot 5, Flanagan Subdivision, Recorded May 28, 2009, Under Document No. 3509163;  
Lots 6B1 & 6B2 of Amended Plat of Lot 6B, Flanagan Subdivision, Recorded December 18, 2008, Under Document No. 3489483;  
The south 145 feet of Lot 6 Flanagan Subdivision, Recorded October 24, 1906, Under Document No. 4782;  
Lots 12-A & 12-D of Flanagan Subdivision, Amended Portion of North 185.6 feet of Lot 12, Recorded September 12, 1960, Under Document No. 648239;  
Certificate of Survey 352, Recorded October 25, 1950, Under Document No. 470023;  
Lot 12 Flanagan Subdivision, Recorded October 24, 1906, Under Document No. 4782, less said Lots 12-A & 12-D of Flanagan Subdivision and said Certificate of Survey 352;  
Lot 1, Block 1, Maverik Subdivision, Recorded November 17, 1977, Under Document No. 1070782;  
Lots 2 - 5, Block 1, Maverik Subdivision 2nd Filing, Recorded February 5, 1986, Under Document No. 1380849;  
The north 150 feet of Lot 21 Flanagan Subdivision, Recorded October 24, 1906, Under Document No. 4782;  
Certificate of Survey 1495, Recorded December 26, 1974, Under Document No. 978322;  
Lot 21-A of Amended Plat of A Portion of Lot 21, Flanagan Subdivision, Recorded June 16, 1975, Under Document No. 990791;  
Lots 21-B-1 and 21-B-2 Plat of Amended Lot 21-B and the South 62 feet of Lot 21, Flanagan Subdivision, Recorded July 13, 1998, Under Document No. 3011162;  
Lots 7 - 12 of Amended Plat North 3/5 of Lot 22, Flanagan Subdivision, Recorded November 9, 1956, Under Document No. 572930;  
Lots 22-A and 22-B of Amended North 2/3rds of South 2/5ths of Lot 22, Flanagan Subdivision, Recorded May 30, 2002, Under Document No. 3178298;

The south 1/3 of south 2/5 of Lot 22 Flanagan Subdivision, Recorded October 24, 1906, Under Document No. 4782;

Tracts 1-a, 1-b and 1-c of Certificate of Survey 116 Amended, Recorded March 17, 1953, Under Document No. 504036;

Lots 1 and 2 of Amended Plat of a Portion of Lot 27, Flanagan Subdivision, Recorded August 6, 1958, Under Document No. 605270;

Lot 28 Flanagan Subdivision, Recorded October 24, 1906, Under Document No. 4782;

**EXHIBIT C****SID 1369 - Moore Lane****ENGINEER'S ESTIMATE OF PROBABLE COST****Water, Sanitary Sewer, Storm Drain, and Street Improvements**

This estimate is based on approximate quantities and costs for improvements, complete in-place to construct Moore Lane from Laurel Highway to Central Avenue

**ALL ITEMS ARE COMPLETE IN-PLACE**

ITEM NO.	EST. QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL PRICE
<b><i>Schedule I - Streets</i></b>					
100	1	LS	Mobilization & Insurance (7%)	@ \$77,533.75 / LS =	\$77,533.75
101	1	LS	Storm Water Management and Erosion Control	@ \$3,000.00 / LS =	\$3,000.00
102	6,500	CY	Unclassified Excavation	@ \$12.00 / CY =	\$78,000.00
103	3,700	CY	1 1/2" Base Gravel	@ \$17.50 / CY =	\$64,750.00
104	2,300	TN	Asphalt Surface Course	@ \$33.00 / TN =	\$75,900.00
105	138	TN	Asphalt Oil (6%)	@ \$380.00 / TN =	\$52,440.00
106	300	SY	Flatwork/Curb and Gutter Removal	@ \$20.00 / SY =	\$6,000.00
107	5,000	SY	Driveway Restoration - Asphalt/Concrete/Landscaping	@ \$30.00 / SY =	\$150,000.00
108	4,700	LF	Curb and Gutter	@ \$15.00 / LF =	\$70,500.00
109	5	EA	ADA Ramps	@ \$3,000.00 / EA =	\$15,000.00
110	32,900	SF	Sidewalk	@ \$6.00 / SF =	\$197,400.00
111	2,200	LF	24" Storm Drain	@ \$60.00 / LF =	\$132,000.00
112	16	EA	Storm Inlets	@ \$3,500.00 / EA =	\$56,000.00
113	368	LF	12" Storm Drain	@ \$40.00 / LF =	\$14,720.00
114	8	EA	Storm Manholes	@ \$5,000.00 / EA =	\$40,000.00
115	1	EA	Storm Drain Connection	@ \$2,000.00 / EA =	\$2,000.00
116	1	LS	Striping and Curb Painting	@ \$12,000.00 / LS =	\$12,000.00
117	1	LS	Traffic Signage	@ \$5,000.00 / LS =	\$5,000.00
118	1	LS	Traffic Control	@ \$55,381.25 / LS =	\$55,381.25
<b>Subtotal - Streets</b>					<b>\$1,107,625.00</b>
<b><i>Schedule II - Utilities</i></b>					
201	1	LS	Mobilization & Insurance (7%)	@ \$6,482.95 / LS =	\$6,482.95
202	600	LF	8" Sanitary Sewer Main	@ \$60.00 / LF =	\$36,000.00
202	1	EA	Water Services	@ \$3,500.00 / EA =	\$3,500.00
203	2	EA	Sanitary Sewer Manholes	@ \$3,500.00 / EA =	\$7,000.00
203	14	EA	Sanitary Sewer Laterals	@ \$2,500.00 / EA =	\$35,000.00
204	1	LS	Traffic Control	@ \$4,630.68 / LS =	\$4,630.68
<b>Subtotal - Utilities</b>					<b>\$92,613.64</b>
<b>Total Construction Costs</b>					<b>\$1,200,238.64</b>
<b>City of Billings</b>					<b>\$0.00</b>
<b>Balance Construction Costs</b>					<b>\$1,200,238.64</b>
<b>Construction Contingency (10%)</b>					<b>\$120,023.86</b>
<b>TOTAL ASSESSED CONSTRUCTION &amp; CONTINGENCY</b>					<b>\$1,320,262.50</b>
<b><i>Construction &amp; S.I.D. Administrative Costs</i></b>					
<b>Preliminary Engineering &amp; Design</b>					<b>\$96,019.09</b>
<b>Construction Administration</b>					<b>\$96,019.09</b>
<b>TOTAL ADMINISTRATIVE COSTS</b>					<b>\$192,038.18</b>
<b>CONSTRUCTION &amp; ADMINISTRATION SUBTOTAL</b>					<b>\$1,512,300.68</b>
<b>CITY CONTRIBUTION</b>					<b>(\$425,000.00)</b>
					<b>\$1,087,300.68</b>

# EXHIBIT C

## ASSESSMENT #1 STREETS

### SID 1369 - Moore Lane

#### ENGINEER'S ESTIMATE OF PROBABLE COST

#### Street Improvements

This estimate is based on approximate quantities and costs for improvements, complete in-place to construct Moore Lane from Laurel Highway to Central Avenue

#### ALL ITEMS ARE COMPLETE IN-PLACE

ITEM EST.

NO.	QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL PRICE
<i><u>Schedule I - Streets</u></i>					
100	1	LS	Mobilization & Insurance (7%)	@ \$39,905.97 / LS =	\$39,905.97
101	1	LS	Storm Water Management and Erosion Control	@ \$3,000.00 / LS =	\$3,000.00
102	6,500	CY	Unclassified Excavation	@ \$12.00 / CY =	\$78,000.00
103	3,700	CY	1 1/2" Base Gravel	@ \$17.50 / CY =	\$64,750.00
104	2,300	TN	Asphalt Surface Course	@ \$33.00 / TN =	\$75,900.00
105	138	TN	Asphalt Oil (6%)	@ \$380.00 / TN =	\$52,440.00
	300	SY	Flatwork/Curb and Gutter Removal	@ \$20.00 / SY =	\$6,000.00
	5,000	SY	Driveway Restoration - Asphalt/Concrete/Landscaping	@ \$30.00 / SY =	\$150,000.00
107	5	EA	ADA Ramps	@ \$3,000.00 / EA =	\$15,000.00
110	2,200	LF	18" Storm Drain	@ \$60.00 / LF =	\$132,000.00
111	16	EA	Storm Inlets	@ \$3,500.00 / EA =	\$56,000.00
	368	LF	12" Storm Drain	@ \$40.00 / LF =	\$14,720.00
112	8	EA	Storm Manholes	@ \$5,000.00 / EA =	\$40,000.00
113	1	EA	Storm Drain Connection	@ \$2,000.00 / EA =	\$2,000.00
114	1	LS	Striping and Curb Painting	@ \$12,000.00 / LS =	\$12,000.00
115	1	LS	Traffic Signage	@ \$5,000.00 / LS =	\$5,000.00
116	1	LS	Traffic Control	@ \$28,504.27 / LS =	\$28,504.27
<b>Subtotal</b>					<b>= \$775,220.24</b>
<b>City Contribution (24 feet of Street)</b>					<b>(\$407,000.00)</b>
<b>Subtotal</b>					<b>\$368,220.24</b>

% Share of Total SID Construction	47.50%
Share of SID Construction Contingency	\$57,008.53
Share of SID Construction Administration Costs	\$91,213.65
<b>Subtotal</b>	<b>\$516,442.42</b>

**EXHIBIT C**  
**ASSESSMENT #2 SANITARY SEWER MAIN**  
**SID 1369 - Moore Lane**

**ENGINEER'S ESTIMATE OF PROBABLE COST**

**Sanitary Sewer Improvements**

This estimate is based on approximate quantities and costs for improvements, complete in-place to construct Moore Lane from Laurel Highway to Central Avenue

**ALL ITEMS ARE COMPLETE IN-PLACE**

ITEM NO.	EST. QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL PRICE
<b><i>Schedule II - Utilities</i></b>					
201	1	LS	Mobilization & Insurance (7%)	@ \$5,723.48 / LS =	\$5,723.48
202	600	LF	8" Sanitary Sewer Main	@ \$60.00 / LF =	\$36,000.00
203	2	EA	Sanitary Sewer Manholes	@ \$3,500.00 / EA =	\$7,000.00
204	0	EA	Sanitary Sewer Laterals	@ \$2,500.00 / EA =	\$0.00
205	1	LS	Traffic Control	@ \$4,088.20 / LS =	\$4,088.20
<b>Total</b>					<b>= \$52,811.68</b>

% Share of Total SID Construction	6.81%
Share of SID Construction Contingency	\$8,176.40
Share of SID Construction Administration Costs	\$13,082.24
Subtotal	<u>\$74,070.32</u>

**EXHIBIT C**  
**ASSESSMENT #3 SS SERVICES**  
**SID 1369 - Moore Lane**

**ENGINEER'S ESTIMATE OF PROBABLE COST**

**Sanitary Sewer Services Only Improvements**

This estimate is based on approximate quantities and costs for improvements, complete in-place to construct Moore Lane from Laurel Highway to Central Avenue

**ALL ITEMS ARE COMPLETE IN-PLACE**

ITEM NO.	EST. QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL PRICE
<i><u>Schedule II - Utilities</u></i>					
201	1	LS	Mobilization & Insurance (7%)	@ \$4,658.65 / LS =	\$4,658.65
204	14	EA	Sanitary Sewer Laterals	@ \$2,500.00 / EA =	\$35,000.00
205	1	LS	Traffic Control	@ \$3,327.61 / LS =	\$3,327.61
<b>Total</b>					<b>= \$42,986.25</b>
% Share of Total SID Construction					5.54%
Share of SID Construction Contingency					\$6,655.21
Share of SID Construction Administration Costs					<u>\$10,648.34</u>
Subtotal					<b>\$60,289.80</b>

**EXHIBIT C**  
**ASSESSMENT #4 WATER SERVICES**  
**SID 1369 - Moore Lane**

**ENGINEER'S ESTIMATE OF PROBABLE COST**

**Water Services Improvements**

This estimate is based on approximate quantities and costs for improvements, complete in-place to construct Moore Lane from Laurel Highway to Central Avenue

**ALL ITEMS ARE COMPLETE IN-PLACE**

ITEM NO.	EST. QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL PRICE
<i><u>Schedule II - Utilities</u></i>					
201	1	LS	Mobilization & Insurance (7%)	@ \$465.86 / LS =	\$465.86
204	1	EA	Water Services	@ \$3,500.00 / EA =	\$3,500.00
205	1	LS	Traffic Control	@ \$332.76 / LS =	\$332.76
<b>Total</b>					<b>= \$4,298.63</b>
% Share of Total SID Construction					0.55%
Share of SID Construction Contingency					\$665.52
Share of SID Construction Administration Costs					\$1,064.83
Subtotal					<u>\$6,028.98</u>

**EXHIBIT C**  
**ASSESSMENT #5 C & G & DRIVEWAYS**  
**SID 1369 - Moore Lane**

**ENGINEER'S ESTIMATE OF PROBABLE COST**

**Curb and Gutter and Driveways Improvements**

This estimate is based on approximate quantities and costs for improvements, complete in-place to construct Moore Lane from Laurel Highway to Central Avenue

**ALL ITEMS ARE COMPLETE IN-PLACE**

ITEM NO.	EST. QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL PRICE
<b><u>Schedule I - Streets</u></b>					
100	1	LS	Mobilization & Insurance (7%)	@ \$8,531.98 / LS =	\$8,531.98
106	4,700	LF	Curb and Gutter	@ \$15.00 / LF =	\$70,500.00
	1	LS	Traffic Control	@ \$6,094.27 / LS =	\$6,094.27
			<b>Subtotal</b>	=	<b>\$85,126.25</b>
			<b>City Contribution</b>	=	<b>-\$6,400.00</b>
			<b>Total</b>	=	<b>\$78,726.25</b>
			% Share of Total SID Construction		10.16%
			Share of SID Construction Contingency		\$12,188.54
			Share of SID Construction Administration Costs		\$19,501.67
			Subtotal		<b>\$110,416.46</b>



**EXHIBIT D**

**SID 1369 - MOORE LANE**

**TABLE OF ESTIMATED ASSESSMENTS PER ITEM**

CODE #	ASSESSMENT ITEM	RAW PLUS CONTINGENCY	% OF CONSTRUCTION	CONSTRUCTION CONTINGENCY	TOTAL THRU ADMINISTRATION COSTS	SID ADMINISTRATION COSTS	TOTAL CONSTRUCTION COSTS	TOTAL UNITS PER ITEM	CASH CONTRIBUTION RATE PER UNIT	TOTAL UNITS TO BE ASSESSED PER ITEM	ASSESSMENT COST	% APPLIED TO ADMINISTRATION COSTS	ADMINISTRATION COSTS	TOTAL THRU ADMINISTRATION COSTS	UNIT COST PER ASSESSMENT
1	ASSESSMENT #1 STREETS	\$368,220.24	47.50%	\$57,008.53	\$425,228.77	\$91,213.65	\$516,442.42	4,564.13	\$113.15	4,564.13	\$516,442.42	47.50%	\$99,127.30	\$615,569.72	\$134.87
2	ASSESSMENT #2 SANITARY SEWER MAIN	\$52,811.68	6.81%	\$8,176.40	\$60,988.08	\$13,082.24	\$74,070.32	14.00	\$5,290.74	14.00	\$74,070.32	6.81%	\$14,217.25	\$88,287.57	\$6,306.26
3	ASSESSMENT #3 SS SERVICES	\$42,986.25	5.54%	\$6,655.21	\$49,641.46	\$10,648.34	\$60,289.80	14.00	\$4,306.41	14.00	\$60,289.80	5.54%	\$11,572.18	\$71,861.98	\$5,133.00
4	ASSESSMENT #4 WATER SERVICES	\$4,298.63	0.55%	\$665.52	\$4,964.15	\$1,064.83	\$6,028.98	1.00	\$6,028.98	1.00	\$6,028.98	0.55%	\$1,157.22	\$7,186.20	\$7,186.20
5	ASSESSMENT #5 C & G & DRIVEWAYS	\$78,726.25	10.16%	\$12,188.54	\$90,914.79	\$19,501.67	\$110,416.46	4,030.70	\$27.39	4,030.70	\$110,416.46	10.16%	\$21,193.62	\$131,610.08	\$32.65
6	ASSESSMENT #6 SIDEWALKS	\$228,195.59	29.44%	\$35,329.66	\$263,525.25	\$56,527.45	\$320,052.70	4,175.70	\$76.65	4,175.70	\$320,052.70	29.44%	\$61,431.75	\$381,484.45	\$91.36

# **EXHIBIT E**

## **SID 1369 - MOORE LANE**

### **PROJECT DESCRIPTION**

Special Improvement District No. 1369 shall construct the following improvements to Moore Lane.

#### **Moore Lane - Central Avenue to Laurel Highway**

- 1) Reconstruction and widening of street along with construction of curb, gutter, storm drain, sanitary sewer, and water improvements.

## EXHIBIT F

### SID 1369 - MOORE LANE

TAX I.D. NUMBER	PREVIOUS 6-13	PREVIOUS SID #	PREVIOUS PAY-OFF	DELINQUENT ASSESSMENT	SID ASSESSMENT CONTRIBUTION	CASH CONTRIBUTION	SID 1369 ASSESSMENT	SID PAY-OFF + DELINQUENT + SID 1369 ASSESSMENT	ESTIMATED MARKET VALUE	ESTIMATED MARKET VALUE AFTER IMPROVEMENTS
D01448					\$38,832.19	\$0.00	\$38,832.19	\$38,832.19	\$81,335.00	\$120,167.19
C12345					\$60,103.50	\$0.00	\$60,103.50	\$60,103.50	\$128,617.00	\$188,720.50
C12345A					\$46,707.36	\$0.00	\$46,707.36	\$46,707.36	\$938,611.00	\$985,318.36
D01452					\$32,803.26	\$0.00	\$32,803.26	\$32,803.26	\$322,174.00	\$354,977.26
A23885					\$38,832.19	\$0.00	\$38,832.19	\$38,832.19	\$467,475.00	\$506,307.19
A27196					\$54,365.07	\$0.00	\$54,365.07	\$54,365.07	\$535,404.00	\$589,769.07
A27198					\$27,182.53	\$0.00	\$27,182.53	\$27,182.53	\$48,934.00	\$76,116.53
A27199					\$45,466.70	\$0.00	\$45,466.70	\$45,466.70	\$207,030.00	\$252,496.70
A07041					\$22,219.16	\$0.00	\$22,219.16	\$22,219.16	\$29,634.00	\$51,853.16
A07042					\$15,532.88	\$0.00	\$15,532.88	\$15,532.88	\$183,411.00	\$198,943.88
A07042A					\$45,093.82	\$0.00	\$45,093.82	\$45,093.82	\$219,183.00	\$264,276.82
A07043					\$26,972.13	\$0.00	\$26,972.13	\$26,972.13	\$44,307.00	\$71,279.13
A07044					\$24,585.25	\$0.00	\$24,585.25	\$24,585.25	\$38,293.00	\$62,878.25
D01512					\$29,589.42	\$0.00	\$29,589.42	\$29,589.42	\$247,016.00	\$276,605.42
A30057					\$38,955.74	\$0.00	\$38,955.74	\$38,955.74	\$97,237.00	\$136,192.74
D01511					\$34,632.43	\$0.00	\$34,632.43	\$34,632.43	\$183,670.00	\$218,302.43
D01536					\$42,505.01	\$0.00	\$42,505.01	\$42,505.01	\$210,567.00	\$253,072.01
D01537					\$26,972.13	\$0.00	\$26,972.13	\$26,972.13	\$132,078.00	\$159,050.13
A07066					\$37,216.68	\$0.00	\$37,216.68	\$37,216.68	\$169,727.00	\$206,943.68
A07067					\$21,839.13	\$0.00	\$21,839.13	\$21,839.13	\$283,936.00	\$305,775.13
D01447					\$77,664.38	\$0.00	\$77,664.38	\$77,664.38	\$1,635,980.00	\$1,713,644.38
D01447B					\$90,673.17	\$0.00	\$90,673.17	\$90,673.17	\$81,335.00	\$172,008.17
A07004					\$25,888.13	\$0.00	\$25,888.13	\$25,888.13	\$161,093.00	\$186,981.13
A07007					\$22,160.24	\$0.00	\$22,160.24	\$22,160.24	\$178,323.00	\$200,483.24
D01476					\$37,537.79	\$0.00	\$37,537.79	\$37,537.79	\$195,471.00	\$233,008.79
D01477					\$33,411.22	\$0.00	\$33,411.22	\$33,411.22	\$723,797.00	\$757,208.22
D01478					\$33,411.22	\$0.00	\$33,411.22	\$33,411.22	\$316,793.00	\$350,204.22
D01479					\$18,776.87	\$0.00	\$18,776.87	\$18,776.87	\$208,647.00	\$227,423.87
D01506					\$39,458.68	\$0.00	\$39,458.68	\$39,458.68	\$648,605.00	\$688,063.68
D01509					\$15,532.88	\$0.00	\$15,532.88	\$15,532.88	\$62,604.00	\$78,136.88
D01507					\$43,596.59	\$0.00	\$43,596.59	\$43,596.59	\$742,545.00	\$786,141.59
D01508					\$31,669.93	\$0.00	\$31,669.93	\$31,669.93	\$896,923.00	\$928,592.93
D01510					\$27,489.89	\$0.00	\$27,489.89	\$27,489.89	\$123,791.00	\$151,280.89
D01538					\$88,322.43	\$0.00	\$88,322.43	\$88,322.43	\$350,326.00	\$438,648.43
AVERAGE							\$38,107.65	\$38,107.65	\$208,377.11	\$389,555.06
MEDIAN							\$37,024.82	\$37,024.82	\$208,250.50	\$330,216.31
LOW							\$15,532.88	\$15,532.88	\$29,634.00	\$51,853.16
HIGH							\$90,673.17	\$90,673.17	\$1,635,980.00	\$1,713,644.38

Note: Delinquent taxes are reported as of 1/25/11  
 Areas that are shaded represent cash contributions.

**CITY OF BILLINGS, MONTANA  
SPECIAL IMPROVEMENT DISTRICT ASSESSMENT DATA  
PART TWO**

<p><b>DATE:</b> <u>February 14, 2011</u></p> <p><b>S.I.D. NUMBER:</b> <u>1369</u></p> <p><b>S.I.D. DESCRIPTION:</b> <u>Water, Sanitary Sewer, Storm Drain, Curb and Gutter, Sidewalk, and Street Improvements for Moore Lane</u></p> <hr/> <p><b>YEARS TO BE ASSESSED:</b> <u>15</u></p> <p><b>TOTAL S.I.D. AREA:</b> <u>N/A</u></p> <p><b>MEASUREMENT:</b> <input checked="" type="checkbox"/> EA <input type="checkbox"/> SF <input type="checkbox"/> LF</p> <p><b>S.I.D. COSTS:</b> <input checked="" type="checkbox"/> ESTIMATED PER CONCEPT PLANS  <input type="checkbox"/> ESTIMATED PER BID PRICE  <input type="checkbox"/> FINAL PER ACTUAL CONSTRUCTION</p> <p><b>S.I.D. MAIN IMPROVEMENT COST:</b> <u>\$1,296,000.00</u></p> <p><b>SPECIAL ADDITIONS:</b></p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">CODE</th> <th style="text-align: left;">Quantity</th> <th style="text-align: left;">Unit Cost</th> <th style="text-align: left;">Total</th> </tr> </thead> <tbody> <tr> <td>1 Assessment #1</td> <td style="text-align: right;">4,564.13</td> <td style="text-align: right;">\$ 134.8712</td> <td style="text-align: right;">\$ 615,569.72</td> </tr> <tr> <td>2 Assessment #2</td> <td style="text-align: right;">14.00</td> <td style="text-align: right;">\$ 6,306.2553</td> <td style="text-align: right;">\$ 88,287.57</td> </tr> <tr> <td>3 Assessment #3</td> <td style="text-align: right;">14.00</td> <td style="text-align: right;">\$ 5,132.9985</td> <td style="text-align: right;">\$ 71,861.98</td> </tr> <tr> <td>4 Assessment #4</td> <td style="text-align: right;">1.00</td> <td style="text-align: right;">\$ 7,186.1979</td> <td style="text-align: right;">\$ 7,186.20</td> </tr> <tr> <td>5 Assessment #5</td> <td style="text-align: right;">4,030.70</td> <td style="text-align: right;">\$ 32.6519</td> <td style="text-align: right;">\$ 131,610.08</td> </tr> <tr> <td>6 Assessment #6</td> <td style="text-align: right;">4,175.70</td> <td style="text-align: right;">\$ 91.3582</td> <td style="text-align: right;">\$ 381,484.45</td> </tr> <tr> <td><b>TOTAL PROJECT COST</b></td> <td style="text-align: right;"><b>=</b></td> <td style="text-align: right;"><b>\$</b></td> <td style="text-align: right;"><b>1,296,000.00</b></td> </tr> </tbody> </table> <p><b>(ALL COSTS TO INCLUDE PRORATA SHARE OF ADMINISTRATIVE COSTS)</b></p>	CODE	Quantity	Unit Cost	Total	1 Assessment #1	4,564.13	\$ 134.8712	\$ 615,569.72	2 Assessment #2	14.00	\$ 6,306.2553	\$ 88,287.57	3 Assessment #3	14.00	\$ 5,132.9985	\$ 71,861.98	4 Assessment #4	1.00	\$ 7,186.1979	\$ 7,186.20	5 Assessment #5	4,030.70	\$ 32.6519	\$ 131,610.08	6 Assessment #6	4,175.70	\$ 91.3582	\$ 381,484.45	<b>TOTAL PROJECT COST</b>	<b>=</b>	<b>\$</b>	<b>1,296,000.00</b>	<p><b>DATA PROCESSING CARDS COLS</b></p> <p>A&amp;B 2 - 5</p> <p>A 6 - 39</p> <p>A 59 - 60</p> <p>A 61 - 71</p> <p>A 89 - 96</p>
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<p><b>CITY CENTRAL SUPPORT SERVICES TO COMPLETE</b></p> <p><b>FIRST YEAR TO BE ASSESSED:</b> _____</p> <p><b>TYPE ASSESSMENT:</b> _____ PENDING _____ FINAL</p> <p><b>INTEREST RATE:</b> _____</p> <p><b>BOND ISSUE DATE:</b> _____</p>	<p>A 40 - 41</p> <p>A 42</p> <p>A 53 - 58</p> <p>A 73 - 78</p>																																



14-Feb-11

# RECOMMENDED BONDING COST ANALYSIS

## SID 1369 - Moore Lane

### Water, Sanitary Sewer, Storm Drain, and Street Improvements

SID CONSTRUCTION COSTS	\$1,320,262.50
ADMINISTRATION COSTS	
Preliminary Engineering & Design	\$96,019.09
Construction Administration	\$96,019.09
SUBTOTAL ADMINISTRATION COSTS	\$ 192,038.18
SUBTOTAL PROJECT COSTS	\$ 1,512,300.68
LESS CONTRIBUTIONS	
City of Billings Contribution	\$425,000.00
PROJECT COSTS TO BE APPLIED TO SID	\$ 1,087,300.68
SID COSTS	
ADMINISTRATION / FINANCE FEES (2.5%)	\$ 32,400.00
ENGINEERING FEE (3.5%)	\$ 45,360.00
SID REVOLVING FUND (5%)	\$ 64,800.00
BOND DISCOUNT FEE (2%)	\$ 25,920.00
ISSUANCE COSTS (3.0%)	\$ 38,880.00
BANK FEES	\$ 1,000.00
ROUND OFF	\$ 339.32
TOTAL BONDING COST	\$ 1,296,000.00

BONDS AWARDED TO:

INTEREST RATE \_\_\_\_\_ %                      DATE BONDS ISSUED: \_\_\_\_\_

\_\_\_\_\_ BONDS @ \$ \_\_\_\_\_ TOTAL ISSUE \$ \_\_\_\_\_

PREMIUM \$ \_\_\_\_\_ . BONDS TO BE PAID ANNUALLY COMMENCING JANUARY 1, \_\_\_\_\_

AND SHALL MATURE JANUARY 1, \_\_\_\_\_ .

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_  
ENGINEER FOR THE DISTRICT

\_\_\_\_\_  
DIRECTOR OF FINANCE

\_\_\_\_\_  
CITY ENGINEER

**Regular City Council Meeting**

**Date:** 02/14/2011

**TITLE:** Zone Change #870 - 2nd reading

**PRESENTED BY:** Candi Beaudry

**Department:** Planning & Community Services

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**Information**

**PROBLEM/ISSUE STATEMENT**

This is a zone change request to allow a mixture of commercial, cultural, medical, clinical and residential uses in a Planned Development on a 111.91 acre parcel of land described as Blocks 1 through 5, The Village Subdivision. The property is located on the northwest corner of the intersection of Shiloh Road and King Avenue West. A concurrent subdivision has been filed to re-align the right of ways and lots and will be named St. Vincent Healthcare Subdivision. The property has an existing Planned Development approved in 2004 that allows primarily commercial, medical and residential uses with specific design standards for each area. The proposed changes would eliminate most residential uses and allow commercial and medical uses in an underlying zoning of Entryway Light Industrial (ELI). The owners propose to apply the existing Shiloh Corridor Overlay District site development standards to all lots within the Planned Development in addition to site specific standards. The property is owned by the Sisters of Charity of Leavenworth Health Systems (St. Vincent's Healthcare) and is represented by Will Ralph of Sanderson Stewart and Doug James of Moulton Bellingham PC. The owners and agents conducted a pre-application neighborhood meeting on July 20, 2010, and a preliminary meeting with city staff and surrounding property owners was held on December 8, 2010. The Zoning Commission conducted a public hearing on January 4, 2011, and forwarded a recommendation of approval on a 5-0 vote. The City Council conducted a public hearing on January 24, 2011, and voted to approve the zone change on 1st reading.

**ALTERNATIVES ANALYZED**

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

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

**FINANCIAL IMPACT**

If approved, the zone change will ensure the long-term taxable value of the property and protect the city tax base in this area.

**RECOMMENDATION**

The Zoning Commission is forwarding a recommendation of approval and adoption of the 12 criteria for Zone Change #870 on a 5-0 vote.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

Attachment A - Ordinance



**Attachment A**

Ordinance and Planned Development Agreement  
AN ORDINANCE AMENDING THE ZONE CLASSIFICATION FOR  
All Blocks and Lots of The Village Subdivision containing  
approximately 111.91 acres

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

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

2. DESCRIPTION. A tract of land known as The Village Subdivision , all Blocks and Lots, containing approximately 111.91 acres and is presently zoned Planned Development and is shown on the official zoning maps within these zones.

3. ZONE AMENDMENT. The official zoning map is hereby amended and the zoning for **the above described parcel** is hereby changed from **Planned Development to Planned Development as described in Exhibit A attached hereto** and from the effective date of this ordinance, shall be subject to all the rules and regulations pertaining to **Planned Development** 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 January 24, 2011.

PASSED, ADOPTED AND APPROVED on second reading February 14, 2011.

CITY OF BILLINGS:

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

ATTEST:

BY: \_\_\_\_\_  
Cari Martin  
City Clerk

ZC #870 – St Vincent Healthcare Planned Development

**EXHIBIT A**

**PLANNED DEVELOPMENT AGREEMENT  
FOR  
ST. VINCENT HEALTHCARE SUBDIVISION**

**By and Between:**

**ST. VINCENT HEALTHCARE FOUNDATION, INC.  
and  
THE CITY OF BILLINGS, MONTANA**

## PLANNED DEVELOPMENT AGREEMENT FOR THE ST. VINCENT HEALTHCARE SUBDIVISION

This **PLANNED DEVELOPMENT AGREEMENT** is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2010, by and between **ST. VINCENT HEALTHCARE FOUNDATION, INC.**, as agent for the SISTERS OF CHARITY OF LEAVENWORTH HEALTH SYSTEM, INC., of 1106 North 30<sup>th</sup> Street, Billings, Montana 59107-5200 ("**SVH**") and the **CITY OF BILLINGS**, a Montana municipality ("**the City**"), of 210 North 27<sup>th</sup> Street, Billings, Montana 59101.

### RECITALS

NOW WHEREAS:

1. SVH owns approximately 113 acres of real property in Billings, Montana, more particularly described as:

St. Vincent Healthcare Subdivision in the City of Billings, Yellowstone County, Montana, as shown by the records of the Clerk and Recorder of Yellowstone County, Montana under Document No. \_\_\_\_\_.

The foregoing property shall be known as "The St. Vincent Healthcare Subdivision," hereinafter "The Subdivision." SVH intends to develop The Subdivision primarily as a Healthcare Campus. The focus will be healthcare and other uses that are consistent with and not adverse to a healthcare campus including commercial and limited residential uses in a pedestrian-oriented development. The Subdivision will be divided into two separate zones: The Commercial Neighborhood and The Campus.

NOW THEREFORE, the undersigned hereby establish and declare the following plan for The Subdivision, including such restrictions and protective covenants as set forth herein, which shall apply to all of the Subdivision and all Lots therein, shall bind all of the present and future Lot owners, and shall run with the land.

### AGREEMENT

#### PURPOSES

A. The zoning for The Subdivision shall be Planned Unit Development pursuant to this Planned Development Agreement ("PDA"). This PDA is intended to create a healthcare campus with appropriate associated commercial uses with the possibility of limited residential uses. Well-being and health care will be the essence of The Subdivision's character to provide a healthy work environment to meet the health and medical needs of the community, to assemble affiliated businesses and services complimentary to the activities and mission of health care, and to incorporate a well-landscaped environment throughout The

Subdivision. Circulation patterns will encourage easy pedestrian access and limit vehicular congestion and pedestrian/vehicular conflicts. This PDA will promote smart building development in terms of orientation, access, energy consumption and efficiency.

- B. This PDA is designed and intended to afford SVH maximum flexibility for future development within a framework that will ensure sound development.
- C. The parties enter into this Agreement in order to accomplish the purposes set forth herein, and in order to further the following additional objectives:
  - 1. To create a rich architectural arrangement of buildings and spaces through the use of relational massing of materials and forms, generous landscaping elements and contemporary and traditional architectural styles;
  - 2. To create a notable Billings, Montana landmark;
  - 3. To create generous and ample parking, arranged to be hidden or screened from roadways and view corridors;
  - 4. To create well-configured squares, plazas, greens/commons, landscaped streets and parks, woven into the pattern of the entire Development and dedicated to collective social activity, recreation, and visual enjoyment;
  - 5. To provide abundant landscaping requirements;
  - 6. To create a pedestrian-friendly environment and uses;
  - 7. To facilitate and foster complimentary uses serving the health care community, including clinics, medical office buildings, laboratories, hospitals, and related or supporting uses;
  - 8. To promote and assist in the orderly development of The Subdivision;
  - 9. To encourage creativity and continuity in design, quality, and character of new development; and
  - 10. To minimize adverse aesthetic impacts associated with excessive lighting, signage, and other design features.

### **DEFINITIONS**

All terms used herein shall have the same definition and meaning as specified in Chapter 27 of the City of Billings Municipal Code, unless otherwise defined herein. The following definitions shall apply to this PDA:

**Ann Ross Green Space.** The Ann Ross Green Space is a green space of approximately 10.86 acres located along the Shiloh Drain and Monad Road. The Ann Ross Green Space shall be developed (as the subdivision develops over time) and maintained by SVH at no cost to the City. The Ann Ross Green Space shall include:

- i. Approximately 5.11 acres located in the City of Billings Public Utilities Department Right-of-Way for Shiloh Road, as shown on the Plat, Exhibit "A" hereto;
- ii. Approximately 1.04 acres located upon Lot 8, Block 1 and Lot 5, Block 4, which will be deeded to the City;
- iii. Lot 1, Block 1 of St. Vincent Healthcare Subdivision of approximately .93 acres, which shall be owned by SVH;
- iv. Lot 4, Block 4, of St. Vincent Healthcare Subdivision of approximately .94 acres which shall be owned by SVH;
- v. Lot 1, Block 4 of St. Vincent Healthcare Subdivision of approximately 1.03 acres, which shall be owned by SVH; and
- vi. Dedicated public street right-of-way along Monad Road of approximately 1.81 acres.

Ann Ross Green Space shall be fully developed with trees, irrigated lawn, and other landscaping features which may include shrubs, boulders, flower beds, water retention features, ponds, bike and pedestrian paths, pedestrian bridges, pedestrian overlooks, benches, lighting, and activity areas. The Ann Ross Green Space shall be maintained by the Subdivision Maintenance Director. SVH will enter into a Development and Maintenance Agreement with the City of Billings Public Works Department in order to provide for the development and maintenance of the Ann Ross Green Space. The Ann Ross Green Space shall be developed and maintained at no cost to the City of Billings. The City grants SVH an easement, including for ingress and egress, over, across, onto, through, and upon those portions of the Ann Ross Green Space owned or controlled by the City in order to allow SVH and its agents the ability to install, maintain, service, use, replace, repair, and enjoy the landscaping and improvements in the Ann Ross Green Space. SVH reserves an easement, including ingress and egress, to access, service, install, repair, replace, and maintain signs within the Sign Easement Areas shown on the Plat attached hereto as Exhibit "A".

**The Campus.** "The Campus" means Block 2, Lots 1-8; Block 3, Lots 1-9; and Block 4, Lots 2 and 3. The Campus is intended to be a collegiate-like arrangement of buildings, open space, parking areas and landscaping in which the buildings are interconnected with walkways and open, landscaped space, and surface parking

is screened at its perimeter by landscaping or an arrangement of buildings. The Campus is intended to be a juxtaposition of buildings of many different functions which encourages and facilitates easy pedestrian circulation, develops an identifying style, and creates a sense of place as a neighborhood environment. There shall be paved access to all structures, through public and/or private rights-of-way in order to insure access, including but not limited to Fire Department access.

**The Commercial Neighborhood.** “The Commercial Neighborhood” means Block 1, Lots 2-7.

**Conditions, Covenants, and Restrictions of Record.** “The Conditions, Covenants, and Restrictions” (also referred to as the “CCRs”) means those conditions, covenants, and restrictions to be recorded against all of the real property in The St. Vincent Healthcare Subdivision by SVH as the Declarant.

**Lot.** “Lot” means a piece, parcel, plot, tract, or area of land occupied or capable of being occupied by one or more principal buildings, and the accessory buildings or uses customarily incidental to them, and including the open spaces required, and having its principal lot frontage on a street.

**Medical Uses.** The term “Medical Uses” shall be defined to its broadest extent to include, but not be limited to: hospitals and hospital-related services; medical and dental professional clinics and/or offices; medical laboratories; pharmacies; physical therapy facilities; research and testing facilities related to the practice of health and medicine; health and fitness-related businesses; and ancillary healthcare services.

**St. Vincent Park.** “St. Vincent Park” shall be a private park space developed and maintained by the Maintenance Director, at no cost to the City of Billings. St. Vincent Park shall be an area of approximately 1.76 acres located in Lot 2, Block 3, of St. Vincent Healthcare Subdivision.

**The Review Committee.** “The Review Committee” (also referred to as “The Committee”) shall mean that committee appointed by SVH. The Review Committee shall have all of the duties and responsibilities identified in this PDA and the CCRs, including but not limited to being responsible for reviewing and approving or denying the design of all projects proposed for any lot within The Subdivision.

**The Maintenance Director.** “Maintenance Director” means the person or firm appointed by SVH in accordance with the terms and conditions of this PDA and the CCRs to maintain Ann Ross Green Space and the other Common Areas within The Subdivision.

## **BINDING EFFECT**

**Persons Bound by this Agreement.** All individuals, corporations, or other entities who presently have or shall hereafter acquire any interest in and to any of the real property within The Subdivision shall be held to agree to all of the terms of this Agreement and all such individuals, corporations, and other entities, their heirs, devisees, successors, assigns, tenants, and trustees shall be bound by this Agreement.

**The 2004 Agreement.** The PDA for the Subdivision recorded June 25, 2004 as Document No. 3293717 is replaced by this Agreement. The June 2004 Agreement is hereby terminated and shall be of no force or effect.

## **REGULATION OF USES**

### **Land Use Classifications and Permitted Uses.**

**Classifications of Lots.** Lots in The Subdivision shall be located and classified within either The Commercial Neighborhood or The Campus.

***The Commercial Neighborhood.*** The Commercial Neighborhood is located at the intersection of King Avenue and Shiloh Road, as shown on Exhibit "A" hereto. The Commercial Neighborhood is intended primarily to accommodate retail services and office facilities, but Medical Uses would also be allowed.

***The Campus.*** The Campus shall be all of the Subdivision, except for the Commercial Neighborhood, as shown on Exhibit "A." The primary use of the lots in The Campus shall be Medical Uses, although other commercial and professional uses and residential uses may also be permitted. The Campus is intended primarily for Medical Uses, but may also be used as a commercial or cultural center with retail activities conducted in a unified development designed to serve the surrounding neighborhood with shopping facilities consisting of convenience retail and personal service establishments which secure their principal trade by supplying the daily needs of the neighboring population.

**The Commercial Neighborhood: Permitted Uses of Lots.** Lots in the Commercial Neighborhood, unless otherwise prohibited herein, may be used for any use permitted in Entryway Light Industrial Zoning pursuant to Chapter 27 of the Billings, Montana City Code in effect on the date of this Agreement.

**The Campus – Permitted Uses of Lots.** Lots in The Campus, unless otherwise prohibited herein, may be used for any of the following uses: Medical Uses; any use permitted in the Commercial Neighborhood; administrative and research facilities; open spaces, park areas, gardens, athletic fields,

bike trails, playgrounds, and walking paths; public library; office and retail uses. The following additional uses will be permitted in The Campus with the prior express written consent of SVH, which consent may be granted or withheld in the exclusive discretion of SVH:

assisted living retirement housing;

churches, synagogues, and places of worship (Provide, however, that a chapel or other place of worship that is located within a building used primarily for medical or Healthcare Purposes shall be permitted and shall not require additional consent;

helicopter takeoffs and landings for medical and healthcare-related purposes on any lot within Block 3;

hotels and motels;

multi-family and assisted care housing;

residential uses;

supportive housing services;

veterinary clinic and animal hospitals, (this permits only the indoor treatment and no overnight kennels.

Parks.

**Continued Farming Operations.** SVH may, in its sole and exclusive discretion, permit farming operations (but not livestock) within The Subdivision. No Lot shall be farmed or flood-irrigated without the prior express written consent of SVH. Written consent to farm and to irrigate must be obtained on an annual basis. SVH may prohibit farming and/or flood irrigation in The Subdivision, in the sole and exclusive discretion of SVH.

**Prohibited Uses.** The following operations and uses shall not be permitted on any Lot in The Subdivision, regardless of where the Lot is located:

**Alcoholic Beverages.** Any establishment that sells alcoholic beverages or liquor, including liquor stores and bars. Provided, however, that a restaurant shall be allowed limited sales of beer and wine pursuant to a Restaurant Beer and Wine License pursuant to §16-4-420, Montana Code Annotated. Alcoholic Beverages may be sold at special events within the Subdivision with the prior express written consent of SVH, which consent may be withheld or granted in the exclusive discretion of SVH.

**Billboard signs;**

**Casinos.** Any establishment engaged in gaming or gambling activities, including casinos and bingo parlors;

**Clubs & Fraternal Organizations.** Any clubs or fraternal organizations which serve alcoholic beverages or liquor;

**Pornographic Materials.** Any establishment selling or exhibiting pornographic materials or drug-related paraphernalia, except that such prohibition shall not limit the sale of books, periodicals, music products, and video products by a bookstore and/or music store carrying a full line of adult and/or children's titles, such as, by way of example, but not limited to, Borders or Barnes and Noble bookstores;

**Sexually-Oriented Businesses.** Sexually-oriented businesses as defined by Section 27-611 of the Billings, Montana City Code;

**Tobacco Sales.** Sale of cigarettes, cigars, and tobacco products, except incidental to the operation of a general retail store such as a grocery store or supermarket;

**Automobile & Truck Repair, Sales & Service Businesses, auto parts supply, auto & truck leasing and rental, RV sales & service, heavy truck/tractor sales & service;**

**Brewery** (except as incidental to a restaurant, such as a brew pub. Microbrews shall not be permitted unless incidental to a restaurant);

**Gas stations & Service Stations for Automobiles, Trucks, Trailers, or Recreational vehicles.**

**Gun and archery ranges and the sale of guns and ammunition,** unless incidental to a general retail store;

**Equipment rental shops,** unless related to Medical Uses;

**Manufactured homes;**

**Pawn shops and Tattoo Parlors;**

**Pool or billiard hall;**

**Propane sales.**

**Industrial Uses that are inconsistent with commercial zoning or a commercial/medical development, including, but not limited to: warehouses, packing plants, grain mills, sawmills, petroleum refining, cement plants, bulk processing or storage of stone, clay,**

gravel, and/or glass, metal fabrication, recycling center, cemeteries, mining, and general contractor operations;

Manufacturing Uses, unless related to Healthcare Purposes;

Second Hand Stores, Flea Markets & Junk Shops. This prohibits the sale of used household furniture and clothing, appliances, and equipment.

Car & Truck Washes.

Fireworks. The sale or manufacture of fireworks.

Title Loan Businesses.

Commercial Storage Facilities & Mini Storage Facilities. This prohibits all storage rental facilities.

Tire Sales, except as incidental to the operation of a general retail store.

Animal Kennels or Animal Raising Facility.

Building Contractor or Subcontractor Operations.

Livestock and Farm Equipment. Any establishment engaged in the sale of livestock, ranch or farm equipment.

Massage Parlors (excluding therapeutic massage).

Mortuary or funeral home or crematorium.

Truck Stops and Truck Terminals as defined by 27-201 of the Billings, Montana City Code.

Warehouses (unless incidental to medical, dental, or clinical uses).

Adult Book Store, Adult Video Store, Adult Movie Theater or other establishment selling, renting or exhibiting pornographic materials or drug-related paraphernalia (except that this provision shall not prohibit the operation of a bookstore or video store which carries a broad inventory of books or videos and other materials directed towards the interest of the general public (as opposed to a specific segment thereof)).

Amusement Park or Arcade.

Condition of Lots and Buildings.

**Maintenance of Lots.** The owner of any Lot shall at all times keep and maintain the owner's Lot and buildings, improvements, and appurtenances thereon in a safe and clean condition and comply, at the Lot owner's sole expense, with all applicable governmental, health, fire, and safety ordinances, regulations, requirements, directives, and the CCRs. The Lot owner shall at regular and frequent intervals remove, at the Lot owner's sole expense, any garbage or rubbish that may accumulate upon the owner's Lot.

**Maintenance of Unimproved Sites.** Any Lot that is not improved or built upon shall be maintained in a good and clean appearance by the Lot owner. Weeds, brush, trash, and rubbish must be removed at least every three (3) months or when directed to do so by the City or SVH. SVH and the Maintenance Director may perform any maintenance and clean-up on any Lot that is not maintained as set forth herein and may charge the Lot owner for all costs incurred in doing so.

**Sewer and Water Facilities.** All new development shall be served by public sewer facilities and public water service.

**Weed Management.** All noxious weeds on the latest Yellowstone County Noxious Weed List must be controlled on all properties in The St. Vincent Healthcare Subdivision. All costs associated with noxious weed control shall be the responsibility of the Lot owners of record.

**Outside Storage.** Outside storage shall not be permitted in The Subdivision except for limited, short-term outside storage during construction. No trailer (horse, boat, snowmobile, etc.), boat, camper, motor home, recreational vehicle, snowmobile, vehicle or other equipment generally associated with recreation and leisure time activity shall be situated or parked on any lot or street in The Subdivision for more than five (5) days in any calendar year, unless it is enclosed by a garage meeting the design requirements of this PDA and, at a minimum, the Shiloh Corridor Overlay District Zoning regulations.

**The Shiloh Drain.** Lot owners shall at all times conduct their use and activities in a manner that will preserve the integrity of the Shiloh Drain, including the prevention of any degradation of water quality, any reduction in the flow of water, and any damage to the bed or banks of the Shiloh Drain. The Lot owner shall not conduct or permit the conduct of the following activities:

The discharge of any liquid (except storm water runoff as directed by the details of an engineered storm drainage management plan), solid, or gas into the Shiloh Drain;

Planting or dropping any non-native fish, animal, reptile, or plant into the Shiloh Drain area;

The dumping of grass clippings or landscaping material or debris into the Shiloh Drain;

Any refuse dumping-encouraging activities;

The polluting of the water in the Shiloh Drain;

The discharge of any Hazardous Materials. The term "Hazardous Materials" shall mean: petroleum products, asbestos, polychlorinated biphenyls, radioactive materials, and all other dangerous, toxic, or hazardous pollutants, contaminants, chemicals, materials or substances listed or identified in, or regulated by, any Environmental Law. The term "Environmental Law" shall mean all federal, state, county, city, local, and other statutes, laws, ordinances, and regulations which relate to or deal with human health or the environment, all as may be amended from time to time.

### **PARKS AND GREEN SPACES**

St. Vincent Park and The Ann Ross Green Space shall be developed and landscaped to promote the character of a well-landscaped campus environment and to comply with the requirements of this PDA and the CCRs. St. Vincent Park and Ann Ross Green Space shall be private park spaces and shall not be dedicated as public parks. St. Vincent Park shall be developed and maintained as provided in the CCR's. The Ann Ross Green Space shall be developed and maintained by the Maintenance Director pursuant to an Agreement between SVH and the City of Billings Public Works Department. In the event that a portion of the Subdivision is used for Residential Purposes in the future, the park dedication requirements shall be waived pursuant to Section 23-1009 of the Billings, Montana City Code and shall be met through the provision of private park space, including St. Vincent Park and Ann Ross Park.

### **ARTICLE VI - SITE DEVELOPMENT, ARCHITECTURE AND DESIGN**

**Development Design Standards.** These standards are provided to establish minimum guidelines for the development of facilities in The Subdivision, including site work, landscaping, buildings and accessory structures, parking areas, and signage. These guidelines will not define specific styles of architectural character for the various uses possible in The Subdivision. They are intended to establish a level of quality for the physical settings within The Subdivision and for the architectural design of the structures within those settings while allowing the flexibility to adjust and evolve with changes in technology and architectural evolution. These guidelines will specifically control the treatment of the public areas, streetscape, pedestrian areas, landscaping and signage to create a setting in which a wide variety of individual buildings of high quality can exist in harmony. They will provide developers with a guide which will define the aesthetic quality of The Subdivision's architecture yet allow flexibility for a unique

but individual expression of the architectural requirements and image of each building development. These standards are in addition to the Shiloh Overlay District Zoning requirements.

**General Development.**

The Shiloh Corridor Overlay District Zoning Section 27-1401, et. seq., Billings Montana Municipal Code, shall be the minimum standards for The Subdivision.

All site development shall be designed to encourage reciprocal access and parking between adjacent properties.

**Lot Size:** No Lot shall be smaller than one acre unless approved in writing by SVH and the Review Committee as defined herein.

All utilities shall be underground with any surface elements screened by structural or landforms and landscaping elements.

All antenna and satellite receiver dishes shall be hidden from street view and otherwise screened from view by structures or landscaping elements.

**Lot Coverage.** The total combined lot coverage for all structures on any lot shall not exceed sixty (60) percent of the total square footage of the lot. However, the Owner of a Lot may request a variance for Lot coverage up to eighty percent (80%) with the prior express written consent of SVH. Approval of any Lot coverage variance will be through the City Board of Adjustments.

**Set-Back Buffers.**

**Front Yard Setback:** Minimum of twenty-five (25) feet from the Lot Line

**Side Yard Setback:** Minimum of thirty (30) feet from the Property Line.

**Rear Yard Setback:** Minimum of thirty (30) feet from the Property Line.

The clear vision triangle must be maintained as required by the Billings, Montana City Code Section 27-604, 615, and 618.

**Lots 4, 5, 6, 7, & 8, Block 2.** There shall be a 15 foot landscaped area within a 20 foot setback along the western edge of the Subdivision for Lots 4 (except for the easement area), 5, 6, 7, & 8, Block 2, west of Marillac Street.

If two or more lots are developed as a single parcel as allowed herein, then the side yard setback requirements shall not apply to the lot lines within the interior of the developed parcel. All arterial setbacks as outlined in Billings, Montana City Code Section 27-602 must also be maintained. Setback areas not occupied by required buffer yards may be used for driveways and non-required parking. However, driveways and non-required parking may not exceed 20% of any setback area, based upon square feet. All developments are required to place landscaped buffer yards adjacent to and along the length of all public rights-of-way and private rights-of-way, excluding driveways. Rights-of-way include the following: ditches adjacent to streets, principal arterial streets, minor arterial streets, collector streets, and local streets. All landscaped buffer yards shall meet or exceed the Shiloh Corridor Overlay District Zoning requirements. A Lot owner may request a variance of up to minus 10% of the set-back requirements specified herein, with the prior express consent of the Review Committee. Approval of any set-back variance shall be by the City Board of Adjustments. In order for a variance to be granted, both the Review Committee and the City Board of Adjustments must give their written approval.

**Green Belt Buffers Along Perimeter Arterials.** All Lots adjoining King Avenue shall maintain a 32' wide landscaped green belt inside the Lot line adjacent to King Avenue (this includes the 12' easement area). The lot owners of all lots along the arterials and other roadways shall maintain their yards as well as the landscape space in the right-of-way up to the back of the curb or edge of paving of the street.

### **Site Development Standards.**

**Access.** Access to all Lots within The Subdivision shall be from internal public and private streets and by Multi-Use Paths. Shared accesses are encouraged.

**Parking.** Adequate off-street parking shall be provided by each Lot owner for customers, visitors, and employees. Reciprocal parking arrangements between lots and adjacent uses are encouraged. All off-street parking, access drives, and loading areas shall be paved and properly graded to ensure adequate drainage. All parking lots must be developed with proper integration of landscape and screening elements as provided herein and in the CCRs. The parking requirements for each Lot shall meet the standards of the City of Billings for each use proposed for a Lot, but shall not exceed 110% of the City's minimums. Each Lot owner shall install a permanent bike rack for each building constructed on a Lot.

**Off-Site Parking:**

Parking requirements may be satisfied by on-site parking, approved street parking, and off-site parking facilities, or any combination thereof. All uses must provide the required number of parking spaces designated for the use as defined by the current City of Billings Site Development Ordinance, but not more than the maximum number set forth in this PDA (110% of the City minimums). Required parking for buildings or uses located in The Subdivision shall be located within six hundred (600) feet of the building or use, which distance shall be measured along a straight line between the two (2) nearest points of the lots containing the main use and the accessory parking use.

Each off-street parking area shall be accessible by a public right-of-way and/or a private right-of-way and shall be owned or leased by the owner of the building, use, or activity served by such parking area. The term of any such lease shall be for the duration of the time that the building, use, or activity served by such parking area is in existence at such location. Each lease shall be subject to prior review by SVH and the City of Billings, and shall provided that if the right to use the designated off-site parking is for any reason terminated or forfeited prior to cessation of the use of the building, or cessation of the use or activity, SVH and the City shall be immediately advised. In case of such termination or forfeiture, the Lot Owners shall, within ninety (90) days of the termination or forfeiture, present the City and SVH with a plan to cure any parking shortage within twelve (12) months. All requirements for setbacks, landscaping, signage, and lighting shall apply to off-site parking facilities.

Handicapped accessibility requirements shall be satisfied on site.

**Shared Parking:**

SVH and the City of Billings may authorize the joint use of off-street parking areas by nonresidential commercial business, medical-related, and other uses or activities, if the following conditions are met:

- i. No more than fifty percent (50%) of the off-street parking spaces required by this PDA for primarily “nighttime uses” may be provided or supplied by a use in the other category, or of the other type (provided for a nighttime use by daytime use, and vice versa) by means of a joint parking lease or agreement.
- ii. The building or use for which application is being made to utilize the off-street parking facilities of another building or

use shall be located within six hundred (600) feet of such parking facilities, which distance shall be measured along a straight line between the two (2) nearest points of the lots containing the building or primary use and the lot containing the accessory parking use. Safe, lighted, and convenient pedestrian access shall connect the two (2) locations.

- iii. The applicant shall show that there is and will be no substantial conflict between the principal operating hours at the two (2) buildings or uses for which joint use of off-street parking facilities is proposed, and shall show that there are and will be no conflicting demands for such parking by the respective employees, customers and clients of the two (2) buildings or uses.
- iv. At the time a building permit is applied for, the applicant shall present to SVH and the City of Billings an appropriate and enforceable lease or reciprocal parking agreement, executed by the parties concerned, for their joint use of off-street parking facilities. The term of the lease or agreement shall be for the duration of the time that each use is in existence at its said location. Each such lease or agreement shall provide that all parties thereto shall notify SVH and the City of Billings prior to its termination or dissolution for any reason, and shall provide for developing additional required parking at the share lot or at different sites for the users of the shared parking if changes occur to the ownership, types of uses, or parking needs, or if other circumstances require parking be provided at the same time and same location for the businesses served.
- v. No building permit shall be issued by the City of Billings until such lease or reciprocal parking agreement has first been reviewed by the City and found to meet the requirements of this PDA and to be binding and enforceable. A copy of each such agreement shall be filed with the respective building permit.
- vi. Written approval is obtained from SVH.

In case of termination or dissolution of any such lease or reciprocal parking agreement, the Lot Owner shall, within ninety (90) days of the termination or forfeiture, present the City and SVH with a plan to cure any parking shortage within twelve (12) months.

**Loading, Storage and Service Areas.** Loading and service areas shall not be permitted in the front of any Lot within The Subdivision and shall be

screened from public view from all streets. Proper integration of landscape and screening elements must be provided between loading and service areas and any street or adjoining Lot. All loading and service areas shall be designed so that vehicles may load and unload without having to back up into any public right-of-way. All loading and service areas shall be carefully planned, positioned, and screened from off-site ground-level view and streets. On-site views of loading and service areas shall be minimized as much as possible. Screening elements shall be of landscape materials and may include a landscaped berm and/or similar materials as the building materials. Storage areas shall comply with all applicable building setbacks.

**Garbage Collection Areas.** Garbage Collection Areas shall adhere to the following standards:

All outdoor garbage containers and collection areas shall be screened visually with at least a six (6) foot tall enclosure so that outdoor garbage containers and collection areas are not visible from adjacent properties or common areas. No garbage containers or collection areas shall be located between a street and the front of a building, unless otherwise approved in writing by SVH;

Garbage containers and collection areas should be appropriately designed to contain all garbage generated on site and deposited between collections. Deposited garbage should not be visible from outside the garbage container or collection area;

Refuse collection areas should be located upon the Lot to provide clear and convenient access to refuse collection vehicles and thereby minimize wear and tear to on-site and off-site developments.

**Accessory Structures, Fences, and Walls.** Construction shall be according to the following standards:

All fences shall comply with the City of Billings, Montana clear vision standards, in compliance with §27-615 of the Billings, Montana City Code;

No fence or wall shall exceed a height of six (6) feet, except at trash enclosures or as otherwise approved in writing by SVH. Any wall over 6 feet must have a City Building Permit;

No fence or wall shall be constructed between a street and the front of a building, unless otherwise approved in writing by SVH;

Accessory structures, fences, and walls shall be of a character, color, and material to match the adjacent buildings and shall coordinate with

the overall architectural scheme of the adjacent buildings and shall be integrated into the landscape of the Lot;

Lot owners within The Subdivision are required to seek SVH's written approval prior to erecting, constructing, or requesting a permit from the City for accessory structures, fences, and walls as set forth herein;

Chain link fencing, or other wire-type fencing, shall not be permitted in The Subdivision.

**Snow Storage.** Areas adjacent to parking lots shall be provided for on-site snow storage. The snow storage area shall not be adjacent to the streets. Common storage areas between adjacent lots are encouraged. Landscaping shall be maintained if the storage is not done in the paved parking area. Minimum parking requirements shall not be reduced for snow storage.

**Site Lighting Standards.** All outdoor lighting must comply with the Shiloh Corridor Overlay District Zoning, Section 27-1401, et. seq., Billings, Montana Municipal Code.

**Exterior Mechanical and Electrical Equipment and Transformers.** All exterior mechanical and electrical equipment and transformers shall be screened. Screening may consist of plantings, shrubbery, or durable enclosures. Building parapets shall be designed and built so as to screen roof-mounted mechanical and electrical equipment. If a building parapet does not adequately screen roof-mounted mechanical and electrical equipment, an unobtrusive screening device shall be used. Such screening device shall coordinate with the overall architectural scheme or the equipment shall be completely enclosed within the structure of the building. Lot owners within The Subdivision are required to seek SVH's written approval prior to erecting or constructing screening devices as set forth herein.

**Utilities.** All exterior utilities, including but not limited to, drainage systems, sewers, gas lines, water lines, electrical, telephone, and communication wires and equipment shall be installed and maintained underground. Lot owners within The Subdivision are not required to seek SVH's written approval prior to installing utilities as set forth herein.

**Landscape Design Standards.** Every Lot shall be developed in accordance with the Shiloh Corridor Overlay District Zoning, Section 27-1400, et. seq., Billings, Montana Municipal Code, even if a Lot is more than 500 feet from the centerline of Shiloh Road.

**Waiver or Variance (Modification) of Minimum Setbacks.** The minimum setbacks prescribed in A.3 above may be waived or modified after review

of the design for the development of the lot or lots. Any Waiver or Variance must be approved, in writing, by the Review Committee before application may be made to the City Board of Adjustments. Any Waiver or Variance approved by the Review Committee and the City Board of Adjustments must be submitted to the City along with any application for a Building Permit. The criteria for waiver, to be weighed and considered are set forth below. Not all of the following criteria must be satisfied, in the discretion of the Review Committee:

The eight (8) foot utility easement inside the street-side Lot line shall be maintained clear without overhangs, projections, trees, signs, or other improvements obstructing access to it or placed in it;

The design concept for development of a Lot or Lots is master planned for a streetscape urban style with building facades located close to the streets and pedestrian ways;

Landscaping required for buffer yards is located elsewhere upon the Lots);

Pedestrian circulation and access is maintained to interconnect to adjacent properties;

The sightline to the fronts of existing adjacent buildings is not obstructed;

A written approval for waiver is issued by SVH, which may be granted or withheld in the sole and exclusive discretion of SVH;

Written approval from adjacent lot owners or users.

A demonstration of a hardship.

**Irrigation.** All landscaping must be irrigated with an underground sprinkler system, designed and maintained to provide sufficient water for landscaping growth. Water conservation systems are encouraged.

**Loading and Service Areas.** Loading and service areas shall be enclosed either with solid screen walls not to exceed six (6) feet, or landscaping elements planted in such a manner to create a visually opaque screen when mature. The plant material screen must develop 75% of its maturity within three (3) years from the time of planting.

**Financial Responsibility.** The owner or lessee of any Lot shall have sole financial responsibility for the installation of all landscape improvements within the public right-of-way adjacent to their Lot. The landscaping within the remaining front yard will be installed by each owner or lessee so as to blend with the landscaping installed in the right-of-way.

**Damage or Demolition.** Any demolition in the right-of-way of the landscape and irrigations system installed by SVH or The Maintenance Director at vehicular access points or by other construction-related disturbances shall be repaired and restored by the Lot owner as part of the construction efforts in the development of the Lot. The Lot owner shall maintain water flow within any common area irrigation system during construction and re-establish the existing plantings, grading and irrigation system altered during the construction process. Any other existing on-site landscaping disturbed or demolished during repairs, additions, remodels, or other work to a building or site or by disasters must be restored, replanted, or revised to a condition equal to or better than the quality that existed prior to the work or disaster. Like-size trees and shrubs must be used for replacement or existing trees and shrubs shall be relocated.

**Landscaping.** Lots shall be landscaped and maintained in a neat, clean, orderly, and healthful condition. Maintenance shall include proper pruning of trees and shrubs, mowing of lawns, weeding, removal of litter, fertilizing, replacement of plants when necessary, and the regular watering of all plantings. Required landscaped areas shall be provided with a permanent watering or sprinkling system which shall consist of underground piped water lines terminating in an appropriate number of sprinklers to insure a sufficient amount of water for plants within the landscaped area.

### **Flexible Design and Development.**

**Determining Setbacks.** The Street side of a Lot shall be deemed to be the Front for the purposes of setbacks. If a Lot fronts two streets, the Lot Owner shall select one of the streets as the front for the purpose of determining setbacks.

**Building on Lot Lines.** The Review Committee, in its sole and exclusive discretion, may allow construction of buildings on Lot lines. In such event, the affected Lots must be owned by the same person or entity, and may not be separately conveyed so long as the building remains. In the event that the Review Committee allows construction over a Lot line, no setbacks shall apply to the covered Lot line, and the combined Lots shall be treated as one (1) Lot. Upon the approval of the Review Committee, Restrictive Covenants shall be recorded against the affected Lots to provide that they may not be mortgaged or conveyed separately.

**Reciprocal Parking and Landscaping Agreements.** The owner of any Lot in The Subdivision may enter into a reciprocal parking and/or landscaping agreement with the owner of any other Lot in The Subdivision. The purpose of any such agreement shall be to ensure that the two Lots combined meet all of the landscaping and parking requirements specified herein, and in the Shiloh Overlay District Zoning Regulations. With respect to parking, no more than fifty (50) percent of the required parking

for primarily “night time uses” may be provided or supplied off-site. The off-site parking must be within six hundred (600) feet as provided herein. With respect to reciprocal landscaping, the affected Lots must be contiguous and must be developed to present a uniform appearance.

**Multi-Use Path Easements.** SVH hereby reserves an easement for the Multi-Use Paths along the Lot lines of The Subdivision as shown on the Plat, Exhibit “A” hereto. Multi-Use Paths will be developed over time as The Subdivision develops in order to provide pedestrian and bike access throughout The Subdivision and to St. Vincent Park. Each Lot owner shall be responsible for building the ten (10) foot wide Multi-Use Paths (in the Easement Area reflected on the plat) in the Easement Area appurtenant to each owner’s Lot as shown on the Plat, Exhibit “A” at the time of initial construction. The Multi-Use Paths shall be maintained as Common Areas by the Maintenance Director. No building shall be constructed within 20 feet of the Multi-Use Easement. Provided, however, that the Multi-Use Easement may be moved in order to facilitate the development of a Lot or Lots, with the express written consent of SVH, which consent may be granted or withheld in the sole discretion of SVH. SVH hereby grants a non-exclusive easement for ingress and egress for all Lot Owners, tenants, contractors, employees, agents, patients, customers, licensees, invitees, successors and assigns for pedestrian and bicycle traffic over the Multi-Use Paths within The Subdivision.

**Campus Development.** Lots may be developed as a “Campus” with a juxtaposition of buildings of many different functions which encourages and facilitates easy pedestrian circulation, develops an identifying style, and creates a sense of place as a neighborhood environment.

## **SIGNS**

**Signage.** Healthcare Purposes signs, as defined by Section 27-706(d) (2) Billings Montana Municipal Code, shall be allowed in The Subdivision as though The Subdivision were a part of the Medical Corridor. All signs, other than Healthcare Purposes signs, shall comply with the Shiloh Corridor Overlay District Zoning, Section 27-1401, et. seq., Billings, Montana Municipal Code.

**Hospitals.** Nothing in this PDA shall prohibit or restrict a hospital or clinic from using and/or displaying the types of signage required and/or mandated by any state or federal law or regulation with respect to any Hospital Emergency Room and/or Trauma Center.

**Sign Easement Areas.** SVH reserves an easement for Healthcare Purposes Signs, Way Finding Signs, and Green Space Signs in the Sign Easement Areas shown on the Plat, Exhibit “A” hereto. SVH reserves an easement, including ingress and egress, to access, service, install, repair, replace, and maintain signs within the Sign Easement Areas shown on the Plat. Only Healthcare Purposes Signs, Way

Finding Signs, and Green Space Signs may be placed in the Sign Easement Areas. The Healthcare Purposes Signs, Way Finding Signs and Green Space Signs in the Sign Easement Areas may be Off Premises Signs. These signs may also provide public service information and announcements related to the community, The Subdivision, and the medical services community, and giving identity to The Subdivision in general.

### **Maintenance of Signs.**

Any sign that has been approved or that has been issued a permit shall be maintained by the owner or person in possession of the Lot on which the sign is located. Maintenance shall be such that the signage continues to conform to the conditions imposed by the sign permit and this PDA.

Any damaged sign base shall be repaired within thirty (30) days.

Any signage which has been damaged to such extent that it may pose a hazard to a passerby shall be repaired or removed immediately.

**Nonconforming Signs.** Nonconforming signs are not permitted. If any sign is erected or installed without proper permits or approvals, it shall be considered nonconforming and shall be removed. All signs which do not conform to these Subdivision sign standards are nonconforming and shall be removed or changed to conform to these Subdivision standards. Any sign not removed within thirty (30) days of notice of nonconformance may be removed by the Maintenance Director and the costs for removal shall be the responsibility of the owner of the sign.

**Landscaping for Monument Signs.** All monument signs shall be located in a landscaped area. Landscaping should be appropriately sited to ensure that signs are not blocked or obscured by trees or bushes.

**Sign Illumination.** Externally illuminated signs shall have low intensity lighting, confined to the sign and positioned and shielded to minimize impacts to the surrounding area(s). Internally illuminated signs shall have low intensity lighting.

**Sign Approval.** All signage in The Subdivision is subject to approval by the Review Committee. The Review Committee, in its sole and exclusive discretion, may further limit or condition the use of any sign in The Subdivision that it deems to be inconsistent with the objectives for The Subdivision set forth in this PDA. All signs shall require a Sign Permit from the City, except those signs exempt from City permits under Section 27-701, et. seq. of the Billings, Montana City Code.

## **ENFORCEMENT**

**Right to Enforce.** The terms of this Agreement shall be enforced as provided for in Article 27-1100 of the City Code of Billings, Montana.

**Enforcement.** The terms of this Agreement shall run with the land and be binding upon and inure to the benefit of the parties hereto and the Lot owners. The terms of this Agreement may be enforced by the parties hereto, as well as Lot owners.

**Abatement and Suit.** If, at any time, SVH or any Lot owner within The Subdivision objects (“the objecting party”) to any other Lot owner’s performance of its obligations under this Agreement (“the defaulting party”), the objecting party shall have all of its rights and remedies at law or in equity, by statute or otherwise. All such rights and remedies shall be cumulative. The objecting party shall, in addition to and not in contravention of all other rights and remedies it may have as provided hereinabove, have the right to provide the defaulting party with thirty (30) days’ written notice of its objection, specifying the particulars of its objection. If, within thirty (30) days of receipt of such notice, the defaulting party fails or refuses to take action to remedy its performance under this Agreement, the objecting party may perform whatever maintenance, repair, or operation, or other curative action, as needed to remedy the default. The defaulting party shall pay upon demand to the objecting party the costs of such maintenance, repair, or operation, or other curative action, together with interest allowed by law, from the date of disbursement of such costs until paid in full. The objecting party is not responsible for the continued maintenance, repair, or operation of the defaulting party’s obligations under this Agreement. The objecting party may also prosecute a proceeding at law or in equity against the defaulting party to enjoin a violation of the terms of this Agreement, to cause said violation to be remedied, or to recover damages for said violation.

## **GENERAL PROVISIONS**

**Appointment of Agent.** SVH may, in its sole and exclusive discretion, hire, appoint, or designate an individual or entity to fulfill the duties and obligations of SVH hereunder. Notice of appointment shall be made in writing and shall be recorded in the real estate records of Yellowstone County, Montana, and shall contain the legal description for Subdivision, or any portion thereof, affected by the appointment. Notice of appointment shall also be provided to the City at the address specified herein. Once the notice of appointment has been recorded in the real estate records of Yellowstone County, Montana, SVH shall have no further responsibility or liability for the future performance or non-performance of this Agreement, and the City and all Lot owners shall look exclusively to the appointed person or entity. SVH may, in its sole and exclusive discretion, withdraw an appointment or make an additional appointment by simply recording such notice in the real estate records of Yellowstone County, Montana, and providing a copy of such notice to the City.

**Neutral Interpretation.** SVH and the City hereby stipulate and agree that this PDA shall be construed using neutral interpretation, and that this Agreement shall not be construed in favor of any party or against any party.



and may only be enforced by such parties. No other person or entity shall be entitled to claim a breach of this Agreement or to enforce the covenants, conditions, and restrictions contained herein, judicially or otherwise.

**Force Majeure.** Any prevention, delay or stoppage due to strikes, lock outs, labor disputes, Acts of God, inability to obtain labor or materials or reasonable substitute therefor, governmental restrictions, terrorist acts, governmental regulations, inclement weather, governmental controls, enemy or hostile government action, civil commotion, fire or other casualty and other causes beyond the reasonable control of the party obligated to perform, shall excuse the performance by such party for a period equal to any such prevention, delay or stoppage. All parties shall use reasonable efforts to overcome whatever may be impeding their performance of any obligation hereunder.

**Severability.** Should any provision of this Agreement be or become invalid, void, illegal or unenforceable, it shall be considered separate and severable from this Agreement, and the remaining provisions shall remain in force and be binding upon the parties hereto as though such invalid, void, illegal or unenforceable provision had not been included.

**No Partnership.** The provisions of this Agreement are not intended to create, nor shall they in any way be interpreted or construed to create, a joint venture, partnership, or any other similar relationship between the parties.

**Captions and Headings.** The paragraph headings used throughout this instrument are for convenience and reference only, and the words contained therein shall in no way be held to explain, modify, amplify or aid in the interpretation, construction, or meaning of the provisions of this Agreement.

**Entire Agreement.** This Agreement contains the entire agreement between the parties hereto and supersedes all prior agreements, oral or written, with respect to the subject matter hereof. The provisions of this Agreement shall be construed as a whole and not strictly for or against any party.

**Construction.** In construing the provisions of this Agreement, whenever the context has required, the use of a gender shall include all other genders, and the use of the singular shall include the plural, and the use of the plural shall include the singular.

**Joint and Several Obligations.** In the event any party hereto is composed of more than one person, the obligations of said party shall be joint and several.

**Conflict.** It is the intent of the parties to implement the Shiloh Overlay Zoning District Regulations throughout The Subdivision. In the event of any conflict between the express terms of this PDA and the Shiloh Overlay Zoning District Regulations, the express terms and conditions of the PDA shall govern.

**Run with the Land.** The terms and conditions of this Agreement shall run with the land and shall be binding upon and shall inure to the benefit of SVH, the City, the Lot owners, and their heirs, successors, and assigns.

**Contact Person.** The Declarant shall designate a contact person who may be contacted with respect to any questions, comments, or concerns. The contact person shall be the Executive Director of St. Vincent Healthcare Foundation, Inc., or his/her designee. At the time of recording, the contact person shall be Dave Irion, Executive Director, St. Vincent Healthcare Foundation, Inc., P.O. Box 35200, Billings, MT 59107-5200 (telephone (406) 237-3601).

**NOTICE.**

**THIS AGREEMENT SHALL SERVE AS NOTICE TO ALL THIRD PARTIES, INCLUDING THOSE PURCHASING OR ACQUIRING AN INTEREST IN ANY OF THE PROPERTY WITHIN THE ST. VINCENT HEALTHCARE SUBDIVISION, OF THE EXPRESS RESTRICTIONS PLACED UPON THE LOTS WITHIN THE ST. VINCENT HEALTHCARE SUBDIVISION, AND SHALL FURTHER SERVE AS NOTICE THAT, SHOULD THE TERMS OF THIS AGREEMENT BE VIOLATED, THE PARTIES TO THIS AGREEMENT MAY ENFORCE ANY AND ALL LEGAL RIGHTS AND REMEDIES SPECIFIED HEREIN AND PROVIDED BY LAW AND EQUITY.**

**IN WITNESS WHEREOF**, the parties have executed this Agreement the day and year first written above.

**ST. VINCENT HEALTHCARE  
FOUNDATION, INC., as agent for the  
SISTERS OF CHARITY OF  
LEAVENWORTH HEALTH SYSTEM,  
INC.**

By \_\_\_\_\_  
Jason L. Barker  
Its President/CEO

**CITY OF BILLINGS**, a municipality

By \_\_\_\_\_  
Thomas W. Hanel  
Its Mayor

By \_\_\_\_\_  
CARI MARTIN  
City Clerk

STATE OF MONTANA                    )  
  :SS  
County of Yellowstone                )

On this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_, before me, the undersigned, a Notary Public for the State of Montana, personally appeared Jason L. Barker, known to me to be the President/CEO for ST. VINCENT HEALTHCARE INC., and agent of The Sisters of Charity of Leavenworth Health System, Inc., and acknowledged to me that she executed the within instrument on behalf of said corporation, as agent for the SISTERS OF CHARITY OF LEAVENWORTH HEALTH SYSTEM, INC., having first been authorized so to do.

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

(SEAL)

\_\_\_\_\_ (signature)  
\_\_\_\_\_  
Printed Name  
Notary Public, State of Montana  
Residing at Billings, Montana  
My Commission Expires: \_\_\_\_\_  
  xx/xx/xxxx

STATE OF MONTANA                    )  
  :SS  
County of Yellowstone                )

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, the undersigned, a Notary Public for the State of Montana, personally appeared Thomas W. Hanel and CARI MARTIN, known to me to be the Mayor and City Clerk, respectively, for the CITY OF BILLINGS, and acknowledged to me that they executed the within instrument on behalf of said municipality, having first been authorized so to do.

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

(SEAL)

\_\_\_\_\_ (signature)  
\_\_\_\_\_  
Printed name  
Notary Public, State of Montana  
Residing at Billings, Montana  
My Commission Expires: \_\_\_\_\_  
  xx/xx/xxxx



**Regular City Council Meeting**

**Date:** 02/14/2011

**TITLE:** Zone Change #871 - 2nd reading

**PRESENTED BY:** Candi Beaudry

**Department:** Planning & Community Services

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**Information**

**PROBLEM/ISSUE STATEMENT**

This is a zone change request from Residential 9,600 (R-96) to Entryway General Commercial (EGC) on a 1.554 acre parcel of land described as the south 310 feet of Lot 24 Sugar Subdivision, less 4,194 square feet for King Avenue East right-of-way and is located at 766 Calhoun Lane. The property is owned by Almon Blain, Jr. The owner conducted a pre-application neighborhood meeting on November 29, 2010. The pre-application meeting notes are included as Attachment C. The Zoning Commission conducted a public hearing on January 4, 2011 and forwarded a recommendation of approval on a 5-0 vote. The City Council held a public hearing on January 24, 2011, and voted to approve the zone change on 1st reading.

**ALTERNATIVES ANALYZED**

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

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

**FINANCIAL IMPACT**

If approved, the zone change will ensure the long-term taxable value of the property and protect the city tax base in this area.

**RECOMMENDATION**

The Zoning Commission recommends approval and adoption of the 12 criteria for Zone Change #871 on a 5-0 vote.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

Ordinance

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**ORDINANCE NO. 11-\_\_\_\_\_**

AN ORDINANCE AMENDING THE ZONE CLASSIFICATION FOR a parcel of land described as the South 310 feet of Lot 24, Sugar Subdivision, less 4,194 square feet for King Avenue East, a 1.554 acre parcel of land and generally located at 766 Calhoun Lane.

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 described as the South 310 feet of Lot 24, Sugar Subdivision, less 4,194 square feet for King Avenue East, a 1.554 acre parcel of land and is presently zoned **Residential 9,600 (R-96)** 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 9,600 (R-96) to Entryway General Commercial (EGC)** and from the effective date of this ordinance, shall be subject to all the rules and regulations pertaining to **Entryway General Commercial (EGC)** 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 January 24, 2011.

PASSED, ADOPTED AND APPROVED on second reading February 14, 2011.

CITY OF BILLINGS:

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

ATTEST:

BY: Cari Martin, City Clerk  
Zone Change #871 – 766 Calhoun Lane

**Regular City Council Meeting**

**Date:** 02/14/2011

**TITLE:** Payment of Claims January 7, 2011.

**PRESENTED BY:** Pat M. Weber, Financial Services Manager

**Department:** City Hall Administration

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**Information**

**PROBLEM/ISSUE STATEMENT**

Claims in the amount of \$1,739,437.06 have been audited and are presented for your approval for payment. A complete listing of the claims dated January 7, 2011, is available in the Finance Department.

**ALTERNATIVES ANALYZED**

The Council may:

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

**FINANCIAL IMPACT**

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

**RECOMMENDATION**

Staff recommends that Council approve Payment of Claims.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

List of claims greater than \$2500.

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CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
01/07/2011 240-4301-419.72-14	740341	ACTIVE TRANSPORTATION ALTERNAT	20644				5,667.00
	01/03/2011	ALT MODES DEC 2010	ALT MODES DEC	280751	07/2011		5,667.00
01/07/2011 840-0000-201.10-00 840-3184-431.93-10	740342	AHANU CONSTRUCTION INC	21317				135,991.14
	01/04/2011	WO0515 HOWARD HEIGHTS	RET RELEASE	277162	06/2011		66,782.72
	01/04/2011	WO0515 HOWARD HEIGHTS	5 - FINAL	277162	07/2011		69,208.42
01/07/2011 296-6555-463.72-75	740346	AMERICAN TITLE & ESCROW	159				20,065.00
	01/03/2011	135 MONROE STREET	TAPIA, MARYANN	280660	07/2011		20,065.00
01/07/2011 296-6555-463.72-75	740347	AMERICAN TITLE & ESCROW	159				20,065.00
	01/03/2011	207 LEXINGTON DRIVE	DEDE, ADA M	280662	07/2011		20,065.00
01/07/2011 650-1565-487.94-40	740350	ARCHIE COCHRANE	800				18,150.00
	01/05/2011	MISC SERVICES	80668	278483	07/2011		18,150.00
01/07/2011 502-7312-602.22-60 502-7314-602.22-60 502-7400-603.22-60 502-7500-609.22-60 512-8314-622.22-60 512-8400-623.22-60 512-8500-625.22-60	740355	BIG SKY LINEN SUPPLY	387				2,587.23
	01/05/2011	MONTHLY UNIFORMS	DECEMBER 2010	280813	07/2011		413.95
	01/05/2011	MONTHLY UNIFORMS	DECEMBER 2010	280813	07/2011		63.65
	01/05/2011	MONTHLY UNIFORMS	DECEMBER 2010	280813	07/2011		682.51
	01/05/2011	MONTHLY UNIFORMS	DECEMBER 2010	280813	07/2011		458.97
	01/05/2011	MONTHLY UNIFORMS	DECEMBER 2010	280813	07/2011		21.22
	01/05/2011	MONTHLY UNIFORMS	DECEMBER 2010	280813	07/2011		640.86
	01/05/2011	MONTHLY UNIFORMS	DECEMBER 2010	280813	07/2011		306.07
01/07/2011 150-2112-421.22-61 650-1566-487.36-60	740363	BILLINGS POLICE PROTECTIVE ASS	437				2,728.00
	01/03/2011	BADGE SOLD TO TODD MORGAN	BADGE 122710	F12123	07/2011		67.00
	01/05/2011	MISC SERVICES	01032011	280785	07/2011		2,661.00
01/07/2011 779-1576-415.76-79	740364	BILLINGS TOURISM	19895				358,897.10
	01/05/2011	TBID FUND	DEC. 2010	280802	07/2011		358,897.10
01/07/2011 640-2165-421.94-40 640-2165-421.94-40	740365	BISON MOTOR COMPANY	12046				193,677.36
	01/03/2011	MISC SERVICES	122221016	278089	07/2011		96,838.68
	01/03/2011	MISC SERVICES	122321014	278089	07/2011		96,838.68
01/07/2011 512-8400-623.23-60 503-7491-603.93-90 503-7491-603.93-90 512-8400-623.35-53 502-7400-603.23-60	740369	BRANCH GROUP INC	21207				41,860.85
	12/28/2010	MISC SERVICES	S100315718.001	280589	06/2011		116.39
	12/28/2010	PL0053 ETHERNET SWITCH	S100414039.001	280594	06/2011		15,376.60
	12/28/2010	PL0053 ETHERNET COMM MOD	S100559480.001	280595	06/2011		23,352.05
	01/03/2011	MISC SERVICES	S100315718.003	280747	07/2011		1,766.87
	01/05/2011	MISC SERVICES	S100340363.006	280807	07/2011		1,248.94
01/07/2011 211-3132-433.47-21 211-3132-433.47-21 211-3132-433.47-20 211-3132-433.47-20 211-3132-433.47-20	740370	BRENNTAG PACIFIC INC	17236				26,068.00
	12/28/2010	ROAD/HIGHWAY MATERIAL	BPI057821	280577	06/2011		3,407.80
	12/28/2010	ROAD/HIGHWAY MATERIAL	BPI057822	280577	06/2011		4,619.56
	12/28/2010	ROAD/HIGHWAY MATERIAL	BPI058552	280577	06/2011		5,244.16
	12/28/2010	ROAD/HIGHWAY MATERIAL	BPI058553	280577	06/2011		5,481.54
	12/28/2010	ROAD/HIGHWAY MATERIAL	BPI058988	280577	06/2011		5,547.94

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ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO # PER/YEAR TRN AMOUNT
512-8400-623.22-20	12/28/2010	MISC SERVICES	BPI056302	280600 06/2011 1,767.00
01/07/2011 740378	CELLEBRITE USA CORP	21477		8,583.99
255-2145-421.35-90	01/03/2011	MISC SERVICES	875907	280229 07/2011 2,500.00
718-2160-421.94-90	01/03/2011	MISC SERVICES	875907	280229 07/2011 6,083.99
01/07/2011 740385	COLSTRIP ELECTRIC INC	11663		7,232.72
513-8491-623.93-90	01/04/2011	WO1009 WWTP T-5 TRSFRMR	5	274406 07/2011 7,232.72
01/07/2011 740386	COMMUNITY SOLUTIONS INC	18339		7,441.54
10-1220-412.35-75	12/27/2010	BAMDUI-TESTING NOV 2010	2011-6	280537 06/2011 1,750.00
247-1251-412.39-90	12/27/2010	BAMDUI-TESTING NOV 2010	2011-6	280537 06/2011 4,230.00
248-1263-412.35-81	12/27/2010	BAMDUI-TESTING NOV 2010	2011-6	280537 06/2011 2,461.54
10-1220-412.35-75	12/30/2010	OVERPAYMENT FOR CSI	2011-6	280671 06/2011 500.00-
247-1251-412.39-90	12/30/2010	OVERPAYMENT FOR CSI	2011-6	280671 06/2011 500.00-
01/07/2011 740388	COP CONSTRUCTION CO	865		49,865.67
503-0000-201.10-00	01/04/2011	WO1001 2010 WTR&SWR SCH3	RET RELEASE	274399 06/2011 22,849.07
503-7591-609.93-40	01/04/2011	WO1001 2010 WTR&SWR SCH3	5	274399 07/2011 25,274.55
513-8591-625.93-40	01/04/2011	WO1001 2010 WTR&SWR SCH3	5	274399 07/2011 1,742.05
01/07/2011 740390	COUNTY WATER DISTRICT OF	881		19,669.89
150-2221-422.34-20	01/04/2011	FIRE6:WATER/9180 GALLONS	16118-00 10DEC	276921 07/2011 32.19
805-1570-425.53-50	01/05/2011	FIRE HYDRANT RENTALS	1416	280803 07/2011 19,483.20
512-8500-625.34-20	01/05/2011	MISC SERVICES	1603500 DEC10	280814 07/2011 154.50
01/07/2011 740394	CURB BOX SPECIALISTS	5716		2,900.00
505-7515-609.36-71	12/28/2010	MISC SERVICES	4592	280601 06/2011 2,900.00
01/07/2011 740402	EMPIRE LATH & PLASTER INC.	1185		19,563.84
562-7120-711.92-90	01/04/2011	MISC SERVICES	276053-F	276053 07/2011 19,075.32
561-7112-711.24-50	01/03/2011	INVOICE #IVC022731	IVC022731	F12115 07/2011 488.52
01/07/2011 740414	FISHER CONSTRUCTION	1313		4,465.89
562-7120-711.92-90	01/04/2011	MISC SERVICES	275753-F	275753 07/2011 4,465.89
01/07/2011 740416	FREMONT MOTOR POWELL LLC	21000		14,576.55
503-7391-602.94-40	12/27/2010	NONSTOCKING ITEMS-P.U.D.	61517	278362 06/2011 14,576.55
01/07/2011 740429	HIGH-TECH BOILERMAKERS	1678		16,769.11
513-8491-623.93-90	01/05/2011	TP0049 BOILER REPLACEMENT	5	272992 07/2011 16,769.11
01/07/2011 740431	INTEGRATED POWERS SERVICES LLC	21454		4,110.49
512-8400-623.24-50	01/03/2011	MISC SERVICES	8103586	280050 07/2011 4,110.49
01/07/2011 740432	INTELLISYS INC	15587		3,600.00
502-7400-603.35-53	12/28/2010	MISC SERVICES	101001BPU 2011	280604 06/2011 1,800.00
512-8400-623.35-53	12/28/2010	MISC SERVICES	101001BPU 2011	280604 06/2011 1,800.00
01/07/2011 740435	ITT CORPORATION	20204		4,727.21
512-8400-623.23-60	12/28/2010	MISC SERVICES	07614150	280609 06/2011 2,644.70

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ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
512-8400-623.23-60	12/28/2010	MISC SERVICES	07614519	280609	06/2011	2,082.51	
01/07/2011	740442	KEYSTONE CONSTRUCTION/SHOWPLAC	16489			4,676.76	
561-7117-711.24-50	01/03/2011	INVOICE #3367	3367	F12111	07/2011	4,676.76	
01/07/2011	740445	KIRST ENGINEERING	2018			2,877.19	
512-8400-623.24-50	12/28/2010	MISC SERVICES	142111	280612	06/2011	2,877.19	
01/07/2011	740455	MAILING TECHNICAL SERVICES	12577			4,478.55	
521-1521-493.31-10	01/05/2011	FINANCE/PARKING MAIL	NOV. 2010	280804	07/2011	199.50	
605-1515-483.31-10	01/05/2011	FINANCE/PARKING MAIL	NOV. 2010	280804	07/2011	4,279.05	
01/07/2011	740469	MONTANA DAKOTA UTILITIES CO	2492			11,876.77	
502-7400-603.34-40	12/30/2010	STANFORD DR	07369223	280675	06/2011	37.63	
266-6773-465.39-90	01/03/2011	1039 CUSTER AVENUE	065851 25	280655	07/2011	105.42	
266-6773-465.39-90	01/03/2011	1128 LYNN AVENUE	067478 27	280656	07/2011	61.45	
502-7400-603.34-40	01/07/2011	PUD	04571122		07/2011	299.34	
512-8500-625.34-40	01/07/2011	PUD	04695121		07/2011	11.03	
502-7400-603.34-40	01/07/2011	PUD	08156221		07/2011	3,552.31	
502-7400-603.34-40	01/07/2011	PUD	08156322	50%	07/2011	80.52	
502-7400-603.34-40	01/07/2011	PUD	08156322	50%	07/2011	80.53	
502-7400-603.34-40	01/07/2011	PUD	08156421		07/2011	459.80	
502-7400-603.34-40	01/07/2011	PUD	08156521		07/2011	504.22	
502-7400-603.34-40	01/07/2011	PUD	08156621		07/2011	1,316.04	
502-7400-603.34-40	01/07/2011	PUD	08156721		07/2011	382.27	
502-7400-603.34-40	01/07/2011	PUD	08156821		07/2011	42.54	
502-7400-603.34-40	01/07/2011	PUD	08156922		07/2011	397.38	
502-7314-602.34-40	01/07/2011	PUD	08157021	75%	07/2011	1,243.71	
512-8314-622.34-40	01/07/2011	PUD	08157021	25%	07/2011	414.57	
502-7314-602.34-40	01/07/2011	PUD	08157121	75%	07/2011	1,169.02	
512-8314-622.34-40	01/07/2011	PUD	08157121	25%	07/2011	389.68	
502-7400-603.34-40	01/07/2011	PUD	08157221		07/2011	77.84	
502-7400-603.34-40	01/07/2011	PUD	08157322		07/2011	53.89	
512-8400-623.34-40	01/07/2011	PUD	08510222		07/2011	10.40	
10-5141-436.34-40	01/07/2011	CEMETERY	08543421		07/2011	170.24	
10-5141-436.34-40	01/07/2011	CEMETERY	08543521		07/2011	458.45	
502-7400-603.34-40	01/07/2011	PUD	08683522		07/2011	125.75	
10-5112-452.34-40	01/07/2011	PARKS	08767921		07/2011	114.47	
502-7400-603.34-40	01/07/2011	CSD	31563202		07/2011	166.70	
502-7400-603.34-40	01/07/2011	CSD	31563302		07/2011	106.83	
10-5126-451.34-40	01/07/2011	PARKS & REC	34329601		07/2011	22.05	
512-8500-625.34-40	01/07/2011	PUD LIFT STATION	36738301		07/2011	22.69	
01/07/2011	740480	NEW WORLD SYSTEMS	8477			6,205.00	
150-2227-422.35-53	01/05/2011	FIRE:MOBILE SOFTWARE	007413 MBL SFTW	280661	07/2011	2,350.00	
150-2227-422.35-53	01/05/2011	FIRE:MOBILE SOFTWARE	007413 MBL SFTW	280661	07/2011	470.00	
150-2227-422.35-53	01/05/2011	FIRE:MOBILE SUPPORT 50%	007414 MBL SUPT	280661	07/2011	3,500.00	
150-2227-422.35-53	01/05/2011	FIRE:IN CAR MAPPING 50%	007415 IN-CAR	280661	07/2011	825.00	
01/07/2011	740486	NORTHWESTERN ENERGY	15771			44,416.18	
150-2221-422.34-10	01/05/2011	FIRE6:ELEC/3100 KWH USED	0100477-9 10DEC	276425	07/2011	358.59	

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT		
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT
502-7400-603.34-10	01/05/2011	MISC SERVICES	01004787 DEC10	280815	07/2011	552.37
561-7112-711.34-10	01/04/2011	0100482-9	010411	F12130	07/2011	34,088.74
561-7113-711.34-10	01/07/2011	NW AVIATION/TRAN	07125339		07/2011	100.43
561-7113-711.34-10	01/07/2011	NW AVIATION/TRAN	07125347		07/2011	14.68
561-7113-711.34-10	01/07/2011	NW AVIATION/TRAN	07125354		07/2011	214.49
561-7113-711.34-10	01/07/2011	NW AVIATION/TRAN	07127913		07/2011	27.81
561-7113-711.34-10	01/07/2011	NW AVIATION/TRAN	07127954		07/2011	41.92
561-7113-711.34-10	01/07/2011	NW AVIATION/TRAN	07127970		07/2011	30.96
561-7117-711.34-10	01/07/2011	NW AVIATION/TRAN	07128051		07/2011	10.34
561-7113-711.34-10	01/07/2011	NW AVIATION/TRAN	07128135		07/2011	7.70
561-7113-711.34-10	01/07/2011	NW AVIATION/TRAN	07195431		07/2011	2,075.99
561-7113-711.34-10	01/07/2011	NW AVIATION/TRAN	07197593		07/2011	37.96
561-7113-711.34-10	01/07/2011	NW AVIATION/TRAN	07197601		07/2011	30.75
561-7113-711.34-10	01/07/2011	NW AVIATION/TRAN	07197619		07/2011	37.24
561-7113-711.34-10	01/07/2011	NW AVIATION/TRAN	07197627		07/2011	41.51
561-7113-711.34-10	01/07/2011	NW AVIATION/TRAN	07202963		07/2011	35.21
150-2221-422.34-10	01/07/2011	NW FIRE	07125321		07/2011	34.40
10-5141-436.34-10	01/07/2011	NW PARK/REC/PL	07125396		07/2011	58.60
10-5126-451.34-10	01/07/2011	NW PARK/REC/PL	07208416		07/2011	48.90
502-7400-603.34-10	01/07/2011	NW PUD-WATER TREAT	07222490		07/2011	10.71
10-5112-452.34-10	01/07/2011	NW PARK/REC/PL	07222565		07/2011	195.12
10-5112-452.34-10	01/07/2011	NW PARK/REC/PL	07222581		07/2011	9.56
10-5112-452.34-10	01/07/2011	NW PARK/REC/PL	07222599		07/2011	15.53
502-7400-603.34-10	01/07/2011	NW PUD-WATER TREAT	07222706		07/2011	2,022.88
10-5112-452.34-10	01/07/2011	NW PARK/REC/PL 50%	07222722	60%	07/2011	8.78
872-5198-452.34-10	01/07/2011	NW PARK/REC/PL 50%	07222722	40%	07/2011	5.86
10-5112-452.34-10	01/07/2011	NW PARK/REC/PL	07222730		07/2011	100.84
10-5112-452.34-10	01/07/2011	NW PARK/REC/PL	07222748		07/2011	11.34
10-5112-452.34-10	01/07/2011	NW PARK/REC/PL	07222755		07/2011	95.88
10-5112-452.34-10	01/07/2011	NW PARK/REC/PL	07222771		07/2011	34.86
10-5112-452.34-10	01/07/2011	NW PARK/REC/PL	07222789		07/2011	29.22
10-5112-452.34-10	01/07/2011	NW PARK/REC/PL	07222797		07/2011	14.68
10-5112-452.34-10	01/07/2011	NW PARK/REC/PL	07228083		07/2011	14.68
10-5112-452.34-10	01/07/2011	NW PARK/REC/PL	07228521		07/2011	9.93
10-5112-452.34-10	01/07/2011	NW PARK/REC/PL	07228620		07/2011	6.17
10-5112-452.34-10	01/07/2011	NW PARK/REC/PL	07229016		07/2011	221.82
10-5112-452.34-10	01/07/2011	NW PARK/REC/PL	07229768		07/2011	8.81
10-5112-452.34-10	01/07/2011	NW PARK/REC/PL	07229958		07/2011	103.02
10-5112-452.34-10	01/07/2011	NW PARK/REC/PL	07230055		07/2011	75.81
10-5112-452.34-10	01/07/2011	NW PARK/REC/PL	07230469		07/2011	7.70
10-5112-452.34-10	01/07/2011	NW PARK/REC/PL	07230493		07/2011	7.70
10-5112-452.34-10	01/07/2011	NW PARK/REC/PL	07230535		07/2011	18.87
10-5112-452.34-10	01/07/2011	NW PARK/REC/PL	07230642		07/2011	17.67
10-5112-452.34-10	01/07/2011	NW PARK/REC/PL	07230659		07/2011	17.67
512-8500-625.34-10	01/07/2011	NW Parks	07233836		07/2011	130.50
872-5198-452.34-10	01/07/2011	NW PARK/REC/PL	07233851		07/2011	9.24
872-5198-452.34-10	01/07/2011	NW PARK/REC/PL	07233869		07/2011	9.24
872-5198-452.34-10	01/07/2011	NW PARK/REC/PL	07233877		07/2011	9.24
872-5198-452.34-10	01/07/2011	NW PARK/REC/PL	07233885		07/2011	9.24
10-5112-452.34-10	01/07/2011	NW PARK/REC/PL	07233919	60%	07/2011	4.62

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT	
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO # PER/YEAR TRN AMOUNT	
872-5198-452.34-10	01/07/2011	NW PARK/REC/PL	07233919	40% 07/2011 3.08	
872-5198-452.34-10	01/07/2011	NW PARK/REC/PL	07233927	07/2011 9.24	
872-5198-452.34-10	01/07/2011	NW PARK/REC/PL	07233935	07/2011 8.31	
512-8500-625.34-10	01/07/2011	NW PUD-WASTE WATER	07234040	07/2011 683.46	
872-5198-452.34-10	01/07/2011	NW PARK/REC/PL	07238363	07/2011 6.17	
872-5198-452.34-10	01/07/2011	NW PARK/REC/PL	07238405	07/2011 7.70	
512-8500-625.34-10	01/07/2011	NW PUD-WASTE WATER	07238785	07/2011 241.10	
872-5198-452.34-10	01/07/2011	NW PARK/REC/PL	07238793	07/2011 3.27	
872-5198-452.34-10	01/07/2011	NW PARK/REC/PL	07238835	07/2011 8.09	
10-5112-452.34-10	01/07/2011	NW PARK/REC/PL	07238843	07/2011 57.04	
872-5198-452.34-10	01/07/2011	NW PARK/REC/PL	07238850	07/2011 8.21	
10-5112-452.34-10	01/07/2011	NW PARK/REC/PL	07238876	07/2011 17.66	
10-5112-452.34-10	01/07/2011	NW PARK/REC/PL	09208018	07/2011 24.16	
872-5198-452.34-10	01/07/2011	NW PARK/REC/PL	09718248	07/2011 8.42	
10-5112-452.34-10	01/07/2011	PARKS	09789173	07/2011 7.70	
10-5129-451.34-10	01/07/2011	NW FIRE	09998071	07/2011 7.80	
607-2235-486.34-10	01/07/2011	NW FIRE	10069151	07/2011 148.23	
10-5112-452.34-10	01/07/2011	NW Parks	11565272	07/2011 7.70	
150-2171-441.34-10	01/07/2011	NW	11834835	07/2011 1,106.39	
10-5112-452.34-10	01/07/2011	NW	12300661	07/2011 14.71	
10-5112-452.34-10	01/07/2011	NW	12422226	07/2011 8.21	
10-5112-452.34-10	01/07/2011	NW	12488631	07/2011 30.50	
872-5198-452.34-10	01/07/2011	NW	13127071	07/2011 8.29	
10-5112-452.34-10	01/07/2011	NW	14093942	07/2011 8.71	
872-5198-452.34-10	01/07/2011	NW	15138001	07/2011 18.92	
872-5198-452.34-10	01/07/2011	NW	15138027	07/2011 33.20	
872-5198-452.34-10	01/07/2011	NW	15138043	07/2011 16.53	
872-5198-452.34-10	01/07/2011	PARKS	15642093	07/2011 8.31	
10-5141-436.34-10	01/07/2011	CEMETERY	16352890	07/2011 20.39	
10-5112-452.34-10	01/07/2011	PARKS 1	16926669	07/2011 8.19	
512-8500-625.34-10	01/07/2011	SEWER LIFTSTATION C	17040254	07/2011 16.94	
512-8500-625.34-10	01/07/2011	WWTP	17040304	07/2011 27.30	
211-3132-433.34-10	01/07/2011	STREETS/TRAFFIC	17389891	07/2011 27.20	
211-3132-433.34-10	01/07/2011	STREETS/TRAFFIC	17978289	07/2011 5.15	
10-5127-451.34-10	01/06/2011	ELECTRIC CHARGES	0100506-DEC10	280838 07/2011 714.12	
01/07/2011	740492	PIERCE FLOORING	2967		5,498.00
718-2160-421.22-90	01/03/2011	MISC SERVICES	97192	279483 07/2011	5,498.00
01/07/2011	740513	SOUTH BILLINGS CENTER LLC	9991385		91,017.00
198-1506-466.78-40	01/05/2011	SOUTH BILLINGS CENTER LLC	SID1385	06/2011	91,017.00
01/07/2011	740514	SPRINGSTED	3526		6,200.00
311-1530-471.35-92	01/05/2011	GENL OBLIG BOND SER. 2000	UIR02749	280801 07/2011	3,100.00
313-1530-471.35-90	01/05/2011	GENL OBLIG BOND SE 2004A	UIR02750	280801 07/2011	3,100.00
01/07/2011	740516	ST VINCENT OCCUPATIONAL HEALTH	3535		3,011.80
10-1750-417.35-72	01/05/2011	MISC SERVICES	23802	280787 07/2011	880.00
150-2111-421.35-10	01/05/2011	MISC SERVICES	23802	280787 07/2011	293.53
150-2171-441.35-10	01/05/2011	MISC SERVICES	23802	280787 07/2011	488.52

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
211-3132-433.22-60	01/05/2011	MISC SERVICES	23802	280787	07/2011	70.00	
541-3121-435.35-10	01/05/2011	MISC SERVICES	23802	280787	07/2011	70.00	
571-7142-713.35-10	01/05/2011	MISC SERVICES	23802	280787	07/2011	70.00	
627-1752-417.51-60	01/05/2011	MISC SERVICES	23802	280787	07/2011	1,139.75	
01/07/2011	740518	SUNSET EXCAVATION	11477			6,900.00	
505-7515-609.36-71	01/05/2011	MISC SERVICES	904733	280829	07/2011	2,300.00	
505-7515-609.36-71	01/05/2011	MISC SERVICES	904734	280829	07/2011	725.00	
505-7515-609.36-71	01/05/2011	MISC SERVICES	904735	280829	07/2011	1,125.00	
505-7515-609.36-71	01/05/2011	MISC SERVICES	904736	280829	07/2011	1,700.00	
505-7515-609.36-71	01/05/2011	MISC SERVICES	904737	280829	07/2011	575.00	
505-7515-609.36-71	01/05/2011	MISC SERVICES	904738	280829	07/2011	475.00	
01/07/2011	740523	TOWN & COUNTRY SUPPLY ASSOCIAT	18295			46,931.35	
502-0000-141.00-00	12/30/2010	WATER PARTS AND SUPPLIES	79321 77316		06/2011	16,416.75	
601-0000-141.00-00	12/30/2010	MP	77315		06/2011	10,944.80	
512-8400-623.24-50	12/30/2010	NONSTOCKING ITEMS-P.U.D.	79321 77316	280696	06/2011	1,202.76	
601-0000-141.00-00	01/03/2011	MP	77324		07/2011	18,367.04	
01/07/2011	740524	TRACTOR & EQUIPMENT	3775			435,681.73	
502-7500-609.23-20	12/23/2010	NONSTOCKING ITEMS-P.U.D.	721304B	280358	06/2011	94.38	
541-3123-435.23-20	12/28/2010	MP	BLCSO476201	280626	06/2011	1,495.97	
541-3123-435.94-10	01/03/2011	TRAC-TYPE DOZER LANDFILL	B1827801/910010	277819	07/2011	433,997.00	
502-7500-609.23-20	01/04/2011	NONSTOCKING ITEMS-P.U.D.	721304B-280358	280700	07/2011	94.38	
502-7500-609.23-20	01/04/2011	NONSTOCKING ITEMS-P.U.D.	0475733	280701	07/2011	188.76	
01/07/2011	740530	WATCO, INC	3977			3,653.88	
10-5126-451.36-90	01/06/2011	POOL COVERS	11426	280837	07/2011	3,653.88	
01/07/2011	740540	YELLOWSTONE ELECTRIC CO	4162			11,038.42	
718-2160-421.22-90	12/30/2010	MISC SERVICES	7473	279750	06/2011	4,875.00	
562-7120-711.92-90	01/03/2011	INVOICE #17742	17742/17604	F12118	07/2011	4,684.80	
561-7112-711.24-50	01/03/2011	INVOICE #17604	17742/17604	F12118	07/2011	1,478.62	

DATE RANGE TOTAL \* 1,673,726.21 \*

**Regular City Council Meeting**

**Date: 02/14/2011**

**TITLE:** Payment of Claims January 14, 2011.

**PRESENTED BY:** Pat M. Weber, Financial Services Manager

**Department:** City Hall Administration

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**Information**

**PROBLEM/ISSUE STATEMENT**

Claims in the amount of \$752,384.52 have been audited and are presented for your approval for payment. A complete listing of the claims dated January 14, 2011, is available in the Finance Department.

**ALTERNATIVES ANALYZED**

The Council may:

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

**FINANCIAL IMPACT**

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

**RECOMMENDATION**

Staff recommends that Council approve Payment of Claims.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

List of claims greater than \$2500.

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CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
01/14/2011	740564	ARCHIE COCHRANE	800				98,356.20
503-7791-611.94-40	01/06/2011	NONSTOCKING ITEMS-P.U.D.	80669	278566	07/2011		18,150.00
503-7791-611.94-40	01/06/2011	NONSTOCKING ITEMS-P.U.D.	80670	278567	07/2011		18,150.00
150-2112-421.23-20	01/06/2011	MP	5041406	280845	07/2011		114.02
150-2112-421.23-20	01/06/2011	MP	5041482	280845	07/2011		29.55
150-2112-421.23-20	01/06/2011	MP	5041500	280845	07/2011		312.99
150-2112-421.23-20	01/06/2011	MP	5041758	280845	07/2011		237.64
670-3141-489.94-40	01/10/2011	ENG FORD FUSION -WHITE	1/ENG FRD FUSIO	278466	07/2011		18,150.00
640-2165-421.94-40	01/10/2011	MISC SERVICES	DEAL #80667	279000	07/2011		21,825.00
640-2165-421.94-40	01/10/2011	MISC SERVICES	DEAL #80667A	279000	07/2011		112.00
521-1523-493.94-40	01/12/2011	PARKING MX. TRUCK	80702	278353	07/2011		21,275.00
01/14/2011	740583	BORDER STATES ELECTRIC	509				4,655.98
512-8400-623.23-60	12/07/2010	NONSTOCKING ITEMS-P.U.D.	901711492	278325	06/2011		80.14
512-8400-623.23-60	12/07/2010	NONSTOCKING ITEMS-P.U.D.	901718564	278325	06/2011		46.00
512-8400-623.23-60	12/07/2010	NONSTOCKING ITEMS-P.U.D.	901724598	278325	06/2011		80.14
502-7400-603.23-60	12/07/2010	NONSTOCKING ITEMS-P.U.D.	901724977	278325	06/2011		169.35
502-7400-603.23-60	12/08/2010	NONSTOCKING ITEMS-P.U.D.	901731051	278325	06/2011		208.94
502-7400-603.23-60	12/08/2010	NONSTOCKING ITEMS-P.U.D.	901731066	278325	06/2011		1,276.29
512-8400-623.23-60	12/09/2010	NONSTOCKING ITEMS-P.U.D.	901730973	278325	06/2011		86.89
512-8400-623.23-60	12/09/2010	NONSTOCKING ITEMS-P.U.D.	901732368	278325	06/2011		97.64
502-7400-603.23-60	12/13/2010	NONSTOCKING ITEMS-P.U.D.	901750014	278325	06/2011		71.39
502-7400-603.23-60	12/13/2010	NONSTOCKING ITEMS-P.U.D.	901750132	278325	06/2011		157.90
512-8400-623.23-60	12/14/2010	NONSTOCKING ITEMS-P.U.D.	901756542	278325	06/2011		22.86
502-7400-603.23-60	12/16/2010	NONSTOCKING ITEMS-P.U.D.	901761283	278325	06/2011		25.93
502-7400-603.23-60	12/20/2010	NONSTOCKING ITEMS-P.U.D.	901756119	278325	06/2011		49.60
502-7400-603.23-60	12/20/2010	NONSTOCKING ITEMS-P.U.D.	901773299	278325	06/2011		258.15
512-8500-625.24-50	12/20/2010	NONSTOCKING ITEMS-P.U.D.	901773299	278325	06/2011		298.59
502-7400-603.23-60	12/20/2010	NONSTOCKING ITEMS-P.U.D.	901773309	278325	06/2011		76.00
502-7400-603.23-60	12/20/2010	NONSTOCKING ITEMS-P.U.D.	901773376	278325	06/2011		73.34
502-7400-603.23-60	12/20/2010	NONSTOCKING ITEMS-P.U.D.	901773587	278325	06/2011		266.15
512-8400-623.23-60	12/21/2010	NONSTOCKING ITEMS-P.U.D.	901774521	278325	06/2011		34.17
512-8400-623.23-60	12/21/2010	NONSTOCKING ITEMS-P.U.D.	901780177	278325	06/2011		72.28
502-7400-603.23-60	12/22/2010	NONSTOCKING ITEMS-P.U.D.	901779059	278325	06/2011		33.88
502-7400-603.23-60	12/22/2010	NONSTOCKING ITEMS-P.U.D.	901785820	278325	06/2011		439.62
211-3132-433.24-30	12/27/2010	MISC SERVICES	901710813	278325	06/2011		152.40
211-3132-433.29-20	12/27/2010	MISC SERVICES	901743952	278325	06/2011		27.59
211-3132-433.22-90	12/27/2010	MISC SERVICES	901785195	278325	06/2011		11.49
150-2226-422.23-20	12/29/2010	MP	901774234	278325	06/2011		2.05
502-7400-603.23-60	12/29/2010	NONSTOCKING ITEMS-P.U.D.	901813779	278325	06/2011		394.87
512-8400-623.23-60	12/30/2010	NONSTOCKING ITEMS-P.U.D.	901775603	278325	06/2011		1,835.42-
150-2226-422.23-20	12/30/2010	MP	901773188	280693	06/2011		35.76
512-8400-623.23-60	01/05/2011	NONSTOCKING ITEMS-P.U.D.	901802900	278325	07/2011		11.00
512-8400-623.23-60	01/05/2011	NONSTOCKING ITEMS-P.U.D.	901802905	278325	07/2011		940.00
512-8400-623.23-60	01/05/2011	NONSTOCKING ITEMS-P.U.D.	901819372	278325	07/2011		87.44
512-8400-623.23-60	01/05/2011	NONSTOCKING ITEMS-P.U.D.	901819468	278325	07/2011		339.82
512-8400-623.23-60	01/11/2011	NONSTOCKING ITEMS-P.U.D.	901713430	278325	07/2011		43.02
512-8400-623.23-60	01/11/2011	NONSTOCKING ITEMS-P.U.D.	901724531	278325	07/2011		37.39
512-8400-623.23-60	01/11/2011	NONSTOCKING ITEMS-P.U.D.	901757208	278325	07/2011		45.48

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ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
512-8400-623.23-60	01/11/2011	NONSTOCKING ITEMS-P.U.D.	901760275	278325	07/2011	192.61	
512-8400-623.23-60	01/11/2011	NONSTOCKING ITEMS-P.U.D.	901775602	278325	07/2011	74.78-	
512-8400-623.23-60	01/11/2011	NONSTOCKING ITEMS-P.U.D.	901781610	278325	07/2011	320.01	
01/14/2011	740585	JONATHAN BOYD	21448			3,700.00	
150-2229-422.38-22	01/10/2011	ICS/CLASS/CAPTS/JAN6-8/11	ICS SIM/JAN6-8	280899	07/2011	3,700.00	
01/14/2011	740587	BRENNTAG PACIFIC INC	17236			10,653.49	
211-3132-433.47-20	01/06/2011	ROAD/HIGHWAY MATERIAL	BPI059308	280775	07/2011	5,310.56	
211-3132-433.47-20	01/06/2011	ROAD/HIGHWAY MATERIAL	BPI059309	280775	07/2011	5,342.93	
01/14/2011	740599	CASTLEROCK EXCAVATING INC	19707			29,290.93	
421-8493-623.93-40	01/10/2011	WO0814 WWTP STRM DRAIN	1	277389	07/2011	29,290.93	
01/14/2011	740609	CIVICPLUS	19594			3,090.00	
620-1911-482.35-52	01/04/2011	MISC SERVICES	86514	280769	07/2011	3,090.00	
01/14/2011	740612	COLSTRIP ELECTRIC INC	11663			4,949.99	
421-0000-201.10-00	01/10/2011	WO0509 WWTP GENERATOR	RET RELEASE	261377	07/2011	4,949.99	
01/14/2011	740626	DEPT OF JUSTICE DCI	17163			10,456.45	
252-2187-421.12-20	01/06/2011	MISC SERVICES	WAYDE OT/REC	280836	07/2011	230.59	
252-2187-421.12-20	01/06/2011	MISC SERVICES	WEG OT/ICAC REC	280836	07/2011	4,237.39	
251-2187-421.35-90	01/07/2011	MISC SERVICES	ICAC EQUIP	280851	07/2011	1,635.07	
251-2187-421.38-22	01/07/2011	MISC SERVICES	ICAC TRAV WEG	280851	07/2011	1,298.24	
251-2187-421.38-22	01/07/2011	SEDER	TRAVEL ICAC	280851	07/2011	1,367.70	
255-2145-421.12-20	01/12/2011	MISC SERVICES	OT HIDTA	280945	07/2011	1,687.46	
01/14/2011	740639	FEDERAL SIGNAL CORP	8246			3,687.14	
150-2112-421.21-20	01/12/2011	INVOICE 93943886 DATED 12	93943886	F12169	07/2011	3,687.14	
01/14/2011	740653	GIESERLAB INC	20623			14,733.00	
718-2160-421.21-20	01/11/2011	MISC SERVICES	4135	280375	07/2011	14,733.00	
01/14/2011	740654	GILLIG CORPORATION	18154			5,417.92	
601-0000-141.71-41	01/07/2011	MP	4681479		07/2011	1,375.31	
601-0000-141.71-41	01/07/2011	MP	4682581		07/2011	2,797.64	
601-0000-141.71-41	01/07/2011	MP	4684719		07/2011	258.84	
571-7144-713.23-20	01/07/2011	MP	4681479	280858	07/2011	326.13	
601-0000-141.71-41	01/12/2011	MP	4684718		07/2011	660.00	
01/14/2011	740658	GUARDIAN SECURITY INC	12486			5,778.75	
260-5512-455.35-74	01/10/2011	INVOICE 995392 SECURITY S	995392	F12143	07/2011	5,778.75	
01/14/2011	740665	HDR INC	1544			56,610.88	
845-3186-431.93-10	01/10/2011	WO0915 GRAND/ZIMM-SHILOH	11/256738-H	270652	07/2011	8,192.05	
845-3186-431.93-10	01/11/2011	WO1023 ZIMM/RIMRK TO HWY3	6/249616-H	276513	07/2011	48,418.83	
01/14/2011	740666	HELENA POLICE DEPARTMENT	9703			4,513.89	
251-2187-421.35-60	01/07/2011	MISC SERVICES	ICAC - FUEL	280855	07/2011	468.31	

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ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
251-2187-421.35-60	01/07/2011	MISC SERVICES	ICAC OT	280855	07/2011	1,196.15	
251-2187-421.35-60	01/07/2011	MISC SERVICES	ICAC SUPPLIES	280855	07/2011	310.20	
251-2187-421.34-50	01/07/2011	MISC SERVICES	ICAC-AIRCARDS	280855	07/2011	153.03	
251-2187-421.38-22	01/07/2011	MISC SERVICES	ICAC-BIRMINGHAM	280855	07/2011	2,220.40	
251-2187-421.38-22	01/07/2011	MISC SERVICES	ICAC-PENDELTON	280855	07/2011	165.80	
01/14/2011	740672	IAFF	20196			4,228.20	
900-0000-209.99-20	01/14/2011	PAYROLL SUMMARY	20110114		07/2011	4,228.20	
01/14/2011	740675	INTERMOUNTAIN SWEEPER CO	20739			18,665.00	
562-7120-711.94-90	01/11/2011	MISC SERVICES	83222	279753	07/2011	18,665.00	
01/14/2011	740676	INTERSTATE ENGINEERING INC.	11817			16,000.40	
840-3184-431.93-10	01/10/2011	WO0515 HOWARD HEIGHTS	2/5714	275113	07/2011	16,000.40	
01/14/2011	740692	JTL GROUP INC DBA KNIFE RIVER	2417			2,516.32	
211-3132-433.45-20	01/06/2011	ROAD/HIGHWAY MATERIAL	235050	280773	07/2011	2,516.32	
845-3186-431.93-10	01/10/2011	WO1007 GRAND &24TH R-TURN	CO#3	276942	07/2011	2,807.73	
845-3186-431.93-10	01/10/2011	WO1007 GRAND&24TH R-TURN	CO#3	276942	07/2011	2,807.73	
01/14/2011	740694	KADRMAS LEE & JACKSON	14850			7,338.45	
503-7591-609.93-40	01/10/2011	WO0911 RIMROCK/17TH-REHBG	15	268015	07/2011	1,137.46	
840-3184-431.93-10	01/10/2011	WO0911 RIMROCK/17TH-REHBG	15	268015	07/2011	1,761.23	
845-3186-431.93-10	01/10/2011	WO0911 RIMROCK/17TH-REHBG	15	268015	07/2011	4,439.76	
01/14/2011	740716	MAILING TECHNICAL SERVICES	12577			6,803.58	
260-5511-455.31-10	01/10/2011	ACCT LIBR 11/2/10-12/31/1	ACCT LIBR 12/10	F12148	07/2011	2,332.19	
521-1521-493.31-10	01/12/2011	MISC SERVICES	DEC 2010	280952	07/2011	69.50	
605-1515-483.31-10	01/12/2011	MISC SERVICES	DEC 2010	280952	07/2011	4,401.89	
01/14/2011	740727	MIDWEST TAPE	13470			3,079.98	
260-5519-455.32-25	01/11/2011	INVOICE 2367327	CUSTOMER59101	F12150	07/2011	745.30	
260-5519-455.32-23	01/11/2011	INVOICE 2376533	CUSTOMER59101	F12150	07/2011	22.58	
260-5519-455.32-25	01/11/2011	INVOICE 2375034	CUSTOMER59101	F12150	07/2011	143.95	
260-5519-455.32-43	01/11/2011	INVOICE 2375034	CUSTOMER59101	F12150	07/2011	127.74	
260-5519-455.32-25	01/11/2011	INVOICE 2375035	CUSTOMER59101	F12150	07/2011	386.20	
260-5519-455.33-36	01/11/2011	INVOICE 2375037	CUSTOMER59101	F12150	07/2011	736.46	
260-5519-455.33-36	01/11/2011	INVOICE 2375038	CUSTOMER59101	F12150	07/2011	692.32	
260-5519-455.32-23	01/11/2011	INVOICE 2375039	CUSTOMER59101	F12150	07/2011	159.88	
260-5519-455.32-25	01/11/2011	INVOICE 2376532	CUSTOMER59101	F12150	07/2011	41.57	
260-5519-455.33-36	01/11/2011	INVOICE 2375036	CUSTOMER59101	F12150	07/2011	23.98	
01/14/2011	740728	MILLER TROIS LLC	21515			2,500.00	
203-1513-466.35-47	01/12/2011	MISC SERVICES	TAXCODE A00264	280950	07/2011	2,500.00	
01/14/2011	740731	MONTANA DAKOTA UTILITIES CO	2492			2,569.43	
266-6773-465.39-90	01/12/2011	3701 CAMBRIDGE	0824975	280925	07/2011	59.21	
150-2221-422.34-40	01/13/2011	FIRE	05003521		07/2011	273.20	
512-8500-625.34-40	01/13/2011	PUD	05023622		07/2011	40.70	
512-8500-625.34-40	01/13/2011	PUD	05211321		07/2011	55.53	

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #			CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT
10-5122-451.34-40	01/13/2011	REC	05552021		07/2011	483.28
150-2221-422.34-40	01/13/2011	FIRE	05597121		07/2011	1,657.51
01/14/2011 740732	MONTANA DEPARTMENT OF	17643				22,877.60
541-3123-435.76-35	01/06/2011	LANDFILL LICENSE 113	SWP113B-11	280637	07/2011	22,877.60
01/14/2011 740736	MONTANA STATE FIREMAN'S ASSOC	20195				2,659.90
900-0000-209.99-24	01/14/2011	PAYROLL SUMMARY	20110114		07/2011	2,659.90
01/14/2011 740740	MPFA	20198				2,524.02
900-0000-209.99-23	01/14/2011	PAYROLL SUMMARY	20110114		07/2011	2,524.02
01/14/2011 740744	NEXTX COMMUNICATIONS INC	20952				3,570.00
260-5518-455.35-90	01/10/2011	INVOICE 895	895 & 896	F12144	07/2011	2,550.00
260-5518-455.35-90	01/10/2011	INVOICE 896	895 & 896	F12144	07/2011	1,020.00
01/14/2011 740751	NORTHWEST PIPE FITTINGS	2758				24,115.23
502-0000-141.00-00	12/03/2010	WATER PARTS AND SUPPLIES	1645218		06/2011	10,180.00
502-0000-141.00-00	12/06/2010	WATER PARTS AND SUPPLIES	16330464		06/2011	88.40
502-0000-141.00-00	12/06/2010	WATER PARTS AND SUPPLIES	16334211		06/2011	560.40
502-0000-141.00-00	12/06/2010	SYSTEMS	1634150		06/2011	255.70
502-0000-141.00-00	12/06/2010	WATER PARTS AND SUPPLIES	16379981		06/2011	51.84
502-7400-603.24-50	12/06/2010	NONSTOCKING ITEMS-P.U.D.	1646657	278334	06/2011	1,137.57
512-8400-623.24-50	12/07/2010	NONSTOCKING ITEMS-P.U.D.	1647656	278334	06/2011	122.80
502-7400-603.24-50	12/08/2010	NONSTOCKING ITEMS-P.U.D.	1648297	278334	06/2011	19.21
512-8314-622.24-50	12/09/2010	NONSTOCKING ITEMS-P.U.D.	1650075	278334	06/2011	5.31
502-7312-602.23-80	12/13/2010	NONSTOCKING ITEMS-P.U.D.	1650938	278334	06/2011	213.25
502-7314-602.24-50	12/13/2010	NONSTOCKING ITEMS-P.U.D.	1651710	278334	06/2011	24.18
502-0000-141.00-00	12/14/2010	WATER PARTS AND SUPPLIES	1633151		06/2011	4,465.00
502-0000-141.00-00	12/15/2010	WATER PARTS AND SUPPLIES	1645111		06/2011	75.00
502-0000-141.00-00	12/16/2010	WATER PARTS AND SUPPLIES	16379982		06/2011	1,246.60
502-0000-141.00-00	12/20/2010	WATER PARTS AND SUPPLIES	1652676		06/2011	4,465.00
512-8400-623.23-60	12/21/2010	NONSTOCKING ITEMS-P.U.D.	1654824	278334	06/2011	17.69
502-0000-141.00-00	12/22/2010	SYSTEMS	1655955		06/2011	730.60
502-7400-603.23-60	12/22/2010	NONSTOCKING ITEMS-P.U.D.	1654689	278334	06/2011	68.70
211-3132-433.23-20	12/27/2010	MISC SERVICES	1654493	278334	06/2011	5.72
502-7400-603.24-50	12/28/2010	NONSTOCKING ITEMS-P.U.D.	1658489	278334	06/2011	284.52
502-0000-141.00-00	12/30/2010	SYSTEMS	16559551		06/2011	182.65
512-8400-623.24-50	01/05/2011	NONSTOCKING ITEMS-P.U.D.	1659065	278334	07/2011	27.66
650-1567-487.36-90	01/06/2011	MISC SERVICES	1628521A	278334	07/2011	149.16
502-7500-609.24-10	01/06/2011	NONSTOCKING ITEMS-P.U.D.	1644673	278334	07/2011	19.85
211-3130-433.23-20	01/06/2011	MP	1659996	278334	07/2011	16.74
01/14/2011 740752	NORTHWESTERN ENERGY	15771				4,596.50
571-7143-713.34-10	01/11/2011	ACCOUNT# 0100473	01192011	F12155	07/2011	3,282.98
10-5141-436.34-10	01/13/2011	NW PARK/REC/PL	07125388		07/2011	9.00
571-7143-713.34-10	01/13/2011	NW AVIATION/TRAN	07192255		07/2011	486.52
150-2221-422.34-10	01/13/2011	NW FIRE	07208176		07/2011	247.57
10-5112-452.34-10	01/13/2011	NW PARK/REC/PL	08134892		07/2011	13.29
872-5198-452.34-10	01/13/2011	NW PARK/REC/PL	08814550		07/2011	8.42

PROGRAM: GM350L  
CITY OF BILLINGS

MINIMUM AMOUNT: 2,500.00  
FROM 01/14/2011 TO 01/14/2011

BANK CODE 00

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ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT
502-7400-603.34-10	01/13/2011	NW Parks	11422532		07/2011	165.34
502-7400-603.34-10	01/13/2011	NW Pud	11608072		07/2011	18.26
872-5198-452.34-10	01/13/2011	NW parks	11759727		07/2011	156.24
502-7400-603.34-10	01/13/2011	NW	13466735		07/2011	5.15
872-5198-452.34-10	01/13/2011	NW	15143886		07/2011	8.71
521-1524-493.34-10	01/13/2011	PARKING-LINC CEN LOT POLE	15696313		07/2011	51.75
10-5112-452.34-10	01/13/2011	SOUTH PARK CONCESSION	15882624		07/2011	7.70
10-5112-452.34-10	01/13/2011	PARKS & REC	18494088		07/2011	50.81
502-7400-603.34-10	01/13/2011	2421 BELKNAP AVE	18672659		07/2011	7.70
10-5112-452.34-10	01/13/2011	PARKS & REC	19049444		07/2011	77.06
01/14/2011	740753	ONE EIGHTY COMMUNICATIONS	15590			6,167.50
561-7110-711.34-50	01/13/2011	ONE EIGHTY JAN 2011	AIRPORT 2948370		07/2011	40.60
606-1931-484.34-50	01/13/2011	ONE EIGHTY JAN 2011	ACCT 00018768		07/2011	542.87
606-1931-484.34-50	01/13/2011	ONE EIGHTY JAN 2011	ACCT 00001906		07/2011	4,368.61
10-5112-452.34-50	01/13/2011	ONE EIGHTY JAN 2011	867-7275		07/2011	46.00
670-3141-489.34-50	01/13/2011	ONE EIGHTY JAN 2011	DEPOT 60%		07/2011	489.86
660-3110-431.34-50	01/13/2011	ONE EIGHTY JAN 2011	DEPOT 40%		07/2011	326.56
260-5518-455.35-90	01/13/2011	ONE EIGHTY JAN 2011	INTERNET LIB		07/2011	259.00
620-1911-482.34-52	01/13/2011	ONE EIGHTY JAN 2011	IT INTERNET		07/2011	79.00
150-2225-422.34-50	01/13/2011	ONE EIGHTY JAN 2011	LONG DISTANCE		07/2011	15.00
01/14/2011	740762	PUBLIC UTILITIES	5022			3,842.81
561-7110-711.34-20	01/13/2011	1901 AIRPORT TERM CIR	68407759		07/2011	3,719.25
512-8500-625.34-20	01/13/2011	2229 BLUE CREEK RD	13670319854		07/2011	9.49
521-1592-493.34-20	01/13/2011	105 N 27	4975819		07/2011	25.64
521-1591-493.34-20	01/13/2011	2922 3 AVE NORTH	22414454		07/2011	57.46
521-1591-493.34-20	01/13/2011	2922 3 AVE NORTH SP/IR	22434115		07/2011	10.67
521-1594-493.34-20	01/13/2011	505 N 31	257110001100		07/2011	20.30
01/14/2011	740781	SOLID WASTE SYSTEMS INC	9811			139,208.27
10-5111-452.94-40	01/07/2011	PACKER TRUCK	TRASH TRUCK	268698	07/2011	134,854.00
10-5111-452.94-40	01/07/2011	REMOTE CAMERA ON TRUCK	TRASH TRUCK	268698	07/2011	4,240.00
541-3122-435.23-20	01/13/2011	MP	0048005-IN	280973	07/2011	114.27
01/14/2011	740792	SUNDOWN SECURITY	3643			4,192.75
561-7110-711.35-81	01/10/2011	INVOICE #36559	36559/563/568	F12138	07/2011	1,356.25
561-7110-711.35-81	01/10/2011	INVOICE #36563	36559/563/568	F12138	07/2011	1,371.75
561-7110-711.35-81	01/10/2011	INVOICE #36568	36559/563/568	F12138	07/2011	1,464.75
01/14/2011	740798	TERRACON	16191			3,613.50
10-5112-452.39-90	01/13/2011	CONSULTANT SERVICES	T181927	280940	07/2011	3,613.50
01/14/2011	740803	TIRE-RAMA	1864			18,041.31
150-2226-422.23-90	12/02/2010	FIRE/BUREAU/#4081/TATUM	1040087421 FRPB	278336	06/2011	15.00
150-2226-422.23-90	12/13/2010	FIRE1/4062/HME RESRV/FLAT	1050171549 FR11	278336	06/2011	30.00
541-3122-435.23-90	12/14/2010	TIRES FOR SW 12/10	1050171521	278336	06/2011	3,515.00
541-3122-435.23-90	12/14/2010	TIRES FOR SW 12/10	1050171522	278336	06/2011	2,764.50
541-3122-435.23-90	12/14/2010	TIRES SW	10501715334	278336	06/2011	1,083.80
541-3122-435.22-60	12/14/2010	SW TIRES 12/10	1050171534	278336	06/2011	1,083.80

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ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT
541-3122-435.23-90	12/14/2010	TIRES FOR SW 12/10	1050171535	278336	06/2011	2,155.60
541-3123-435.23-90	12/14/2010	TIRE REPAIRS	1050171536	278336	06/2011	45.95
541-3123-435.23-90	12/14/2010	TIRE REPAIRS LF	1050171537	278336	06/2011	50.00
541-3122-435.22-60	12/15/2010	NEGATIVE	1050171534	278336	06/2011	1,083.80-
541-3122-435.22-60	12/15/2010	NEGATIVE WRONG ACCT	105017534	278336	06/2011	1,083.80
541-3122-435.22-60	12/16/2010	NEGATIVE WRONG ACCT	1050171534A	278336	06/2011	1,083.80-
541-3122-435.23-90	12/21/2010	NEW FRONT LOAD TIRES	1050170300	278336	06/2011	1,900.00
541-3122-435.23-90	12/21/2010	NEW TAG TIRES	1050171324	278336	06/2011	566.88
541-3123-435.23-90	12/21/2010	LF TIRES	1050171961	278336	06/2011	380.84
211-3134-433.23-90	12/27/2010	MP	1050-171274	278336	06/2011	30.00
211-3140-433.23-90	12/28/2010	MP	1050-171567	278336	06/2011	60.00
211-3140-433.23-90	12/28/2010	MP	1050-171569	278336	06/2011	30.00
211-3140-433.23-90	01/05/2011	MP	1050-171983	278336	07/2011	20.00
211-3132-433.23-90	01/06/2011	MP	1050-171870	278336	07/2011	135.50
211-3132-433.23-90	01/06/2011	MP	1050-171870	278336	07/2011	1,644.20
211-3140-433.23-90	01/06/2011	MP	1050-172311	278336	07/2011	30.00
211-3132-433.23-90	01/06/2011	MP	1050-172344	278336	07/2011	273.84
211-3132-433.23-90	01/06/2011	MP	1050-172344	278336	07/2011	3,220.20
10-5112-452.23-90	01/06/2011	TIRE REPAIR	1050172309	280501	07/2011	15.00
211-3130-433.23-90	01/07/2011	MP	1050-172273	278336	07/2011	15.00
211-3140-433.23-90	01/07/2011	MP	1050-172305	278336	07/2011	60.00
01/14/2011	740806	TOWN & COUNTRY SUPPLY ASSOCIAT	18295			86,815.63
601-0000-141.71-41	01/05/2011	MP	77225		07/2011	18,146.96
601-0000-141.00-00	01/05/2011	MP	80150		07/2011	10,546.40
601-0000-141.00-00	01/10/2011	MP	80150-A		07/2011	10,546.40-
601-0000-141.00-00	01/10/2011	MP	80150-B		07/2011	10,448.40
601-0000-141.71-41	01/10/2011	MP	77225-A		07/2011	18,146.96-
601-0000-141.71-41	01/10/2011	MP	77225=B		07/2011	17,975.31
601-0000-141.00-00	01/10/2011	MP	77231-B		07/2011	17,288.74
601-0000-141.00-00	01/10/2011	MP	77232		07/2011	10,278.95
561-7118-711.23-13	01/10/2011	INVOICE #90514	90514/80718	F12139	07/2011	11,383.51
561-7118-711.23-13	01/10/2011	INVOICE #80718	90514/80718	F12139	07/2011	14,223.82
561-7118-711.23-13	01/10/2011	CREDIT ATTACHMENT	90514/80718	F12139	07/2011	257.24-
601-0000-141.71-41	01/12/2011	MP	80264		07/2011	5,474.14
01/14/2011	740807	TRACTOR & EQUIPMENT	3775			5,647.57
502-7500-609.23-20	01/05/2011	MP	BLW00120547	280794	07/2011	1,564.90
541-3123-435.23-20	01/06/2011	MP	BLW00120517	280842	07/2011	353.81
502-7314-602.24-50	01/10/2011	NONSTOCKING ITEMS-P.U.D.	0073978	280702	07/2011	104.64
512-8314-622.24-50	01/10/2011	NONSTOCKING ITEMS-P.U.D.	0073978	280702	07/2011	104.64
541-3123-435.23-20	01/12/2011	MP	BLW00120586	280966	07/2011	3,464.58
541-3123-435.23-20	01/12/2011	MP	BLW00120586	280966	07/2011	55.00
01/14/2011	740835	YELLOWSTONE VALLEY ANIMAL SHEL	20525			20,536.05
150-2170-441.39-90	01/05/2011	CONTRT 11-22-10\12-21-10	09-1156	280796	07/2011	20,256.05
713-2176-441.79-35	01/05/2011	SPAY\NEUT\VAC 4 DOGS	09-1172	280796	07/2011	280.00

DATE RANGE TOTAL \* 668,004.62 \*

**Regular City Council Meeting**

**Date: 02/14/2011**

**TITLE:** Payment of Claims January 21, 2011.

**PRESENTED BY:** Pat M. Weber, Financial Services Manager

**Department:** City Hall Administration

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**Information**

**PROBLEM/ISSUE STATEMENT**

Claims in the amount of \$1,915,961.46 have been audited and are presented for your approval for payment. A complete listing of the claims dated January 21, 2011, is available in the Finance Department.

**ALTERNATIVES ANALYZED**

The Council may:

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

**FINANCIAL IMPACT**

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

**RECOMMENDATION**

Staff recommends that Council approve Payment of Claims.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

Payment of claims greater than \$2500.

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CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
01/21/2011	740842	A & I DISTRIBUTORS	16			14,415.75	
150-2226-422.23-10	12/07/2010	FIRE:MOTORCRAFT PM27J2.5	1988954 QRV/FR5	278323	06/2011	83.46	
512-8400-623.24-50	12/08/2010	NONSTOCKING ITEMS-P.U.D.	1988267	278323	06/2011	42.75	
601-0000-141.00-00	12/16/2010	MP	1989734		06/2011	2,602.38	
601-1553-481.26-50	12/16/2010	MP	1989734	278323	06/2011	.22	
541-3123-435.23-10	12/20/2010	OIL AND SUPPLIES 12/15	1991775	278323	06/2011	794.75	
502-0000-141.00-00	12/23/2010	WATER PARTS AND SUPPLIES	1994103		06/2011	1,720.46	
601-0000-141.00-00	12/27/2010	MP	1992526		06/2011	735.68	
601-0000-141.00-00	12/27/2010	MP	1993430		06/2011	539.00	
601-0000-141.00-00	12/27/2010	MP	1993430		06/2011	1,320.00	
601-0000-141.00-00	12/27/2010	MP	1993796		06/2011	255.20	
601-0000-141.00-00	12/27/2010	MP	1993796		06/2011	329.45	
150-2112-421.23-20	12/27/2010	MP	1992526	278323	06/2011	28.54	
211-3130-433.23-20	12/27/2010	MP	1992526	278323	06/2011	28.32	
541-3122-435.23-20	12/27/2010	MP	1992526	278323	06/2011	28.31	
601-0000-141.71-41	12/30/2010	MP	1995503		06/2011	2,611.84	
571-7144-713.23-20	12/30/2010	MP	1995503	278323	06/2011	84.95	
601-1553-481.26-50	12/30/2010	MP	1995503	278323	06/2011	.37	
601-0000-141.00-00	01/06/2011	MP	1996407		07/2011	3,009.94	
601-0000-141.00-00	01/06/2011	MP	1996407		07/2011	100.78	
571-7144-713.23-20	01/06/2011	MP	1994443	278323	07/2011	61.63	
601-1553-481.26-50	01/06/2011	MP	1996407	278323	07/2011	.22	
541-3123-435.24-50	01/18/2011	AT LF 12/22/10	1994268	278323	07/2011	37.50	
01/21/2011	740850	AMERICAN TITLE & ESCROW	159			20,065.00	
296-6555-463.72-75	01/19/2011	WAGNER, AUDREY	WAGNER, AUDREY	281123	07/2011	20,065.00	
01/21/2011	740851	AMERICAN TITLE & ESCROW	159			3,025.00	
266-6773-465.72-91	01/19/2011	#3553-1925/#3561-1100	3553 & 3561	281074	07/2011	3,025.00	
01/21/2011	740856	ARCHIE COCHRANE	800			3,740.22	
630-1753-485.73-10	01/14/2011	MISC SERVICES	807894/1	281011	07/2011	805.50	
571-7147-713.23-20	01/18/2011	MP	5041692	281071	07/2011	96.98	
150-2112-421.23-20	01/18/2011	MP	5041786	281071	07/2011	315.01	
150-2112-421.23-20	01/18/2011	MP	5041925	281071	07/2011	356.46	
150-2112-421.23-20	01/18/2011	MP	5042036	281071	07/2011	218.79	
150-2112-421.23-20	01/18/2011	MP	5042143	281071	07/2011	304.18	
150-2112-421.23-20	01/18/2011	MP	5042151	281071	07/2011	217.95	
150-2112-421.23-20	01/18/2011	MP	5042153	281071	07/2011	179.16	
650-1566-487.23-20	01/18/2011	MP	5042227	281071	07/2011	33.90	
670-3141-489.23-20	01/18/2011	MP	5042227	281071	07/2011	33.90	
150-2112-421.23-20	01/18/2011	MP	5042279	281071	07/2011	28.07	
150-2112-421.23-20	01/19/2011	MP	621314/1	281092	07/2011	1,019.15	
150-2112-421.23-20	01/19/2011	MP	5042481	281115	07/2011	11.72	
150-2112-421.23-20	01/19/2011	MP	5042581	281115	07/2011	7.50	
150-2112-421.23-20	01/19/2011	MP	5042622	281115	07/2011	10.28	
571-7147-713.23-20	01/19/2011	MP	5042892	281115	07/2011	101.67	
01/21/2011	740862	BECCO GENERAL CONSTRUCTION SER	21173			15,095.05	
513-8491-623.93-90	01/19/2011	WO0908 WWTP WATER LINE	6	275042	07/2011	15,095.05	

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
01/21/2011	740869	BILLINGS GAZETTE	420			8,705.17	
260-5511-455.33-60	01/18/2011	LIBRARY	DEC 2011		07/2011	596.00	
10-1750-417.33-70	01/18/2011	HR	DEC 2011		07/2011	1,774.11	
10-1220-412.32-10	01/18/2011	COURT/HR	DEC 2011		07/2011	904.22	
10-1411-414.31-10	01/18/2011	ON LINE BANNER	DEC 2011		07/2011	565.71	
10-1411-414.39-39	01/18/2011	CITY LINK	DEC 2011		07/2011	4,291.25	
541-3121-435.33-65	01/18/2011	SOLID WASTE	DEC 2011		07/2011	573.88	
01/21/2011	740870	BILLINGS KUBOTA	423			21,090.00	
562-7120-711.94-90	01/19/2011	MISC SERVICES	24729	280549	07/2011	21,090.00	
01/21/2011	740876	BISON MOTOR COMPANY	12046			72,629.01	
640-2165-421.94-40	01/19/2011	MISC SERVICES	011420114	278089	07/2011	72,629.01	
01/21/2011	740881	BUSINESS TAX SECTION	2449			8,119.79	
421-8493-623.93-40	01/19/2011	WO0822 WWTP DISINFEC SYS	9	272597	07/2011	3,694.57	
503-7591-609.93-40	01/19/2011	WO1001 2010 WTR&SWR SCH2	CHANGE ORDER#3	274058	07/2011	295.70	
503-7591-609.93-40	01/19/2011	WO1001 2010 WTR&SWR SCH2	CHANGE ORDER#3	274058	07/2011	295.70	
513-8491-623.93-90	01/19/2011	WO0908 WWTP WTR LINE REPL	6	275043	07/2011	152.48	
503-7491-603.93-90	01/19/2011	WO1011 WTP H2-1 PUMP RPLC	2	276191	07/2011	2,916.50	
205-3131-433.93-10	01/19/2011	WO0906 ON-STREET BIKE LNS	1	276366	07/2011	182.01	
210-3110-431.93-11	01/19/2011	WO0906 ON-STREET BIKE LNS	1	276366	07/2011	1,174.23	
01/21/2011	740891	CSG SYSTEMS INC	20870			12,430.74	
502-7311-602.31-10	01/18/2011	MISC SERVICES	69457	281019	07/2011	5,556.54	
502-7311-602.31-11	01/18/2011	MISC SERVICES	69457	281019	07/2011	1,901.90	
512-8311-622.31-10	01/18/2011	MISC SERVICES	69457	281019	07/2011	3,704.36	
512-8311-622.31-11	01/18/2011	MISC SERVICES	69457	281019	07/2011	1,267.94	
01/21/2011	740899	DEQ SUPPORT SERVICES BUREAU	11287			4,800.00	
512-8211-621.34-95	01/18/2011	MT00-OUTFALL	5L1100519	281057	07/2011	4,800.00	
01/21/2011	740900	DESMAN ASSOCIATES	21403			3,850.00	
521-1521-493.35-90	01/18/2011	TECH. AUDIT	D10034	279185	07/2011	3,850.00	
01/21/2011	740908	ESCOSUPPLY	19696			6,520.18	
211-3132-433.23-20	01/19/2011	MISC SERVICES	1045566	281106	07/2011	4,035.88	
211-3132-433.23-20	01/19/2011	MISC SERVICES	1045950	281121	07/2011	2,484.30	
01/21/2011	740913	FIRST INTERSTATE BANK	1303			5,216.40	
723-6595-465.62-00	01/20/2011	MISC SERVICES	1100216095	281162	07/2011	5,216.40	
01/21/2011	740916	FRONTIER FENCE	4561			3,498.00	
630-1753-485.73-10	01/20/2011	MISC SERVICES	15	281165	07/2011	3,498.00	
01/21/2011	740918	GALLES FILTER SERVICE	1397			2,975.95	
601-0000-141.71-41	07/27/2010	MP	205625-A		01/2011	18.89	
541-3122-435.23-20	07/30/2010	MP	208283	275719	01/2011	19.46	
601-0000-141.00-00	12/08/2010	MP	217681		06/2011	594.57	

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #			CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT
601-0000-141.00-00	12/08/2010	MP	217839		06/2011	280.35
601-0000-141.00-00	12/08/2010	MP	218105		06/2011	200.53
601-0000-141.71-41	12/10/2010	MP	217842		06/2011	123.16
571-7144-713.23-20	12/10/2010	MP	217667	278328	06/2011	23.32
502-0000-141.00-00	12/15/2010	WATER PARTS AND SUPPLIES	218389		06/2011	330.63
601-0000-141.00-00	12/16/2010	MP	218252		06/2011	248.58
601-0000-141.00-00	12/16/2010	MP	218495		06/2011	188.03
211-3134-433.23-20	12/20/2010	MP	218532	278328	06/2011	44.66
150-2226-422.23-20	12/20/2010	MP	218607	278328	06/2011	10.80
601-0000-141.00-00	12/22/2010	MP	218910		06/2011	295.56
601-0000-141.00-00	12/23/2010	MP	218997		06/2011	21.50
601-0000-141.71-41	12/27/2010	MP	218656		06/2011	42.24
601-0000-141.00-00	12/30/2010	MP	219063		06/2011	351.82
601-0000-141.00-00	12/30/2010	MP	219191		06/2011	41.96
150-2226-422.23-20	12/30/2010	MP	217800	278328	06/2011	65.40
571-7144-713.23-20	01/06/2011	MP	219073	278328	07/2011	45.50
541-3123-435.23-20	01/07/2011	MP	219332	280496	07/2011	50.00
601-0000-141.71-41	01/11/2011	MP	205625-BB		07/2011	18.89-
541-3122-435.23-20	01/11/2011	MP	208283-C	280496	07/2011	19.46-
211-3134-433.23-20	01/18/2011	MP	218067	278328	07/2011	17.34
01/21/2011	740924	GREAT WEST ENGINEERING	18016			11,180.93
544-3123-435.93-90	01/19/2011	WO0827 LANDFILL EXPANSION	18	263194	07/2011	11,180.93
01/21/2011	740930	HDR INC	1544			36,064.88
502-7211-601.35-40	01/19/2011	WO0916 WTP&WWTP ELECTRIC	12/259928-H	267012	07/2011	416.06
512-8211-621.35-40	01/19/2011	WO0916 WTP&WWTP ELECTRIC	12/259928-H	267012	07/2011	416.07
502-7211-601.35-40	01/19/2011	WO0923 ELEC MSTR PLAN	12/259924-H	269621	07/2011	916.94
512-8211-621.35-40	01/19/2011	WO0923 ELEC MSTR PLAN	12/259924-H	269621	07/2011	916.93
502-7211-601.35-40	01/19/2011	INTEGRATED WATER PLAN	10	270373	07/2011	5,348.21
512-8211-621.35-40	01/19/2011	INTEGRATED WATER PLAN	10	270373	07/2011	4,159.73
840-3184-431.35-90	01/19/2011	INTEGRATED WATER PLAN	10	270373	07/2011	5,348.21
513-8491-623.93-90	01/19/2011	WO1009 WWTP T-5 TRSFRMR	11/259931-H	273263	07/2011	826.29
503-7491-603.93-90	01/19/2011	WO1011 WTP HIGH SRVC PUMP	10/259930-H	273326	07/2011	948.05
503-7591-609.93-40	01/19/2011	WO1012 BLGS LOW SRVC PUMP	6/259929-H	276189	07/2011	12,919.63
513-8491-623.93-90	01/19/2011	WO1029 WWTP WEST MECH MCC	1	280428	07/2011	3,848.76
01/21/2011	740931	HIGHMARK TRAFFIC SERVICES INC	21271			134,268.00
205-3131-433.93-10	01/19/2011	WO0906 ON-STREET BIKE LNS	1	276365	07/2011	18,018.76
210-3110-431.93-11	01/19/2011	WO0906 ON-STREET BIKE LNS	1	276365	07/2011	116,249.24
01/21/2011	740938	INLAND TRUCK PARTS CO	1821			3,506.60
150-2231-422.23-20	01/14/2011	MP	1-31379	281014	07/2011	525.00
541-3122-435.23-20	01/19/2011	MP	1-31412	281139	07/2011	68.88
541-3122-435.23-20	01/19/2011	MP	1-31531	281139	07/2011	312.72
541-3122-435.23-20	01/19/2011	MP	1-31566	281139	07/2011	2,600.00
01/21/2011	740945	JTL GROUP INC DBA KNIFE RIVER	2417			32,375.03
211-3132-433.45-20	01/19/2011	ROAD/HIGHWAY MATERIAL	235373	281105	07/2011	2,179.79
211-3132-433.45-20	01/19/2011	ROAD/HIGHWAY MATERIAL	235572	281105	07/2011	2,594.61

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	DESCRIPTION	INVOICE	PO #	PER/YEAR	CHECK AMOUNT
211-3132-433.39-90				ROADWAY SNOW REMOVAL	1/7443	281078	07/2011	27,600.63
01/21/2011	740946	KADRMAS LEE & JACKSON	14850					6,264.94
	503-7591-609.93-40			WO0911 RIMRK-17TH TO REBG	16/17/121001&2	268015	07/2011	1,002.39
	840-3184-431.93-10			WO0911 RIMRK-17TH TO REBG	16/17/121001&2	268015	07/2011	1,503.58
	845-3186-431.93-10			WO0911 RIMRK-17TH TO REBG	16/17/121001&2	268015	07/2011	3,758.97
01/21/2011	740952	KIRST ENGINEERING	2018					7,467.81
	502-0000-141.00-00			WASTEWATER PARTS & SUPPLY	142169		07/2011	7,467.81
01/21/2011	740954	KOIS BROTHERS EQUIPMENT CO	6452					11,634.41
	541-3122-435.23-20			MP	PLCASSEY-0152	278330	06/2011	1,636.03
	541-3122-435.23-20			MP	88229	278330	06/2011	867.12
	211-3130-433.23-20			MP	88231	278330	06/2011	402.68
	211-3130-433.23-20			MP	88231	278330	06/2011	21.78
	541-3122-435.23-20			MP	88259	278330	06/2011	123.96
	211-3130-433.23-20			MP	88352	278330	06/2011	956.30
	211-3134-433.23-20			MP	88352	278330	06/2011	956.30
	601-0000-141.00-00			MP	88312		06/2011	861.60
	211-3134-433.23-20			MP	88314	278330	06/2011	750.00
	541-3122-435.23-20			MP	88329	278330	06/2011	447.28
	541-3122-435.23-20			MP	88329	278330	06/2011	50.73
	541-3122-435.23-20			MP	88346	278330	06/2011	1,636.03
	541-3122-435.23-20			MP	88354	278330	06/2011	405.71
	601-0000-141.00-00			MP	88207		06/2011	226.24
	601-0000-141.00-00			MP	88503		06/2011	203.56
	541-3122-435.23-20			MP	88503	278330	06/2011	181.08
	541-3122-435.23-20			MP	88513	278330	06/2011	229.40
	601-0000-141.00-00			MP	88549		07/2011	501.82
	541-3122-435.23-20			MP	88514	278330	07/2011	1,141.26
	541-3122-435.23-20			MP	88514	278330	07/2011	35.53
	601-1553-481.26-50			MP	87768	278330	07/2011	28.50
	601-1553-481.26-50			MP	87768-BB	278330	07/2011	28.50-
01/21/2011	740956	LAKE HILLS GOLF CLUB	2086					36,321.11
	840-3184-431.36-60			STRMWTR IMPRV & MAINT	AGREEMENT	281037	07/2011	36,321.11
01/21/2011	740957	LAND DESIGN INC	15918					12,096.00
	10-5112-452.35-90			BYRON NELSON MP ENCUMBRNC	2011-002	280097	07/2011	12,096.00
01/21/2011	740969	MONTANA LAW ENFORCEMENT ACADEM	5092					3,600.00
	150-2140-421.38-22			INVOICE 4835 - CLINT ANGL	4835/4836/4880	F12193	07/2011	1,200.00
	150-2140-421.38-22			INVOICE 4836 - BENJAMIN B	4835/4836/4880	F12193	07/2011	1,200.00
	150-2140-421.38-22			INVOICE 4880 - TODD MORGA	4835/4836/4880	F12193	07/2011	1,200.00
01/21/2011	740970	MONTANA MUNICIPAL INTERLOCAL	20725					32,515.13
	630-1753-485.73-11			MISC SERVICES	111001	281063	07/2011	32,515.13
01/21/2011	740975	MT WATERWORKS	21227					4,974.74
	211-3132-433.23-80			MISC SERVICES	5373	281102	07/2011	4,974.74

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
01/21/2011	740983	NORTHWESTERN ENERGY	15771				20,584.97
512-8500-625.34-10	01/18/2011	MISC SERVICES	17568932 JAN11	281027	07/2011		153.34
266-6773-465.72-91	01/19/2011	1128 LYNN AVE	1894940-4	281079	07/2011		20.62
266-6773-465.72-91	01/19/2011	1039 CUSTER AVE	1894944-6	281081	07/2011		22.76
266-6773-465.72-91	01/19/2011	3701 CAMBRIDGE	1894946-1	281083	07/2011		22.20
561-7113-711.34-10	01/18/2011	0100483-7	011811	F12182	07/2011		2,692.71
561-7113-711.34-10	01/18/2011	0100484-5	011811	F12182	07/2011		2,335.03
561-7113-711.34-10	01/18/2011	1647695-4	011811-1	F12183	07/2011		39.75
561-7117-711.34-10	01/18/2011	1669567-8	011811-1	F12183	07/2011		542.03
561-7117-711.34-10	01/18/2011	1264299-7	011811-1	F12183	07/2011		500.10
561-7117-711.34-10	01/18/2011	1341288-7	011811-1	F12183	07/2011		277.53
561-7117-711.34-10	01/18/2011	1341289-5	011811-1	F12183	07/2011		41.97
561-7117-711.34-10	01/18/2011	1341291-1	011811-1	F12183	07/2011		357.47
561-7117-711.34-10	01/18/2011	1341295-2	011811-1	F12183	07/2011		438.39
10-5127-451.34-10	01/21/2011	NW PARK/REC/PL	07123870		07/2011		40.15
10-5122-451.34-10	01/21/2011	NW PARK/REC/PL	07125362		07/2011		134.81
10-5122-451.34-10	01/21/2011	NW PARK/REC/PL	07208184		07/2011		42.00
10-5126-451.34-10	01/21/2011	NW PARK/REC/PL	07208218		07/2011		49.59
502-7400-603.34-10	01/21/2011	NW PUD-WATER TREAT	07222649		07/2011		1,343.43
10-5112-452.34-10	01/21/2011	NW PARK/REC/PL	07222870		07/2011		17.80
502-7400-603.34-10	01/21/2011	NW PUD-WATER TREAT	07230402		07/2011		2,016.52
502-7400-603.34-10	01/21/2011	NW PUD-WATER TREAT	07230592		07/2011		75.41
211-3132-433.34-10	01/21/2011	NW PUBLIC WORKS	08554040		07/2011		8.97
150-2221-422.34-10	01/21/2011	NW FIRE	08715468		07/2011		661.24
10-5112-452.34-10	01/21/2011	NW PARK/REC/PL	09254962		07/2011		197.35
650-1566-487.34-10	01/21/2011		09758087		07/2011		407.61
502-7400-603.34-10	01/21/2011	NW PUD	11164522		07/2011		273.48
561-7117-711.34-10	01/21/2011	NW PUD	11389269		07/2011		130.47
650-1566-487.34-10	01/21/2011	ACCOUNTS PAYABLE	11608023		07/2011		807.94
650-1566-487.34-10	01/21/2011	ACCOUNTS PAYABLE	11608049		07/2011		3,402.32
650-1566-487.34-10	01/21/2011	NW	12693917		07/2011		3,482.86
211-3132-433.34-10	01/21/2011	STREETS/TRAFFIC	17403577		07/2011		.17
211-3132-433.34-10	01/21/2011	STREETS/TRAFFIC	17488966		07/2011		.44
10-5112-452.34-10	01/21/2011	PARKS	18366666		07/2011		36.84
502-7400-603.34-10	01/21/2011	PUD WATER TREATMENT PLANT	19059435		07/2011		11.67
01/21/2011	740993	NORTHWESTERN ENERGY	15784				139,815.21
211-3132-433.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE SIGNALS		07/2011		11,278.98
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712544-6		07/2011		457.82
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712545-3		07/2011		474.60
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810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0721276-4		07/2011		3,603.23
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0721277-2		07/2011		1,766.22
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712553-7		07/2011		1,127.03
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712554-5		07/2011		82.51
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712556-0		07/2011		406.69
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712557-8		07/2011		13,021.81
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810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712559-4		07/2011		2,377.20

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810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712562-8		07/2011	156.53
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712563-6		07/2011	873.93
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712564-4		07/2011	205.63
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712565-1		07/2011	539.76
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712566-9		07/2011	2,974.57
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810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712568-5		07/2011	138.52
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712570-1		07/2011	2,313.33
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712571-9		07/2011	175.55
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810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712573-5		07/2011	899.62
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712574-3		07/2011	359.84
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712575-0		07/2011	179.93
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712576-8		07/2011	658.32
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712577-6		07/2011	460.80
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810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712587-5		07/2011	231.34
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712588-3		07/2011	537.10
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712589-1		07/2011	25.58
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810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712592-5		07/2011	429.13
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712593-3		07/2011	1,339.49
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712594-1		07/2011	702.21
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712595-8		07/2011	591.18
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712596-6		07/2011	4,023.18
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712597-4		07/2011	504.70
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810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712600-6		07/2011	855.81
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712601-4		07/2011	745.41
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712602-2		07/2011	996.94
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810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712604-8		07/2011	987.46
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712605-5		07/2011	54.77
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712606-3		07/2011	568.47
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712607-1		07/2011	351.09
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712608-9		07/2011	822.53
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712609-7		07/2011	219.44
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712610-5		07/2011	526.65

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ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT
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810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712612-1		07/2011	1,097.19
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712613-9		07/2011	921.63
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712614-7		07/2011	307.20
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712615-4		07/2011	39.11
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712616-2		07/2011	241.39
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712617-0		07/2011	482.76
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712618-8		07/2011	329.14
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712619-6		07/2011	1,567.91
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712620-4		07/2011	548.58
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712621-2		07/2011	1,097.19
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712622-0		07/2011	351.09
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712623-8		07/2011	131.66
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810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712625-3		07/2011	219.44
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712626-1		07/2011	263.31
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712627-9		07/2011	219.44
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712628-7		07/2011	1,141.08
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810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712631-1		07/2011	702.21
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712632-9		07/2011	220.04
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712633-7		07/2011	183.37
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712634-5		07/2011	59.14
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712635-2		07/2011	59.14
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712636-0		07/2011	109.71
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810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712640-2		07/2011	15.77
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810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712642-8		07/2011	31.29
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712643-6		07/2011	307.20
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712644-4		07/2011	351.09
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712645-1		07/2011	260.17
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810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712653-5		07/2011	326.55
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712654-3		07/2011	257.03
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712655-0		07/2011	7.83
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810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712657-6		07/2011	94.65
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712658-4		07/2011	1,641.99
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712659-2		07/2011	366.29
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712660-0		07/2011	252.35

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810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712664-2		07/2011	899.64
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712665-9		07/2011	539.76
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712666-7		07/2011	2,339.03
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810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712674-1		07/2011	330.07
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712675-8		07/2011	569.99
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712676-6		07/2011	77.12
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712677-4		07/2011	102.81
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712678-2		07/2011	78.40
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810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712681-6		07/2011	2,234.64
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0718734-7		07/2011	2,544.66
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 1301786-8		07/2011	16.82
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0719001-0		07/2011	167.20
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0718801-4		07/2011	3,645.46
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0719162-0		07/2011	514.07
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0719644-7		07/2011	1,782.24
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810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0720813-5		07/2011	139.99
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810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 1301786-8		07/2011	15.52
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0720810-1		07/2011	1,129.71
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0720705-3		07/2011	462.66
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0720937-2		07/2011	2,911.74
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0720716-0		07/2011	797.40
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0721427-3		07/2011	135.71
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0721556-9		07/2011	326.67
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810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0906944-4		07/2011	361.78
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0995095-7		07/2011	921.08
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0905005-5		07/2011	2,619.16
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0926386-4		07/2011	187.77
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0907926-0		07/2011	55.01
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0961926-3		07/2011	392.07
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 1058710-3		07/2011	770.47
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 1087619-1		07/2011	192.55
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 1124127-0		07/2011	56.87
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 1045653-1		07/2011	595.98

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 1079722-3		07/2011	306.06	
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 1172743-5		07/2011	311.26	
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 1206985-2		07/2011	313.08	
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 1296582-8		07/2011	221.61	
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 1246537-3		07/2011	137.82	
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 1303978-9		07/2011	1,665.56	
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 1685375-6		07/2011	289.03	
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 1433921-2		07/2011	99.53	
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 1481532-8		07/2011	565.48	
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 1481534-4		07/2011	219.44	
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 1481535-1		07/2011	438.87	
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 1481536-9		07/2011	102.81	
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 1481537-7		07/2011	1,179.41	
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 1481539-3		07/2011	197.50	
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 1481540-1		07/2011	175.55	
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 1662840-6		07/2011	375.27	
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 1687005-7		07/2011	1,661.19	
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 1607534-3		07/2011	269.29	
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 1695873-8		07/2011	746.71	
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 1740353-6		07/2011	306.96	
810-3183-431.34-10	01/31/2011	LIGHT MAINT TRANSFER	NWE 0712569-3		07/2011	45.80	
01/21/2011	741003	QWEST COMMUNICATIONS	6319			8,879.03	
225-2232-422.34-50	01/13/2011	QWEST JAN 2011 3RD PAY	252-1190		07/2011	8,410.05	
521-1592-493.34-50	01/13/2011	QWEST JAN 2011 3RD PAY	252-2041		07/2011	43.22	
601-1550-481.34-50	01/13/2011	QWEST JAN 2011 3RD PAY	256-5047		07/2011	44.72	
561-7110-711.34-50	01/13/2011	QWEST JAN 2011 3RD PAY	256-7070		07/2011	44.20	
225-2232-422.34-50	01/13/2011	QWEST JAN 2011 3RD PAY	651-0282		07/2011	43.22	
150-2111-421.34-50	01/13/2011	QWEST JAN 2011 3RD PAY	656-1046		07/2011	43.22	
150-2111-421.34-50	01/13/2011	QWEST JAN 2011 3RD PAY	656-3671		07/2011	193.20	
240-4301-419.72-14	01/13/2011	QWEST JAN 2011 3RD PAY	656-9578		07/2011	28.60	
240-4301-419.72-14	01/13/2011	QWEST JAN 2011 3RD PAY	656-9604		07/2011	28.60	
01/21/2011	741006	RAPELJE GRAIN COMPANY	8931			6,500.97	
211-3132-433.47-21	01/19/2011	ROAD/HIGHWAY MATERIAL	0129150	281100	07/2011	2,764.37	
211-3132-433.47-21	01/19/2011	ROAD/HIGHWAY MATERIAL	0129150	281100	07/2011	3,736.60	
01/21/2011	741013	RIMROCK FOUNDATION	3210			177,873.92	
737-1265-412.35-90	01/18/2011	JAG-OCT-DEC2010 REIMBURSE	2011-7	280943	07/2011	3,521.13	
737-1265-412.37-30	01/18/2011	JAG-OCT-DEC2010 REIMBURSE	2011-7	280943	07/2011	89.99	
246-1253-412.35-90	01/18/2011	BAMDC-IOP COUNSELOR DEC10	2011-7	280947	07/2011	5,284.67	
270-6711-464.72-75	01/19/2011	PURCHASE OF 116 S 30TH	2ND QTR 2011	281086	07/2011	168,978.13	
01/21/2011	741018	SANDERSON STEWART	20446			66,116.38	
503-7591-609.93-40	01/19/2011	WO1101 2011 WTR REPLCMT	3/32035	279237	07/2011	66,116.38	
01/21/2011	741025	STAR SERVICE INC	3553			288,733.50	
503-7491-603.93-90	01/19/2011	WO1011 WTP H2-1 PUMP RPLC	2	276190	07/2011	288,733.50	
01/21/2011	741028	STOCKMAN BANK	15350			5,216.40	
723-6595-465.62-00	01/20/2011	MISC SERVICES	4040156102	281159	07/2011	5,216.40	

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
01/21/2011	741035	TITAN MACHINERY INC	20569			122,469.55	
211-3132-433.94-20	01/19/2011	ROAD/HGWY HEAVY EQUIPMNT	CI-1170	277065	07/2011	122,027.74	
211-3132-433.23-20	01/19/2011	MISC SERVICES	IC06770	281122	07/2011	441.81	
01/21/2011	741037	TOWN & COUNTRY SUPPLY ASSOCIAT	18295			5,638.90	
150-2226-422.23-10	01/14/2011	FIRE5:DIESEL/300 GALLONS	79960 FIRE5	276337	07/2011	777.56	
150-2226-422.23-10	01/14/2011	FIRE3:DIESEL/400 GALLONS	79961 FIRE3	276337	07/2011	1,036.72	
150-2226-422.23-10	01/14/2011	FIRE1:UNLEADED/295 GALLON	79962 FIRE1	276337	07/2011	784.25	
150-2226-422.23-10	01/14/2011	FIRE1:DIESEL/230 GALLONS	79963 FIRE1	276337	07/2011	596.12	
150-2226-422.23-10	01/14/2011	FIRE6:DIESEL/224 GALLONS	79964 FIRE6	276337	07/2011	580.56	
150-2226-422.23-10	01/20/2011	FIRE5:DIESEL/100 GALLONS	79363 FIRE5	276337	07/2011	270.34	
150-2226-422.23-10	01/20/2011	FR3:DIESEL/100GAL/1-18-11	79364 FIRE3	276337	07/2011	270.34	
150-2226-422.23-10	01/20/2011	FIRE1:UNLD/DIESEL/1-18-11	79365 FIRE1	276337	07/2011	987.81	
150-2226-422.23-10	01/20/2011	FIRE6:DIESEL/124 GALLONS	79366 FIRE6	276337	07/2011	335.20	
01/21/2011	741039	TRACTOR & EQUIPMENT	3775			5,485.49	
541-3123-435.23-20	01/14/2011	MP	BLW00120809	280984	07/2011	1,464.08	
541-3123-435.23-20	01/14/2011	MP	BLW00120810	280984	07/2011	3,838.87	
211-3132-433.23-20	01/19/2011	MISC SERVICES	BLCS0477089	281117	07/2011	182.54	
01/21/2011	741042	UGRIN, ALEXANDER, ZADICK, & HIG	20866			13,192.48	
10-1611-416.35-60	01/18/2011	CONSULTANT SERVICES-BPD	15318	280906	07/2011	13,192.48	
01/21/2011	741043	US BANK-REVOLVING LOAN FUND	16715			5,216.40	
723-6595-465.62-00	01/20/2011	MISC SERVICES	537240497587	281160	07/2011	5,216.40	
01/21/2011	741048	WELLS FARGO BANK-LOAN PAYMENT	16716			5,216.40	
723-6595-465.62-00	01/20/2011	MISC SERVICES	1609108243	281161	07/2011	5,216.40	
01/21/2011	741050	WESTERN SECURITY BANK	16462			5,216.40	
723-6595-465.62-00	01/20/2011	MISC SERVICES	2157001592	281163	07/2011	5,216.40	
01/21/2011	741052	WESTWATER RESEARCH LLC	21445			3,247.50	
502-7211-601.35-90	01/19/2011	PIERCE PCKING WTR RIGHTS	3/02-22295	279921	07/2011	3,247.50	
01/21/2011	741053	WILLIAMS BROTHER CONSTRUCTION	8323			365,762.43	
421-8493-623.93-40	01/19/2011	WO0822 WWTP DISINFEC SYS	9	272596	07/2011	365,762.43	
01/21/2011	741055	WINGFOOT COMMERCIAL TIRE	15322			2,611.58	
211-3140-433.23-90	11/16/2010	MP	176-1030983-A	278338	05/2011	13.28	
150-2226-422.23-90	12/06/2010	TRK1/4053/VALVE STEM RPLD	176-1031178 TK1	278338	06/2011	53.26	
211-3140-433.23-90	12/10/2010	MP	176-1031163	278338	06/2011	92.19	
211-3140-433.23-90	12/27/2010	MP	176-1031160	278338	06/2011	40.92	
150-2226-422.23-90	01/18/2011	MP	176-1031266	278338	07/2011	188.38	
150-2226-422.23-90	01/18/2011	MP	176-1031266	278338	07/2011	1,455.16	
150-2112-421.23-90	01/18/2011	MP	176-1031270	278338	07/2011	36.89	
150-2112-421.23-90	01/18/2011	MP	176-1031270	278338	07/2011	111.80	
211-3130-433.23-90	01/18/2011	MP	176-1031275	278338	07/2011	632.98	
211-3140-433.23-90	01/20/2011	MP	176-1030983-AA	278338	07/2011	13.28-	

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	DESCRIPTION	INVOICE	PO #	PER/YEAR	CHECK AMOUNT
ACCOUNT #	TRN DATE							TRN AMOUNT
01/21/2011	741060	YELLOWSTONE COUNTY GIS	10369					35,000.00
225-2232-422.35-90	01/13/2011			GIS SERVICE/911 YEAR #3	11-01 GIS YR3	280792	07/2011	35,000.00
01/21/2011	741061	YELLOWSTONE COUNTY SHERIFFS	6218					10,239.25
255-2145-421.12-20	01/12/2011			MISC SERVICES	BENJMN OT HIDTA	280942	07/2011	6,003.20
255-2145-421.12-20	01/12/2011			MISC SERVICES	CHARB OT HIDTA	280942	07/2011	464.10
255-2145-421.79-10	01/12/2011			MISC SERVICES	HIDTA PE/PI	280942	07/2011	3,180.00
255-2145-421.12-20	01/12/2011			MISC SERVICES	SKINNER OT HIDT	280942	07/2011	591.95
01/21/2011	741062	YELLOWSTONE ELECTRIC CO	4162					4,470.72
512-8400-623.24-50	01/18/2011			MISC SERVICES	7076-1	281046	07/2011	4,470.72
01/21/2011	741065	YWCA	4183					2,688.19
295-6528-463.72-75	01/19/2011			PMT 3 2ND QTR 11	PMT 3 2 QTR 11	281085	07/2011	2,688.19
DATE RANGE TOTAL *								1,838,621.51 *

**Regular City Council Meeting**

**Date: 02/14/2011**

**TITLE:** Reconsideration of Emergency Resolution to Remove or Stabilize Rock from 1313 Granite Avenue & Adjacent City Property

**PRESENTED BY:** Tina Volek

**Department:** City Hall Administration

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**Information**

**PROBLEM/ISSUE STATEMENT**

In October 2010, sandstone rock weighing approximately 1,000 tons broke off of undeveloped City park property along the Rimrocks above 1313 Granite Avenue, with some boulders rolling down the slope and falling into the house at that address, causing extensive damage to the structure. Additional portions of the rock remained loosely attached to the Rims and on the slopes below it, presenting a potential for further rock movement.

Within a couple of weeks of the incident, the rock in the house moved another six to eight feet, creating concerns that it might roll further and damage other structures. The City notified the property owners at 1313 Granite that they had to remove the public hazard, or the City could do so and charge the costs back against the property.

To date, the rock has not been removed. At a special meeting on January 3, 2011, the Council rejected by a 5-to-5 vote a resolution declaring an emergency exception to the Purchasing Policy and awarding a contract to Accurate Concrete Cutting, Inc., for removal and stabilization of rock in and adjacent to 1313 Granite Avenue. A favorable vote by 3/4 of the 10 Council members present, or 8 members, had been needed to approve the resolution. Council members expressed concern that the residents of the area knew about the falling rocks when they purchased or built their homes and had responsibility for the outcome.

However, at its January 10, 2010, regular business Meeting, the City Council voted 6-5 to reconsider the resolution at its Feb. 14, 2011, business session.

The Council rejected a similar resolution at its January 3, 2011, meeting to follow an identical process for loose boulders on City property above 3020 Shady Lane. No additional action has been taken on that resolution.

**Approval by 3/4 of the Council present is required to approve the emergency resolution.**

**ALTERNATIVES ANALYZED**

The Council may:

- Approve the emergency resolution and award the recommended contract, which would cost \$139,255, to Accurate Concrete Cutting, Inc., for the 1313 Granite property only. Staff obtained quotes for the project from three firms, including a local construction company, and Accurate Concrete Cutting, Inc., provided the lowest price. This would allow work to begin within about six weeks on stabilizing or removing the boulders and avoiding additional property damage or injury to a resident;
- Deny the resolution and direct staff to follow the usual method outlined in the Purchasing Policy for the work. Staff would have to hire a qualified consultant to write plans and

specifications, advertise for bids and submit a bid to Council for approval. This process would take at least three to four months to complete, and there is no guarantee that prices will be lower for the project at that time.

- Deny the resolution and take no additional action. The Council previously has taken the position that residents in the area should be aware from numerous boulders scattered on lots below the Rims that rocks fall naturally in the area, and the City does not have an obligation to remedy that natural situation when property owners assume the risk of building in such an area.

### **FINANCIAL IMPACT**

If approved, the cost of \$139,225 would be paid from the General Fund. Reimbursement could be assessed through property taxes for 1313 Granite for the portion of the project to remove rock from house.

### **RECOMMENDATION**

The staff recommendation is to approve a resolution declaring an emergency exception to the Purchasing Policy and awarding a contract to Accurate Concrete Cutting, Inc., for removal and stabilization of rock in and adjacent to 1313 Granite Avenue.

### **APPROVED BY CITY ADMINISTRATOR**

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### **Attachments**

Resolution

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**RESOLUTION NO. 11-\_\_\_\_\_**

**A RESOLUTION DECLARING AN EMERGENCY  
AND WAIVING THE REQUIREMENT FOR COMPETITIVE BIDS  
AS CONTAINED IN 7-5-4302 AND 7-5-4303 MCA**

WHEREAS, on October 9, 2010, approximately 1,000 tons of rock detached from undeveloped City park land on sandstone cliffs, commonly known as the Rimrocks, on the north side of the Yellowstone River Valley in Billings, Montana, and toppled down the talus slope, breaking into several large boulders, a number of which struck against, or penetrated and severely damaged, a residential structure located at 1313 Granite Avenue; and

WHEREAS, City staff have consulted with an engineering firm that has advised the City that the large boulder that penetrated the structure continues to rotate downward inside and through the structure and could dislodge without warning, causing damage to additional public or private property; and

WHEREAS, a 150-ton remnant of the formation that separated from the rock face and toppled down the talus slope on October 9, 2010, remains standing on the ledge near the top of the Rimrock face and several other large fragments of the rock face that toppled have temporarily come to rest on the steep talus slope against and above the structure in a manner such that, if any were dislodged, they could resume toppling down the slope and cause additional damage to the structure or other public or private property, or grievous bodily injury and loss of life; and

WHEREAS, it is the finding of the City Council of the City of Billings that the boulders described above constitute an imminent threat to the public health, welfare and safety of the residents of and visitors to the City of Billings and should be stabilized or removed from the structure, the talus slopes, and the Rimrock face in the safest and most expeditious manner practicable in order to prevent or minimize the possibility of any future unplanned and uncontrolled rolling or toppling of boulders down the slopes, thereby protecting lives, preventing grievous bodily injury and preserving property and the safety of the public, and

WHEREAS, city staff and consulting engineers have identified and consulted with various firms who have experience in performing the rock stabilization and removal work required in situations similar to the one now confronting the residents of the City of Billings, and three of those firms have submitted three separate and competing proposals for remediating the situation and alleviating the existing peril described above; and

WHEREAS, Section 7-5-4302 MCA requires cities to advertise for competitive bids and to award the bid to the lowest responsive bidder for construction, maintenance or repairs over \$50,000 in value; and

WHEREAS, competitive bidding requires detailed plans and specifications, advertising for bids and awarding a contract to the low bidder; a process that would delay stabilizing and/or removing the sandstone boulders from the identified property locations for at least three to four months; and

WHEREAS, Section 7-5-4303 MCA allows cities to waive the competitive bidding requirements if three-fourths (3/4) of the members of the City Council present declare an emergency.

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

1. EMERGENCY DECLARED. That a large sandstone boulder that detached from the Rimrocks on October 9, 2010, and damaged a residence at 1313 Granite Avenue; the fragments of that boulder that are now at least temporarily at rest on the ledge and slope above 1313 Granite Avenue; and the large, detached boulders at this location all are declared to be a public nuisance constituting a public emergency. City staff is instructed to undertake any and all reasonable measures to remove and/or stabilize the rock as soon as possible in light of the damage at 1313 Granite, in view of the many residential properties located below this site, due to the continued grinding of the large boulder through the structure, and because of the possibility that any of the other boulders described above could topple at any time, all of which constitutes an immediate threat to the health, welfare and safety of the public and would almost certainly cause further damage to additional public or private property and could result in grievous bodily injury or death to persons.
2. COMPETITIVE BIDDING WAIVED. Due to the declared emergency, the City Council waives the competitive bidding requirement for removing or stabilizing the sandstone boulders at the identified locations, as permitted by 7-5-4303 MCA, and hereby awards the contract for the removal or stabilization of the rock as described above to Accurate Concrete Cutting, Inc., in the amount of \$139,225.

APPROVED by at least three-fourths (3/4) of the members of the City Council of the City of Billings, Montana, present on this 14<sup>th</sup> day of February, 2011.

CITY OF BILLINGS

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Thomas W. Hanel, MAYOR

ATTEST:

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Cari Martin, CITY CLERK

**Regular City Council Meeting**

**Date: 02/14/2011**

**TITLE:** W.O. 09-11; Rimrock Road, 17th to Forsythia - Public Hearing and Resolution Ordering Improvements

**PRESENTED BY:** David Mumford

**Department:** Public Works

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**Information**

**PROBLEM/ISSUE STATEMENT**

At the January 24, 2011 meeting, Council passed a Resolution of Intent for Work Order 09-11, to construct improvements on Rimrock Road from 17th Street West to Forsythia Boulevard. The resolution also established a Public Hearing date for February 14, 2011. After conducting the Public Hearing, Council must pass a resolution ordering construction of the improvements in order to proceed with the project.

**ALTERNATIVES ANALYZED**

The Council may:

- Pass this Resolution Ordering Construction Improvements; or
- Do not pass this Resolution Ordering Construction of the Improvements.

**FINANCIAL IMPACT**

The proposed project is funded through multiple sources, including direct property assessments for a total estimated project cost of \$4,511,000 as follows:

Assessed Costs	\$ 161,000
Water Funds	\$1,500,000
Sewer Funds	\$ 150,000
Storm Drain Funds	\$ 150,000
Gas Tax Funds	\$ 150,000
Arterial Funds	\$2,400,000

Funding for the proposed project is identified in the Capital Improvement Plan and in the Fiscal Year 2011 budget.

**RECOMMENDATION**

Staff recommends that Council pass this Resolution Ordering Construction Improvements identified in Work Order 09-11, Rimrock Road- 17th to Forsythia.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

Resolution Ordering Improvements

Resolution Exhibit A

Resolution Exhibit B



RESOLUTION NO. 11 - \_\_\_\_\_

A RESOLUTION RELATING TO **W.O. 09-11, RIMROCK ROAD – 17<sup>TH</sup> TO FORSYTHIA** ORDERING THE PROGRAM FOR THE PURPOSE OF UNDERTAKING CERTAIN LOCAL IMPROVEMENTS AND FINANCING THE COSTS THEREOF AND INCIDENTAL THERETO THROUGH THE ISSUANCE OF SIDEWALK, CURB AND GUTTER IMPROVEMENT BONDS SECURED BY THE CITY’S SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND AND ESTABLISHING COMPLIANCE WITH REIMBURSEMENT BOND REGULATIONS UNDER THE INTERNAL REVENUE CODE.

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

**Section 1. Passage of Resolution of Intention.** This Council, on **January 24, 2011**, adopted Resolution No. **11-19018** (the “Resolution of Intention”), pursuant to which this Council declared its intention to order in certain sidewalks, curb, gutter and street improvements, designated as **W.O. 09-11** (the “Project”) of the City, under Montana Code Annotated, Title 7, Chapter 14, Part 41, as amended, for the purpose of financing the costs of certain local improvements described generally therein (the “Improvements”) and paying costs incidental thereto, including costs associated with the sale and the security of sidewalk, curb and sidewalk, curb and gutter improvement bonds drawn on the Project (the “Bonds”), the creation and administration of the Project, and the funding of a deposit to the City’s Special Improvement District Revolving Fund (the “Revolving Fund”).

**Section 2. Notice and Public Hearing.** Notice of passage of the Resolution of Intention was duly published and mailed in all respects in accordance with law, and on **January 27, 2011**, this Council conducted a public hearing on the ordering in of the Project and the making of the Improvements.

**Section 3. Order.** It is hereby ordered that curb/gutter, sidewalk, drive approach, and appurtenant improvements as detailed in Exhibit “A” attached hereto be constructed, reconstructed, repaired, or replaced.

**Section 4. Affected Properties.** All properties which will be required to pay any portion of the costs of the improvements identified herein are identified in Exhibit “B” attached hereto.

**Section 5. Reimbursement Expenditures.**

5.01. Regulations. The United States Department of Treasury has promulgated final regulations governing the use of proceeds of tax-exempt bonds, all or a portion of which are to

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

5.02. Prior Expenditures. Other than (i) expenditures to be paid or reimbursed from sources other than the Bonds, (ii) expenditures permitted to be reimbursed under the transitional provisions contained in Section 1.150-2(j) (2) of the Regulations, (iii) expenditures constituting preliminary expenditures within the meaning of Section 1.150-2(f)(2) of the Regulations, or (iv) expenditures in a "de minimus" amount (as defined in Section 1.150-2(f)(1) of the Regulations), no expenditures for the Improvements have been paid by the City before the date 60 days before the date of adoption of this resolution.

5.03. Declaration of Intent. The City reasonably expects to reimburse the expenditures made for costs of the Improvements out of the proceeds of Bonds in an estimated maximum aggregate principal amount of **\$161,000** after the date of payment of all or a portion of the costs of the Improvements. All reimbursed expenditures shall be capital expenditures, a cost of issuance of the Bonds or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Regulations.

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

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



EXHIBIT A  
W.O. 09-11 RIMROCK ROAD

REHBERG LN

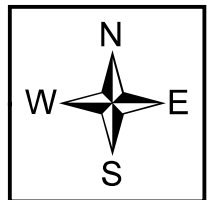
RIMROCK RD

ARVIN RD

RIMROCK RD

17TH ST W

ARVIN RD





**Regular City Council Meeting**

**Date: 02/14/2011**

**TITLE:** Public Hearing and First Reading of Ordinance to Add Recently Annexed Property to Ward I

**PRESENTED BY:** Candi Beaudry

**Department:** Planning & Community Services

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**Information**

**PROBLEM/ISSUE STATEMENT**

City election ward boundaries must be adjusted to conform to city limit amendments resulting from the annexation of property into the city. The City Council approved the annexation of the south 310 feet of Lot 24, Sugar Subdivision, located at 766 Calhoun Lane, (Annexation #11-01) on January 24, 2011. This annexation requires a change in the boundaries of Ward I to include the subject property. Two readings are required for this action. The first reading of the ordinance is scheduled for February 14, 2011, and the second reading is scheduled for February 28, 2011.

**ALTERNATIVES ANALYZED**

The subject property has already been annexed into the City. The process to complete the annexation of the property is for the City Council to include the subject property in the corresponding City Ward. Ward 1 is the appropriate Ward for this property. The City Council should conduct the public hearing and approve first reading of the ordinance that adjusts the Ward 1 boundary.

**FINANCIAL IMPACT**

There should be no direct financial impact to the City by adding the subject property to Ward 1.

**RECOMMENDATION**

Staff recommends that Council hold a public hearing and approve this ordinance on first reading adding recently annexed property to Ward 1.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

Ward Amendment Ordinance

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**ORDINANCE NO. 11-\_\_\_\_\_**

AN ORDINANCE OF THE CITY OF BILLINGS, AMENDING BILLINGS MUNICIPAL CODE, CHAPTER 11, ELECTIONS, IN PARTICULAR, SECTION 11-102(c), WARD BOUNDARIES; AND CHANGING THE WARD BOUNDARIES ESTABLISHED THEREIN BY ADDING CERTAIN NEWLY ANNEXED REAL PROPERTY TO WARD I PROVIDING FOR CERTIFICATION AND REPEALING OF ALL ORDINANCES AND RESOLUTIONS INCONSISTENT THEREWITH.

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

1. AMENDMENT. Pursuant to Billings Municipal Code, Section 11-102(c) and the State Law, Billings Municipal Code, Section 11-102(c) Ward Boundaries is hereby amended by adding to the following designated Ward the following described real property:

A tract of land situated in the SW1/4 of Section 9, T.1S., R.26E., P.M.M., Yellowstone County, Montana, more particularly described as:

Being a portion of the south 310.0 feet of Lot 24, Sugar Subdivision, Recorded March 25, 1909, under Document No. 15135, Records of Yellowstone County. Beginning at the southwest corner of Lot 2, Block 5, of Pinnick Subdivision, Third Filing, Recorded June 7, 1966, under Document No. 779769, Records of Yellowstone County; thence East for a distance of 210.71 feet to a point on the west right of way line of Calhoun Lane; thence along said west right of way and South for a distance of 274.49 feet to a point on the north right of way line of King Avenue East; thence along said north right of way the following course, S 54°26'59" W for a distance of 28.39 feet, West for a distance of 187.61 feet; thence leaving said north right of way and North for a distance of 291.0 feet to the Point of Beginning. Including all adjacent right-of-way of King Avenue East and Calhoun Lane.

(# 11-01) See Exhibit "A" Attached

2. CERTIFICATION. Pursuant to M.C.A. Section 13-3-103, the above change and alteration is hereby certified to the election administrator by the City Council, and the City Administrator or his designee is hereby directed to certify the changes and alterations and to deliver a map showing the boundaries of the ward, the streets, avenues and alleys by name and the ward by number, to the election administrator not more than ten (10) days after the effective date of this ordinance.

3. REPEALER. All other ordinances, sections of the Billings Municipal Code and ordinances inconsistent herewith are hereby repealed.

PASSED by the City Council on the first reading this 14<sup>th</sup> day of February, 2011.

PASSED by the City Council on the second reading this 28<sup>th</sup> day of February, 2011.

THE CITY OF BILLINGS:

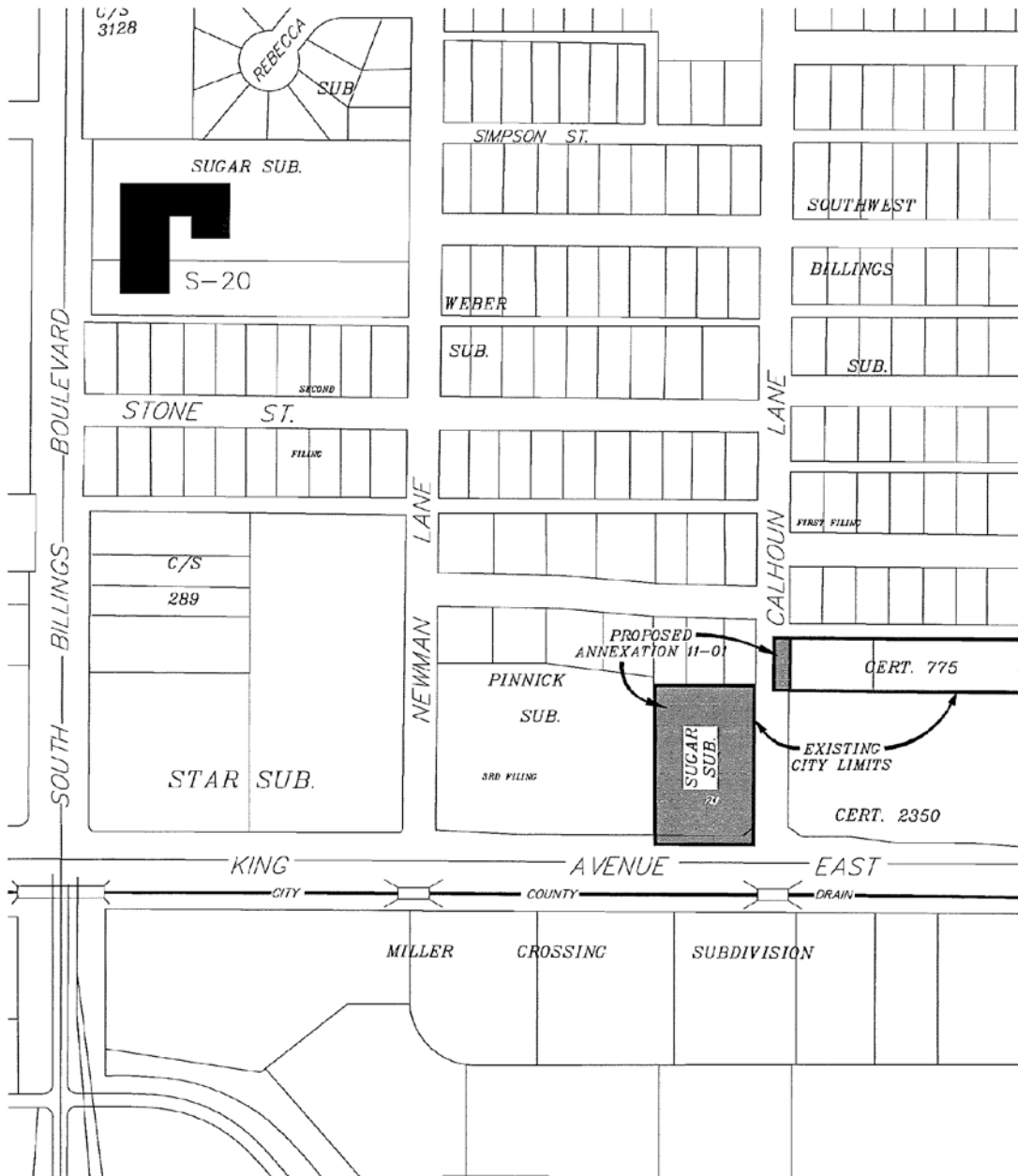
\_\_\_\_\_  
Thomas W. Hanel, MAYOR

ATTEST:

BY: \_\_\_\_\_  
Cari Martin, CITY CLERK

(AN 11-01)

# EXHIBIT A



**Regular City Council Meeting**

**Date: 02/14/2011**

**TITLE:** Public Hearing & Resolution for Weed Assessments

**PRESENTED BY:** Patrick M. Weber/ Financial Services Manager

**Department:** City Hall Administration

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**Information**

**PROBLEM/ISSUE STATEMENT**

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

The attached list of properties had weed removal in 2010. These weed assessments were done after the September 2010 cut off date for placing assessments on the first half of 2010 taxes, so the County will send amended second half tax statements to the property owners. The General Fund bears the initial cost and will be reimbursed as the owners pay the assessments.

**ALTERNATIVES ANALYZED**

The Council must hold a public hearing and then may:

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

**FINANCIAL IMPACT**

The assessments total \$8,153.75 and the payments will reimburse the General Fund.

**RECOMMENDATION**

Staff recommends that a public hearing be held and that Council passes the resolution on February 14, 2011.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

Resolution

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

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

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

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

1. LEVYING OF SPECIAL TAX. That for the purpose of collecting funds to defray the cost of cutting and removing of weeds there is hereby levied and assessed a special tax upon the owners and the lots or parcels described on the list attached hereto.
2. ASSESSMENT AND COLLECTION. Said tax shall be placed upon the assessment rolls and collected in the same manner as other taxes.
3. DISPOSITION OF COLLECTIONS. All monies collected from taxes shall be paid to the General Fund for the City of Billings.
4. NOTICE OF HEARING. On Monday, February 14, 2011, at 6:30 p.m., or as soon thereafter as the matter may be considered on the agenda in the Council Chambers of the City Hall, Billings, MT, the City Council will hear objections to the final adoption of this resolution. The City Clerk published notice hereof twice on January 27 and February 3, 2011, in The Billings Times.
5. EFFECTIVE DATE. This resolution shall be effective upon adoption.

ADOPTED AND APPROVED by the City Council on the 14th day of February, 2011.

CITY OF BILLINGS

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

ATTEST:

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

Exhibit A

<b>Last Name</b>	<b>First Name</b>	<b>Business</b>	<b>Violation Address</b>	<b>Tax Code</b>	<b>Assessed Amount</b>
		JP Morgan Chase Bank	295/297 Westchester Square	A24181	\$402.50
		New Southside Properties	Orchard Lane	D01553	\$515.00
Brady	Sean		43 Jefferson Street	A14660	\$177.50
		Waltrust Properties	1602 Main Street	C06644b	\$515.00
Kaercher	James		362 Cherry Hills Road	A22570	\$290.00
Daumen	James		330 Annandale Road	A22567	\$515.00
Stevenson	Carol		2001 Lakehills Drive	A22151	\$290.00
Peterson	Richard & Teresa		612 Lewis Avenue	A15464	\$233.75
		Secretary of Housing	921 N. 23 <sup>rd</sup> Street	A02136	\$515.00
Schilf	Eric		423 S. 38 <sup>th</sup> Street	A14132	\$290.00
Warren	John		1221 Matador Avenue	A32160	\$290.00
Sheridan	Paul		Palisades Park Drive	C08949	\$515.00
Johnson	Richard & Lana	2 <sup>nd</sup> cutting	1106 6 <sup>th</sup> Street West	A15467	\$290.00
Reichenbach	Victor		2610 3 <sup>rd</sup> Avenue S.	A01137	\$402.50
Merchen	Jason	Foreclosure	709 S. Wagner Lane	C00663	\$1,077.50
Johnson	Wendy		4249 Vaughn	A08585	\$290.00
		Pierce Building	304 Rhea Lane	D01494	\$740.00
Weber	Darryl Trustee		1240 Avenue D	A05929	\$290.00
Downey	Richard & Jeanne		1603 Clark	A03700	\$515.00
Boyer	Melvin		20 Washington	A14668	\$149.38
				<b>TOTAL</b>	<b>\$8,303.13</b>

**Regular City Council Meeting**

**Date: 02/14/2011**

**TITLE:** Public Hearing to Convey Lots 9-12, Block 142, Original Town of Billings

**PRESENTED BY:** Bruce McCandless, Asst. City Administrator

**Department:** City Hall Administration

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**Information**

**PROBLEM/ISSUE STATEMENT**

The City owns lots 9-12, block 142 of the Original Town of Billings. These are four (4) vacant lots that are located on the southwest corner of 1st Ave. South and S. 25th Street. The City received these lots in a land exchange among the City, County and RiverStone Health. The lots that the City traded were acquired with Community Development Block Grant funding, so lots 9-12 are considered to have been purchased using that source of funding. The City donated these lots to the Montana Rescue Mission in 2005 but they reverted to the City in 2010 because the Mission didn't develop the property as the donation required. RiverStone Health recently expressed its desire to obtain the property. On January 14, 2011, the City Council approved a Resolution of Intent to convey these lots and to conduct a public hearing on February 14, 2011. The notice of public hearing was advertised twice in the Billings Times and all property owners within 300' received the same notice. The property was also advertised for sale in the Billings Gazette. Staff is requesting that the City Council conduct the public hearing and consider transferring the property to RiverStone Health.

**ALTERNATIVES ANALYZED**

The Council may:

- Approve the recommended transfer. There are several available alternatives that will determine the financial impact. The alternatives and the resulting financial impacts are described below.
- Reject the recommended transfer. The Council would need to provide further guidance to staff, such as whether to retain the property or whether to re-advertise the property for sale in order to elicit offers from other potential purchasers.

**FINANCIAL IMPACT**

Transferring the property will have a financial impact but the amount of impact is determined by the alternative that Council selects.

- The Council could retain the property and there will be minor property maintenance costs such as for mowing and sidewalk snow removal.
- The Council could donate the property to RiverStone Health. The property was acquired through a property exchange and the City property that it traded was purchased with CDBG funds. Therefore, staff treated this property as though CDBG purchased it. Staff consulted the Community Development Board about the sale and price. The Board met on January 4th and voted to recommend that the Council donate the property to RiverStone Health for future expansion but the City should retain a first right of refusal to reacquire the property in the event that RiverStone does not develop the property and attempts to sell it to another person or business. RiverStone Health may be willing to accept this condition if the land is donated, but is not likely to agree to it if the Council requires that RiverStone buy the property.
- The Council could sell the property to RiverStone Health. The property that the City traded

for these lots cost \$30,000, which equals about \$2.14/sq. ft. The City's customary price for south side property is \$2.50/sq. ft. That produces a total sale price of \$35,000. Hamwey Realty performed a market analysis and recommends a value of \$5/sq. ft., or a total price of \$70,000. Since the original purchase source was CDBG, staff recommends that any proceeds be returned to Community Development and designated as program income.

**RECOMMENDATION**

The Community Development Board recommends that the City Council donate the property to RiverStone Health with a first right of refusal to reacquire the property in the event that RiverStone does not develop the property for its campus (allows it to remain vacant and unimproved) and if it wishes to sell or donate the property to another person or entity.

**APPROVED BY CITY ADMINISTRATOR**

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**Attachments**

Resolution

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RESOLUTION 11- \_\_\_\_\_

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 AND AUTHORIZING CITY OFFICIALS TO PROCEED.

WHEREAS, the City of Billings owns and desires to dispose of public property located at the intersection of 1<sup>st</sup> Avenue South and South 25<sup>th</sup> Street; and

WHEREAS, the public property to be disposed of is more particularly described as follows:

Lots 9-12, Block 142, Original Town of Billings, Yellowstone County, Montana and shown on the attached Exhibit A

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 14<sup>th</sup> day of February, 2011.

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 the donation of lots 9-12, block 142 of the Original Town of Billings to RiverStone Health under the requirements of Section 22-902 of the Billings, Montana City Code.
- 2) That the deed or other transfer document reflect the City's right of first refusal to re-purchase the property in the event that RiverStone Health fails to develop the property as part of its campus which is adjacent to the subject property and if RiverStone desires to sell the property to a third party.

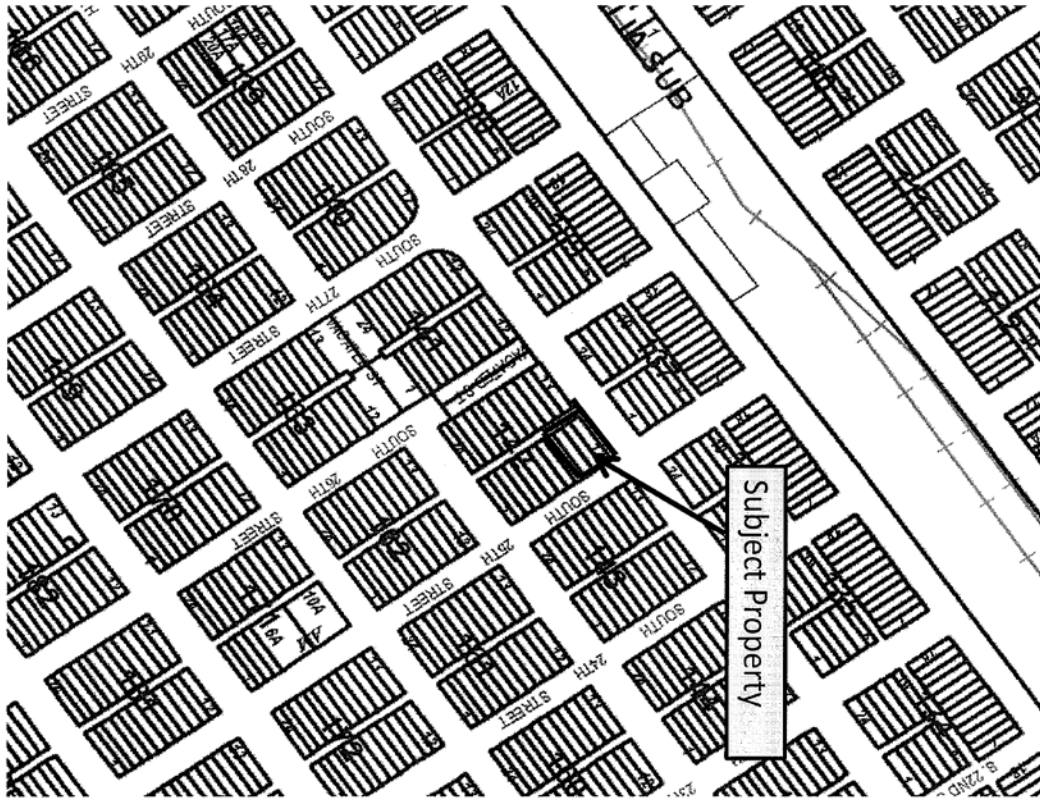
APPROVED AND PASSED by the City Council of the City of Billings, Montana this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

THE CITY OF BILLINGS:

BY: \_\_\_\_\_  
THOMAS W. HANEL, MAYOR

ATTEST:

\_\_\_\_\_  
CARI MARTIN, CITY CLERK



**Regular City Council Meeting**

**Date: 02/14/2011**

**TITLE:** Public Hearing and Approval of Federal Funding Requests

**PRESENTED BY:** Tina Volek

**Department:** City Hall Administration

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**Information**

**PROBLEM/ISSUE STATEMENT**

The City Council is being asked to approve 2011-12 Federal funding priorities as discussed at a previous work session. Although it has been determined since then that Federal earmarks will be withheld for at least two years in an effort to balance the Federal budget, Senatorial staff will search for other sources of funding, such as grants, for prioritized City projects. City Council members are providing information on their priorities for the items, and a tally of the results will be submitted with the Friday packet. The proposed projects are:

- 6th Avenue North/Bench Boulevard Connector, \$25,000,000;
- Public Safety Radio System Replacement, \$9,875,000;
- Storm Water Improvements, East End Industrial Area, \$6,400,000;
- Sharptail Storm Water Retention System, \$2,300,000;
- Speed Control Radar, \$197,750;
- Regional Park Land Acquisition, \$900,000; and
- Fire Department Emergency Services Training Facility, \$10,250,000.

**A simple majority of those present is required for approval.**

**ALTERNATIVES ANALYZED**

The City Council may:

- Approve the priorities as ranked and direct staff to submit them;
- Re-rank the priorities and direct staff to submit the revised list; or
- Decide not to submit Federal funding priorities at this time.

**FINANCIAL IMPACT**

The prioritized projects generally will not be able to be funded otherwise by the City, and the only current cost to submit them is some staff time. Grants in the future might require some matches, but those would have to be evaluated against the value of the projects at the time they are offered.

**RECOMMENDATION**

It is recommended that the Council approve the prioritized Federal funding list as presented and direct staff to submit it.

**APPROVED BY CITY ADMINISTRATOR**

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**Regular City Council Meeting**

**Date:** 02/14/2011

**TITLE:** Approval of Contract with IAFF Local 521

**PRESENTED BY:** Tina Volek

**Department:** City Hall Administration

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**Information**

**PROBLEM/ISSUE STATEMENT**

A 1-year labor contract between the City of Billings and International Association of Fire Fighters (IAFF) Local 521 was approved by Local 521 in January 2011 and is ready for ratification by the City Council. The contract would give the firefighters the same 2.9 percent raise awarded to Teamsters Local 190 and Montana Public Employees Association - Billings Police Unit members for the current budget year.

In addition, the contract amendments tentatively agreed to by staff would differ from the previous contract as follows:

- A random drug and alcohol testing policy and procedures to implement it for all firefighters would be approved for the first time;
- Language would be clarified so that qualified Captains may operate aerial equipment in the absence of a qualified Engineer;
- A rarely used Labor Management Safety Committee would be replaced formally with a Joint Labor Management Committee that uses interest-based problem solving to address issues between the two groups, with the issue leaving the committee and both parties retaining their rights and obligations if no consensus is reached;
- The amount of the employer-paid health insurance premium that is applied to firefighters' gross pay for retirement purposes would be increased from \$623 per month in 2010 to \$688 per month in 2011, reflecting the increase in premium costs;
- Shift trades between personnel from different divisions, such as Suppression and the Fire Prevention Bureau, would require advance approval by the Fire Chief;
- Training off-duty would be voluntary and employees attending on-duty training would have their positions back-filled, using overtime if necessary;
- Suppression employees who must be at their assigned station during "alarm time" (non-assigned work hours) would be able to leave the station only with the approval of the Battalion chief;
- A Deputy Fire Marshall would be expected to serve in that position for two years and could return to Suppression only when a vacancy occurs, following a procedure that would allow recruitment of candidates from the fire consortium if no internal candidates apply;
- The Fire Chief or his designee would be able to authorize additional vacation leave to be used if an employee's leave for family illnesses exceeded the 72 hours per year previously allowed, for funerals, or for other circumstances;
- The uniform allowance would be raised for the first time in several years from \$325 to \$375 per firefighter, with the employee being responsible for any applicable taxes;
- Local 521 would be given two hours during recruit training to orient new firefighters;
- For the first time, the Fire Chief and the City Administrator would meet with Local 521 during grievances and arbitration procedures;
- International Code Corporation Fire Inspector I would be added to the certifications for which qualifying employees are paid \$50/month, and Deputy Fire Marshals would have to

achieve that certification within one year of employment, or see his or her base salary frozen until certification is achieved; and

- Any employee who receives more than the Federal IRS Guidelines for tuition reimbursement would be subject to paying tax on the excess.

If approved, the contract would extend through June 2011, when all three of the City's labor contracts come up for negotiation at the same time for the first time in many years. A copy of the current contract is available on-line at [www.ci.billings.mt.us](http://www.ci.billings.mt.us) under Your Government, Human Resources and Labor Contracts. A copy of the random drug and alcohol testing policy and procedures is available in the City Clerk's Office.

### **ALTERNATIVES ANALYZED**

The Council may:

- Ratify the contract amendments as outlined;
- Decline to approve the amendments and return the contract to negotiation;
- Postpone action.

### **FINANCIAL IMPACT**

The cost of the 2.9% pay increase is \$213,098.00 and the increase in the Uniform Allowance is \$5,500. The increased cost for the retirement on the City's contributions to Health Insurance is \$6,216.45.

### **RECOMMENDATION**

It is recommended that the Council approve the amendments to the contract as presented.

### **APPROVED BY CITY ADMINISTRATOR**

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