

CITY OF BILLINGS

CITY OF BILLINGS VISION STATEMENT:

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

-REVISED- AGENDA

COUNCIL CHAMBERS

March 14, 2011

6:30 P.M.

CALL TO ORDER – Mayor Hanel

PLEDGE OF ALLEGIANCE – Mayor Hanel

INVOCATION – Councilmember Gaghen

ROLL CALL

MINUTES: February 28, 2011

COURTESIES: AmeriCorps*VISTA members

PROCLAMATIONS: World Water Day, March 19, 2011

ADMINISTRATOR REPORTS - TINA VOLEK

PUBLIC COMMENT on Legislative Review and “NON-PUBLIC HEARING”

Agenda Item #1 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.)

Legislative Review Conference Call with Lobbyist Ed Bartlett

1. CONSENT AGENDA -- Separations:

A. Bid Awards:

- 1. W.O. 05-15, Howard Heights Park Improvements, (Opened 3/1/2011)
Recommend The Good Earth Works Co.; \$117,823.80.**

- B. **Contract for Professional Services** (3-year) with Tetra Tech to provide groundwater and landfill-gas monitoring services at the Billings Regional Landfill; \$109,997.
- C. **Contract for Professional Services** (3-year) with Burlington Environmental LLC for hazardous waste collection and disposal services for the Solid Waste Division; \$225,000.
- D. **Contract for Professional Services** with Brown and Caldwell for W.O. 08-16 SCADA Replacement Program; not to exceed \$59,200.
- E. **Approval** of 20-year ground lease with the United States Department of Agriculture Animal and Plant Health Inspection Service (USDA-APHIS) for new hangar at Airport (3/1/2011-2/28/2031); first year annual revenue - \$3,350; adjusted annually for inflation by the Consumer Price Index for Wage Earners and Clerical Workers (CPI-W), U.S. City Average, All Items Figure (1982-1984=100), published by the Bureau of Labor Statistics.
- F. **Amendment #1**, Automobile Rental Concession and Lease Agreement with Avis/Budget; \$4,795.77 for the three-month period beginning April 1, 2011 and ending June 30, 2011.
- G. **Recommendation of approval** to the Policy Coordinating Committee for Amendment II of the 2010-2014 Transportation Improvement Program.
- H. **Recommendation of approval** to the Policy Coordinating Committee for the Billings Area Bikeway & Trail Master Plan.
- I. **Easement** with NorthWestern Energy for W.O. 09-10, Heights Packaged Water Booster Station Installation.
- J. **Easement** for expansion of stormwater facility within Augusta Ranch Subdivision.
- K. **Resolution for Proposed Fee Increase** for Mountview Cemetery.
- L. **Resolution for Proposed Pool Fee Adjustments** lowering the age for no cost pool admission from the current 6 & under to 4 & under, and to assess a \$5.00 fee for each individual low income family pool pass issued at both Rose Park and South Park pools.
- M. **Resolution** revising Resolution #11-19016, Creating an Ad Hoc City Art Policy Committee's Members and Tasks.
- N. **Street Closures:**

1. **Downtown Billings Association Second Annual Purple 5K Run and Bike Race.** 5K Run: Sunday, March 27, 2011, from 8:00 am to 10:00 am - Grandview Boulevard and N. 30th Street; south on N. 30th to 12th Ave. N.; west on Beverly Hill Blvd.; south on Virginia Lane; through Pioneer Park; east on Ave. C; north on 2nd St. W.; east on Ave. E; north on N. 32nd; east on 11th Avenue N.; east on N. 28th; west on 10th Ave. N; south on N. 31st; and right on 2nd Ave. N; finishing under Sky Point. Bicycle Race : Saturday March 26, 2011, from 4:00 pm to 10:00 pm - N. Broadway between 1st and 3rd Avenues North; 2nd Avenue North between 30th and Broadway; and the south lane of 3rd between 28th and 29th.
2. **Shrine Circus "Elephants on Broadway",** Tuesday, March 29, 2011; 4:00 pm to 9:00 pm; between the 2700 and 2800 blocks of 2nd Avenue North and the 100 and 200 blocks of North 28th Street under Skypoint.
- O. **Second/final reading ordinance for Zone Change #872:** A zone change from Residential 7000 to Residential Professional on two parcels of land described as Lot 1A and Lot 1B of Rush Acreage Tracts Subdivision located at 1910 and 1918 Shiloh Road. Billings Urban Fire Service Area, owner; Dan Schwarz, Deputy County Attorney, representative. Approval of the zone change and adoption of the determinations of the 12 criteria.
- P. **Preliminary Major Plat** of Twin Oaks Subdivision, 2nd Filing, generally located on the south side of Wicks Lane, west of Lake Elmo Road; Twin Oaks Corporation, owner; conditional approval and adoption of the findings of fact.
- Q. **Final Plat Approval** of Kuhlman Subdivision, Amended Lot 7 and **approval** of requested variance.
- R. **Bills and Payroll:**
 1. February 11, 2011
 2. February 18, 2011

REGULAR AGENDA:

2. **PUBLIC HEARING AND RESOLUTION** vacating 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 and **approval** of an easement agreement for the public utilities running through the vacated streets; ConocoPhillips, petitioner. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)
3. **PUBLIC HEARING AND RESOLUTION** ordering construction of improvements identified in W.O. 11-02, Miscellaneous/Developer Related Project. Staff recommends approval. (**Action** : approval or disapproval of staff recommendation.)
4. **PUBLIC HEARING AND RESOLUTION** ordering construction of improvements identified in W.O. 05-13, Jackson Street Sidewalks, Phase II. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

5. **PUBLIC HEARING AND RESOLUTION CREATING SID 1369:** street, sanitary sewer, storm drain, curb and gutter, and sidewalk improvements to Moore Lane between Monad Road and Central Avenue. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

PUBLIC COMMENT on Non-Agenda Items -- Speaker Sign-in required. (*Restricted to ONLY items not on this printed agenda; comments limited to 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: 03/14/2011

TITLE: WO 05-15, Howard Heights Park Improvements Bid Award

PRESENTED BY: David Mumford

Department: Public Works

Information

PROBLEM/ISSUE STATEMENT

Bids were opened March 1, 2011, for W.O. 05-15 Howard Heights Park Improvements. As part of the Howard Heights storm drain project constructed last fall, this project will construct park improvements consisting of irrigation and seeding within the stormwater detention facility created with that project.

Although A-1 Landscaping was the low bidder on the project, after discussion with the Legal Department, their bid was determined to be non-responsive. The bid was determined to be non-responsive for the following reasons:

- The plans and specifications were not bought from either the City or the designer.
- A bound copy of the bid package inclusive of the insurance requirements and the Montana prevailing wage rates was not submitted.
- Unit prices for bid items (which govern in the event of mathematical discrepancies) were not provided.

For these reasons, the second low bid submitted is asked to be approved by Council. The recommended bidder is Good Earth Works Co.

ALTERNATIVES ANALYZED

The Council may:

- Award W.O. 05-15 Howard Heights Park Improvements, to The Good Earth Works Co., Inc. in the amount of \$117,823.80; or
- Reject all bids and do not award W.O. 05-15 Howard Heights Park Improvements.

FINANCIAL IMPACT

Funding for W.O. 05-15 Howard Heights Park Improvements will be provided from City storm drain funds. The City received four bids for this project as follows:

Contractor	Bid Amount
Engineer's Estimate	\$209,401.08
A-1 Landscaping*	\$117,389.00
The Good Earth Works Co. Inc.	\$117,823.80
Sylvan Landscaping	\$150,214.78
SteVon's Inc.	\$224,356.19

* Bid deemed non-responsive.

RECOMMENDATION

Staff recommends that Council approve the construction contract for W.O. 05-15 Howard Heights Park Improvements, with The Good Earth Works Co., Inc. in the amount of \$117,823.80.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Date: 03/14/2011

TITLE: Contract for Groundwater and Landfill Gas Monitoring Services

PRESENTED BY: David Mumford

Department: Public Works

Information

PROBLEM/ISSUE STATEMENT

The Solid Waste Division of the Public Works Department is required by State and Federal regulations to complete semi-annual groundwater monitoring and quarterly landfill gas monitoring at the Billings Regional Landfill. The current three-year contract to provide these services expired January 2011. Staff conducted a formal consultant selection process and six proposals were received and reviewed by the committee, with Tetra Tech as the selected consultant. Staff are requesting a three-year contract to maintain consistency in the monitoring requirements.

ALTERNATIVES ANALYZED

As owner and operator of the Billings Regional Landfill, the City of Billings is required by State and Federal regulations to conduct groundwater and landfill gas monitoring. Failure to do so would result in non-compliance, Montana Department of Environmental Quality enforcement action and monetary penalties.

FINANCIAL IMPACT

The Solid Waste Division annually budgets adequate funds to complete the required environmental monitoring and reporting for the Billings Regional Landfill. The contract amount of \$109, 997.00 represents an increase of \$13,955 over a similar three-year contract awarded in 2008.

BACKGROUND

Federal and state environmental regulations require all owners and operators of municipal solid waste landfills to perform semi-annual groundwater and quarterly landfill-gas monitoring to determine environmental impacts from landfill operations. The Billings Regional Landfill, owned and operated by the City of Billings, is Montana's largest municipal solid waste landfill. The landfill receives over 225,000 tons of waste per year from a six-county area. The site has been active since the early 1960's. Although the areas currently receiving waste consist of lined cells, more than 80 acres of waste sit on unlined ground.

The first groundwater-monitoring program was initiated in the 1970's using bailing procedures. In the 1980's, a Well Wizard sampling system, consisting of dedicated, down-hole air-activated pumps, was installed to assure accuracy and consistency in sample collection. In 1993, the State of Montana adopted the performance standards for landfill groundwater monitoring and landfill-gas control under the U.S. Environmental Protection Agency's Subtitle D regulations (40CFR, Part 258). In anticipation of the Federal and State requirements, the City of Billings installed a series of landfill-gas and groundwater monitoring wells in October 1992. The groundwater monitoring system currently consists of seven wells, two background and five down gradient, sampled and analyzed semi-annually for approximately 80 parameters under ARM 17.50.1306 of the Montana Solid Waste management regulations. The landfill-gas monitoring program consists of seven on-site wells and 25 on-site structures.

The current contract for environmental services expired following completion of the January 2011 landfill-gas monitoring event. This contract would provide for the necessary services to continue the on-going monitoring program at the Billings Regional Landfill involving data collection, sampling, laboratory testing, hydrogeologic and geologic analyses, statistical analysis and documentation of groundwater and landfill gas. The Solid Waste Division completed a formal consultant selection process in February 2011 and recommends Tetra Tech.

RECOMMENDATION

Staff recommends that City Council approve the Contract for Professional services with Tetra Tech in the amount of \$109,997.00 to provide three years of groundwater and landfill-gas monitoring services at the Billings Regional Landfill

APPROVED BY CITY ADMINISTRATOR

Attachments

Tetra Tech Contract

Tetra Tech Cost Sheet



TETRA TECH

**CONTRACT FOR PROFESSIONAL SERVICES
FOR
Environmental Monitoring and Consulting Services
City of Billings
Regional Landfill**

THIS CONTRACT, made and entered into _____, 20_____, by and between the following:

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

and

Tetra Tech
618 South 25th Street
P O Box 30615
Billings, Montana 59107

W I T N E S S E T H:

WHEREAS, the CITY has need for an environmental consultant and;

WHEREAS, the CITY has authority to contract for consulting environmental services, and;

WHEREAS, the CONSULTANT represents that he is qualified to perform such services, is in compliance with the Montana Statutes relating to environmental consulting and is willing to furnish such services to the CITY;

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

1. CONSULTANT RIGHTS AND DUTIES: The CONSULTANT'S duties and responsibilities include the following:
 - A. To furnish all labor, materials, equipment, supplies, and incidentals necessary to conduct and complete the CONSULTANT'S portion of the project as defined in the scope of work and to prepare and deliver to the CITY all plans, specifications, bid documents and other material as designated herein.
 - B. Ascertain such information as may have a bearing on the work from local units of government, utility companies and private organizations and shall be authorized to procure information from other authorities besides the CITY, but shall keep the CITY advised as to the extent of these contacts and the results thereof.

Tetra Tech

P.O. Box 30615, Billings, MT 59107
618 South 25th Street, Billings, MT 59101

Tel 406.248.9161 Fax 406.248.9282 www.tetrattech.com

- C. Prepare and present such information as may be pertinent and necessary, in order for the CITY to pass critical judgment on the features of the work. The CONSULTANT shall make changes, amendments or revisions in the detail of the work as may be required by the CITY. When alternates are being considered, the CITY shall have the right of selection.
 - D. CONSULTANTS work shall be in accordance with the standards of sound engineering and present CITY, State and National standards and policies currently in use in the locality where the work is performed.
 - E. Conform to the requirements of the Montana Code Annotated Title 18 "Public Contracts" and more particularly Sections 18-2-121 and 18-2-122, and all other codes of the State of Montana applicable to providing professional services including codes and standards nationally recognized.
 - F. To perform professional services in connection with the project and will serve as the CITY's representative in those phases of the project to which this agreement applies.
 - G. Where federal funds are involved, the necessary provisions to meet all requirements will be complied with and documents secured and placed in the bidding documents.
 - H. Submit an estimated progress schedule as to time and costs at the beginning of the work, and regular progress reports thereafter until complete. The reports will include any problems, potential problems, and delays as foreseen by the CONSULTANT. Reports will be submitted in a timely manner to permit prompt resolution of problems.
 - I. The CITY shall have the right of review and examination of the CONSULTANT's work and records pertaining to this project accounting at all times.
 - J. Name a Task Director who shall be the liaison between the CITY and the CONSULTANT. For this project the Task Director designated is Mr. Jeff Rice of Tetra Tech.
2. CITY RIGHTS AND DUTIES: The CITY's duties are set forth as follows:
- A. To furnish all labor, materials, equipment, supplies and incidentals necessary to conduct and complete the CITY's portion of the project as designated in the scope of work.
 - B. Name a Task Director who shall be the liaison between the CONSULTANT and the CITY. For this project the Task Director designated is Ms. Barbara Butler.
 - C. The CITY will be responsible for bid advertising, opening and review.
 - D. The CITY will be responsible for providing an employee knowledgeable with landfill operations to accompany Tetra Tech during the methane monitoring events to assist with locating changes in culverts and accessing City buildings.
3. SCOPE OF WORK: The CONSULTANT shall perform the work covered by this agreement which includes:
- Task 1: Update the Groundwater and Methane Monitoring Sampling and Analysis Plans (SAP)
- Prior to all sampling events, Tetra Tech will review and update (if needed) the groundwater and methane monitoring SAPs. The revised SAPs will be submitted to the CITY for review and approval prior to submittal to the MDEQ Solid Waste Program for their review and approval. Additionally, both monitoring programs will be reviewed to ensure that regulatory requirements are met.

Task 2: Environmental Contingency Consulting Services

Tetra Tech will provide environmental consulting services for environmental issues that might arise during the contract period. These consulting services may include responses to Montana Department of Environmental Quality requests, additional sampling or monitoring requests, or additional environmental issues. These services will be conducted on an as requested basis. Additionally, due to the age of the dedicated submersible bladder pumps installed in the monitor wells it is anticipated that two of these pumps will need to be replaced.

Task 3: Semi-Annual Groundwater Monitoring

Tetra Tech will conduct three years of semi-annual groundwater monitoring events in accordance with Tetra Tech's Standard Operating Procedures and in accordance with the "Revised Groundwater Sampling and Analysis Plan, Billings Regional Landfill" dated July 2010. This task includes sample collection, laboratory analyses, statistical analyses, hydrogeological interpretation of groundwater data and reporting. All field and laboratory testing procedures shall follow the performance standards for groundwater monitoring under the Montana Solid Waste management regulations (ARM 17.50, Sub-Chapter 13). A report presenting field and laboratory procedures, sampling results, statistical analyses and data interpretations will be prepared for City and State review within 90 days of completing each semi-annual groundwater sampling event. The report will include a continuing comparison of test results with an analysis update.

Task 4: Perform Quarterly Methane Monitoring

Tetra Tech will conduct three years of quarterly methane monitoring in accordance with Tetra Tech's Standard Operating Procedures and the "Landfill Gas Monitoring Plan City of Billings Regional Landfill, Revised November 2005". This work will be conducted in compliance with the requirements outlined under ARM 17.50, Sub-Chapter 11. Data collected during the methane monitoring will be presented in a report to the City following each event.

Task 5: Hazardous Waste Operations and Emergency Response (HAZWOPER) Training Services

Tetra Tech will conduct two eight hour Hazardous Waste Operations and Emergency Response (HAZWOPER) training courses each year of this contract in compliance with Title 29, Code of Federal Regulations Part 1900.120. The two training courses will cover the same topics and will be conducted with one to two weeks of each other to allow the landfill to adjust employee schedules for all staff needing the course to attend.

4. DESIGN PHASE COMPLETION: The completion date for the CONSULTANT's work through final design shall be:

Task 1: Revise Groundwater and Methane SAP	April 1, 2014
Task 2: Environmental Consulting	January 31, 2014
Task 3: Semi-Annual Groundwater Monitoring	April 1, 2014
Task 4: Methane Monitoring	April 1, 2014
Task 5: HAZWOPR Training	April 1, 2014

The established completion dates shall not be extended because of any unwarranted delays attributed to the CONSULTANT, but may be extended by the CITY in the event of a delay attributed to the CITY or because of unavoidable delays due to severe weather, street conditions, or by any natural catastrophe or governmental action or conditions beyond the control of the CONSULTANT.

Delays affecting the completion of the work within the time specified for the completion by more than ninety (90) days, not attributable to or caused by the Parties hereto, may be considered as cause for the renegotiation or termination of this Contract.

If the CONSULTANT is behind on this Contract due to no fault of the CITY, then the CONSULTANT hereby acknowledges the right of the CITY to withhold future Contracts to the CONSULTANT in addition to any other

remedy until this Contract is brought back on schedule or otherwise resolved.

CONTRACT FOR PROFESSIONAL SERVICES

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5. **PAYMENT:** The work of the CONSULTANT as outlined in the scope of work, shall be accomplished on an actual time and materials basis in accordance with the cost estimate presented in Attachment A.

Extra services of the CONSULTANT will be paid only with written prior authorization by the CITY.

6. **EMPLOYMENT:** The CONSULTANT warrants that he has not employed or retained any company or persons, other than a bona fide employee, working solely for the CONSULTANT, to solicit or secure this Contract, and that he has not paid or agreed to pay any company or person, other than bona fide employees working solely for the CONSULTANT, any commission, percentage, brokerage fee, gifts or any other considerations contingent upon or resulting from the award or making of this Contract. For breach or violation of this warranty, the CITY shall have the right to annul this Contract without liability, or at its discretion to deduct from the consultant fee, or otherwise recover the full amount of such commission, percentage, brokerage fee, gift or contingent fee.

Any and all employees of the CONSULTANT or other persons while engaged in the performance of any work or services required by the CONSULTANT shall be considered employees of the CONSULTANT only and not of the CITY, and any and all claims that may arise under the Workman's Compensation Act on behalf of said employees or other persons while so engaged and any and all claims made by a third party as a consequence of any act or omission on the part of the CONSULTANT's employees or other persons while so engaged on any of the work or services provided to be rendered herein, shall be the sole obligation and responsibility of the CONSULTANT.

The CONSULTANT shall be subject to and comply with Title VI of the Civil Rights Act of 1964; Section 140, Title 23, United States Code, and all regulations promulgated there under.

The CONSULTANT shall comply with all provisions of Equal Employment Opportunity (EEO) and Disadvantaged Business Act (DBA - Minority and Women's Business Enterprises), and the CITY's implementation plan of this act.

7. **DECLARATION OF NO FINANCIAL INTEREST:** The CONSULTANT hereby declares that the CONSULTANT's partners, principal shareholders, officers and professional engineers assigned to or otherwise working on the projects or in any way associated with CONSULTANT does not own any equitable or legal rights to property within the project, whether public or private, or have any interest either directly or indirectly in the project except for the remuneration provided herein: None.
8. **SUCCESSORS AND ASSIGNS:** This agreement and all of the covenants hereof shall insure to the benefit of and be binding upon the CITY and the CONSULTANT respectively and his partners, successors, assigns and legal representatives. Neither the CITY nor the CONSULTANT shall have the right to assign, transfer or sublet his interest or obligations hereunder without written consent of the other party.
9. **CHANGES IN WORK:** The CONSULTANT shall make such revisions in the reports, plans, and specifications which have been completed, approved and accepted by the CITY as are necessary to correct the CONSULTANT's errors or omissions when required to do so by the CITY, without additional compensation therefore.

Any change in the scope of work as stated in this Contract for whatever reason, will be negotiated between the CITY and the CONSULTANT and an amendment to the Contract will be issued with the appropriate change of work and Contract fee noted.
10. **LEGAL RELATIONS:** The CONSULTANT shall use reasonable care to comply with all Federal, State and local laws and ordinances applicable to the work to be done.
11. **INSURANCE:** The CONSULTANT shall secure and furnish to the CITY Certificate of Liability Insurance, therein, naming the CITY as an additional named insured, to include thirty (30) days notice of cancellation or non-renewal. In case of joint ventures, all entities must be named. The limit of liability for Bodily Injury and Property Damage to be One Million Dollars (\$1,000,000) single limits to include underground excavation, with

any insurance company authorized to do business in the State of Montana. The CONSULTANT shall also furnish the CITY proof of Error and Omission Insurance Coverage.

CONTRACT FOR PROFESSIONAL SERVICES

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12. **TERMS AND TERMINATION OF AGREEMENT:** The right is reserved by the CITY to terminate this Contract at any time upon not less than thirty (30) days written notice to the CONSULTANT.

In the event this Contract is terminated by the CITY, the CONSULTANT shall be paid for the amount of work performed or services rendered to date of termination per the Contract fee.

In the event this Contract is terminated prior to completion, the originals of all plans shall remain the property of the CONSULTANT. All information relating to the project and prepared under the terms of the Contract, including schedules, reports, data, recommendations, exhibits, analyses, plans and specifications, shall be deemed the property of the CITY. Reproducibles of all notes, reports, plans, and specifications shall be made available at the CITY's request.

13. **ENDORSEMENTS:** The CONSULTANT shall furnish professional stamps, statements, or other suitable means to signify responsible endorsement of work, on all drawings and reports furnished by him.
14. **OWNERSHIP OF DOCUMENTS:** The original tracings of all plans shall remain the property of the CONSULTANT. All information relating to the project and prepared under the terms of this Contract, including schedules, reports, data, recommendations, exhibits, analyses, plans and specifications, shall be deemed the property of the CITY. Reproducibles of all notes, reports, plans and specifications shall be made available at the CITY's request.
15. **PUBLIC INFORMATION:** The CONSULTANT shall not issue any statements, releases or information for public dissemination without prior approval of the CITY.
16. **PROPRIETARY RIGHTS:** If patentable discoveries or inventions should result from work required herein, all rights accruing from such discoveries or inventions shall be the property of the CITY.
17. **RECORDS:** The CONSULTANT shall maintain accounting records and other evidence pertaining to the cost incurred and to make the records available at all times during the Contract term and for three (3) years from the date of final payment. Such accounting records and other evidence pertaining to the cost incurred will be made available for inspections authorized by the CITY and copies thereof shall be furnished if requested.
18. **ATTORNEY'S FEES AND COSTS:** That in the event it becomes necessary for either Party to this Contract to retain an attorney to enforce any of the terms or conditions of this Contract or to give any notice required herein, then the prevailing Party or the Party giving notice shall be entitled to reasonable attorney's fees and costs.
19. **LITIGATION LOCATIONS:** In the event litigation is pursued under this Contract it will be in the district court of Yellowstone County.
20. **ADMINISTRATION MEDIATION:** Any disputes concerning the CONSULTANT's performance of the work between the CONSULTANT and the CITY shall be referred for determination to the City Administrator before commencing any legal action to resolve the same.
21. **MODIFICATION AND AMENDMENTS:** That any amendment or modifications of this Contract or any provisions herein shall be made in writing and executed in the same manner as this original document and shall after execution become a part of this Contract.
22. The CONSULTANT shall only be liable for professional services stated specifically under the scope of this Agreement. The CONSULTANT shall be indemnified and held harmless for any claims, damages or liabilities arising from any act, neglect, default or mismanagement by the CITY, it's Contractors, and their agents or employees.

The CONSULTANT hereby agrees to indemnify and hold the CITY harmless from all claims and liability due to the negligent activities of the CONSULTANT, their agents, employees or both, in performing the work required.

TETRA TECH

NAME: _____

BY: _____

TITLE: _____

DATE: _____

CITY OF BILLINGS, MONTANA

BY: _____

Mayor

DATE: _____

ATTEST:

City Clerk _____

APPROVED AS TO FORM:

BY: _____

City Attorney

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ATTACHMENT A

Cost Estimate

ATTACHMENT A
COST ESTIMATE
Environmental Monitoring Services
Billings Regional Landfill, Billings, Montana
(Prepared by Tetra Tech, Billings, Montana)

	QUANTITY	RATE	TOTAL
Task 1: Update the Groundwater and Methane Monitoring Sampling and Analysis Plans and Health and Safety Plan			
Labor, per hour (costs for entire contract period)			
Senior Project Manager	4	\$120.00	\$480.00
Project Manager	16	\$110.00	\$1,760.00
Project Scientist	20	\$85.00	\$1,700.00
Senior Technician	8	\$65.00	\$520.00
Drafting	10	\$55.00	\$550.00
Clerical	8	\$40.00	\$320.00
Admin	2	\$55.00	\$110.00
<i>Subtotal HASP and SAP updates</i>			<u>\$4,960.00</u>
TOTAL TASK 1, per contract period			\$4,960.00

Task 2: Environmental Contingency Consulting Services (Assumes two monitor well pumps will be replaced)

Senior Project Scientist	2	\$120.00	\$240.00
Project Manager	8	\$110.00	\$880.00
Project Scientist	8	\$85.00	\$680.00
Senior Technician	24	\$65.00	\$1,560.00
Field Technician	20	\$55.00	\$1,100.00
Drafting	2	\$55.00	\$110.00
Clerical	1	\$40.00	\$40.00
Replacement pump	2	\$750.00	\$1,500.00
Replacement tubing (per foot estimate).	300	\$2.65	\$795.00
Replacement fittings (lump sum estimate)	1	\$50.00	\$50.00
<i>Subtotal - Environmental Contingency Consulting Services</i>			<u>\$6,955.00</u>
TOTAL TASK 2, per contract period			\$6,955.00

Task 3: Semi-Annual Groundwater Monitoring (two events per year)

Field Labor, per hour			
Project Manager	1	\$110.00	\$110.00
Project Scientist	2	\$85.00	\$170.00
Senior Technician	24	\$65.00	\$1,560.00
Field Technician	40	\$55.00	\$2,200.00
<i>Subtotal - Field Labor - per year</i>			<u>\$4,040.00</u>
Direct Costs			
Field Meters, per event	2	\$200.00	\$400.00
Decontamination Fluids, per event	2	\$20.00	\$40.00
Nitrogen Gas (compressed), per event	2	\$100.00	\$200.00
Disposable Pressure Filter Apparatus, per well	16	\$20.00	\$320.00
<i>Subtotal - Direct Costs - per year</i>			<u>\$960.00</u>

COST ESTIMATE
Environmental Monitoring Services
Billings Regional Landfill, Billings, Montana
(Prepared by Tetra Tech, Billings, Montana)

	QUANTITY	RATE	TOTAL
Task 3: Semi-Annual Groundwater Monitoring (cont'd)			
Laboratory Fees est. per year (average cost for three years shown)			
Dissolved Metals, per sample	16	\$175.00	\$2,800.00
Volatile Organics, per sample	16	\$105.00	\$1,680.00
Nitrate + Nitrite as N	16	\$25.00	\$400.00
Specific Conductance	16	\$8.00	\$128.00
pH	16	\$6.00	\$96.00
Trip Blank Volatile Organics, per sample	2	\$105.00	\$210.00
Laboratory QA/QC Validation	2	\$460.00	\$920.00
<i>Subtotal - Laboratory Fees - per year</i>			<u>\$6,234.00</u>
Reporting/Consulting Labor, per hour			
Senior Scientist	4	\$120.00	\$480.00
Project Manager	16	\$110.00	\$1,760.00
Staff Scientist	80	\$85.00	\$6,800.00
Database Manager	32	\$95.00	\$3,040.00
Drafting	12	\$55.00	\$660.00
Clerical	6	\$40.00	\$240.00
<i>Subtotal - Reporting/Consulting Labor - per year</i>			<u>\$12,980.00</u>
TOTAL TASK 3, per year			\$24,214.00
Task 4: Perform Quarterly Methane Monitoring (per year)			
Field Labor (per hour per year)			
Project Manager	4	\$110.00	\$440.00
Senior Technician	32	\$65.00	\$2,080.00
<i>Subtotal - Field Labor - per year</i>			<u>\$2,520.00</u>
Direct Costs			
Field Meters, per day	4	\$65.00	\$260.00
<i>Subtotal - Direct Costs - per year</i>			<u>\$260.00</u>
Reporting Labor, per hour			
Project Manager	4	\$110.00	\$440.00
Project Scientist	12	\$85.00	\$1,020.00
Senior Technician	16	\$65.00	\$1,040.00
Drafting	8	\$55.00	\$440.00
Clerical	4	\$40.00	\$160.00
<i>Subtotal - Reporting Labor - per year</i>			<u>\$3,100.00</u>
TOTAL TASK 4, per year			\$5,880.00

COST ESTIMATE
Environmental Monitoring Services
Billings Regional Landfill, Billings, Montana
(Prepared by Tetra Tech, Billings, Montana)

	QUANTITY	RATE	TOTAL
Task 5: Annual HAZWOPER Training Class (Assumes two sessions per year)			
Lump Sum, per year	1	\$2,600.00	\$2,600.00
<i>Subtotal - OSHA HAZWOPER Training Services (Two sessions per year)</i>			<u>\$2,600.00</u>
TOTAL TASK 5, per year			<u>\$2,600.00</u>

SUMMARY OF TASKS

Contract Period Tasks

TOTAL TASK 1 SAP Preparation	\$4,960.00
TOTAL TASK 2 Environmental Consulting	\$6,955.00

Annual Expenses

TOTAL TASK 3 Groundwater Monitoring, per year	\$24,214.00
TOTAL TASK 4 Methane Monitoring, per year	\$5,880.00
TOTAL TASK 5 HAZWOPER Training, per year	\$2,600.00

Total For 1 Year Consulting Services	<u>\$44,609.00</u>
---	---------------------------

Additional Two Years Tasks 3 through 5	<u>\$65,388.00</u>
---	---------------------------

TOTAL CONTRACT VALUE FOR 3 YEARS	<u>\$109,997.00</u>
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Regular City Council Meeting

Date: 03/14/2011

TITLE: Professional Services Contract for Hazardous Waste Collection Events - Burlington Environmental LLC

PRESENTED BY: David Mumford

Department: Public Works

Information

PROBLEM/ISSUE STATEMENT

Since 1995, the Solid Waste Division (SWD) has sponsored a one-day household hazardous waste (HHW) collection event for area residents to bring unwanted and unused household toxic products to the SWD for proper disposal. This program is open to all households served by the Billings Regional Landfill, including residents of Yellowstone, Carbon, Stillwater, Musselshell, Treasure and Big Horn counties. The purpose of this event is to divert household toxic waste from the landfill, provide appropriate disposal options for HHW, and educate the public on the use of alternative non-hazardous products. To date, over 400 tons of pesticides, paint, solvents, batteries, used oil and other toxics have been drummed and transported to hazardous waste disposal facilities for reclaiming, recycling, incineration or disposal.

In addition, the SWD sponsors a one-day collection event for area businesses that qualify as Conditionally Exempt Small Quantity Generators (CESQGs) of hazardous waste. The purpose of the business event is to provide an economic alternative to small businesses to safely dispose of their hazardous waste. The Solid Waste Division covers the costs for transportation and labor while businesses pay for waste disposal costs. The average cost savings to businesses is over 25%.

Area residents are often unable to attend the one-day HHW event but desire to dispose of their HHW properly. Consequently, the SWD accepts limited HHW throughout the year depending upon available storage space and customer need. These wastes are typically sorted, drummed and shipped to waste disposal facilities on a quarterly basis.

The SWD uses a Consultant to assist with the collection, sorting, transporting and disposal of hazardous waste collected at the annual events and throughout the year. A formal consultant selection procedure was completed in February 2011 and Burlington Environmental LLC was selected from the three proposals that were evaluated. This contract would provide for necessary services to complete the 2011, 2012 and 2013 collection events as well as periodic assistance throughout the year.

ALTERNATIVES ANALYZED

The Council may approve or disapprove this request for professional services with Burlington Environmental LLC in the amount of \$225,000.00 to provide three years of hazardous waste collection and disposal services for the Solid Waste Division. The Solid Waste Division is not required by State or Federal regulation to provide these services to the community. If collection services are not provided, the majority of these hazardous wastes will end up in the landfill and increase the potential for adverse health, safety and environmental impacts.

FINANCIAL IMPACT

The Solid Waste Division budgets \$75,000.00 each fiscal year to fund the City's annual hazardous waste collection events and periodic transport of hazardous waste throughout the year.

RECOMMENDATION

Staff recommends that City Council approve the Household Hazardous Waste and CESQG Collection Services Contract with Burlington Environmental LLC in the amount of \$225,000.00 to oversee three years of annual HHW and CESQG collection events.

APPROVED BY CITY ADMINISTRATOR

Attachments

2011 PSC Contract

2011 PSC Cost Sheet

CITY OF BILLINGS, MONTANA
HOUSEHOLD HAZARDOUS WASTE AND CESQG COLLECTION SERVICES
CONTRACT

THIS AGREEMENT, made and entered into on _____, 2011 by and between the **CITY OF BILLINGS**, a Montana Municipal Corporation, Billings, Montana 59103, hereinafter designated the **CITY** and **BURLINGTON ENVIRONMENTAL LLC, A SUBSIDIARY OF PSC ENVIRONMENTAL SERVICES, LLC (PSC)**, 18000 72ND Avenue South, Suite 217, Kent WA 98032, hereinafter designated the **CONSULTANT**

WHEREAS, the **CITY** requires **CONSULTANT** to conduct an annual Household Hazardous Waste (HHW) Collection Event, CESQG Collection Event, Staff Training and periodic transportation and disposal of HHW collected by Billings staff. **CITY** desires that the **CONSULTANT** furnish the **CITY** certain services as described herein;

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

WHEREAS, the **CONSULTANT** represents that he is fully qualified to perform such services;

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

1. **SCOPE OF CONSULTANT'S SERVICES:** PSC agrees to provide HHW Event Services, CESQG collection event services, staff training and transportation and disposal of collected material from in accordance with the City of Billings Request for Professional Services and the proposal submitted by PSC titled "City of Billings HHW/CESQG Collection Events Administration" dated January 21st, 2011.
2. **CONTRACT TIME:** This Agreement shall be for a period of one (1) year from the execution of this agreement with annual (1) year extensions by mutual agreement of **CITY** and **CONSULTANT** or until terminated early, and not to exceed three (3) years pursuant to Section 14.
3. **PAYMENT:** In consideration of the services provided by the **CONSULTANT** under this Agreement, the **CITY** agrees to pay **CONSULTANT** a price not to exceed \$75,000 per year as outlined in Attachment 1.

It is understood that the **CONSULTANT** will not perform any work that the **CONSULTANT** deems outside the scope prior to receiving written approval from the **CITY**. Any such work performed, even if requested by the **CITY**, shall not be paid by the **CITY** and any claims for such work shall be denied. In the event scope of work issues arise, the **CONSULTANT** shall immediately discuss them with the Project Manager for the **CITY**.

4. INSURANCE

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

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

- A. Qualifications

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

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

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

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

E. Affidavits of Compliance

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

6. AGREEMENTS OF CITY:

A. To furnish all labor, materials, equipment, supplies, and incidentals necessary to conduct and complete the CITY'S portion of the project as designated in the scope of work.

B. Name a Project Manager, who shall be the liaison between the CITY and the CONSULTANT. For this project, the designated Project Manager shall be Barbara Butler, Environmental Compliance Coordinator. For the CONSULTANT it shall be Mike O'Donnell, HHW Business Manager.

7. NON-DISCRIMINATION:

A. The CONSULTANT will not discriminate against any employee or applicant for employment because of race, color, religion, national origin, ancestry, age, sex, or marital status or who is a "qualified individual with a disability" (as that phrase is defined in the Americans With Disabilities Act of 1990). The CONSULTANT will take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, color, religion, or mental or physical impairment/disability. Such action shall include, without limitation, employment, upgrading, demotion or transfer, recruitment or recruiting advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training including apprenticeship. The CONSULTANT agrees to post, in conspicuous places available to employees and applicants for employment, notices setting forth the provisions of this non-discrimination clause.

B. The CONSULTANT shall state, in all solicitations or advertisements for employees to work under this Agreement, that all qualified applicants will receive equal consideration for employment without regard to race, color, religion, national origin, ancestry, age, sex or marital status, or mental or physical impairment/disability.

C. The CONSULTANT shall comply with any and all reporting requirements that may apply to it that the CITY may establish by regulation.

D. The CONSULTANT shall include the provisions of Subsections A through C of this Section in every subcontract or purchase order under this Agreement, so as to be binding upon every such sub-consultant or vendor of the CONSULTANT under this Agreement.

- E. The CONSULTANT shall comply with all applicable federal, state, and city laws concerning the prohibition of discrimination.
8. **PERMITS, LAWS, AND TAXES:** The CONSULTANT shall acquire and maintain in good standing all permits, licenses and other entitlements necessary to its performance under this Agreement. All actions taken by the CONSULTANT under this Agreement shall comply with all applicable statutes, ordinances, rules and regulations. The CONSULTANT shall pay all taxes pertaining to its performance under this Agreement.
 9. **NONWAIVER:** The failure of either party at any time to enforce a provision of this Agreement shall in no way constitute a waiver of the provision, nor in any way affect the validity of this Agreement or any part hereof, or the right of such party thereafter to enforce each and every provision hereof.
 10. **DECLARATION OF NO FINANCIAL INTEREST:** The CONSULTANT hereby declares that he does not have any personal, professional or property interest, direct or indirect, present or prospective, which would conflict in any manner or degree with the performance of the services and the submission of impartial reports, and has not employed and will not employ, in connection with the services to be furnished under this Agreement, any person having any such interest. Until this Agreement terminates, the CONSULTANT and any employees of the CONSULTANT, so long as they are employed by the CONSULTANT, will not acquire any such interests.
 11. **SUCCESSORS AND ASSIGNS:** This Agreement and all of the covenants hereof shall inure to the benefit of and be binding upon the CITY and the CONSULTANT respectively and any partners, successors, assigns, and legal representatives. Neither the CITY nor the CONSULTANT shall have the right to assign, transfer, or sublet any interest or obligations hereunder without written consent of the other party.
 12. **CHANGES IN WORK:** Any change in the scope of CONSULTANT'S services as stated in this Agreement for whatever reason, will be negotiated between the CITY and the CONSULTANT and an amendment to the Agreement will be issued with the appropriate change of services and Agreement fee noted.
 13. **LEGAL RELATIONS:** The CONSULTANT shall comply with all Federal, State, and local laws and ordinances applicable to the work to be done.
 14. **TERMINATION OF AGREEMENT:** The right is reserved by the CITY to terminate this Agreement at any time upon not less than ten (10) days written notice to the CONSULTANT.

In the event the CITY terminates this Agreement, the CONSULTANT shall be paid for the amount of work performed or services rendered to date of termination per the Agreement fee.
 15. **ENDORSEMENTS:** The CONSULTANT shall furnish signatures, statements, or other suitable means to signify responsible endorsement of work on all reports furnished by him.

16. **OWNERSHIP OF DOCUMENTS:** All information relating to the project and prepared under the terms of the Agreement, including reports, data, recommendations, exhibits, analyses, and plans shall be deemed the property of the CITY.
17. **PUBLIC INFORMATION:** The CONSULTANT shall not issue any statements, releases, or information for public dissemination without prior written approval of the CITY.
18. **PROPRIETARY RIGHTS:** If patentable discoveries or inventions should result from work required herein, all rights accruing from such discoveries or inventions shall be the property of the CITY.
19. **RECORDS:** The CONSULTANT shall maintain accounting records and other evidence pertaining to the cost incurred and to make the records available at all times during the Agreement term and for three (3) years from the date of final payment. Such accounting records and other evidence pertaining to the cost incurred will be made available for inspections authorized by the CITY and copies thereof shall be furnished if requested.
20. **ATTORNEY'S FEES AND COSTS:** In the event it becomes necessary for either Party to this Agreement to retain an attorney to enforce any of the terms or conditions of the Agreement or to give any notice required herein, then the prevailing Party or the Party giving notice shall be entitled to reasonable attorney's fees and costs.
21. **LITIGATION LOCATION:** The parties agree that this Agreement shall be governed in all respects by the laws of the state of Montana, and the parties expressly agree that venue shall be in the Montana Thirteenth Judicial District County for Yellowstone County and there shall be no other venue for resolution of disputes arising from the contract or the performance of its terms.
22. **MODIFICATION AND AMENDMENTS:** That any amendment or modification of this Agreement or any provisions herein shall be made in writing and executed in the same manner as this original document and shall after execution become a part of this Agreement.
23. **INDEMNITY:** The CONSULTANT shall indemnify, defend, save, and hold CITY harmless from any and all claims, causes of action, lawsuits, damages, judgments, liabilities, and litigation costs and expenses including reasonable attorneys' fees and costs, arising from any wrongful or negligent act, error or omission of the CONSULTANT or any agent, employee or subcontractor as a result of the CONSULTANT'S or any subcontractor's performance pursuant to this Agreement.
 - A. The CONSULTANT shall not indemnify, defend, save and hold CITY harmless from claims, causes of action, lawsuits, damages, judgments, liabilities, and litigation costs and expenses or attorneys' fees and costs arising from wrongful or negligent acts, error or omission solely of CITY occurring during the course of or as a result of the performance of the Agreement.
 - B. Where claims, lawsuits or liability, including attorneys' fees and costs arise from wrongful or negligent act of both CITY and CONSULTANT, the CONSULTANT shall indemnify, defend, save, and hold CITY harmless from

only that portion of claims, causes of action, lawsuits, damages, judgments, liabilities, and litigation costs and expenses including attorneys' fees and costs, which result from the CONSULTANT'S or any subcontractor's wrongful or negligent acts occurring as a result from the CONSULTANT'S performance pursuant to this Agreement.

- 24. LIMITATION OF LIABILITY:** In no event shall CONSULTANT be liable for special, indirect, incidental, economic, consequential or punitive damages, regardless of the legal theory under which such damages are sought, and even if CONSULTANT has been advised of the likelihood of such damages. CITY agrees that CONSULTANT total liability to CITY for any and all damages arising out of or in any way related to this Agreement from any cause, including but not limited to contract liability or CONSULTANT negligence, errors, omissions, strict liability, breach of contract or breach of warranty shall not, in the aggregate, exceed the fees paid to CONSULTANT hereunder.

BURLINGTON ENVIRONMENTAL, LLC

PRINTED NAME: Gary Crueger

BY: _____

TITLE: Western Region VP

CITY OF BILLINGS, MONTANA

PRINTED NAME: Tom Hanel

BY: _____

TITLE: Mayor

ATTEST: _____

Cari Martin, City Clerk

APPROVED AS TO FORM:

Brent Brooks, City Attorney



Attachment 1
Annual Contract Cost Projection

Service	Contract Total
Mobilization, Demobilization	\$3,000
Waste and Equipmment Transportation	\$6,000
Drums, Equipment, Supplies	\$9,000
Annual Staff Training Services	\$2,000
Labor, Travel, Per Diem	\$7,000
Waste Management	\$48,000
TOTAL	\$75,000

Regular City Council Meeting

Date: 03/14/2011

TITLE: Contract for Professional Services for W.O. 08-16 SCADA Replacement Program

PRESENTED BY: David Mumford

Department: Public Works

Information

PROBLEM/ISSUE STATEMENT

Staff is requesting that the City Council consider authorizing and executing a Contract for Professional Services with Brown and Caldwell to provide construction administration services for W.O. 08-16 SCADA Replacement Program. The purpose of this project is to construct a communication system that can provide control and monitoring capabilities for pump stations and reservoirs. Brown and Caldwell was selected for this work based on City staff review of prequalified firms.

ALTERNATIVES ANALYZED

The Council May:

- Approve the Professional Services Contract with Brown and Caldwell; or
- Do not approve the Professional Services Contract with Brown and Caldwell.

FINANCIAL IMPACT

Funding for the design and construction of this project has been approved in the CIP projects (FY' 11 Water Funds \$900,000.00). The contract with Brown and Caldwell is the amount of \$59,200.

RECOMMENDATION

Staff recommends that Council authorize the Mayor to sign a contract for professional services with Brown and Caldwell for W.O. 08-16 SCADA Replacement Program in the amount not to exceed \$59,200.00.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Date: 03/14/2011

TITLE: Ground Lease with United States Department of Agriculture (USDA) for a New Hangar

PRESENTED BY: Tom Binford

Department: Airport

Information

PROBLEM/ISSUE STATEMENT

The United States Department of Agriculture Animal and Plant Health Inspection Service (USDA-APHIS) currently subleases a hangar in the executive hangar area on the west end of the Airport, from which it conducts its wildlife services operations. The Wildlife Service (WS) program in Montana focuses most of its efforts on managing the interface between livestock and wildlife. The WS has also provided both technical and direct assistance to airports throughout Montana to identify and reduce potential safety hazards to the flying public and to the airlines. Currently, the USDA also subleases hangar space it shares with another tenant in the Airport Business Park to hangar its helicopter based at the Airport. The USDA is in need of additional hangar space and desires to build a new hangar to house its aircraft. The secured hangar will be constructed in the executive hangar area on the west end of the airfield. The proposed hangar will be located on a 13,440 square foot parcel at 2445 Overlook Drive, in close proximity to the hangar it currently subleases in the executive hangar area, and will fulfill their need for non-shared, secured hangar space. Staff has negotiated a twenty-year Ground Lease with the USDA, which will commence on March 1, 2011 and terminate on February 28, 2031. Construction is slated to begin later this year.

ALTERNATIVES ANALYZED

The City Council may:

- Approve the Ground Lease with the USDA-APHIS; or
- Not approve the Ground Lease with the USDA-APHIS.

FINANCIAL IMPACT

This Lease will generate \$3,360.00 in the first year and will be adjusted annually for inflation by the Consumer Price Index for Wage Earners and Clerical Workers (CPI-W), U.S. City Average, All Items Figure (1982-1984=100), published by the Bureau of Labor Statistics.

RECOMMENDATION

Staff recommends the City Council approve the twenty-year Ground Lease with the USDA-APHIS for a new hangar at the Airport.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Date: 03/14/2011

TITLE: Amendment One to Automobile Rental Concession and Lease with
Avis/Budget

PRESENTED BY: Tom Binford

Department: Airport

Information

PROBLEM/ISSUE STATEMENT

The current Automobile Rental Concession Leases to operate car rental concessions at the Billings Logan International Airport are set to expire March 31, 2011. The current on-Airport car rental concessionaires are: Hertz, Enterprise, Alamo/National, and Thrifty/Dollar. In order to determine interest in and commitment to new leases for operating car rental concessions at the Airport, and to assist in the sizing/design of and funding for the new Quick Turn Around Facility (QTA) that the Airport is building for use by the on-Airport car rental companies, the car rental concession opportunity at the Airport was placed out for bid early. In the past, only four concession spots were available for car rental companies at the Airport. Along with the new QTA, the Airport made a fifth concession spot available in this bid process by renovating several of the former airline freight offices (located on the west end of the baggage claim area) into a car rental concession counter.

A Request for Bids (RFB) was prepared for concessionaires interested in operating at the Airport. On September 13, 2010, the City Council awarded five new Automobile Rental Concession Leases to Hertz, Enterprise, Alamo/National, Thrifty/Dollar, and Avis/Budget. The term of the new Leases will commence on April 1, 2011 and end on March 31, 2016. With the new Leases and a fifth available position, Avis/Budget will return its car rental operations to the Terminal Building, after being outbid during the previous bid process.

At the time the new Lease with Avis/Budget was signed, the exact square footage of the new car rental concession counter space was not known, but was estimated at 329 square feet. The plans and specifications for that construction have now been completed and an accurate square footage determined. Amendment One revises the square footage for the new car rental concession counter space that Avis/Budget will occupy, from the estimated 329 square feet to the actual 423 square feet and amends the same information on Exhibit A - the Terminal Space layout for all of the car rental concession counters.

Construction is underway and will be completed in time for Avis/Budget to begin its on-Airport operations on April 1, 2011.

ALTERNATIVES ANALYZED

The City Council may:

- Approve Amendment One to the Automobile Rental Concession Lease with Avis/Budget;
or
- Not approve Amendment One to the Automobile Rental Concession Lease with
Avis/Budget.

FINANCIAL IMPACT

The car rental concession counter space in the Terminal Building to be occupied by Avis/Budget will generate \$4,795.77 for the three-month period beginning April 1, 2011 and ending June 30, 2011. The Terminal Building lease rate is adjusted each July 1 for the airlines, and this rate is also applied to the rental car companies having counter space in the Terminal Building. Staff is presently working on calculating the new rate beginning July 1, 2011, but anticipates that the annual lease revenues will be approximately \$20,000.

RECOMMENDATION

Staff recommends that the City Council approve Amendment One to the Automobile Rental Concession Lease with Avis/Budget.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Date: 03/14/2011

TITLE: 2010-14 TIP Amendment II

PRESENTED BY: Candi Beaudry

Department: Planning & Community Services

Information

PROBLEM/ISSUE STATEMENT

Federal regulations require that Metropolitan Planning Organizations (MPOs) review and update their Transportation Improvement Program (TIP) periodically. Due to the addition of a I-90 pavement preservation project, Grand Avenue pavement preservation project and addition of the Safe Routes To School funding, the current 2010- 2014 TIP for the Billings MPO requires an amendment. This amendment will be called the 2010- 2014 TIP Amendment II.

The Transportation Improvement Program is a short-range program of highway and transit projects in the Billings Metropolitan Planning Organization area and is prepared by Planning Division staff in cooperation with state and local agencies. The basic purpose of the TIP is to provide the mechanism for scheduling federal funds for surface transportation projects, indicate regional priorities, and demonstrate a short range transportation vision for the area. A secondary purpose of the TIP is to provide information about other transportation projects in the urbanized area that are exempt from the TIP approval process such as projects that do not utilize federal funds.

This TIP Amendment is being presented to the City Council for review due to a modification of federal funding. Staff has attached the document with changes shown in red and green. Staff will be available to answer questions at the March 14 Council meeting.

ALTERNATIVES ANALYZED

The current amendment includes updates of federal funding for the I-90, Grand Avenue and Safe Routes To School Projects. The Council may elect to recommend approval of the 2010-2014 TIP Amendment II in order to continue the implementation of federally funded transportation projects as presented. If Council chooses to recommend modifications to the proposed program, the Council's representative will present these recommendations to the Policy Coordinating Committee (PCC) for further consideration.

FINANCIAL IMPACT

A range of federal funding sources is available to the Billings Urban Area for the purposes of funding transportation system improvements. A list of those sources is shown in the TIP. There is usually no direct impact to City funds in budgeting for these projects given the federal funding sources.

RECOMMENDATION

Staff recommends that Council approve the 2010-2014 TIP Amendment II and forward that recommendation to PCC through its designee.

APPROVED BY CITY ADMINISTRATOR

Attachments

Amendment

BILLINGS URBAN AREA



TRANSPORTATION IMPROVEMENT PROGRAM (TIP)

FY 2010 – 2014

Amendment II

Draft

****Edits are denoted in “red” and “green”.**

January 2011

****This document is funded in part through grants from the Federal Highway Administration and Federal Transit Administration, U.S. Department of Transportation. The contents of this document do not necessarily reflect the official views or policy of the U.S. Department of Transportation.**

Prepared by:

Yellowstone County Board of Planning
Billings Metropolitan Planning Organization

In Cooperation With:

City of Billings
Yellowstone County
Yellowstone County Board of Planning
Montana Department of Transportation
Federal Highway Administration
Federal Transit Administration

Reviewed By:	2010- 2014	2010-2014 Amendment I	2010-2014 Amendment II
Technical Advisory Committee	04/29/10	10/21/10	
Yellowstone County Board of Planning	05/25/10	11/09/10	
Billings City Council	05/24/10	11/08/10	
Yellowstone County Commissioners	05/24/10	10/26/10	
Approved By:			
Billings Policy Coordinating Committee	06/15/10	11/16/10	
Montana Department of Transportation	08/09/10	01/06/11	
Federal Highway Administration	08/09/10	12/21/10	
Federal Transit Administration	08/06/10	12/21/10	

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METROPOLITAN TRANSPORTATION PLANNING PROCESS SELF-CERTIFICATION

The Billings Metropolitan Planning Organization for the Billings, Montana, urbanized area hereby certifies that the transportation planning process is addressing the major issues in the metropolitan planning area and is being conducted in accordance with all applicable requirements of:

- I. 49 U.S.C. Section 5303 and 23 U.S.C. 134 and CFR 450.334;
- II. Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C 2000d-1) and 49 CFR, Part 21;
- III. Section 1101(b) of the SAFETEA-LU (Pub. L. 109-59) regarding the involvement of disadvantaged business enterprises in the FHWA and the FTA funded projects (49 CFR part 26);
- IV. The provision of the Americans With Disabilities Act of 1990 (42U.S.C. 12101 *et seq.*) and the U. S. DOT implementing regulation (49 CFR Parts 27, 37 and 38);
- V. The provisions of 49 CFR part 20 regarding restrictions on influencing certain activities; and
- VI. Sections 174 and 176(c) and (d) of the Clean Air Act as amended (42 U.S.C. 7504, 7506(c) and (d)).
- VII. 49 U.S.C. 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex or age in employment or business opportunity.
- VIII. 23 CFR, part 230, regarding the implementation of an equal employment opportunity on Federal & Federal-aid highway construction contracts.
- IX. The Older Americans Act as amended (42 U.S.C. 6101), prohibiting discrimination on the basis of age in program or projects receiving Federal financial assistance.
- X. Section 324 of title 23 U.S.C. regarding the prohibition of discrimination based on gender.
- XI. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and 49 CFR, part 27 regarding discrimination against individuals with disabilities.

Billings, Montana

Metropolitan Planning Organization

Signature

President-Yellowstone County Board of Planning

Printed Name

Date

INTRODUCTION

PREFACE

The Yellowstone County Board of Planning (YCBP) is the metropolitan planning organization (MPO) for the Billings metropolitan planning area. The Transportation Improvement Program (TIP) is the funding mechanism for transportation projects requesting federal dollars in the Billings urbanized area. All MPO's are required by the current Federal Highway Bill SAFETEA LU to produce a TIP and update it at least every four years. SAFETEA LU was signed into law by President Bush in 2005, and extended by President Obama through December 2010. The act and its extensions authorizes highway, highway safety, transit, and other surface transportation program for six years. This document contains a list of all surface transportation projects requesting the use of federal funds found in SAFETEA LU and its extensions. With SAFETEA LU, local jurisdictions working through the Billings MPO's Policy Coordinating Committee (PCC) determine how the area's transportation system is developed and expanded.

PURPOSE OF THE TIP

The TIP is a short-range program of highway and transit projects in the Billings metropolitan planning area and is prepared by YCBP staff in cooperation with state and local agencies. The basic purpose of the TIP is to provide the mechanism for scheduling federal funds for surface transportation projects, indicating regional priorities, and demonstrating a short range transportation vision for the area. A secondary purpose of the TIP is to provide information about other transportation projects in the planning area that are exempt from the TIP approval process such as projects that do not utilize federal funds.

THE TIP PROCESS

The development of the TIP document is the responsibility of the Billings MPO and provides an opportunity for local officials to determine priorities and spending for federal highway and transit funds. Any transportation project located in the Billings metropolitan planning area must be included in the TIP prior to receiving federal funds. TIP projects must be included in the area's 20 year Transportation Plan, and are proposed for the TIP by local elected officials, transit operating officials, or state highway agencies. The TIP is reviewed and endorsed annually by the Billings MPO's PCC and may be modified through the TIP amendment process. The PCC includes a Billings City Council representative, the Chair of the Yellowstone County Commission, the President of the Yellowstone County Board of Planning and the District Administrator of the Montana Department of Transportation. After PCC endorsement, the TIP is submitted to the Montana Department of Transportation (MDT) and to the Federal Highway Administration and Federal Transit Administration for federal review of the document and approval of conformity determination.

FEDERAL REGULATIONS

The Transportation Improvement Program (TIP) is a required planning program for federally assisted highway and transit improvements for the Billings metropolitan planning area and the Montana Department of Transportation (MDT) over a five-year period. The principal focus is given to the first two years of the program, the Biennial Element, which contains projects that could be implemented between July 1, 2009 and June 30, 2011.

The TIP is prepared annually and is in conformance with 23 CFR, Part 450 324-330.

FINANCIAL RESOURCES

A range of federal funding sources is available to the Billings planning area for the purposes of funding transportation system improvements. Following is a list of those sources which, when available to the Billings area, are shown in the Transportation Improvement Program. Project implementation is indicated as expected to occur during the pertinent program year. Billings also has had a favorable history of receiving federal earmarks. In 2009, MDT received \$4,750,000 for the Shiloh Road project and in 2010 Yellowstone County requested \$20,000,000 for various projects in the urban area. MDT has requested additional earmark funds in the 2011 appropriations process.

BILLINGS FEDERAL EARMARK HISTORY – 2000 through 2009

YEAR	EARMARKS
2000	\$ 14,967,000
2001	\$ 728,113
2002	\$ 3,425,985
2003	\$ 3,000,000
2004	\$ 2,000,000
2005	\$ 4,960,000
2006	\$ 35,173,900
2007	\$0.00
2008	\$4,596,200
2009	\$4,750,000
TOTAL	\$73,601,198
10 YEAR AVERAGE	\$7,360,120

FUNDING SOURCES

- Surface Transportation Program Urban (STPU)
- Surface Transportation Program Primary (STPP)
- National Highway System (NHS)
- Interstate Maintenance (IM)
- Highway-Railway Crossing Program (RRX)

- Surface Transportation Enhancement (STPE)
- Highway Safety Improvement Program (HSIP)
- Bridge Replacement and Rehabilitation Program (HBRRP)
- Urban Pavement Preservation (UPP)
- Community Transportation Enhancement Program (CTEP)
- State Funded Construction (SFC)
- Congestion Mitigation Air Quality (CMAQ)
- Montana Air Congestion Initiative (MACI)
- FTA Section 5309 (Formerly Sec. 3)
- FTA Section 5307 (Formerly Sec. 9)
- FTA Section 5310 (Formerly Sec. 16)
- FTA Section 5316 Job Access and Reverse Commute (JARC)
- FTA Section 5317 New Freedom
- Congressionally Directed Funds (Montana, NCPD, DEMO)
- AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA)
- Safe Routes to School (SRTS)

AIR QUALITY CONSISTENCY

Billings was designated as a non-attainment area for both Total Suspended Particulates (TSP) and Carbon Monoxide (CO) on March 3, 1978, (Federal Register, Vol. 44, No. 150, page 45421, August 2, 1979). As such, Billings was required to prepare a Transportation Control Plan (TCP). The TCP identified strategies to mitigate the TSP and CO problems. The TCP is the Billings element of Montana's State Implementation Plan (SIP). The TIP is required to be, and is, consistent with the TCP as discussed in the Billings conformity statement.

In 1987 the standard for TSP was dropped, and a new standard for particulate matter under 10 microns in size (PM - 10) was adopted (7/1/87 at 52 FR 24854). The Environmental Protection Agency (EPA), has also adopted the PM 2.5 standard and Billings is considered to be in compliance with both of these new standards.

CONFORMITY OF THE BILLINGS AREA TRANSPORTATION IMPROVEMENT PROGRAM WITH THE 1990 CLEAN AIR ACT

A portion of the Billings Urbanized Area, (Billings), was designated non-attainment for carbon monoxide (CO) on 3/3/78 (43 FR 8962) with a secondary classification of "unclassified". EPA approved the Billings CO Control Plan on 1/16/86 (51 FR 2397). Billings was then redesignated as

"Not Classified" on 11/6/91 (56 FR 56697). The area meets the qualifications of the Clean Air Act (CAA) for classification as an attainment area for ozone.

The Billings "not classified" carbon monoxide (CO) nonattainment area was re-designated by the Environmental Protection Agency (EPA) to attainment for the CO National Ambient Air Quality Standards (NAAQS) with an approved limited maintenance plan effective April 22, 2002. Under a CO limited maintenance plan, the motor vehicle emissions budgeted may be treated as essentially non-constraining for the length of the maintenance period because growth would need to exceed reasonable expectations to create a violation of the NAAQS for transportation-related CO. Therefore conformity demonstration using regional emissions analysis is not required; however, individual projects may still be required to conduct "hot spot" analysis.

As demonstrated in the following sections, the Transportation Improvement Program (TIP) satisfactorily meets the requirements established by the 1990 amendments to the CAA regarding the conformity of TIP's.

- The most recent estimates of CO mobile source emissions have been developed by the Analytical Services Section, Montana Department of Environmental Quality and are based upon development and transportation data provided by the Yellowstone County Board of Planning.

TRANSPORTATION CONTROL MEASURES

Specific Transportation Control Measures have not been proposed for Billings recently, however, the SIP completed in 1986 included the widening of Exposition Drive (Main Street) and the signalization at Main Street and First Avenue North. Both of these projects were completed in 1983.

There are no Transportation Control Measures (TCM's) in the State Implementation Plan (SIP) and therefore there are no specific TCM's recommended for implementation in this TIP.

TIP CONFORMITY

As a prerequisite for receiving Federal-aid transportation funds through the TIP, a determination must be made that the proposed transportation projects do not cause or contribute to violations of the carbon monoxide ambient air quality standards. An analysis, which meets the EPA conformity determination regulations specified in 40 CFR Part 51 was performed in conjunction with the development of the Billings Urban Area 2009 Transportation Plan. The plan was found to conform at the federal level June 30, 2010. The analysis appears in Section 4, pages 4-24 through 4-27 of the Plan document and is titled "Air Quality/Conformity". As the transportation

projects in the TIP are contained in the Transportation Plan's analysis, a separate analysis for the TIP is not necessary.

There are no new regionally significant projects in this 2010-2014 Billings Urban Area TIP.

NEW PROJECTS EXEMPT FROM REGIONAL ANALYSIS

Project	Scope	Comments
**There are no new exempt projects in the TIP.		

(Table 1): EXEMPT PROJECTS

REGIONALLY SIGNIFICANT PROJECTS

Project	Scope	Comments
6 th Avenue/Bench Connection	Reconstruction	In design
Billings Bypass (aka North Bypass)	Location/Environmental	Ongoing

(Table 2): REGIONALLY SIGNIFICANT PROJECTS

ENERGY CONSERVATION CONSIDERATIONS

Energy impact analyses have been conducted as a part of the urban transportation planning process. In addition, increased attention has been given to energy conservation and contingency planning on a project specific basis.

As part of the 2009 update of the Billings Urban Area Transportation Plan, energy conservation was considered in each of the proposed alternative transportation networks.

The City of Billings has a well-developed transit system, and ride-sharing opportunities have been examined. Transit facilities and highway system proposals will continue to be considered in a comprehensive method through the adopted Transportation Planning process.

The detailed energy conservation analysis of specific projects has been conducted for each of the major highway construction projects recommended in the 2009 update of the Billings Urban Area Transportation Plan.

PROGRAMMING OF NON-URBAN SYSTEM, FEDERAL AID AND STATE FUNDING

Proposed projects involving federal-aid funding, other than urban system funding, that are proposed within existing rights-of-way and which are determined to not significantly change traffic patterns, may not be considered to be of appropriate scale to warrant a modification to a currently valid TIP.

When there is knowledge of such projects prior to the annual adoption of the TIP, each project will be included in the program. Generally, projects falling within this category are those which serve to preserve and maintain the integrity of the existing plant or facility such as: overlays to

improve or maintain surface conditions; bridge expansion joints and deck repairs necessary to maintain structural and surface sufficiency; slope repair necessary to maintain drainage adequacy; etc. Projects of this nature will be identified by MDT with appropriate justification when requesting program approval of federal highway funds.

Local urban area officials will be advised by the Department through the local planning process of the Department's intent to expend federal funds (non-urban system) for such improvements in their area.

(Table 3) -TRANSPORTATION REVENUE ESTIMATES (2010-2014)

BILLINGS, MONTANA

YEAR	SURFACE TRANS PROGRAM (STP) (URBAN)*	MONTANA AIR CONGESTION INITIATIVE (MACI)*	EARMARKS (MT/NCPD/ DEMO)****	SURFACE TRANSPORTATION ENHANCEMENT (CTEP)*		TRANSIT SEC 5316 JARC	TRANSIT SEC 5317 NEW FREEDOM	TRANSIT SEC 5309	TRANSIT SEC 5307		TRANSIT SEC 5310	GAS TAX CITY	GAS TAX COUNTY	TRANSAD	ARRA HIGHWAY	ARRA TRANSIT	OTHER FUNDS (LOCAL)		TOTAL
2010				CITY	\$ 533,502	\$ 150,000	\$ 65,000							**			OPER.	\$ 3,305,486	
	\$ 1,127,496	\$ 3,082,315	\$ 30,325,355	COUNTY	\$ 598,416			\$ 247,000	OPER.	\$ 1,417,608	\$ 138,070	\$ 1,728,501	\$ 272,633	\$ 462,963	\$ 1,000,000	***	SEC.5310	\$ 34,517	\$ 14,163,507
2011				CITY	\$ 493,249	\$ 150,000	\$ 65,000							**			OPER.	\$ 3,354,771	
	\$ 2,587,036	\$ 835,170	\$ 500,000	COUNTY	\$ 195,006				OPER.	\$ 1,633,508	\$ 125,000	\$ 1,732,721	\$ 274,510	\$ 462,963			SEC.5310	\$ 16,750	\$ 12,425,684
2012				CITY	\$ 493,249	\$ 150,000	\$ 65,000							**			OPER.	\$ 3,401,738	
	\$ 2,587,036	\$ 835,170		COUNTY	\$ 195,006					\$ 1,711,588	\$ 125,000	\$ 1,728,501	\$ 272,633	\$ 462,963			SEC.5310	\$ 16,750	\$ 12,044,634
2013				CITY	\$ 493,249	\$ 150,000	\$ 65,000							**			OPER.	\$ 3,449,362	
	\$ 2,587,036	\$ 835,170		COUNTY	\$ 195,006					\$ 1,795,456	\$ 125,000	\$ 1,728,501	\$ 272,633	\$ 462,963			SEC.5310	\$ 16,750	\$ 12,176,126
2014				CITY	\$ 493,249	\$ 150,000	\$ 65,000							**			OPER.	\$ 3,497,653	
	\$ 2,587,036	\$ 835,170		COUNTY	\$ 195,006					\$ 1,883,433	\$ 125,000	\$ 1,728,501	\$ 272,633	\$ 462,963			SEC.5310	\$ 16,750	\$ 12,312,394
TOTAL	\$ 11,475,640	\$ 6,422,995	\$ 30,825,355	CITY	\$ 2,506,498	\$ 750,000	\$ 325,000	\$ 247,000	OPER.	\$ 8,441,593	\$ 638,070	\$ 8,646,725	\$ 1,365,042	\$ 2,314,815	\$ 1,000,000	\$ -	OPER.	\$ 17,009,010	
				COUNTY	\$ 1,378,440												SEC.5310	\$ 101,517	

FUNDING PROJECTIONS ARE BASED ON BEST AVAILABLE INFORMATION AND ARE SUBJECT TO CHANGE GIVEN CURRENT FUNDING UNCERTAINTIES AND UNKNOWN IMPACTS OF FUTURE CONGRESSIONAL OR OTHER FEDERAL ACTIONS.

FEDERAL PROGRAM FUNDING AVAILABILITY MAY IMPACT THE SCHEDULING OF PROJECTS. FUNDING BEYOND 2010 WILL BE SUBJECT TO THE OBLIGATION LIMITATION SET BY THE ANNUAL APPROPRIATION PROCESS.

* Includes carryover

** Includes Local Match

***ARRA FUNDS \$1,884,898 OBLIGATED-REVISED POP IN 2010.

****Pending Congressional Approval

(TABLE 4-a) -TRANSPORTATION PRIORITY LIST BILLINGS, MONTANA						
RANK	PROJECT	TYPE OF WORK	PROJECT LENGTH	PHASE	ESTIMATED COST	FUNDING SOURCE
SURFACE TRANSPORTATION PROGRAM-URBAN (STPU)						
	BENCH BLVD. NORTH - PHASE I	Reconstruction		CONST.	\$3,369,000	STPU
	GRAND AVENUE	Reconstruction	1	PE RW IC CONST.	UNKNOWN UNKNOWN UNKNOWN UNKNOWN	
				TOTAL	\$0	
	32ND STREET WEST	Construction	1.5	PE RW IC CONST.	UNKNOWN UNKNOWN UNKNOWN UNKNOWN	
				TOTAL	\$0	
MONTANA AIR CONGESTION INITIATIVE (MACI)						
1	6TH AVE. TO BENCH BLVD. (CONNECTION)	Grade Separation	0.5	PE	\$1,393,072	CMAQ
					\$215,928	LOCAL
					1,609,000	
EARMARKS						
1	6TH AVE NORTH TO BENCH BLVD. (CONNECTION)			PE	See above	CMAQ/LOCAL
	Phase I			RW	\$404,112	MT
	UTILITY COST			IC	\$1,064,409	MT
				CONST.	\$6,731,408	MT
				LOCAL	\$1,270,999	LOCAL
				TOTAL	\$9,470,928	
	Phase II Beyond the timeframe of this TIP.					
2	BENCH BLVD. NORTH	Reconstruction	3	PE	\$3,488,404	MT
	Phase I			RW	\$590,344	MT
				IC	\$1,073,354	MT
				CONST.	\$3,041,624	MT
				CONST.	\$3,369,000	STPU
				TOTAL	\$11,562,726	
	Phase II Construction beyond time frame of this TIP					
	ZIMMERMAN TRAIL	Add climbing lane for portion of roadway Straighten Curve	1	PE IC CONST. LOCAL	\$735,930 \$254,468 \$6,001,617 \$1,443,276	MT MT MT MT
				TOTAL	\$8,435,291	
	BILLINGS BYPASS (aka North Bypass)	Environmental Review & Location Study	14	PE	\$14,341,661	NCPD/DEMO
					\$8,004,158	MT
				TOTAL	\$22,345,819	
INTERSTATE MAINTENANCE (IM)						
	PINEHILLS INTERCHANGE-SOUTHEAST	Minor Rehab	N/A	PE	\$171,090	IM
				RW	\$0	IM
	PROJECT LET 9/24/2010			IC	\$64,008	IM
				CONST.	\$6,779,900	IM
				TOTAL	\$7,014,998	
	MOSSMAIN INTERCHANGE - EAST	Structure/Safety	N/A	PE	\$162,979	IM
				RW	\$51,402	IM
	PROJECT LET 9/9/2010			IC	\$25,702	IM
				CONST.	\$7,244,100	IM
				TOTAL	\$7,484,183	
NATIONAL HIGHWAY SYSTEM- (NH)						
	BILLINGS-NORTH	PAVEMENT		PE	\$39,921	NH
	PROJECT LET 2/25/2010	PRESERVATION		CONST	\$2,652,900	NH
				TOTAL	\$2,692,821	

(TABLE 4-b) -TRANSPORTATION PRIORITY LIST						
BILLINGS, MONTANA						
SURFACE TRANSPORTATION PROGRAM-URBAN PAVEMENT PRESERVATION(UPP)						
GRAND-DIVISION TO 8TH-BLGS	Overlay/cold mill	0.99	PE	\$41,118	UPP	
			CONST.	\$516,136	UPP	
			TOTAL	\$557,254		
VARIOUS PROJECTS 2012-2014	Pavement Preservation		PE/CONST.	\$ 600,000	UPP(BIENNIAL)	
SURFACE TRANSPORTATION PROGRAM-HIGHWAY SAFETY (HSIP)						
N. FRONTAGE ROAD - SIGNAL/INT. UPGRADE	Traffic signals	N/A	PE	87,761	HSIP	
	Lighting		IC	13,384	HSIP	
			CONST.	687,814	HSIP	
			TOTAL	\$788,959		
SIGNAL-SO. FRONTAGE & ZOO	Signal	N/A	PE	\$95,810	HSIP	
			CONST	\$265,045	IM	
PROJECT LET 4/22/2010			CONST	\$265,002	HSIP	
				\$625,857		
2002 SAFETY IMPROVEMENTS	Roadway	N/A	PE	478,325	HSIP	
VARIOUS LOCATIONS	Roadside Safety		RW	24,000	HSIP	
PROJECT LET 6/10/2010	Improvements		IC	70,165	HSIP	
			CONST.	1,027,706	HSIP	
			TOTAL	\$1,600,196		
PARKHILL /13th - INT. REALIGNMENT	Upgrade	N/A	PE	253,926	HSIP	
			RW	51,000	HSIP	
PROJECT LET 6/10/2010			IC	80,668	HSIP	
			CONST.	614,362	HSIP	
			TOTAL	\$999,956		
SF099 BILLINGS GRAND 17TH SIG	Int Upgrade/Signals		PE	\$29,000	HSIP	
			CONST	\$91,350	HSIP	
			TOTAL	\$120,350		
SURFACE TRANSPORTATION PROGRAM-RAIL PROGRAM (RRP)						
1ST AVENUE SOUTH	Circuitry Upgrade	N/A	PE	\$3,000	STPRP/STPRR	
			CONST.	\$92,055	STPRP/STPRR	
			TOTAL	\$95,055		
RAILROAD CROSSING-HESPER ROAD	Grade Crossing Signals	N/A	PE	\$5,091	STPRP/STPRR	
			CONST.	\$150,545	STPRP/STPRR	
RR AGREEMENT 9/24/2010			TOTAL	\$155,636		
OTHER FUNDING						
STP ENHANCEMENTS	Various Projects		OTHER	688,255	CTEP	
SAFE ROUTES TO SCHOOL	Various Projects		OTHER	Per Project	SRTS	
ANNUAL OPERATION AND MAINTENANCE	Various Projects		OTHER	225,000	LOCAL	
ANNUAL OPERATION AND MAINTENANCE	Various Projects		OTHER	446,000	STATE	
			TOTAL	\$1,359,255		
** CONST. Estimates Include CE Costs						

ADVANCEMENT OF PROJECTS

It is mutually agreed that the first two years of this program is the best estimate of the project phase that will be undertaken during the Biennial timeframe. Occasionally, projects advance through the design process faster than anticipated. An approved project may accelerate into the next logical phase providing that the funding source does not change from that, which was initially identified in the TIP. Federal, State, and local governments have agreed that a TIP revision is not required in order to accelerate a specific project phase, so long as other planned work is not unduly delayed. The priorities with regard to the FTA Section 5307 projects in the Biennial Element are: 1) Operating Assistance.

- The priorities with regard to the FTA Section 5310 projects in the Biennial Element are: 1) Four (4) replacement vehicles for MET Special Transit, 2) Two (2) replacement vehicles for MET Special Transit.
- The priorities with regard to the FTA Section 5309 projects are: 1) Buses and Bus Facilities, and 2) Billings Bus/Medical Facility (Deaconess) per Congressional appropriation.

PRIVATE ENTERPRISE PARTICIPATION

Both the City of Billings and Yellowstone County have locally developed policies and procedures to examine opportunities for private sector participation in the provision of transit services and related support services. The City of Billings adopted resolution 86-15346 which states said policy and provides a process for implementation. The Council approved that resolution on July 7, 1986. Further, a Private Transportation Enterprise Participation Policy (PEP) and implementing procedures were adopted by the MPO's Technical Advisory Committee on April 24, 1986; by the Policy Coordinating Committee on May 8, 1986; and by the Yellowstone County Planning Board on May 13, 1986.

The City's MET Transit Department has examined various opportunities for private sector provision of services. The Department utilizes private tire firms to handle parts of servicing of the tire inventory. The Department also contracts with various private firms for radiator repair, air compressor rebuilds, as well as glass, bodywork on the vehicles, and occasional component rebuilds.

The required TIP documentation related to the PEP process is as follows:

- a) The City of Billings MET Transit System solicited the possible interest or involvement of the private sector in providing leased tires for the MET Transit fleet of coaches. In the spring of 1993, 1996, 2001 and 2006, a Request for Bids was sent to potentially interested private vendors and was also advertised in a local newspaper and a national transit journal. Bids are evaluated based on cost and ability to perform. Two firms requested bid packages. The current contract for the tire lease is in effect through June 30, 2011.
- b) No other proposals were received from the private sector.
- c) There are no known impediments to holding service out for competition.

d) There are no known private sector complaints.

The Yellowstone County Planning Department has and will continue to follow their adopted policy and procedures regarding private sector participation. The mailing list of private providers has been updated and used to provide notice about TAC and PCC meetings, including those that deal with the Unified Planning Work Program, (UPWP), projects and process as well as the TIP process. Through these mailings the private providers are aware of the development of the proposed transit capital and operating projects as well as the proposed paratransit capital projects for the five years covered in the TIP.

FEDERAL TRANSIT ADMINISTRATION PROJECTS

The Federal Transit Act funded projects, including FTA Section 5309 grant projects, (Biennial Element) are intended to insure the continued efficient operation, maintenance and administration of the MET Transit system fleet and facilities, including meeting federal regulations such as the Americans with Disabilities Act (ADA). The operating grants are for the fiscal years of July 2009 to June 2010 and July 2010 to June 2011 and the Section 5309 grant projects will permit Bus and Bus Facilities projects in Fiscal Years 2009-2010 through 2010-2011.

The vehicle purchases for MET Special Transit are projects to enable the City to continue providing the required specialized demand-responsive paratransit service for citizens who are unable to use the MET Transit System due to their disabling conditions. The projects to purchase vehicles for other entities will address some of the transportation needs of developmentally impaired or disabled residents.

(Table 5) -TRANSPORTATION PROJECT PRIORITY LIST		
BILLINGS, MONTANA		
SECTION/PROJECT		PROJECT ESTIMATE
FTA SECTION 5307 (INCLUDES LOCAL FUNDS)		
	OPERATING PROJECT (7-1-09 TO 6-30-2010)	4,723,094
	OPERATING PROJECT (7-1-2010 TO 6-30-2011)	4,988,279
	OPERATING PROJECT (7-1-2011 TO 6-30-2012)	5,113,326
	OPERATING PROJECT (7-1-2012 TO 6-30-2013)	5,244,818
	OPERATING PROJECT (7-1-2013 TO 6-30-2014)	5,381,086
	TOTAL	\$25,450,603
TRANSADE(INCLUDES LOCAL FUNDS)		
	MET SPECIALIZED TRANSPORTATION-OPERATING (2010)	200,000
	MET SPECIALIZED TRANSPORTATION-OPERATING (2011)	140,000
	MET SPECIALIZED TRANSPORTATION-OPERATING (2012)	140,000
	MET SPECIALIZED TRANSPORTATION-OPERATING (2013)	140,000
	MET SPECIALIZED TRANSPORTATION-OPERATING (2014)	140,000
	TOTAL	\$760,000
FTA SECTION 5310(INCLUDES LOCAL FUNDS)		
	NINE (9) REPLACEMENT VEHICLES-TRANSIT (FY2010)	138,070
	REPLACEMENT VEHICLES-TRANSIT (FY2011)	125,000
	REPLACEMENT VEHICLES-TRANSIT (FY2012)	125,000
	REPLACEMENT VEHICLES-TRANSIT (FY2013)	125,000
	REPLACEMENT VEHICLES-TRANSIT (FY2014)	125,000
* DEPENDENT ON FUNDING AND APPLICATION APPROVALS BY MDT		125,000
	*TOTAL	\$763,070
FTA SECTION 5309		
	MET TRANSIT PARATRANSIT SERVICES	247,000
	*TOTAL	\$247,000
FTA SECTION 5316 (INCLUDES LOCAL FUNDS)		
	JARC (OPERATING) 2010	150,000
	JARC (OPERATING) 2011	150,000
	JARC (OPERATING) 2012	150,000
	JARC (OPERATING) 2013	150,000
	JARC (OPERATING) 2014	150,000
	TOTAL	\$750,000
FTA SECTION 5317 (INCLUDES LOCAL FUNDS)		
	NEW FREEDOM (OPERATING) 2010	130,000
	NEW FREEDOM (OPERATING) 2011	130,000
	NEW FREEDOM (OPERATING) 2012	130,000
	NEW FREEDOM (OPERATING) 2013	130,000
	NEW FREEDOM (OPERATING) 2014	130,000
	TOTAL	\$650,000
ARRA TRANSIT (REVISED POP ONLY)		
	MET-CCTV'S/RADIOS	205,000
	MET-BUS WASH/ADMINISTRATION FACILITY REHAB	450,000
	MET-TWO TRANSIT BUSES WITH SPARE POWER PLANT	830,000
	MET-ONE PARATRANSIT VAN	31,898
	MET-PARATRANIST OPERATING FUNDS	180,000
	MET TRANSIT OPERATING FUNDS	188,000
	TOTAL	\$1,884,898
	TOTAL	\$30,505,571

(Table 6) - MULTI-YEAR STAGING PROGRAM						
CALENDAR YEARS 2010-2014						
BILLINGS, MONTANA						
SURFACE TRANSPORTATION PROGRAM	2010	2011	2012	2013	2014	2015
GRAND AVENUE						
32ND STREET WEST						
2002 SAFETY IMPROVEMENTS						
MACI MT FUNDED						
6TH AVE.-BENCH BLVD. CONNECTION (PHASE I)						
PILOT FUNDED						
NONE						
VARIOUS FUNDED						
PARKHILL /13th INTERSECTION						
N. FRONTAGE ROAD - SIGNAL						
MOSSMAIN INTERCHANGE - EAST						
NORTH BY PASS (ENVIRONMENTAL & LOCATION)						
CTEP PROJECTS (VARIOUS)						
BENCH BLVD. NORTH						
ZIMMERMAN TRAIL						
SIGNAL FRONTAGE ROAD & ZOO DRIVE						
***ALL TIME FRAMES ARE APPROXIMATE						
PRELIMINARY ENGINEERING						
RIGHT OF WAY/UTILITIES						
CONSTRUCTION						

(Table 7) - HIGHWAY/TRANSIT MULTI-YEAR IMPROVEMENT PROGRAM FY 2010																		
BILLINGS, MONTANA																		
PROJECT DESCRIPTION	PHASING	STP URBAN (STPU)	MT AIR CONGESTION INITIATIVE (MACI)	Montana DEMO EARMARKS	SURFACE TRANSPORTATION ENHANCEMENT (STPE)		NATIONAL HWY SYSTEM (NHS) INTERSTATE MAINTENANCE	HSP UP RRP	TRANSIT SEC 5307	TRANSIT SEC 5309	TRANSIT SEC 5310**	TRANSIT SEC 5316 (JARC)**	TRANSIT 5317 (NEW FREEDOM)**	TRANSAD (STATE)	ARRA TRANSIT *****	ARRA HIGHWAY	OTHER*	TOTAL
					CITY	COUNTY												
Estimated carryover balance		-1,459,630	1,299,109	\$30,325,355	\$40,253	403,410												
Estimated allocation		2,587,036	1,145,166		\$493,249	195,006	7,534,847	2,264,492	\$1,417,608	247,000	\$138,070	\$123,013	\$80,000	\$100,000	\$1,884,898	\$1,000,000	\$3,580,199	
REVERSED RESCISSION			638,040															
Estimated beginning balance		1,127,406	3,082,315	\$30,325,355	\$533,502	598,416												
RIMROCK RD-SHILOH TO 54TH	CONST		150,000															\$150,000
6TH AVE NORTH TO BENCH BLVD,(CONNECTION)*	Add/PE		202,909															\$202,909
6TH AVE NORTH TO BENCH BLVD,(CONNECTION)*	RW/IC			\$1,377,500														\$1,470,000
PARKHILL/13TH	RW/IC/CONST							\$ 746,030										\$746,030
SIGNAL-SO FRONTAGE & ZOO	CONST						\$ 265,045	\$ 265,002										\$530,047
SF099 GRAND-DIVISION 17TH-SIGNAL	PE							\$ 29,000										\$29,000
GRAND-DIVISION TO 8TH-BLGS	PE							\$ 41,118										\$41,118
2002 SAFETY IMPVMT***	CONST							\$ 1,027,706										\$1,027,706
MOSSMAIN INTCH-EAST	IC/CONST						\$ 7,269,802											\$7,269,802
RAILROAD CROSSING HESPER ROAD	PHASING/PE/CONST							\$ 155,636										\$155,636
CTEP****	CONST															\$1,000,000		\$1,000,000
SAFE ROUTES TO SCHOOL PROGRAM	CONST																\$50,000	\$50,000
TRANSIT OPERATING	OPERATING								1,417,608								\$3,305,486	\$4,723,094
REPLACEMENT VEHICLES	PURCHASE										\$138,070							\$138,070
MET SPECIALIZED TRANS-OPERATING	OPERATING											\$123,013	\$80,000	\$100,000			\$212,963	\$515,976
MET PARATRANSIT SERVICES	OPR/OTHER									247,000							\$61,750	\$308,750
MET-CCTVS/RADIOS	PURCHASE														\$205,000			\$205,000
MET-BUS WASH/ADMINISTRATION FACILITY REHAB	FACILITY REHAB														\$450,000			\$450,000
MET-TWO TRANSIT BUSES WITH SPARE POWER PLANT	PURCHASE														\$830,000			\$830,000
MET-ONE PARATRANSIT VAN	PURCHASE														\$31,898			\$31,898
MET-PARATRANSIT OPERATING FUNDS	OPR														\$180,000			\$180,000
MET-OPERATING FUNDS	OPR														\$188,000			\$188,000
SHILOH ROAD CORRIDOR ADJUSTMENT	PE/IC	\$26,923																
TOTAL		\$ 26,923	\$352,909	\$1,377,500	\$-	\$-	\$ 7,534,847	\$ 2,264,492	\$1,417,608	\$247,000	\$138,070	\$123,013	\$80,000	\$100,000	\$1,884,898	\$1,000,000	\$3,630,199	\$20,243,036
*LOCAL MATCH																		
**DEPENDENT ON FUNDING AND APPLICATION APPROVALS B																		
***INCLUDES U1024 State Avenue, U1028 Hardin Road, I-90 Lockwood																		
****ARRA FOR MAIN STREET UNDERPASS																		
*****Funds obligated -reflecting POP changes only																		

(Table 0) - HIGHWAY/TRANSIT MULTI-YEAR IMPROVEMENT PROGRAM FY2011																
BILLINGS, MONTANA																
PROJECT DESCRIPTION	PHASING	STP URBAN (STPU)	MT. AIR CONGESTION INITIATIVE (MACI)	EARMARKS (NCPD, DEMO, MT)	SURFACE TRANSPORTATION ENHANCEMENT (STPE)		NATIONAL HWY	HSIP/UPP	TRANSIT SEC 5307	TRANSIT SEC 5309	TRANSIT SEC 5310 **	TRANSIT	TRANSIT	TRANSADE	OTHER FUNDS*	TOTAL
							SYSTEM (NHS)					SEC 5316**	5317**			
							INTERSTATE									
							MAINTENANCE									
				***	CITY	COUNTY										
Estimated carryover balance		\$ 1,100,483	\$ 2,729,406	\$ 28,947,855												
Estimated allocation		\$ 2,587,036	\$ 835,170	\$ 5,000,000	\$ 493,249	\$ 195,006	\$ 12,345,907	\$ 1,201,936	\$ 1,633,508	\$ -	\$ 125,000	\$ 150,000	\$ 65,000	\$ 100,000	\$ 3,612,734	
Estimated beginning balance		\$ 3,687,519	\$ 3,564,576	\$ 33,947,855	\$ 493,249	\$ 195,006	\$ 12,345,907	\$ 1,201,936	\$ 1,633,508	\$ -	\$ 125,000	\$ 150,000	\$ 65,000	\$ 100,000	\$ 3,612,734	
6TH AVE NORTH TO BENCH BLVD (CONNECTION)*	IC			\$ 318,644												\$ 318,644
6TH AVE NORTH TO BENCH BLVD (CONNECTION)*	CONST			\$ 7,253,374												\$ 7,253,374
BENCH BOULEVARD-BLGS	ADD PE			\$ 1,838,404												\$ 1,838,404
BENCH BOULEVARD-BLGS	RW			\$ 590,344												\$ 590,344
BENCH BOULEVARD-BLGS	IC			\$ 1,073,354												\$ 1,073,354
BILLINGS-NORTH	CONST						\$ 2,652,900									\$ 2,652,900
PINEHILLS INT-SE	CONST						\$ 6,779,900									\$ 6,779,900
GRAND-DIVISION TO 8TH-BLGS	CONST							\$ 516,136								\$ 516,136
SIGNAL-N FRONTAGE-BLGS	CONST							\$ 685,800								\$ 685,800
ZIMMERMAN TRAIL	PE			\$ 850,000												\$ 850,000
TRANSIT OPERATING (7/10-6/11)	OPERATING								\$ 1,633,508						\$ 3,354,771	\$ 4,988,279
VEHICLE PURCHASES	PURCHASE										\$ 125,000					\$ 125,000
MET SPECIALIZED TRANS	OPERATING											\$ 150,000	\$ 65,000	\$ 100,000	\$ 212,963	\$ 527,963
SAFE ROUTES TO SCHOOL (SRTS) **	CONST														\$ 45,000	\$ 45,000
PARK CITY INTCH-EAST	PE, IC, CONST						\$ 2,913,107									\$ 2,913,107
TOTAL		\$ -	\$ -	\$ 11,924,120	\$ -	\$ -	\$ 12,345,907	\$ 1,201,936	\$ 1,633,508	\$ -	\$ 125,000	\$ 150,000	\$ 65,000	\$ 100,000	\$ 3,612,734	\$ 31,158,205
* LOCAL MATCH ** DEPENDENT ON FUNDING & APPLICATION APPROVAL BY MDT ***Pending congressional approval																

(Table 9) - HIGHWAY/TRANSIT MULTI-YEAR IMPROVEMENT PROGRAM FISCAL YEAR 2012																
BILLINGS, MONTANA																
PROJECT DESCRIPTION	PHASING	STP URBAN (STPU)	MT. AIR CONGESTION INITIATIVE (MACI)	EARMARKS (NCPD, DEMO, MT)	SURFACE TRANSPORTATION ENHANCEMENT (STE)		NATIONAL HWY SYSTEM (NHS) INTERSTATE MAINTENANCE	HSIP/UPP	TRANSIT SEC 5307	TRANSIT SEC 5309	TRANSIT SEC 5310 **	TRANSIT SEC 5316**	TRANSIT 5317**	TRANSIDE	OTHER FUNDS*	TOTAL
					CITY	COUNTY										
Estimated carryover balance		\$ 3,687,519	\$ 3,564,576	\$ 22,023,735	\$ -	\$ -										
Estimated allocation		\$ 2,587,036	\$ 835,170	\$ -	\$ 493,249	\$ 195,006		\$ 727,814	\$ 1,711,588	\$ -	\$ 125,000	\$ 150,000	\$ 65,000	\$ 60,000	\$ 3,601,738	
Estimated beginning balance		\$ 6,274,555	\$ 4,399,746	\$ 22,023,735												
SF069-SIGNAL-N FRONTAGE ROAD	CONST							\$ 687,814								\$ 687,814
BENCH BLVD-BLGS-PHASE I	CONST	\$ 3,369,000		\$ 3,041,624												\$ 6,410,624
TRANSIT OPERATING (7/11-6/12)	OPERATING								\$ 1,711,588						\$ 3,401,738	\$ 5,113,326
VEHICLE PURCHASES	PURCHASE										\$ 125,000					\$ 125,000
MET SPECIALIZED TRANS	OPERATING											\$ 150,000	\$ 65,000	\$ 60,000	\$ 155,000	\$ 430,000
SAFE ROUTES TO SCHOOL (SRTS)**	CONST														\$ 45,000	\$ 45,000
MDT URBAN PAVEMENT PRESERVATION PROJECTS	PE							\$ 40,000								\$ 40,000
																\$ -
																\$ -
																\$ -
TOTAL		\$ 3,369,000	\$ -	\$ 3,041,624	\$ -	\$ -	\$ -	\$ 727,814	\$ 1,711,588	\$ -	\$ 125,000	\$ 150,000	\$ 65,000	\$ 60,000	\$ 3,601,738	\$ 12,851,764
*LOCAL MATCH FOR TRANSIT **DEPENDENT ON FUNDING AND APPLICATION APPROVALS BY MDT																

(Table 10) - HIGHWAY/TRANSIT MULTI-YEAR IMPROVEMENT PROGRAM FISCAL YEAR 2013																
BILLINGS, MONTANA																
PROJECT DESCRIPTION	PHASING	STP URBAN (STPU)	MT. AIR CONGESTION INITIATIVE (MACI)	EARMARKS	SURFACE TRANSPORTATION ENHANCEMENT (STPE)		NATIONAL HWY SYSTEM (NHS) INTERSTATE MAINTENANCE (IM)	HSP	TRANSIT SEC 5307	TRANSIT SEC 5309	TRANSIT SEC 5310**	TRANSIT SEC 5316**	TRANSIT SEC 5317**	TRANSADA	OTHER FUNDS*	TOTAL
				(MT, NCPD				UPP								
				DEMO)												
					CITY	COUNTY										
Estimated carryover balance		\$ 2,905,555	\$ 4,399,746	\$ 18,982,111												
Estimated allocation		\$ 2,587,036	\$ 835,170		\$ 493,249	\$ 195,006	\$ -	\$ 560,000	\$ 1,795,456	\$ -	\$ 125,000	\$ 150,000	\$ 65,000	\$ 70,000	\$ 3,556,830	
Estimated beginning balance		\$ 5,492,591	\$ 5,234,916	\$ 18,982,111												
TRANSIT OPERATING (7/12-6/13)									\$ 1,795,456						\$ 3,305,486	\$ 5,100,942
REPLACEMENT VEHICLES											\$ 125,000				\$ 51,344	\$ 176,344
MET SPECIALIZED TRANS.-OPERATING												\$ 150,000	\$ 65,000	\$ 70,000	\$ 155,000	\$ 440,000
SAFE ROUTES TO SCHOOL (SRTS)**															\$ 45,000	\$ 45,000
MDT URBAN PAVEMENT PRESERVATION PROGRAM	CONST							\$ 560,000								\$ 560,000
TOTAL		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 560,000	\$ 1,795,456	\$ -	\$ 125,000	\$ 150,000	\$ 65,000	\$ 70,000	\$ 3,556,830	\$ 6,322,286
* LOCAL MATCH FOR TRANSIT FUNDING AND APPLICATION APPROVALS BY MDT				**DEPENDENT ON												

(Table 11) - HIGHWAY/TRANSIT MULTI-YEAR IMPROVEMENT PROGRAM FISCAL YEAR 2014

BILLINGS, MONTANA																
PROJECT DESCRIPTION	PHASING	STP URBAN (STPU)	MT. AIR CONGESTION INITIATIVE (MACI)	EARMARKS (MT, NCPD,DEMO)	SURFACE TRANSPORTATION ENHANCEMENT (STE)		NATIONAL HIGHWAY SYSTEM (NHS) ALSO IM	HSIP UPP	TRANSIT SEC 5307	TRANSIT SEC 5309	TRANSIT SEC 5310**	TRANSIT SEC 5316**	TRANSIT SEC 5317**	TRANSADE	OTHER FUNDS*	TOTAL
					CITY	COUNTY										
Estimated carryover balance		\$ 5,492,591	\$ 5,234,916	\$ 18,982,111			\$ -	\$ 40,000	\$ 1,883,433	\$ -	\$ 125,000	\$ 150,000	\$ 65,000	\$ 70,000	\$ 3,554,771	
Estimated allocation		\$ 2,587,036	\$ 835,170		\$ 493,249	\$ 195,006										
Estimated beginning balance		\$ 8,079,627	\$ 6,070,086	\$ 18,982,111												
TRANSIT OPERATING (7/13-6/14)	Operating								\$ 1,883,433						\$ 3,354,771	\$ 5,238,204
VEHICLE REPLACEMENTS**	Purchase										\$ 125,000					\$ 125,000
MET SPECIALIZED TRANS.-OPERATING**	Operating											\$ 150,000	\$ 65,000	\$ 70,000	\$ 155,000	\$ 440,000
SAFE ROUTES TO SCHOOL (SRTS)**	Construction														\$ 45,000	\$ 45,000
MDT URBAN PAVEMENT PRESERVATION	PE							\$ 40,000								\$ 40,000
TOTAL		\$ -	\$ -	\$ -			\$ -	\$ 40,000	\$ 1,883,433	\$ -	\$ 125,000	\$ 150,000	\$ 65,000	\$ 70,000	\$ 3,554,771	\$ 5,888,204
*LOCAL MATCH FOR TRANSIT **DEPENDENT ON FUNDING AND APPLICATION APPROVALS BY MDT																

(Table 12) - BIENNIAL ELEMENT OCTOBER 1, 2009 - SEPTEMBER 30, 2011 (HIGHWAY) BILLINGS, MONTANA							
PROJECT/PHASE	PROJECT NUMBER	PROJECT DESCRIPTION	TOTAL ESTIMATED COST	FEDERAL FUNDS AND SOURCES	NON-FEDERAL FUNDS AND SOURCES	RECIPIENT OF FUNDS	RESPONSIBLE IMPLEMENTING AGENCY
RIMROCK ROAD (SHILOH-54TH) (CONST.)	CM 1034(1)	CONSTRUCTION	150,000	129,870 FHWA	20,130 STATE MATCH	MDT	MDT
6TH AVE. N TO BENCH BLVD. CONNECTION (Add'l PE)	CM 1099 (32)	NEW CONSTRUCTION	202,909	175,679 FHWA	27,230 LOCAL MATCH	MDT	MDT
6TH AVE. N TO BENCH BLVD. CONNECTION (RW)	CM 1099 (32)	NEW CONSTRUCTION	1,470,000	1,272,726 FHWA	197,274 LOCAL MATCH	MDT	MDT
PARKHILL/13TH INTERSECTION (IC/CONST)	HSIP 1099 51	INTERSECTION IMPROVEMENTS	746,030	671,427 FHWA	74,603 STATE MATCH	MDT	MDT
SIGNAL-SO FRONTAGE & ZOO DRIVE (CONST.)	HSIP 1011(5)	SIGNAL	265,002	238,502 FHWA	26,500 STATE MATCH	MDT	MDT
	IM 1011(5)	SIGNAL	265,045	241,827 FHWA	23,218 STATE MATCH	MDT	MDT
SF099 GRAND-DIVISION 17TH-SIGNAL (PE)	HSIP1004	INT UPGRADE/SIGNAL	29,000	26,100 FHWA	2,900 STATE MATCH	MDT	MDT
GRAND-DIVISION TO 8TH (PE)	UPP 1004(9)	OVERLAY/COLD MILL	41,118	35,600 FHWA	5,518 STATE MATCH	MDT	MDT
MOSSMAIN INTERCHANGE E. (IC/CONST.)	IM 90-8 (155)	REHAB/SAFETY	7,269,802	6,632,967 FHWA	636,835 STATE MATCH	MDT	MDT
2002 SAFETY IMPROVEMENTS (CONST.)	HSIP 1099(43)	SAFETY IMPROVEMENTS	1,027,706	924,935 FHWA	102,771 STATE/LOCAL MATCH	MDT	MDT
RAILROAD CROSSING-HESPER ROAD (CONST.)	RRP 56(71)	GRADE CROSSING IMPROVEMENTS	155,636	134,750 FHWA	20,886 STATE/LOCAL MATCH	MDT	MDT
CTEP PROJECTS (PE, RW, IC, CONST)	STPE VARIOUS			FHWA	LOCAL MATCH	MDT	MDT
CTEP PROJECTS-ARRA FUNDING (CONST.)	ARRA		1,000,000	1,000,000 FHWA	0	MDT	MDT
6TH AVE N. TO BENCH BLVD CONNECTION (IC, CONST.)	MT 1099(32)	NEW CONSTRUCTION	7,701,490	6,667,950 FHWA	1,033,540 LOCAL MATCH	MDT	MDT
BENCH BLVD-BILLINGS (Add'l PE)	MT 1036(1)	RECONSTRUCTION	350,000	303,030	46,970	MDT	MDT
BENCH BLVD-BILLINGS (RW)	MT 1036(1)	RECONSTRUCTION	439,274	380,323 FHWA	58,951 STATE MATCH	MDT	MDT
BENCH BLVD-BILLINGS (IC)	MT 1036(1)	RECONSTRUCTION	878,549	760,647 FHWA	117,902 STATE MATCH	MDT	MDT
BILLINGS-NORTH (CONST.)	NH 16-1(20)3	PAVEMENT PRESERVATION	2,652,900	2,296,881	356,019	MDT	MDT
PINEHILLS INT SE (CONST.)	IM 90-8(158)457	MINOR REHAB	6,779,900	6,185,981	593,919	MDT	MDT
GRAND-DIVISION TO 8TH (CONST.)	UPP 1004(9)	CONSTRUCTION	516,136	464,522 FHWA	45,214 STATE MATCH	MDT	MDT
OPERATION AND MAINTENANCE - STATE (PE/CONST.)	N/A	OP./MAINT.	446,000	0 FHWA	446,000 STATE	MDT	MDT
OPERATION AND MAINTENANCE - LOCAL (PE/CONST.)	N/A	OP./MAINT.	225,000	0 FHWA	225,000 LOCAL	MDT	MDT

(Table 13) - BIENNIAL ELEMENT JULY 1, 2009-JUNE 30, 2011 (TRANSIT)					
BILLINGS MONTANA					
PROJECT/FUNDING SOURCE	TOTAL EST COST	FEDERAL FUNDS AND SOURCES	NON-FEDERAL FUNDS AND SOURCES	RECIPIENT OF FUNDS	RESPONSIBLE IMPLEMENTING AGENCY
FTA SECTION 5307					
OPERATING PROJECT (7-1-09 TO 6-30-10)	4,723,904	1,417,608	3,306,296	CITY	CITY
OPERATING PROJECT (7-1-10 TO 6-30-11)	4,987,279	1,488,487	3,498,792	CITY	CITY
FTA SECTION 5309					
MET PARATRANSIT SERVICES-2010	308,750	247,000	61,750	CITY	CITY
FTA SECTION 5310*					
REPLACEMENT VEHICLES(2010)	138,070	110,456	27,614	STATE	VARIOUS LOCAL
REPLACEMENT VEHICLES (2011)	125,000	100,000	25,000	STATE	VARIOUS LOCAL
TRANSAD E*					
MET SPECIALIZED TRANSIT OPERATING-2010	355,325	200,000	155,325	CITY	CITY
MET SPECIALIZED TRANSIT OPERATING-2011	462,963	250,000	212,963	CITY	CITY
FTA SECTION 5316*					
JARC OPERATING-2010	150,000	75,000	75,000	CITY	CITY
JARC OPERATING-2011	150,000	75,000	75,000	CITY	CITY
FTA SECTION 5317*					
OPERATING-2010	130,000	65,000	65,000	CITY	CITY
OPERATING-2011	130,000	65,000	65,000	CITY	CITY
*Dependent on Funding & Application Approvals by MDT	**Funding To Be Determined				

Regular City Council Meeting

Date: 03/14/2011

TITLE: Billings Urban Area Bikeway & Trail Master Plan

PRESENTED BY: Candi Beaudry

Department: Planning & Community Services

Information

PROBLEM/ISSUE STATEMENT

The Billings Area Bikeway & Trail Master Plan is being presented to the City Council for review and recommendation of adoption by the Policy Coordinating Committee. Federal regulations require that local bike and pedestrian plans which use federal dollars must be updated periodically. This update of the existing Heritage Trail Plan is needed to fulfill that requirement. This plan update has been renamed the Billings Area Bikeway & Trail Master Plan and will stand on the shoulders of the previous plan. It places added emphasis on on-street facilities to connect not only trails, but also all destinations that residents may wish to access within the Billings Area. The purpose of this plan update is to:

- Prioritize on-street bikeways
- Prioritize key trail connections to add value, not just mileage to the trail network
- Set guidelines to evaluate the plan after adoption
- Increase integration with MET Transit
- Set standards and funding for the maintenance of existing facilities
- Provide recommendations for educating and encouraging bikeway and trail users
- Maintain and increase bikeway and trail law enforcement
- Promote the system as a healthy, safe mode of transportation

The plan update process was guided by a steering committee made up of City and County officials and staff, Billings Bicycle Advisory Committee (BPAC) members, a representative from BikeNet, and the Billings Chamber of Commerce that have met regularly since last summer. All of the steering committee meetings have been open to the public and people from the community attended some of the meetings during the process.

As part of the plan update and drafting process, there have been two public workshops held, a website established at www.billingstrails.com, and a public hearing held as part of the Planning Board meeting on February 22, 2011. A 45 day public comment period, as per Federal requirements, was also established in January 2011 and completed on February 18.

The BPAC, Technical Advisory Committee (TAC), and Planning Board have all given positive recommendations for approval of the updated plan. The remaining adoption schedule is as follows:

- *City Council Work Session - March 7th
- *Board of County Commission Action - March 11th
- *City Council Regular Meeting - March 14th
- *Policy Coordinating Committee - March 15th

ALTERNATIVES ANALYZED

The City Council may:

1. Recommend approval of the plan to the Policy Coordinating Committee.
2. Recommend denial of the plan to the Policy Coordinating Committee.

FINANCIAL IMPACT

There should be no direct financial impact from the adoption of this plan. The plan will assist with bike and pedestrian planning and the identification of projects throughout the Billings Urban Area. Funding sources for those projects will be identified and approved in the future.

RECOMMENDATION

Staff recommends that the City Council approve the Billings Area Bikeway & Trail Master Plan, and forward a recommendation of adoption to the Policy Coordinating Committee for its meeting on March 15.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Date: 03/14/2011

TITLE: W.O. 09-10; Heights Packaged Water Booster Station Installation,
NorthWestern Energy Powerline Easement

PRESENTED BY: David Mumford

Department: Public Works

Information

PROBLEM/ISSUE STATEMENT

On January 13, the City executed an Agreement with Castlerock Excavating, Inc. (Castlerock) to install a packaged water pumping station previously purchased by the City. One of the contract requirements is to connect power to the pumping station. In order to connect power, an underground electric power line must be run from a pole located at the east side of the City-owned property to a padmount transformer and from the transformer to the station. Since Northwestern Energy (NWE) would own the power line between the transformer and the pole and this line would be located outside any existing easement on City the property, the City must grant NWE an easement for that portion of the underground power line as a condition of receiving power service.

The City-owned property is located in the Billings Heights at 805 Constitution Avenue on Lot 1, Block 27, Kimberly Heights Subdivision. The easement consists of a 40-foot long by 8-foot wide strip of land running generally in a westerly direction from an existing overhead power line to the transformer, which is located 10 feet behind the pump station building in roughly the center of the lot.

ALTERNATIVES ANALYZED

The Council may:

- grant the Corporate Underground Electric Easement to NWE, or
- do not grant the Corporate Underground Electric Easement to NWE.

If the City is unable to grant a power easement, NWE will not provide power to run the booster station.

FINANCIAL IMPACT

As a condition of granting the easement to NWE, the City would agree to collect a sum of \$1.00.

RECOMMENDATION

Staff recommends that Council approve a Corporate Underground Electric Easement for NWE and authorize the Mayor to execute the documents.

APPROVED BY CITY ADMINISTRATOR

Attachments

NWE Easement

AFTER RECORDING, RETURN TO:
NORTHWESTERN ENERGY
LAND & PERMITTING DEPARTMENT
40 East Broadway
Butte, MT 59701-9989

EASEMENT – CORPORATE UNDERGROUND ELECTRIC

City of Billings
a 210 North 27th corporation, whose address is Billings, Mt 59101

"Grantor", in consideration of \$1.00 and other good and valuable consideration, in hand paid, the receipt of which is acknowledged, does grant and convey to **NORTHWESTERN CORPORATION D/B/A NORTHWESTERN ENERGY**, a Delaware corporation, 40 East Broadway, Butte, MT 59701-9394, "Grantee", and to its successors, assigns and apportionees, an easement 8 feet in width, upon which to construct, operate, maintain, replace, upgrade, and remove an underground electric powerline, communications systems, and necessary appurtenances, over, under, along and across, that certain real property located in Yellowstone County, Montana, and particularly described as follows:

TOWNSHIP 1 North, **RANGE** 26 East, **P.M.M.**
SECTION(S): 20: SE 1/4, NE 1/4, A strip of land running from an existing overhead power line, in a Westerly direction, a distance of Forty Feet, more or less, to a Padmount Transformer, to serve a Pump site. Lot 1, Block 27, Kimberly Heights

Subdivision **TOGETHER** with reasonable right of access to and from the easement area over lands of the Grantor using existing roads and trails where practicable; the right to use and keep the easement area free and clear of any and all obstructions or structures, except fences; and the right to clear and remove all timber, brush, or vegetation outside of the easement area that may, in the Grantee's sole opinion, endanger the powerline, communications system, or necessary appurtenances.

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

DATED this _____ day of _____, 2011.

City of Billings
(Name of Corporation)

By: _____
(Signature of Authorized Agent)

Its: _____
(Title of Authorized Agent)

STATE OF _____ Mt _____)
) ss.
COUNTY OF Yellowstone _____)

This instrument was acknowledged before me on _____, 2011,
by _____ known to me to be the _____
(Name of Authorized Agent) (Title of Authorized Agent)
for _____ City of Billings
(Name of Corporation)

NOTARY SEAL WITHIN THE BOX

Signature: _____
Print Name: _____
Notary Public for the State of: _____
Residing at: _____, 20____
My Commission Expires: _____
Project: _____
Agent: Steve McFarland
SAP No.: 24014931
E No.: _____

Regular City Council Meeting

Date: 03/14/2011

TITLE: Storm Drain Easement in Augusta Ranch Subdivision

PRESENTED BY: David Mumford

Department: Public Works

Information

PROBLEM/ISSUE STATEMENT

Augusta Ranch Subdivision was constructed in 2007. Within the subdivision, all of the stormwater is diverted to several boulder pits that were constructed in the southeast portion of the subdivision. Since then, the boulder pits had to be reconstructed by the developer. With the reconstruction, one boulder pit was expanded to deal with larger storm events. The expansion of the boulder pit was into one of the lots owned by the developer. The developer agreed to expand the storm facility and grant the city an easement for the expanded boulder pit.

ALTERNATIVES ANALYZED

Council may:

- Accept a storm drain easement within Augusta Ranch Subdivision, or
- Do not accept a storm drain easement within Augusta Ranch Subdivision.

FINANCIAL IMPACT

There is no significant financial impact with accepting the storm drain easement.

RECOMMENDATION

Staff recommends that the City Council accept a storm drain easement within Augusta Ranch Subdivision.

APPROVED BY CITY ADMINISTRATOR

Attachments

Storm Drain Easement

Storm Drain Easement Map

RETURN TO:
BUSCHER CONSTRUCTION AND DEVELOPMENT, INC.
3671 SPALDING AVENUE
BILLINGS, MONTANA 59106

PERPETUAL RIGHT-OF-WAY EASEMENT FOR STORM DRAIN

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,
this ____ day of August 2008,

Buscher Construction and Development, Inc., ("Grantor"), a Montana corporation, whose address is 3671 Spalding Avenue, Billings, Montana 59106, hereby grants and conveys unto:

THE CITY OF BILLINGS ("Grantee"), a Montana municipal corporation and political subdivision of the State of Montana, whose address is City Hall, Billings, Montana 59101,

a perpetual easement and right-of-way over, across, under, and through the following-described tracts of real property in Yellowstone County, Montana, to-wit:

The east 133.60 feet of the south 26.00 feet of Lot 10, Block 1, Augusta Ranch Estates Subdivision, situated at 6078 Masters Boulevard, Billings, Montana 59106.

This perpetual easement to Grantee is for the purpose of maintaining, repairing, or rebuilding a storm drainage detention system servicing portions of Augusta Ranch Estates Subdivision, including but not limited to the construction, reconstruction, maintenance, operation, service, repair, and replacement of pipelines, inlets, subsurface gravel detention basins, and associated facilities over, across, under, and through the said real property, together with the right of free ingress and egress at all times for the purpose of performing such operations and activities, subject to the following conditions:

1. Grantees acknowledge that any above-ground structural improvements constructed, reconstructed, repaired, or replaced in conjunction with the existing storm drainage system facilities must be built, maintained, replaced,

repaired, and/or landscaped in conformance with the Covenants, Conditions and Restrictions recorded for Augusta Ranch Estates Subdivision, and approved as provided therein.

2. The City of Billings shall exercise all due care not to damage property of any kind, including natural landforms and existing vegetation located outside of the easement right-of-way and shall be responsible for replacing, repairing, and/or re-vegetating with similar vegetation any damage occurring outside the easement right-of-way in conformance with the landscape guidelines of The Yellowstone Country Club, or the neighboring Lot Owners.

Grantor shall continue to have the right to use and enjoy the above-described property, including for ranching purposes, except as to the rights herein granted, subject to the following restrictions:

1. Grantor acknowledges that the maintenance, repair, replacement and upkeep of this storm drainage detention system is the responsibility of the Augusta Ranch Estates Home Owner's Association by agreement running with the land through the Subdivision Improvements Agreement recorded with the subdivision plat.
2. Grantor agrees not to construct, nor cause to be constructed within the easement right-of-way, any type of building or structure, such as, but not limited to, houses, garages, sheds, kennels, fences, nor any other fixed objects of any kind, shape, or form, except as may be licensed by Grantee.
3. Grantor agrees not to plant, nor cause to be planted within the easement, any trees, bushes, shrubs, hedges, nor any other plantings of a similar nature, except as may be licensed by Grantee.
4. Grantor agrees that authorized representatives of the City of Billings can freely travel within the easement right-of-way with their equipment in the performance of their duties at reasonable times, day or night, regardless of outside weather conditions.

HOLD HARMLESS AGREEMENT The parties hereto agree as follows:

1. Grantor agrees that the owner or owners of the above-described property shall at all times fully relieve and save harmless the City of Billings and its authorized representatives from any and all damages to any plant material, ground cover, object, material, equipment, or property of any kind that may be located within the easement right-of-way which cannot, with a minimum of human effort and within a few minutes time period, be removed from the

easement right-of-way by authorized representatives of the City of Billings in exercise of any of their rights under this easement right-of-way.

2. Grantor agrees the owners of the above-described real property shall reimburse the City of Billings for any and all damage claims paid by the City for damages of any type or nature to any and all persons and entities in the event such damage results from or was caused to happen by such owner's failure to comply with any portion of the rights, restrictions, obligations, or responsibilities contained in this agreement.
3. Grantee agrees that it shall at all times fully relieve and save harmless Grantor, its successors, assigns, and authorized representatives for any and all damage of any kind, including but not limited to property damage to natural landforms and vegetation located outside easement right-of-way, damage, or injury to landscaping, sprinklers, or equipment and/or personal injury of any kind arising out of the exercise of any of its rights under this easement right-of-way.

Grantor warrants and covenants that there are no liens or other encumbrances on the described tract or tracts.

The Conditions, Restrictions, Covenants, and Hold Harmless Agreements herein contained shall attach to and run with the land and shall bind the parties hereto and all persons claiming thereunder.

"GRANTOR"

Buscher Construction and Development, Inc.

By: Dennis J. Buscher
Its: President

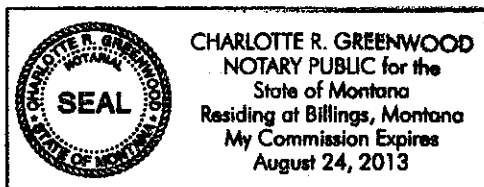
STATE OF MONTANA)

: ss

County of Yellowstone)

On this 14th day of August, 2008, before me, a Notary Public in and for the State of Montana, personally appeared Dennis J. Buscher, known to me to be the President of Buscher Construction & Development, Inc., the corporation that executed the foregoing instrument and acknowledged to me that said corporation executed the same.

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



Charlotte R. Greenwood
Notary Public in and for the State of Montana
Printed name: _____
Residing in Billings, Montana
My commission expires: _____

"GRANTEE"

CITY OF BILLINGS

By: _____

Its: _____

STATE OF MONTANA)
 : ss
County of Yellowstone)

On this ____ day of _____, 2008, before me, a Notary Public in and for the State of Montana, personally appeared _____, known to me to be the _____ of the CITY OF BILLINGS, Montana, the person who executed the foregoing instrument and acknowledged to me that he/she executed the same.

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

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

EXHIBIT A

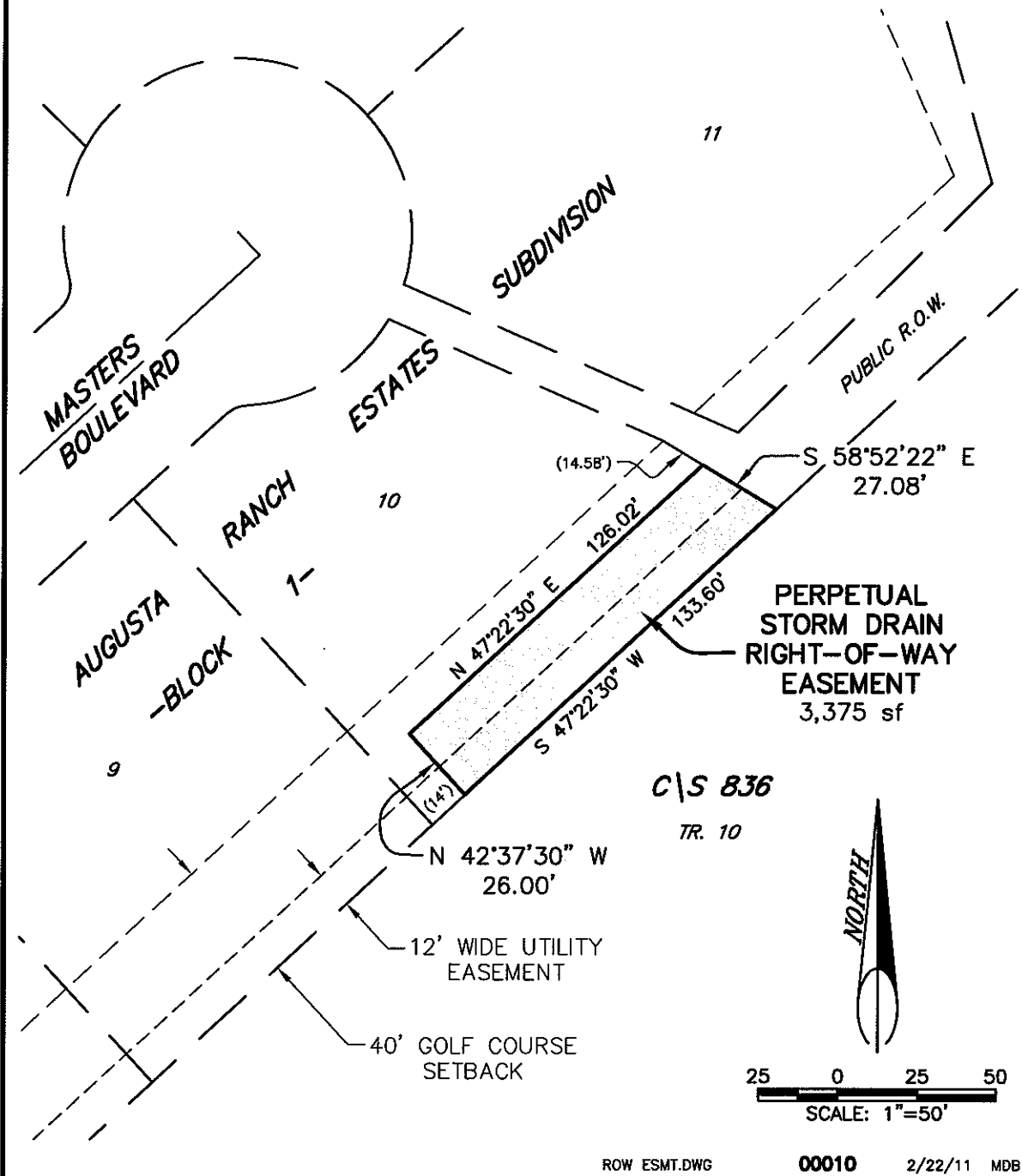
PERPETUAL STORM DRAIN RIGHT-OF-WAY EASEMENT WITHIN LOT 10, BLOCK 1 OF AUGUSTA RANCH ESTATES SUBDIVISION

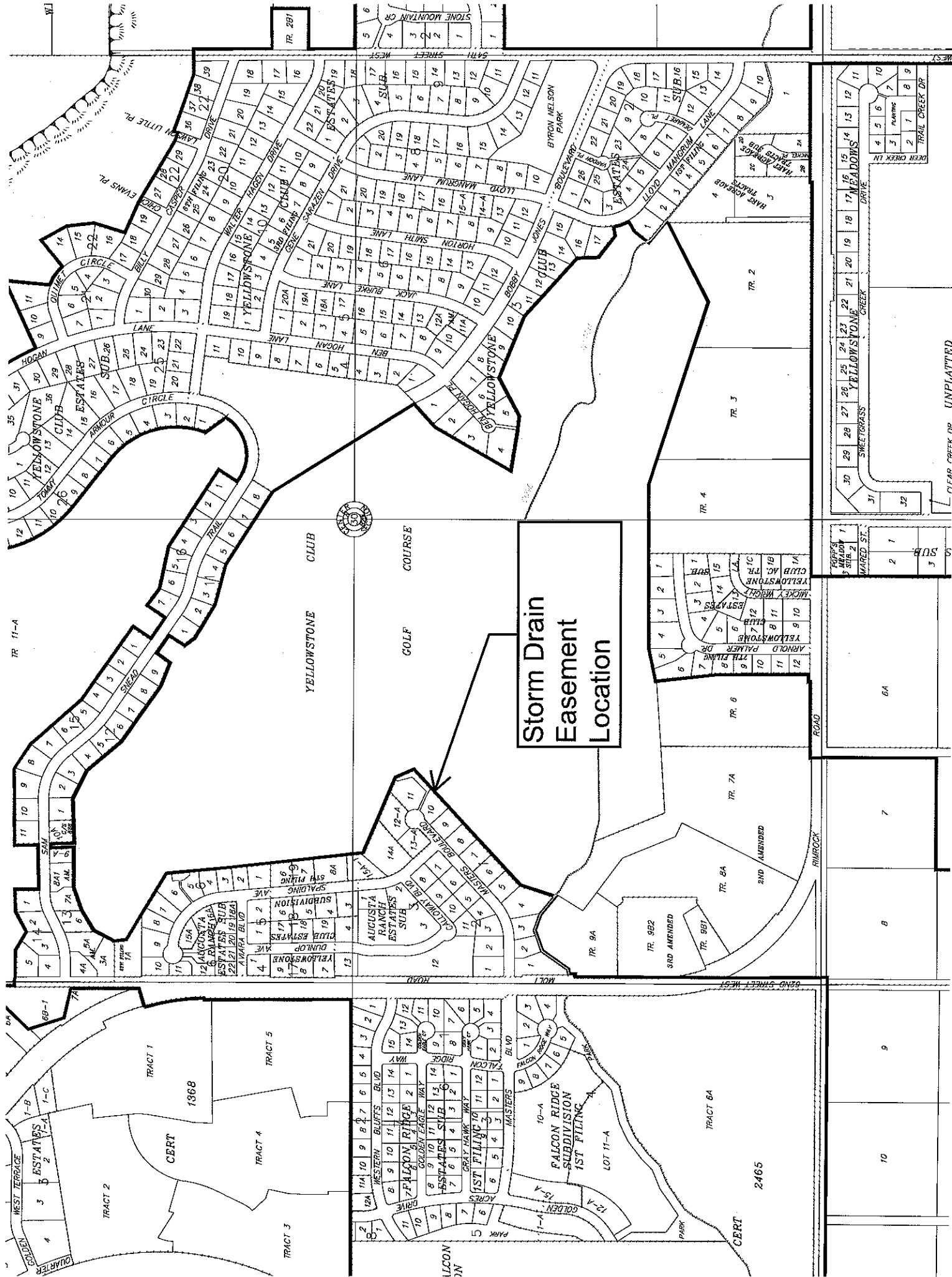
PREPARED FOR : AVIARA, INC.

FEBRUARY, 2011

PREPARED BY : SANDERSON STEWART

BILLINGS, MONTANA





Regular City Council Meeting

Date: 03/14/2011

TITLE: Mountview Cemetery Fee Adjustment

PRESENTED BY: Mike Whitaker

Department: Parks/Rec/Public Lands

Information

PROBLEM/ISSUE STATEMENT

A fee increase of approximately 2% (see attached resolution) in the Cemetery will raise approximately \$2,000 in additional funds per year in an average Cemetery use year. Cemetery fees were last increased on July 1, 2009. The Parks, Recreation and Cemetery Board approved the FY 2012 Cemetery fee request at the February 12, 2011 board meeting. A presentation on the proposed increase was made to the City Council at the February 22, 2011 Work Session. The proposed fee increase is intended to start with the new fiscal year on July 1, 2011.

ALTERNATIVES ANALYZED

Council approval will increase Mountview Cemetery fees.

1. Approve the Resolution (Recommended)
2. Disapprove the Resolution

FINANCIAL IMPACT

This proposal will raise general fund revenue approximately \$2,000.

RECOMMENDATION

Staff recommends that Council approve the proposed fee increase.

APPROVED BY CITY ADMINISTRATOR

Attachments

Resolution

RESOLUTION NO.

A RESOLUTION DIRECTING REVISION OF FEES FOR PURCHASE OF GRAVESITES, NICHEs AND SETUP OF SERVICES AND EXPLANATION OF FEES IN THE CITY OF BILLINGS MOUNTVIEW CEMETERY. REPEALS RESOLUTION NO. 09-18822.

WHEREAS, the City of Billings provides for the purchase of gravesites, niches and setup of services in the City of Billings Mountview Cemetery.

WHEREAS, said fees are established and should apply until changed by subsequent resolution.

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

1. Graves and sale price shall include a thirty-five per cent (~~30%~~) (35%) perpetual care cost. The prices for graves and niches in the Cemetery are:

a. Full size traditional grave	\$690.00	<u>\$705.00</u>
b. Cremation section grave	\$385.00	<u>\$395.00</u>
c. Baby section grave	\$250.00	<u>\$255.00</u>
d. Landmark Columbarium		
(1) Row D single niche	\$1,000.00	<u>\$1,020.00</u>
(2) Row C single niche	\$950.00	<u>\$970.00</u>
(3) Row B single niche	\$900.00	<u>\$915.00</u>
(4) Row A single niche	\$800.00	<u>\$860.00</u>
e. Urn Columbaria North and South		
(1) Rows A & N single niche	\$510.00	<u>\$520.00</u>
(2) Rows B & M single niche	\$525.00	<u>\$535.00</u>
(3) Rows C & L single niche	\$545.00	<u>\$555.00</u>
(4) Rows D & K single niche	\$565.00	<u>\$580.00</u>
(5) Rows E thru J single niche	\$600.00	<u>\$615.00</u>
(6) Rows B & M companion	\$800.00	<u>\$815.00</u>
(7) Rows C & L companion	\$865.00	<u>\$885.00</u>
(8) Rows D & K companion	\$900.00	<u>\$920.00</u>
(9) Rows E thru J companion	\$950.00	<u>\$970.00</u>
f. Simplicity Columbarium		
(1) Row A single niche	\$950.00	<u>\$970.00</u>

(2) Row A companion niche	\$1155.00	<u>\$1180.00</u>
(3) Row B single niche	\$925.00	<u>\$945.00</u>
(4) Row B companion niche	\$1,040.00	<u>\$1,060.00</u>
(5) Row C single niche	\$925.00	<u>\$945.00</u>
(6) Row D single niche	\$875.00	<u>\$895.00</u>
(7) Row E single niche	\$845.00	<u>\$865.00</u>

2. Opening, closing and setup for a full size traditional grave shall include a lowering device and tent. A discount shall be issued, except in the mausoleum, when a tent is impractical to set up for all ground burials. The opening, closing and setup for cremations and infant burials do not include a lowering device, but do include artificial turf, tent and a stand for either the baby casket or urn. The fees for opening, closing and setups during normal business hours are:

a. Full size traditional setup	\$445.00	<u>\$455.00</u>
b. Cremation burial setup	\$325.00	<u>\$335.00</u>
c. Infant burial setup	\$265.00	<u>\$270.00</u>
d. Columbarium setup	\$125.00	<u>\$175.00</u>

3. The normal cemetery business hours for burial services are from 9:00 AM to 4:00 PM, Monday through Friday. For burial services that start after 4:00 PM on Monday through Friday or after ~~11:00 AM~~ 2:00 PM on Saturday, a late overtime fee of \$300 will be charged. ~~The late overtime fee will be charged in ten (10) minute intervals at the rate of \$50.00 per ten minute interval. The minimum late overtime charge is \$50.00 \$300, and the maximum late overtime charge is \$300.00.~~ A normal Saturday ~~morning~~ overtime fee will be charged for burials scheduled between 9:00 AM and ~~11:00 AM~~ 2:00 PM and they are:

a. Saturday traditional setup	\$660.00	<u>\$950.00</u>
b. Saturday cremation burial setup	\$450.00	<u>\$660.00</u>
c. Saturday infant burial setup	\$370.00	<u>\$520.00</u>
d. Saturday columbarium setup	\$165.00	<u>\$265.00</u>

4. The Veteran Sections of the cemetery are special purpose areas. For that reason the city does not make a charge for the grave or niche space, but other charges are issued to compensate for opening, closing, setup, tent, curbing, engraving of the columbarium and flower container. A veteran's cremains may not be buried in a traditional full size veteran grave unless that said grave could not be used for a traditional burial with casket. The fees for burial or inurnment in the veteran section are:

- a. Traditional veteran burial setup ~~\$660.00~~ \$670.00
- b. Saturday traditional veteran burial ~~\$875.00~~ \$1,165.00
- c. Veteran Columbarium setup \$480.00
- d. Saturday Veteran Columbarium setup \$520.00

5. Other charges made for services provided by the cemetery are:

- a. Requested tent setup \$120.00
- b. Discount of tent for traditional setup \$45.00
- c. Flower Container \$30.00
- d. Disinterment of casket and vault ~~\$1,050.00~~ \$1,075.00
- e. Disinterment from mausoleum ~~\$525.00~~ \$535.00
- f. Disinterment of buried urn ~~\$445.00~~ \$455.00
- g. Disinterment of infant grave ~~\$445.00~~ \$455.00

APPROVED this _____ day of _____, 2011

THE CITY OF BILLINGS

BY: _____
Thomas W. Hanel, MAYOR

ATTEST:

BY: _____
Cari Martin, CITY CLERK

Regular City Council Meeting

Date: 03/14/2011

TITLE: Swimming Pool Fees Adjustment

PRESENTED BY: Mike Whitaker

Department: Parks/Rec/Public Lands

Information

PROBLEM/ISSUE STATEMENT

PRPL staff and the PRC Board has reviewed our pool fees structure and is recommending to bring two items more into line with what other Montana cities are charging. For years our policy has been to admit all children under 7 years of age into city pools at no cost. All other major cities in the state now charge admission for children age 3 and over. Since this age group is a substantial portion of pool users we are recommending that our policy be changed to admit children under 5 years of age at no cost. This still allows 3 and 4 year olds admission at no cost whereas other communities are charging for this age group. The city also operates 6 other aquatic facilities where all children under 7 can attend at no cost. It was requested to provide an admission comparison with other cities - it is provided in Attachment C.

The second item is to charge \$5.00 per individual pass issued for a low income family pool pass for either Rose Park or South Park pools. To date these have been issued at no cost, however there are expenses involved in providing these passes for printing, verifying income levels, record keeping and issuing the passes. This nominal fee will help to recover some of these costs. Other cities do not directly provide such low income family passes although some do have a scholarship type program in place.

These two changes will require a repeal and amendment of Resolution No. 09-18906 which was approved on December 21, 2009. Attachment A is the resolution with the changes marked in red, and attachment B is the resolution with the changes made for adoption.

ALTERNATIVES ANALYZED

A review was conducted of other major Montana cities with respect to their admission ages, pricing and issuance of low income pool passes. This recommendation is being made to bring us more in line with what other communities have done with their aquatic admission and fees policies.

FINANCIAL IMPACT

There are many variables involved in predicting revenue for an outdoor pool facility, and the first season with pricing changes can also skew anticipated revenue figures. Weather however can have the biggest impact since our operating season is only 74 days. Based on attendance records for the 2010 season if nothing else changes, we have calculated that these two changes will increase revenue by \$11,470. Since last season was the second worst in attendance in the last 15 years due to weather, the revenue gain hopefully will be greater than this estimate. This amount will fund the summer wages for over three lifeguard positions and will lessen the dependence on the General Fund for our aquatic services.

RECOMMENDATION

It is the recommendation of PRPL staff and the Parks, Recreation & Cemetery Board to approve lowering the age for no cost pool admission from the current 6 & under to 4 & under, and to asses a \$5.00 fee for each individual low income family pool pass issued at both Rose Park and South Park pools.

APPROVED BY CITY ADMINISTRATOR

Attachments

Attachment A

Attachment B

Attachment C

ATTACHMENT A

RESOLUTION NO. 09-18906

A RESOLUTION OF THE CITY OF BILLINGS ESTABLISHING NEW FEES TO BE CHARGED BY THE CITY FOR SERVICES PROVIDED BY THE PARKS, RECREATION AND PUBLIC LANDS DEPARTMENT WITHIN THE RECREATION DIVISION, AND ESTABLISHING AN EFFECTIVE DATE. REPEALS RESOLUTION NO. 08-18693

WHEREAS, The City of Billings provides certain services to the public within the Recreation Division through the Department of Parks, Recreation and Public Lands; and

WHEREAS, it is in the best interest of the citizens of the City that the City continue to be able to provide said services in a prudent fiscal manner and that the City Council establish new fee schedules to provide for said services;

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

1. Fees for Recreation Division Aquatic Services The new fees to be charged by the City for Recreation Division aquatic services provided by the Department of Parks, Recreation and Public Lands, are hereby established as set forth below:

DAILY POOL ADMISSION FEES

South Park Pool	Youth (7-17) 5-17	\$2.00
	Adult 18 & Up	\$4.00
Rose Park Pool	Youth (7-17) 5-17	\$2.50
	Adult 18 & Up	\$5.00
Ages 6 & Under (admitted free when) must be accompanied by an adult		

POOL SEASON PASSES (Non-Transferable)

South Park Pool	Youth 7-17 Pass	\$25.00
	Adult 18 & Up Pass	\$60.00
	Family (Up to 5) Pass	\$75.00
Rose Park Pool	Youth 7-17 Pass	\$50.00
	Adult 18 & Up Pass	\$100.00
	Family (Up to 5) Pass	\$150.00
Family Pass for more than 5 members in same household add \$10 for each additional member		

Low Income Family Individual Pool Pass
Choice of: 20 punch pass for Rose Park Pool
OR
unlimited season pass for South Pool
\$5.00 per individual pass issued

ROSE PARK POOL WATERSLIDE FEES (In addition to admission fee)

Single Slide	\$1.00
All Day Youth (17 & Under)	\$3.00
All Day Adult (18 & Up)	\$4.00
Waterslide Punch Card (25 punches)	\$55.00
For ages 17 & Under non-replaceable/non-refundable	

SWIMMING POOL RENTAL FEES (Limited hours available)

Swim Team Pool Rentals	\$ 75/Day
Rose Pool Rental	\$175/Hour
Rose Waterslide Rental	\$125/Hour
Entire Rose Pool Complex Rental	\$250/Hour
South Park Pool Rental	\$100/Hour

2. Fees for Park Shelter Rentals The new fees to be charged by the City for Park Shelter rentals, are hereby established as set forth below:

Rental Times are from 8:00AM – 10:00PM Daily for the following Craft Houses and Park Shelters: Gorham; Optimist; Sacajawea; and Veterans Craft Houses. Arrowhead; Central; Edgerton; Hawthorne; Rosebud; Riverfront #2; Riverfront #3; South Gazebo; and South Shelters.

All shelters without electricity available	\$40/Day
All shelters with electricity available	\$50/Day
All Park Shelters with enclosed service kitchen areas	\$100/Day
All Park Craft Houses	\$100/Day

Rental Times are from 8:00AM – 2:00PM and/or 3:00PM – 10:00PM Daily for the following Park Shelters: North #1; North #2; Rose; Riverfront #1; and Veterans.

All shelters without electricity available	\$40/Rental Time
All shelters with electricity available	\$50/Rental Time

3. Fees for Picnic and Volleyball Kit Rentals The new fees to be charged by the City for Picnic and Volleyball Kit Rentals are hereby established as set forth below:

Picnic Kit Rentals	\$25.00
Volleyball Kit Rentals	\$30.00
Both Kits	\$40.00

4. Fees for Recreation Center Building Rentals The new fees to be charged by the City for Recreation Center Building Rentals are hereby established as set forth below:

North Park Recreation Center - Hourly	\$ 35
North Park Recreation Center - ½ Day	\$125
North Park Recreation Center - All Day	\$250
Zimmerman Recreation Center - Hourly	\$ 30
Zimmerman Recreation Center - ½ Day	\$100
Zimmerman Recreation Center - All Day	\$200
All Rentals – Damage Deposit Required (Refundable)	\$250

5. Fees for Portable Community Soundstage Rentals The new fees to be charged by the City for Portable Community Soundstage Rentals are hereby established as set forth below:

Non-Profit Organization Event without Alcohol Served:

Basic Soundstage Rental	\$350/Day	\$450/2 Days*
Sound System Rental (additional)	\$ 75/Day	\$100/2 Days*
Nighttime Colored Can Spot		
Lighting Rental (additional)	\$100/Day	\$150/2 Days*

*Same Location

For-Profit Business Event and/or Alcohol Served:

Basic Soundstage Rental	\$550/Day	\$650/2 Days*
Sound System Rental (additional)	\$ 75/Day	\$100/2 Days*
Nighttime Colored Can Spot		
Lighting Rental (additional)	\$100/Day	\$150/2 Days*

*Same Location

Delay in take down fee – after a 15 minute grace period, event organizer will be charged \$50 per ½ hour until the stage crew can begin take down of stage

6. Fees for the Issuance of Park Alcohol Permits (possession/serving only – no sales) The new fees to be charged by the City for Park Alcohol Permits are hereby established as set forth below:

City Park Alcohol Permits* for possession/serving	\$75/Day
--	-----------------

*Not available for all parks

7. Fees for the Issuance of Park Use Permits for Non-Profit Organizations The new fees to be charged by the City for Park Use Permits are hereby established as set forth below:

General Park Use Permits	\$100.00*
Primary User Athletic Park Use Permits	\$50/field/season
Secondary User Athletic Park Use Permits	\$25/field/season
<i>*Plus Cost Recovery for Services provided per employee @ \$38.20/Hr</i>	

8. Miscellaneous fees for services The new fees to be charged by the City for miscellaneous services are hereby established as set forth below:

Service Charge for Refund Processing	\$20.00
Non-Resident Fee per Activity Registration	\$10.00

9. **Term of Fees** Said fees shall take effect immediately and continue in full force and effect until changed by the City Council by subsequent resolution.
10. **Repealer of Previous Fees** Any fees previously established which are inconsistent herewith are hereby repealed.

APPROVED this ____ day of _____, 2009

THE CITY OF BILLINGS

BY: _____
Ron Tussing MAYOR

ATTEST:

BY: _____
Cari Martin CITY CLERK

ATTACHMENT B

RESOLUTION NO. 10-

A RESOLUTION OF THE CITY OF BILLINGS ESTABLISHING NEW FEES TO BE CHARGED BY THE CITY FOR SERVICES PROVIDED BY THE PARKS, RECREATION AND PUBLIC LANDS DEPARTMENT WITHIN THE RECREATION DIVISION, AND ESTABLISHING AN EFFECTIVE DATE. REPEALS RESOLUTION NO. 08-18693

WHEREAS, The City of Billings provides certain services to the public within the Recreation Division through the Department of Parks, Recreation and Public Lands; and

WHEREAS, it is in the best interest of the citizens of the City that the City continue to be able to provide said services in a prudent fiscal manner and that the City Council establish new fee schedules to provide for said services;

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

- 1. Fees for Recreation Division Aquatic Services The new fees to be charged by the City for Recreation Division aquatic services provided by the Department of Parks, Recreation and Public Lands, are hereby established as set forth below:

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Ages 6 & Under must be accompanied by an adult		

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ROSE PARK POOL WATERSLIDE FEES (In addition to admission fee)
Single Slide \$1.00
All Day Youth (17 & Under) \$3.00
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Waterslide Punch Card (25 punches) \$55.00
For ages 17 & Under non-replaceable/non-refundable

SWIMMING POOL RENTAL FEES (Limited hours available)
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Rose Pool Rental \$175/Hour
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All shelters without electricity available	\$40/Day
All shelters with electricity available	\$50/Day
All Park Shelters with enclosed service kitchen areas	\$100/Day
All Park Craft Houses	\$100/Day

Rental Times are from 8:00AM – 2:00PM and/or 3:00PM – 10:00PM Daily for the following Park Shelters: North #1; North #2; Rose; Riverfront #1; and Veterans.

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3. Fees for Picnic and Volleyball Kit Rentals The new fees to be charged by the City for Picnic and Volleyball Kit Rentals are hereby established as set forth below:

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Both Kits	\$40.00

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North Park Recreation Center - Hourly	\$ 35
North Park Recreation Center - ½ Day	\$125
North Park Recreation Center - All Day	\$250
Zimmerman Recreation Center - Hourly	\$ 30
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Zimmerman Recreation Center - All Day	\$200
All Rentals – Damage Deposit Required (Refundable)	\$250

5. Fees for Portable Community Soundstage Rentals The new fees to be charged by the City for Portable Community Soundstage Rentals are hereby established as set forth below:

Non-Profit Organization Event without Alcohol Served:

Basic Soundstage Rental	\$350/Day	\$450/2 Days*
Sound System Rental (additional)	\$ 75/Day	\$100/2 Days*
Nighttime Colored Can Spot		
Lighting Rental (additional)	\$100/Day	\$150/2 Days*

*Same Location

For-Profit Business Event and/or Alcohol Served:

Basic Soundstage Rental	\$550/Day	\$650/2 Days*
Sound System Rental (additional)	\$ 75/Day	\$100/2 Days*
Nighttime Colored Can Spot		
Lighting Rental (additional)	\$100/Day	\$150/2 Days*

*Same Location

Delay in take down fee – after a 15 minute grace period, event organizer will be charged \$50 per ½ hour until the stage crew can begin take down of stage

6. Fees for the Issuance of Park Alcohol Permits (possession/serving only – no sales) The new fees to be charged by the City for Park Alcohol Permits are hereby established as set forth below:

City Park Alcohol Permits* for possession/serving	\$75/Day
--	-----------------

*Not available for all parks

7. Fees for the Issuance of Park Use Permits for Non-Profit Organizations The new fees to be charged by the City for Park Use Permits are hereby established as set forth below:

General Park Use Permits	\$100.00*
Primary User Athletic Park Use Permits	\$50/field/season
Secondary User Athletic Park Use Permits	\$25/field/season
<i>*Plus Cost Recovery for Services provided per employee @ \$38.20/Hr</i>	

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Service Charge for Refund Processing	\$20.00
Non-Resident Fee per Activity Registration	\$10.00

9. **Term of Fees** Said fees shall take effect immediately and continue in full force and effect until changed by the City Council by subsequent resolution.
10. **Repealer of Previous Fees** Any fees previously established which are inconsistent herewith are hereby repealed.

APPROVED this ____ day of _____, 2011

THE CITY OF BILLINGS

BY: _____
Tom Hanel MAYOR

ATTEST:

BY: _____
Cari Martin CITY CLERK

POOL ADMISSION FEE COMPARISONS – MONTANA CITIES 2010

GREAT FALLS

2 & Under	Free
3-17	\$1.50
18 & Up	\$2.50

KALISPELL

0-12 Months	Free
1-15	\$4.00
16 & Up	\$6.00
1-15	\$3.00 Evenings & Sundays
16 & Up	\$4.00 Evenings & Sundays

HELENA

2 & Under	Free
Height under 48 inches	\$3.00
Height over 48 inches	\$4.00
Spectators	\$1.00

BOZEMAN

2 & Under	Free
3-14	\$3.00
15-59	\$4.00
Senior 60+	\$3.00
Family	\$7.00 Friday after 5pm and Sunday 12-6pm ONLY

MISSOULA

2 & Under	Free
3-11	\$3.25
12-17	\$3.75
18-57	\$5.50
Senior 58+	\$3.75

BILLINGS

6 & Under	Free – Rose and South Pools
7-17	Rose \$2.50 South \$2.00
18 & Up	Rose \$5.00 South \$4.00

NOTE: Due to differences in amenities available at these facilities, direct price comparisons may be “apples to oranges” in nature.

Regular City Council Meeting

Date: 03/14/2011

TITLE: Revising Resolution 11-19016, Creating an Ad Hoc City Art Policy
Committee's Members & Tasks

PRESENTED BY: Tina Volek

Department: City Hall Administration

Information

PROBLEM/ISSUE STATEMENT

In January, the City Council appointed a 5-member ad hoc committee to review donation of a painting to the City by Billings artist Mike McFadden by approving Resolution No. 11-19016. The committee was created using a Public Art Policy adopted by Resolution 04-18101. That policy was developed by the Parks, Recreation and Public Lands Department and approved by the Council in March 2004 in response to offers of artwork that year for the former Cobb Field, the Downtown Skatepark and other City parks. Prior to that time, artwork had been displayed at Rose and Veterans parks with the approval of the Parks, Recreation and Cemetery Board, but not with the knowledge of the City Council. The adopted policy was intended to give the Council the final decision on the acceptance of any artwork.

The ad hoc committee reviewed the policy at its first meeting and recommended that it be updated to reflect more recent public acquisition practices before Mr. McFadden's painting was considered. Mr. McFadden, who had witnessed a Council work session discussion along similar lines, graciously agreed to wait to make his gift.

The current Public Art Policy calls only for a member of the Parks, Recreation and Cemetery Board to be on the ad hoc approval committee, not taking into account that a department other than Parks, Recreation and Public Lands might be the recipient of the donation. Two other City departments, the Airport and the Library, have received or may acquire artwork in the future, and their boards would like to have members be part of the committee discussing the policy.

Finally, members of the committee have suggested that a representative from both the Western Heritage Center and the Yellowstone Art Museum be added to its membership to assist in the revised task of updating the policy. The four proposed additions would bring the committee membership to nine, with the other members being the ad-hoc group that was first appointed. The ad-hoc committee consisted of two local artists, an art teacher, a retired Yellowstone County Museum Executive Director and a member of the Parks, Recreation and Cemetery committee.

The attached resolution amends Resolution No. 11-0916 to expand the committee membership and to authorize it to make recommendations to the Council on amending the City Public Art Policy before accepting Mr. McFadden's painting.

This item requires approval of a simple majority of the Council members present.

ALTERNATIVES ANALYZED

The Council may:

- Adopt a resolution to revise the membership and the mission of the ad hoc art committee, leading to an update of the Public Art Policy before considering Mr. McFadden's donation;
- Do nothing and have the ad hoc committee as originally appointed consider Mr. McFadden's donation under the current policy; or
- Adopt some other policy or committee on this issue.

FINANCIAL IMPACT

There is no immediate financial impact for revising the policy, as all the participants are volunteers.

RECOMMENDATION

It is recommended that the Council adopt a resolution revising the ad-hoc committee membership and directing it to update the City's art donation policy before it considers the proposed donation.

APPROVED BY CITY ADMINISTRATOR

Attachments

Public Art Policy

Resolution

RESOLUTION NO. 04-18101

A RESOLUTION OF THE CITY OF BILLINGS ESTABLISHING A PUBLIC ART POLICY
AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, The City of Billings is supportive of Public Art and the many benefits it provides to the community; and

WHEREAS, It is in the best interest of the citizens of the City of Billings that the City have a policy on the placement of public art on city property;

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

1. All public art gifted to the City of Billings will require a transfer of ownership through an agreement approved by the City Council.
2. A five person ad hoc review committee will make recommendations to the City Council on the appropriateness and the placement of public art. The committee shall consist of the following representatives:
 - a. Two members appointed by the Mayor, skilled and/or trained in the evaluation of art.
 - b. One member of the Parks, Recreation and Cemetery Board as appointed by that board.
 - c. Two representatives that have an interest in the project, however it shall not include a representative that is creating or donating the public art.
3. This ad hoc committee will forward their recommendation to the City Administrator or his designee for council consideration. Other approval processes may be incorporated into the review process as deemed appropriate by the City Council.

PASSED by the Billings City Council and APPROVED this 22nd day of March, 2004.



CITY OF BILLINGS

BY:

Charles F. Tooley
Charles F. Tooley, MAYOR

ATTEST:

BY:

Marita Herold
Marita Herold, CMC CITY CLERK

RESOLUTION NO. 11-_____

**AMENDING RESOLUTION NO. 11-19016
OF THE CITY OF BILLINGS, MONTANA, CITY COUNCIL,
TO ADD REVISING THE CITY'S PUBLIC ART POLICY TO THE TASKS OF
AN AD-HOC COMMITTEE ORIGINALLY APPOINTED TO CONSIDER A
PROPOSED GIFT OF ART**

WHEREAS, the City Council of the City of Billings, Montana, on Jan. 3, 2011, approved Resolution No. 11-19016, creating a 5-member ad hoc review committee to make a recommendation to the Council on the acceptance of a painting entitled "Magic" from Billings artist Mike McFadden; and

WHEREAS, the City Council previously discussed the City of Billings' Public Art Policy and found it to be less comprehensive than other public art policies in the region; and

WHEREAS, the ad hoc committee reviewed Resolution No. 04-18101, which established a Public Art Policy for the City of Billings and found it to be inadequate in light of current art policies regionally, and recommended that the Council allow the ad hoc committee to upgrade the policy before accepting any donations; and

WHEREAS, Mr. McFadden generously agreed to allow the ad hoc committee to postpone consideration of his donation until the revised policy was complete; and

WHEREAS, as originally appointed, the ad hoc committee consisted of Charles Fritz and Carolyn Thayer, who are skilled and/or trained in the evaluation of art; Michael Capser and Donna Forbes as representatives interested in art who were not involved in the piece under consideration; and Rachel Cox as a representative from the Parks, Recreation and Cemetery Board; and

WHEREAS, the ad hoc committee further recommended to the City Council that its membership be expanded to include representatives of other departments that have received or might accept art donations in the future, as well as representatives of the Yellowstone Art Museum and the Western Heritage Center.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Billings, Montana, that Resolution No. 11-19016 is hereby amended to:

- (1) Expand the Ad Hoc Art Policy Committee to include a representative of the Library Board to be appointed at its March 10, 2011, meeting; Steve Tostenrud, representing the Aviation and Transit Board; Kevin Kooistra-Manning, Community Historian for the Western Heritage Center; and Robyn Peterson, Yellowstone Art Museum Executive Director; and

- (2) Request the Committee to review the City of Billings' current Public Art Policy and make recommendations for its improvement by April 18, 2011; and
- (3) Upon completing proposed revisions to the Public Art Policy, evaluate Mr. McFadden's painting of Sacrifice Cliff entitled "Magic" and make a recommendation to the Council on its acceptance and placement.

APPROVED by the City Council of the City of Billings this 14 day of March, 2011.

CITY OF BILLINGS

By: _____
Thomas W. Hanel, Mayor

ATTEST:

By: _____
Cari Martin, City Clerk

Regular City Council Meeting

Date: 03/14/2011

TITLE: DBA Purple 5K & Downtown Crit

PRESENTED BY: David Mumford

Department: Public Works

Information

PROBLEM/ISSUE STATEMENT

The Downtown Billings Association requests partial street closures on two days for their second annual 5K Run & Bike Race. The 5K Run will be on Sunday, March 27, 2011 from 8:00 am to 2:00 pm starting at Grandview Boulevard and N. 30th Street on a route through Pioneer Park and finishing under Sky Point. The Bicycle Race street closure will be on Saturday March 26, 2011 from 4:00 pm to 10:00 pm; Broadway between 1st and 3rd Avenues North, 2nd Avenue North between 30th and Broadway, and the south lane of 3rd between 28th and 29th.

Recommended conditions of approval include Downtown Billings Association:

1. Notifying all emergency facilities, bus lines and media at least two weeks in advance of the event
2. Provide a certificate of insurance with required liability amounts naming the City of Billings as additional insured
3. All course guards (flaggers) shall wear safety apparel and use approved STOP/SLOW paddles
4. Provide and install adequate traffic barricades and signs directing motorists around closure and remove barricades during the duration of run
5. Clean area to be used and provide and empty waste cans
6. Details of street closures must be coordinated with City Traffic Engineer no less than one week prior to 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 for are to be paid for by the Downtown Billings Association.

RECOMMENDATION

Staff recommends that Council approve the temporary street closures for the Downtown Billings Associations 5K Run and Bicycle Race Fundraiser.

APPROVED BY CITY ADMINISTRATOR

Attachments

Bike Race & 5K



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 2nd 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 JOE STOUT

ORGANIZATION MAKING APPLICATION BID / SPARE CHANGE FOR REAL CHANGE

ADDRESS 2815 2ND AVE N City BILLINGS State MT Zip 59101

EMAIL ADDRESS JOES@DOWNTOWNBILLINGS.COM

APPROXIMATE TIME EVENT WILL:

Assemble 4:00 PM Start 5:00 PM Disband 10:00 PM

DATE OF EVENT 26 MARCH, 2011

PURPOSE OF EVENT: (Description and detail of plans)

A DOWNTOWN BICYCLE RACE EVENT INTENDED TO RAISE MONEY
AND AWARENESS FOR SPARE CHANGE FOR REAL CHANGE

EVENT ROUTE DESIRED (IF APPLICABLE) - Please attach map

BROADWAY BETWEEN 1ST AND 3RD, 2ND BETWEEN 30TH AND BROADWAY
ONE LANE OF 3RD (SOUTH LANE) BETWEEN 28TH & 29TH WITH STRAW BERM,
TYPE III BARRICADES, AND CONES DIVIDING THE LANES

BLOCK PARTY STREET LOCATION (IF APPLICABLE)

CLEAN UP IMPLEMENTATION: (Company contracted or services you will provide)

BID SERVICES WITH PURPLE PEOPLE, BCS PORTA POTIES

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

In consideration for permission to conduct its activity as requested, applicant agrees to indemnify, defend and hold harmless the City of Billings 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 JOE SCOUT DATE 6 DEC. 2010

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:

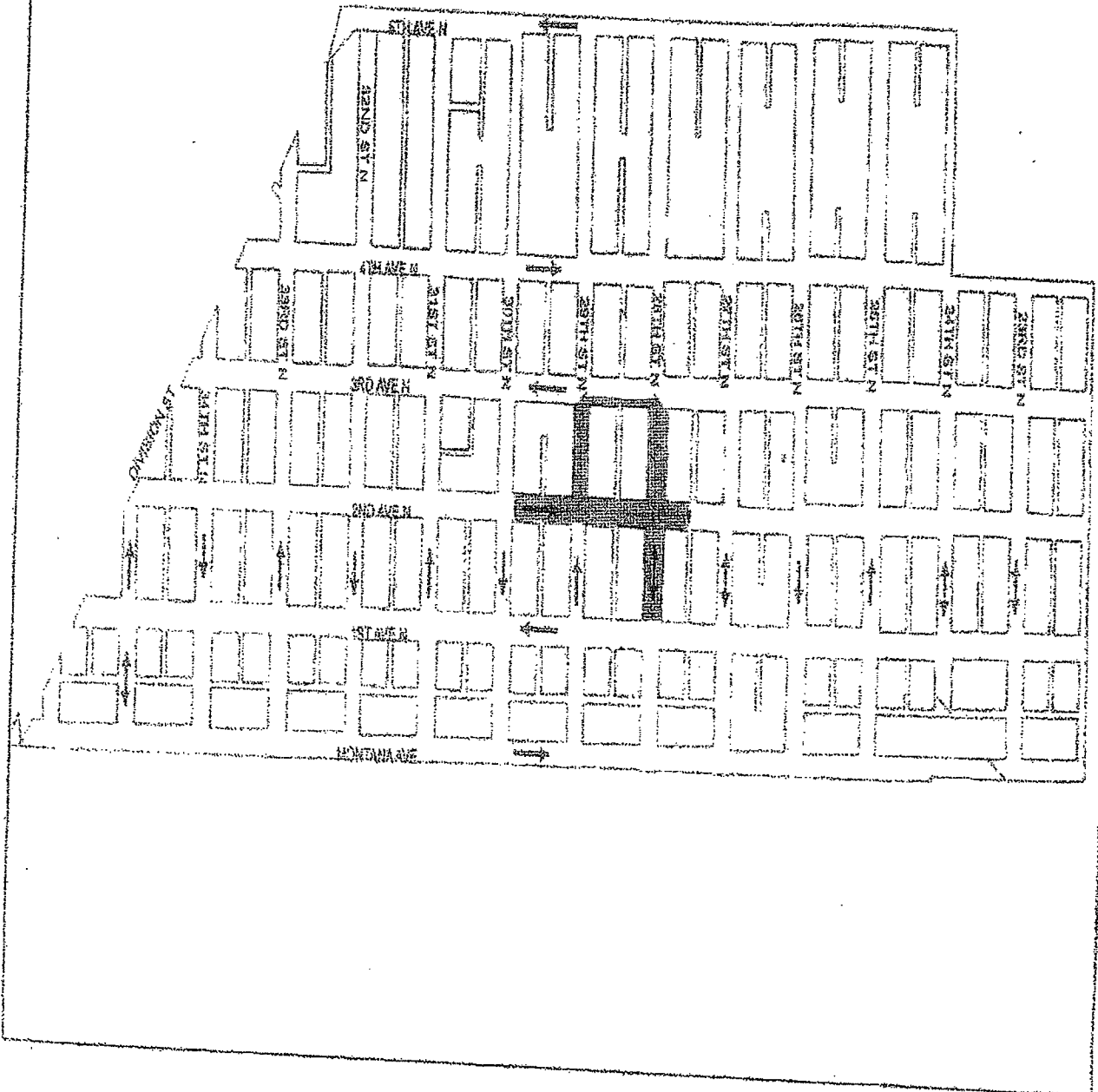
CITY ADMINISTRATOR
DEPUTY CITY ADMINISTRATOR
POLICE CHIEF
FIRE CHIEF
FIRE MARSHALL
MET TRANSIT MANAGER
STREET/TRAFFIC SUPERINTENDANT
TRAFFIC ENGINEER
PRPL DIRECTOR
PARKING SUPERVISOR
CITY ATTORNEY

2nd Annual Bicycle CRIT (March 26, 2011) and Purple 5K (March 27, 2011)

List All of the Businesses impacted by the closure and have them "sign off" on the event

	Business Name:	Address:	Signature:
1	Hippy Conquer	2813 2nd Ave N	[Signature]
2	Bottlegog	2814 2nd Ave N	[Signature]
3	Montagues	2810 2nd Ave N	[Signature]
4	Douglas Edibles	2712 2nd Ave N	[Signature]
5	Excite Nations	207 N. Broadway	[Signature]
6	HELIEZAHILL	271N BROADWAY	[Signature]
7	Rearie Blossom	225 N. Broadway	[Signature]
8	CRICKET LIGHTING CO.	2814 2nd Ave N	[Signature]
9	Meridian	2818 2nd Ave N	[Signature]
10	Sham Dal	110 N. 29th St.	[Signature]
11	Lipstick Bismarck	116 N. 29th	[Signature]
12	Active Project	2723 2nd Ave N	[Signature]
13	Joe AKOM	2917 2nd Ave N	[Signature]
14	Pam Vador	502 N. 50th	[Signature]
15	Pharm Store	323 N. 29th	[Signature]
16	Up Close Hair	113 N. Broadway	[Signature]
17	J. Smutzkin Bn 119	119 N BROADWAY	[Signature]
18	Q-1 Int. Market	121 N. Broadway	[Signature]
19	Pharm Store	106 N. Broadway	[Signature]
20	IN STEP Shoes	108 N. Broadway	[Signature]

Downtown Billings Street Direction Map



ACORD CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
12/28/2010

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

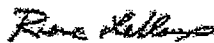
IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Hub Int'l. Mountain States Ltd 3533 Gabel Road Billings, MT 59102 406.652-9151	CONTACT NAME Brooke Overbeak PHONE 4066529151 FAX 4066527838 EMAIL Rhonda.Schultz@hubinternational.com ADDRESS PRODUCER CUSTOMER ID #
INSURED Downtown Billings Association, Inc. 2815 2nd Ave. North Billings, MT 59101	INSURER(S) AFFORDING COVERAGE INSURER A: Travelers Property Casualty Co NAIC # 25674 INSURER B: Travelers Indemnity Company 25658 INSURER C: INSURER D: INSURER E: INSURER F:

COVERAGES		CERTIFICATE NUMBER:		REVISION NUMBER:	
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.					
INSR	TYPE OF INSURANCE	ADDL SUBR	POLICY NUMBER	POLICY EFF	POLICY EXP
CLASS		NSR		(MM/DD/YYYY)	(MM/DD/YYYY)
A	GENERAL LIABILITY ☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PRO-JECT ☐ LOC		XGB04885M434TIL10	07/01/2010	07/01/2011
					LIMITS EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Per occurrence) \$300,000 MED EXP (Any one person) \$5,000 PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMMOD AGG \$2,000,000 \$
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ ALL OWNED AUTOS ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ☐ NON-OWNED AUTOS				COMBINED SINGLE LIMIT (Per accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$ \$
B	UMBRELLA LIAB ☒ OCCUR EXCESS LIAB ☐ CLAIMS-MADE DEDUCTIBLE ☒ RETENTION \$ 10000		XSMCUP0429T327IND1	07/01/2010	07/01/2011
					EACH OCCURRENCE \$1,000,000 AGGREGATE \$1,000,000 \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/OWNER EXCLUDED? ☐ Y/N N/A (Mandatory in NH) If yes, describe below: DESCRIPTION OF OPERATIONS below				TWC STATU- TORY LIMITS ☐ 10TH- IER... E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

RE: Special Events-It is understood and agreed that the Certificate Holder is named as Additional Insured but only with respect to its liability arising out of the activities of the Named Insured per form CGD443 07 08.

CERTIFICATE HOLDER City of Billings PO Box 1178 Billings, MT 59104	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
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EVENT APPLICATION – WITH STREET CLOSURE Permit Application

Below you will see a step by step process that must be implemented in order to close streets and hold an event. You may stage and implement your own event downtown or make use of the Business Improvement District's "Kit of Parts." In any case, you must obtain your own street closure permission and provide your own liability insurance.

STEP 1: Make sure you have a PLAN AND that your block neighbors are "on board" with the idea...or, at least, do not object to your plan.

-Date(s) of Event: 26 MAR 2011

-Does this event require any Street Closure? ☒ Yes ☐ No

-Do you have Liability Insurance that will cover this event? ☒ Yes ☐ No
(You will be required to provide a "Binder" to the City of Billings showing coverage)

-Will you be serving alcoholic beverages? ☒ Yes ☐ No
(A permit may be required from the Billings Police Department)

What Blocks will be closed: (Example: The 200 Block of N. Broadway)

List all: 100 BLOCK OF N. B. WAY, 200 BLOCK OF N. BROADWAY
2800, 2900 BLOCK OF 2ND N
200 BLOCK OF 29TH
SOUTH LANE OF 2800 BLOCK OF 3RD N.

Briefly Describe Your Event Activity/Participants:

A BICYCLE RACE TO RAISE MONEY FOR SPARE CHANGE FOR
REAL CHANGE

-Specify the exact date and TIME the blocks noted above will be CLOSED: 3:30 PM

-Specify the exact date and TIME the blocks noted above will be REOPENED: 10 PM

-Indicate your traffic re-route plan: **BE SPECIFIC...SEE EXAMPLE**

(Example if closing the 200 Block of N. Broadway...Northbound traffic on N. 28th would be diverted west at 1st Ave. North then resume northbound at N. 29th & southbound traffic on N. 28th would be diverted east at 2nd Ave. North then resume southbound at N. 27th)

2ND AVE TRAFFIC WILL BE RE ROUTED SOUTH ON N. 30 TO MONTANA

NORTHBOUND ON BROADWAY WILL BE SENT WEST ON FIRST TO RESUME N ON N 31

SOUTHBOUND ON BROADWAY WILL BE SENT WEST ON 3RD TO RESUME S ON N 30TH



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 2nd 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: Joe Stout, BID Street Supervisor and Greg A. Krueger, Devel. Dir.

ORGANIZATION MAKING APPLICATION: Downtown Billings Association, Inc.

ADDRESS: 2815 2nd Ave. N. City: Billings State: MT Zip: 59101

EMAIL ADDRESS: jstout@downtownbillings.com or gregk@downtownbillings.com

APPROXIMATE TIME EVENT WILL:

Assemble 8:00 am Start 10:00 am Disband 2:00 pm

DATE OF EVENT Sunday, March 27, 2011

PURPOSE OF EVENT: (Description and detail of plans) Second annual Purple 5K run/walk/race to raise funds for and awareness of homelessness in Billings and the activities of the Spare Change for Real Change program.

EVENT ROUTE DESIRED (IF APPLICABLE) – Please attach map The race will begin at 10:00 with all runners and walkers starting together. Assembly will take place in Grandview Park by MSU Billings and the race will follow the route established and used successfully last year PLEASE SEE MAP FOR DETAILS. Awards and after-race party will take place under Skypoint with Broadway and 2nd remaining closed until disbanding at approximately 2:00 pm.

BLOCK PARTY STREET LOCATION (IF APPLICABLE) See above.

CLEAN UP IMPLEMENTATION: (Company contracted or services you will provide) Set up, closure and clean up will be handled by the B.I.D. Purple People and volunteers.

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 PLACEMENT, BE ENVIRONMENTALLY SAFE, AND NOT CONFLICT WITH EXISTING MARKINGS.

FOR DOWNTOWN EVENTS: YOU OR THE ORGANIZATION YOU REPRESENT MUST "ASSIGN" THE FIRST TWO BLOCKS OF THE DOWNTOWN 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.

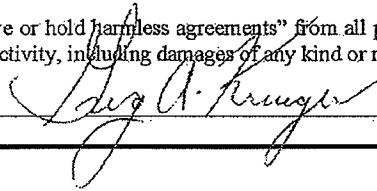
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COORDINATOR OF EVENTS WITH ALCOHOL WILL BE CONSUMED IN PUBLIC RIGHT-OF-WAY ARE REQUIRED TO OBTAIN AN OPEN CONTAINER PERMIT FROM THE POLICE DEPT.

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

In consideration for permission to conduct its activity as requested, applicant agrees to indemnify, defend and hold harmless the City of Billings 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 February 9, 2011

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

2nd Annual Bicycle CRIT (March 26, 2011) and Purple 5K (March 27, 2011)

List All of the Businesses impacted by the closure and have them "sign off" on the event

	Business Name:	Address:	Signature:
1	Hippy Conscience	2813 2nd Ave N.	[Signature]
2	Botttega	2814 2nd Ave N.	[Signature]
3	Montague	2810 2nd Ave N.	[Signature]
4	Paula's Edibles	2712 2nd Ave N.	[Signature]
5	IndiAN Nations	207 N. Broadway	[Signature]
6	BELEZA SALON	217 N. BROADWAY	[Signature]
7	Rosario Blossom	225 N. Broadway	[Signature]
8	Cricket Clothing Co.	2814 2nd Ave N.	[Signature]
9	Meridian	2818 2nd Ave N.	[Signature]
10	Sherry Daly	110 N. 29th St.	[Signature]
11	David Bickman	116 N. 29th	[Signature]
12	Perfect Perfect	2923 2nd Ave N.	[Signature]
13	Joe AKIM	2917 2nd Ave N.	[Signature]
14	Tom Udo	202 N. 29th	[Signature]
15	Bubba Shirel	223 N. 29th	[Signature]
16	Y. C. [unclear]	113 N. Broadway	[Signature]
17	J. Mentzer Bn 119	119 N. BROADWAY	[Signature]
18	Q. J. [unclear]	150 N. Broadway	[Signature]
19	M. [unclear]	106 N. Broadway	[Signature]
20	IN STEP shoes	108 N. Broadway	[Signature]

ACORD

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
12/28/2010

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Hub Int'l. Mountain States Ltd 3533 Gabel Road Billings, MT 59102 406 652-9151	CONTACT NAME Brooke Overbeek PHONE (A/C, No, Ext): 4066529151 FAX (A/C, No): 4066527838 E-MAIL ADDRESS: Rhonda.Schultz@hubinternational.com PRODUCER CUSTOMER ID #:																					
INSURED Downtown Billings Association, Inc. 2815 2nd Ave. North Billings, MT 59101	<table border="1"> <tr> <th colspan="2">INSURER(S) AFFORDING COVERAGE</th><th>NAIC #</th></tr> <tr> <td>INSURER A:</td><td>Travelers Property Casualty Co</td><td>25674</td></tr> <tr> <td>INSURER B:</td><td>Travelers Indemnity Company</td><td>25658</td></tr> <tr> <td>INSURER C:</td><td></td><td></td></tr> <tr> <td>INSURER D:</td><td></td><td></td></tr> <tr> <td>INSURER E:</td><td></td><td></td></tr> <tr> <td>INSURER F:</td><td></td><td></td></tr> </table>	INSURER(S) AFFORDING COVERAGE		NAIC #	INSURER A:	Travelers Property Casualty Co	25674	INSURER B:	Travelers Indemnity Company	25658	INSURER C:			INSURER D:			INSURER E:			INSURER F:		
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INSURER D:																						
INSURER E:																						
INSURER F:																						

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

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

INSR LTR	TYPE OF INSURANCE	ADDITIONAL INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY		X6604885M434TIL10	07/01/2010	07/01/2011	EACH OCCURRENCE \$1,000,000
	☒ COMMERCIAL GENERAL LIABILITY					DAMAGE TO RENTED PREMISES (EA OCCURRENCE) \$300,000
	☐ CLAIMS-MADE ☒ OCCUR					MED EXP (Any one person) \$5,000
	GEN'L AGGREGATE LIMIT APPLIES PER:					PERSONAL & ADV INJURY \$1,000,000
	☐ POLICY ☐ PRO-JECT ☐ LOC					GENERAL AGGREGATE \$2,000,000
	AUTOMOBILE LIABILITY					PRODUCTS - COMPROP AGG \$2,000,000
	☐ ANY AUTO					
	☐ ALL OWNED AUTOS					COMBINED SINGLE LIMIT (EA accident) \$
	☐ SCHEDULED AUTOS					BODILY INJURY (Per person) \$
	☐ HIRED AUTOS					BODILY INJURY (Per accident) \$
	☐ NON-OWNED AUTOS					PROPERTY DAMAGE (Per accident) \$
						\$
						\$
B	UMBRELLA LIAB ☒ OCCUR		XSMCUP0429T327IND1	07/01/2010	07/01/2011	EACH OCCURRENCE \$1,000,000
	EXCESS LIAB ☐ CLAIMS-MADE					AGGREGATE \$1,000,000
	DEDUCTIBLE					\$
	☒ RETENTION \$ 10000					\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY					IWC STATU-TORY LIMITS
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	Y/N				OTH-ER
	If yes, describe under DESCRIPTION OF OPERATIONS below	N/A				E.L. EACH ACCIDENT \$
						E.L. DISEASE - EA EMPLOYEE \$
						E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

RE: Special Events-It is understood and agreed that the Certificate Holder is named as Additional Insured but only with respect to its liability arising out of the activities of the Named Insured per form CGD443 07 08.

CERTIFICATE HOLDER

CANCELLATION

City of Billings PO Box 1178 Billings, MT 59104	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
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Regular City Council Meeting

Date: 03/14/2011

TITLE: Elephants on Broadway

PRESENTED BY: David Mumford

Department: Public Works

Information

PROBLEM/ISSUE STATEMENT

The Al Bedoo Shrine Circus and Tim Goodridge request street closures from 4:00 pm to 9:00 pm between the 2700 and 2800 blocks of 2nd Avenue North and the 100 and 200 blocks of North 28th Street under Skypoint for its annual "Elephants on Broadway" Tuesday, March 29, 2011.

Recommended conditions of approval include the Shrine Circus:

1. Contact all businesses and make them aware of the event
2. Clean the area to be used and provide and empty waste cans
3. Notify all emergency facilities, bus lines and media making them aware of the event
4. Provide and install adequate traffic barricades and signs directing motorists around closure
5. Provide certificate of insurance naming City of Billings as additional insured
6. Provide a minimum of 10ft wide unobstructed lane on all streets that will be closed for emergency access

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 of Billings for this event.

RECOMMENDATION

Staff recommends that Council approve the temporary closure of the streets named above for this annual event "Elephants on Broadway".

APPROVED BY CITY ADMINISTRATOR

Attachments

Elephants on Broadway



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

PERSON MAKING APPLICATION

ORGANIZATION MAKING APPLICATION

PHONE

ADDRESS

EMAIL ADDRESS

APPROXIMATE TIME EVENT WILL:

Assemble

Start

Disband

DATE OF EVENT

PURPOSE/DESCRIPTION OF EVENT: (Description and detail of the event.)

Elephants on Broadway

Elephants, clowns, bands and circus performers will be under sky point to welcome the circus to town

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

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

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

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

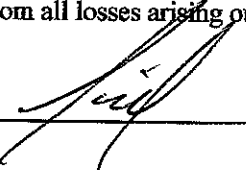
IF USING THE ESTABLISHED EVENT ROUTE, THE CITY WILL PROVIDE TWO POLICE OFFICERS WITH VEHICLES TO START THE EVENT, AND A STREET SWEEPER, IF NECESSARY, TO FOLLOW THE EVENT.

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

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

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

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

APPLICANT SIGNATURE  DATE 2/24/11

APPLICATION APPROVED _____ DATE _____

APPLICATION DENIED _____ DATE _____

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

FOR CITY USE ONLY

FEE: _____

APPLICANT NOTIFIED BY: _____

DATE: _____

COPIES TO:

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

The Billings Al Bedoo Shrine welcomes the 60th annual Shrine Circus to town on March 29 with "Elephants on Broadway".
 On Tuesday March 29, 2011 Elephants, Clowns, Bands and other Circus performers will be under Skypoint to meet and greet the folks
 of Billings in the traditional circus arrival from years gone by. Area merchants are encouraged to participate in the circus theme to
 make the day fun and memorable

I support the closure of 2700 & 2800 blocks of 2nd Ave. North and the 100 & 200 blocks of 28th St. North on March 29, 2011 from
 5pm-9pm for "Elephants on Broadway".

Address	Property Owner	Business Name	Signature
208 N. Broadway	Todd Hersh Towner	D.H. Davidson	Todd Hersh
208 N. Broadway	W. H. Walsh Towner	MSJ Billings	El Clas
211 N. Broadway	Amey Finden	Deutsche Bank	Amey Finden
213 N. Broadway	Lee Thompson	Edward Jones	Edward Jones
207 N. Broadway	Valley Federal Credit Union	WFOV	WFOV
207 N. Broadway	A. C. O. S.	N. W. N.	W. H. O. S.
201 N. Broadway	Wishy Chevrolet	Buchanan Capital	Wishy Chevrolet
119 N. Broadway	Stephen Ventner	BIN 119	Stephen Ventner
113 N. Broadway	Kennedy	Holmberg	Holmberg
105 N. Broadway	Ernstosstad	A. D. Breathue	Ernstosstad

The Billings Al Bedoo Shrine welcomes the 60th annual Shrine Circus to town on March 29 with "Elephants on Broadway". On Tuesday March 29, 2011 Elephants, Clowns, Bands and other Circus performers will be under Skypoint to meet and greet the folks of Billings in the traditional circus arrival from years gone by. Area merchants are encouraged to participate in the circus theme to make the day fun and memorable

I support the closure of 2700 & 2800 blocks of 2nd Ave. North and the 100 & 200 blocks of 28th St. North on March 29, 2011 from 5pm-9pm for "Elephants on Broadway".

Address	Property Owner	Business Name	Signature
<u>106 N. Broadway</u>	Robert Mike Smith	The Shop Place	Michael Jones
<u>108 N. BROADWAY</u>	<u>U. Kotae</u>	<u>UNSTEP</u>	<u>U. Kotae</u>
<u>112 N. Broadway</u>	<u>MSL-Billings</u>	<u>Jackets and Co.</u>	<u>Michaela Mielser</u>
<u>116 N Broadway</u>	<u>Z Pizza</u>	<u>Z Pizza</u>	<u>Shane</u>
<u>124 N Broadway</u>	<u>THE BARBECUE</u>	<u>SAME</u>	<u>Shane</u>
<u>124 N BROADWAY</u>	<u>ROCK CREEK CATERERS</u>		<u>Shane</u>
<u>2810 2nd Ave</u>	<u>Montagues Jewellers</u>	<u>The Barbek</u>	<u>Brianne Lehar</u>
<u>2814 2nd Ave</u>	<u>Katie Ellis</u>	<u>Bottega</u>	<u>Danielle</u>
<u>2814 2nd Ave</u>	<u>Bluesgreen</u>	<u>Lucas Clothing</u>	<u>Julianne</u>
<u>2819 2nd Ave N</u>		<u>Deamonds</u>	<u>Mark Blake</u>

I support the closure of 2700 & 2800 blocks of 2nd Ave. North and the 100 & 200 blocks of 28th St. North on March 29, 2011 from 5pm-9pm for “Elephants on Broadway”.

Signature

Signature Debra D. Selman

Shubal

ACORD. CERTIFICATE OF INSURANCE

ISSUE DATE (MM/DD/YYYY)

2-15-11

PRODUCER

Doug Irion Insurance
P.O. Box 50965
Billings, MT 59105

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

COMPANIES AFFORDING COVERAGE

COMPANY LETTER A	Prætorian Insurance
COMPANY LETTER B	
COMPANY LETTER C	
COMPANY LETTER D	
COMPANY LETTER E	

INSURED

Al Bedoo Shrine Temple, A.A.O.N.M.S
Its Clubs and Units
1125 Broadwater Avenue
Billings, MT 59102

COVERAGES

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

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YYYY)	POLICY EXPIRATION DATE (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY	H981000342-03	5/01/10	5/01/11	GENERAL AGGREGATE \$ 5,000,000
	☒ COMMERCIAL GENERAL LIABILITY				PRODUCTS-COMP/OP AGG. \$ 2,000,000
	☐ CLAIMS MADE ☒ OCCUR				PERSONAL & ADV. INJURY \$ 1,000,000
	☐ OWNER'S & CONTRACTOR'S PROT.				EACH OCCURRENCE \$ 1,000,000
					FIRE DAMAGE (Any one fire) \$ 100,000
A	AUTOMOBILE LIABILITY	H982000288-03	5/01/10	5/01/11	ADD. EXPENSE (Any one person) \$ 5,000
	☒ ANY AUTO				COMBINED SINGLE LIMIT \$ 1,000,000
	☐ ALL OWNED AUTOS				BODILY INJURY (Per person) \$
	☐ SCHEDULED AUTOS				BODILY INJURY (Per accident) \$
	☐ HIRED AUTOS				PROPERTY DAMAGE \$
A	EXCESS LIABILITY	H983000122-03	5/01/10	5/01/11	EACH OCCURRENCE \$ 1,000,000
	☒ UMBRELLA FORM				AGGREGATE \$ 1,000,000
	☐ OTHER THAN UMBRELLA FORM				STATUTORY LIMITS
	WORKER'S COMPENSATION AND EMPLOYERS' LIABILITY				EACH ACCIDENT \$
					DISEASE-POLICY LIMIT \$
					DISEASE-EACH EMPLOYEE \$
A	OTHER Liquor Liability	H981000342-03	5/01/10	5/01/11	1,000,000

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS

City as Additional Insured - Elephants on Parade

CERTIFICATE HOLDER

City of Billings
Box 1178
Billings, MT 59103

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

[Signature]

Regular City Council Meeting

Date: 03/14/2011

TITLE: Zone Change #872 - 2nd reading

PRESENTED BY: Candi Beaudry

Department: Planning & Community Services

Information

PROBLEM/ISSUE STATEMENT

This is a zone change request from Residential 7,000 (R-70) to Residential Professional (RP) on two parcels of land described as Lot 1A and Lot 1B of Rush Acreage Tracts Subdivision located at 1910 and 1918 Shiloh Road. The total area of both parcels is 54,153 square feet. One of the parcels, 1918 Shiloh Road, has an existing single family dwelling that is rented. The property is owned by the Billings Urban Fire Service Area (BUFSA) an agency of Yellowstone County. The owner is represented by Dan Schwarz, Chief Deputy County Attorney. The owner conducted a pre-application neighborhood meeting on December 6, 2010, at the Shiloh United Methodist Church at 1810 Shiloh Road. The pre-application meeting notes are included as Attachment C. The Zoning Commission held a public hearing on February 1, 2011, and is forwarding a recommendation of approval on a 3-0 vote. The City Council conducted a public hearing on February 28, 2011, and approved 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 support the city tax base in this area.

RECOMMENDATION

The Zoning Commission recommends approval and adoption of the 12 criteria for Zone Change #872 on a 3-0 vote.

APPROVED BY CITY ADMINISTRATOR

Attachments

Ordinance

ORDINANCE NO. 11-_____

AN ORDINANCE AMENDING THE ZONE CLASSIFICATION FOR a parcel of land described as Lots 1A and 1B Rush Acreage Tracts Subdivision, a 1.243 acre parcel of land and generally located at 1910 and 1918 Shiloh Road.

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 Lots 1A and 1B Rush Acreage Tracts Subdivision, a 1.243 acre parcel of land and is presently zoned **Residential 7,000 (R-70)** 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 7,000 (R-70) to Residential Professional (RP)** and from the effective date of this ordinance, shall be subject to all the rules and regulations pertaining to **Residential Professional (RP)** 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 February 28, 2011.

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

CITY OF BILLINGS:

BY: _____
Thomas W. Hanel, Mayor

ATTEST:

BY: Cari Martin, City Clerk
Zone Change #872 –1910 and 1918 Shiloh Road

Regular City Council Meeting

Date: 03/14/2011

TITLE: Preliminary Plat of Twin Oaks Subdivision, 2nd Filing

PRESENTED BY: Candi Beaudry

Department: Planning & Community Services

Information

PROBLEM/ISSUE STATEMENT

On January 3, 2011 Twin Oaks Corporation, owner, applied for preliminary major plat approval for Twin Oaks Subdivision, 2nd Filing. The proposed subdivision re-plats five lots originally platted in the Twin Oaks Subdivision, into 55 lots. The subject property is located on the south side of Wicks Lane, west of Lake Elmo Road. The property is zoned Residential-5,000 (R-50) and Residential-6,000 (R-60). The proposal would create 53 lots for single-family residential uses, and two large lots for development in the future, likely as a 3rd Filing. The Yellowstone County Board of Planning conducted a public hearing and forwarded a recommendation to City Council on February 22, 2011. The City Council will review the preliminary plat and approve, conditionally approve, or deny the proposed subdivision at the March 14, 2011 meeting. The representing agent is Blueline Engineering.

ALTERNATIVES ANALYZED

State and City subdivision regulations require that preliminary plats be reviewed using specific criteria, as stated within this report. The City may not unreasonably restrict an owner's ability to develop land if the subdivider provides evidence that any identified adverse effects can be mitigated.

FINANCIAL IMPACT

Should the City Council approve the preliminary plat, the subject property may further develop, resulting in additional tax revenues for the City.

BACKGROUND

The proposed subdivision re-plats five lots originally platted in the Twin Oaks Subdivision into 55 lots. The subject property is located on the south side of Wicks Lane West of Twin Oaks Drive. The property is zoned R-50 and R-60. The proposal would create 53 lots for single-family residences, and two large lots for future development. The subject property is bordered on the northwest and west by the BBWA canal, on the south by single-family lots within Uinta Park Subdivision, and on the east by single-family lots within the First Filing of Twin Oaks Subdivision.

General location: South of Wicks Lane, west of Lake Elmo Drive in the Heights.

Legal Description: Lots 2, 17, 47, 55, Block 1, and Lot 9, Block 3, Twin Oaks Subdivision located in the NW ¼, Section 22, T1N, R26E

Owner/Subdivider: Twin Oaks Corporation; Gary Oakland, President; Landy Leep, Vice President

Engineer and Surveyor: Blueline Engineering, LLC; North Star Land Services, PC

Existing Zoning: R-50 and R-60

Existing land use: vacant

Proposed land use: single-family residential

Gross and Net area: 13.70 acres; 13.25 acres

Proposed number of lots: 55

Lot sizes: Max: 2.42 acres

Min.: 5,398 square feet

Parkland requirements: Parkland dedication was previously met with the first filing; a portion of the parkland previously dedicated is proposed to be vacated. See Findings of Fact for further detail.

STAKEHOLDERS

At its February 22, 2011, meeting, the Planning Board held a public hearing to gather public input on the proposal. Certified letters were sent to adjacent property owners regarding the hearing and a legal notice also advertised the public hearing. There was no public testimony provided on the proposed subdivision.

CONSISTENCY WITH ADOPTED POLICIES OR PLANS

Consistency with the 2008 Growth Policy, applicable area plans, the Transportation Plan and the Heritage Trail Plan is discussed within the Findings of Fact.

RECOMMENDATION

The Planning Board on a 10-0 vote recommends conditional approval of the preliminary plat of Twin Oaks Subdivision, 2nd Filing to the City Council, and to adopt the Findings of Fact as presented in the staff report.

The recommended Conditions of Approval are as follows:

Pursuant to Section 76-3-608(4), MCA, the following conditions are recommended to reasonably minimize potential adverse impacts identified within the Findings of Fact:

1. To minimize impacts on local services, centralized mail delivery site(s) shall be coordinated and identified prior to final plat approval. A letter from USPS shall be provided for verification.
2. To minimize impacts on local services, the subdivider shall provide an acceptable appraisal or comparative market analysis, conducted by a 3rd party licensed appraiser or realtor of the property in question, and compensate the City for the value of the vacated parkland (1.25 acres) prior to final plat approval.
3. To minimize impacts on local services, the applicable Park Maintenance District shall be expanded to include the new lots in each phase prior to that phase's release for development.
4. To minimize impacts on local services, a temporary turnaround easement document shall be recorded with the final documents for the temporary terminus of Watson Peak Road.

5. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.

6. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

APPROVED BY CITY ADMINISTRATOR

Attachments

Preliminary Plat

Photos of Site

Findings of Fact

Mayor's approval letter

Attachment 2: Photos of Site



Figure 1: From intersection of Twin Oaks Drive and Sioux Lane looking north at Twin Oaks Park.



Figure 2: Looking northwest from terminus of Watson Peak Drive where Phase 1 construction would proceed.



Figure 3: Looking east from terminus of Watson Peak Drive at existing housing in First Filing.

ATTACHMENT 3.

Findings of Fact

The Planning Board is forwarding the recommended Findings of Fact for the preliminary plat of Twin Oaks Subdivision, 2nd Filing for review and approval by the City Council. These findings are based on the preliminary plat application and address the review criteria required by the Montana Subdivision and Platting Act (76-3-608, MCA) and the City of Billings Subdivision Regulations.

A. What are the effects on agriculture, local services, the natural environment, wildlife and wildlife habitat and public health, safety and welfare? [MCA 76-3-608 (3) (a) and BMCC 23-304 (c) (1)]

1. Effect on agriculture and agricultural water user facilities

The subject property was historically used for pasture land and hay crop production prior to 2005 when the first filing development was initiated. At that time, the property was master planned for residential development, and agricultural activities ceased. The subject property is wholly surrounded on all sides by developed properties within the City Limits and its removal from agricultural use should have a minimal effect on agriculture in the County.

The Billings Bench Water Association (BBWA) canal courses along the western boundary of the property. With the original platting of the Twin Oaks Subdivision, the subdivider deeded two parcels, containing a total of approximately 2.56 acres to the BBWA for the canal right-of-way and maintenance purposes. This is consistent with what was done for the platting of Uinta Park Subdivision to the south. As such, this development should not have a negative effect on the adjacent agricultural water user facilities.

2. Effect on local services

- a. **Utilities** – Water services will be provided by the County Water District of Billings Heights (CWDBH). The subdivider will extend existing water mains in Twin Oaks Drive into Shaw Lane, Shaw Circle, and Watson Peak Road to provide individual services to all of the lots, and new fire hydrants in accordance with design standards, specifications, rules and regulations of the CWDBH, the City Fire Department and the Montana Department of Environmental Quality (MDEQ).

Sanitary sewer service will be provided by connecting to the existing City of Billings' sewer main in Twin Oaks Drive. The subdivider will install sanitary sewer main lines in the Watson Peak Road, Shaw Lane, and Shaw Circle, and individual services for each lot in accordance with design standards, specifications, rules and regulations of the City of Billings Public Works Department and MDEQ.

MDU will provide gas services and NorthWestern Energy will provide electric services to the subdivision. Easements have been shown on the face of the plat that are acceptable to these utility providers.

- b. **Storm water** – Storm water drainage for the public streets shall be provided by surface drainage via curbs and gutters to underground storm drains that will discharge, initially,

into the storm water retention facility in the Twin Oaks park area to the east. This retention facility also serves the first filing of Twin Oaks, but ultimately is not large enough to retain the entire subdivision's stormwater. Therefore, in accordance with the *Heights Storm Drainage Master Plan (1989)* the City is requiring the developer to install a storm drain line to the east in Sioux Lane to tie into the storm sewer line in Lake Elmo Road before the construction of the second phase of this subdivision, or before June 2013, whichever is sooner. These and all other drainage improvements shall satisfy the criteria set forth by the *City of Billings Stormwater Management Manual* and will be subject to review and approval by the Public Works Department.

- c. **Solid waste** – The City of Billings will provide solid waste collection and disposal. The City's landfill has adequate capacity for this waste.
- d. **Streets** – Access to all of the lots will be provided by the construction of Watson Peak Road and Shaw Lane and Shaw Circle. These streets were platted and dedicated to the City (but not built) with the original Twin Oaks Subdivision plat. At that time, a variance for the right-of-way width was granted to allow 50-foot wide street right-of-way dedications in lieu of 60 feet (the requirement at that time). This variance is still in effect for Watson Peak Road, since no changes to that right-of-way alignment are proposed with this plat. However, portions of Shaw Circle as originally platted are proposed to be vacated and replatted as Shaw Lane and Shaw Circle. Due to the reconfiguration of these streets, the proposed new street layout must follow the current right-of-way dedication requirements of 56 feet.

All three streets will be built to current residential street standards with 30 feet of pavement, curb, gutter (entire section back-of-curb to back-of-curb is 34 feet), a five-foot planting strip (boulevard) and a five-foot sidewalk. Development will be done in three phases as outlined in the Subdivision Improvements Agreement. A temporary turnaround will be constructed at the end of Watson Peak Road where it intersects Shaw Lane for the first phase of development. It is recommended as a condition of approval that a temporary turnaround easement be recorded with the final documents for this plat (**Condition #4**).

- e. **Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest fire station is located at 1601 St. Andrews Drive (Station #6). The subdivision is located within the ambulance service area of American Medical Response (AMR).
- f. **Schools** – The subdivision is located within School District #2. No comments were received from the School District; however the subdivision was submitted for review by the local schools that will be affected by this subdivision. Students from the proposed subdivision will attend Bench Elementary School, Castle Rock Middle School and Skyview High School.
- g. **Parks and Recreation** – When the original Twin Oaks Subdivision was taken through preliminary plat review in 2006, an overall park master plan was derived for the entire

subdivision, including the lots within this filing. The subdivider is proposing to change that master plan with this second filing as described herein.

Based on the current layout, the parkland dedication requirement for the entire property (1st and 2nd Filing) is 2.58 acres, in accordance with Montana subdivision law. The amount of parkland dedicated with the original plat was 4.45 acres. Of the 4.45 acres dedicated, 3.20 acres was within the boundary of the 1st Filing, and was improved and developed at the subdivider's expense as Twin Oaks Park. The remaining 1.25 acres was platted and dedicated to the City as parkland, but was proposed to be developed and improved in the future (with development of the 2nd Filing). This 1.25-acre "future" park area was primarily linear in nature, containing a long, relatively narrow strip of land adjacent to the BBWA canal, and a few connector strips to the larger Twin Oaks Park.

Due to the decreased desirability of linear park land that is not part of the greater Billings Area trail system (by both the City Parks Department (PRPL) and the future homeowners), as well as due to the redesign of the Shaw Circle street layout, the subdivider has proposed to re-assume that linear park area, with one exception, as part of the saleable lot area within Twin Oaks, 2nd Filing. The one exception is a small connector piece of parkland that will connect Shaw Lane to Twin Oaks Park between Lots 15 and 54, of Block 1. This connector will be preserved as parkland, and will be improved by the subdivider during Phase II of this development, with turf, irrigation, and a 6-foot wide concrete trail consistent with the previously built trail in Twin Oaks Park.

PRPL staff is agreeable to this proposal for a number of reasons, under certain conditions. First, the overall parkland dedication requirement of 2.58 acres is still being met (Twin Oaks park is 3.20 acres in size). Second, given that the area in question would be behind a row of lots, adjacent to the BBWA canal, PRPL does not find it useable for active public parkland or cost efficient to maintain. Lastly, the City has not made any improvements to the area in question. As such, PRPL recommends that the City revert ownership of the 1.25-acre park property to the subdivider following the City's regulation on the sale, disposal or lease of city property (Section 22-902, BMCC) and that the City be compensated for this disposal following the most recent policy for parkland vacation. This policy requires the subdivider to pay the fair market value of the vacated land in cash and/or parkland improvements. It is important to note that the City's policy for vacating undeveloped parkland differs from the City's policy of vacating undeveloped street right-of-way. In accordance with Administrative Order No. 56, established on January 25, 1999, undeveloped street right-of-way within platted but undeveloped subdivisions shall be returned to the adjacent property owner from which it was originally dedicated at no cost. No such administrative order exists for undeveloped parkland.

It is recommended as a condition of approval that the subdivider shall provide an acceptable appraisal or comparative market analysis, by a 3rd party licensed appraiser or realtor of the property in question, and compensate the City for that value prior to final plat approval (**Condition #2**).

- h. **Mail Delivery** - The United States Postal Service will provide postal service to the subdivision and has requested the installation of centralized mailbox units (CBUs). It is recommended as a condition of approval that the developer work with the USPS to identify appropriate locations of CBUs prior to final plat approval (**Condition #1**).

3. Effect on the natural environment

The subject property is vacant property that has been planned for urban development since the original preliminary plat review in 2006. The property slopes downward to the south, and is bounded on the northwest and west by the BBWA canal. Due to the proximity to the canal, a future subsurface drain will be installed and maintained privately. However, slab-on-grade homes are proposed, so ground water issues should be minimal.

The geotechnical study was performed for the first phase of the subdivision and structural recommendations were included in that study. Additional studies will be completed prior to issuance of building permits on subsequent phases. The subdivision should have a minimal effect on the natural environment.

4. Effect on wildlife and wildlife habitat

There are no known endangered or threatened species on the property. There is a note in the SIA that warns future lot owners of the presence of deer in the area, which may cause damage to their landscaping. This subdivision should have a minimal effect on wildlife and wildlife habitat.

5. Effect on the public health, safety and welfare

Fire hydrants will be constructed to meet fire department requirements. Sidewalks and trails to the parks will offer a safe place for pedestrians to walk. The effects on public health and safety should be minimal.

B. Was an Environmental Assessment required? [(MCA 76-3-603 and BMCC 23-304 (c) (1))]

The proposed subdivision is exempt from the requirement for an Environmental Assessment pursuant to Section 76-3-210, MCA.

C. Does the subdivision conform to the Yellowstone County-City of Billings 2008 Growth Policy, the 2006 Billings Heights Neighborhood Plan, the Urban Area Transportation Plan-2009 Update, and the Heritage Trail Plan? [BMCC 23-304 (c) (3)]

1. Yellowstone County-City of Billings 2008 Growth Policy

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

- a. Goal: Predictable land use decision that are consistent with neighborhood character and preferred land use patterns identified in neighborhood plans. (p. 6)
- b. Goal: New developments that are sensitive to and compatible with the character of adjacent City neighborhoods. (p. 6)

- c. Goal: Contiguous development focused in and around existing population centers separated by open space. (p.6)
- d. Goal: Affordable housing for all income levels dispersed throughout the City. (p. 6)

2. 2006 Billings Heights Neighborhood Plan

The proposed subdivision is consistent with the following goals of the Heights Neighborhood Plan:

- a. Goal: Provide safe routes for pedestrians to travel between schools, parks, neighborhoods and other community facilities. (p. 14)
- b. Goal: Provide safe, good quality and affordable housing in the Heights. Develop housing patterns that are compatible with existing neighborhoods. Encourage high density multi-family development along arterial routes. Maintain similar housing in established neighborhoods. (p. 19)

3. Urban Area Transportation Plan 2009 Update

The proposed subdivision adheres to the goals and objectives of the Transportation Plan 2009 Update and preserves the street network and street hierarchy specified in the plan.

4. Heritage Trail Plan

The proposed subdivision lies within the jurisdiction of the Heritage Trail Plan. The Plan identifies a trail corridor along the BBWA canal. However, during the review of the original Twin Oaks Subdivision plat, it was determined that the preferred location for the trail in this area would be along the eastern boundary of the subdivision, within the Twin Oaks Park. At that time, a 20-foot wide trail easement was identified. This easement provision meets the intent of the Plan.

D. Does the subdivision conform to the Montana Subdivision and Platting Act and to local subdivision regulations? [MCA 76-3-608 (3) (b) and BMCC 23-304 (c) (4)]

The proposed subdivision satisfies the requirements of the Montana Subdivision and Platting Act and to the design standards specified in the local subdivision regulations. The subdivider and the local government have complied with the subdivision review and approval procedures set forth in the local and state subdivision regulations.

E. Does the subdivision conform to sanitary requirements? [BMCC 23-304 (c) (5)]

The subdivision will utilize the Heights Water District public water system, the City's sanitary sewer system, and the City's solid waste collection and disposal services. All services are approved and regulated by state and federal authorities.

F. Does the proposed subdivision conform to all requirements of the zoning in effect? [BMCC 23-304 (c) (6)]

The subject property is located within the R-50 and R-60 zoning districts. All development shall comply with the standards set forth in Section 27-308, BMCC.

G. Does the proposed plat provide easements for the location and installation of any utilities? [MCA 76-3-608 (3) (c) and BMCC 23-304 9 (c) (7)]

The subdivider has provided utility easements as requested by the City, MDU and NWE on the face of the plat.

H. Does the proposed plat provide legal and physical access to each parcel within the subdivision and notation of that access on the plat? [MCA 76-3-608 (3) (d) and BMCC 23-304 9 (c) (8)]

Legal and physical access is provided to the proposed lots from Shaw Lane, Shaw Circle, and Watson Peak Road, all public streets. Slight adjustments are being proposed to Shaw Lane. A street vacation application is being processed concurrently by City Engineering to accomplish these adjustments.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Twin Oaks Subdivision, 2nd Filing does not create any adverse impacts that warrant denial of the subdivision.
- The proposed subdivision conforms to several goals and policies of the 2008 Growth Policy Update, the Heights Neighborhood Plan, and does not conflict with the Transportation or Heritage Trail Plans.
- The proposed subdivision complies with state and local subdivision regulations, local zoning, and sanitary requirements and provides legal and physical access to each lot.
- Any potential negative or adverse impacts will be mitigated with the proposed conditions of approval.

Approved by the Billings City Council, March 14, 2011.

Thomas W. Hanel, Mayor

ATTACHMENT 4.
Mayor's Approval Letter

March 15, 2011

Twin Oaks Corporation
Gary Oakland, President
175 N. 27th St., Suite 900
Billings, MT 59101

Dear Mr. Oakland:

On March 14, 2011, the Billings City Council conditionally approved the preliminary plat of Twin Oaks Subdivision, 2nd Filing. The conditions of approval are as follows:

1. To minimize impacts on local services, centralized mail delivery site(s) shall be coordinated and identified prior to final plat approval. A letter from USPS shall be provided for verification.
2. To minimize impacts on local services, the subdivider shall provide an acceptable appraisal or comparative market analysis, conducted by a 3rd party licensed appraiser or realtor of the property in question, and compensate the City for the value of the vacated parkland (1.25 acres) prior to final plat approval.
3. To minimize impacts on local services, the applicable Park Maintenance District shall be expanded to include the new lots in each phase prior to that phase's release for development.
4. To minimize impacts on local services, a temporary turnaround easement document shall be recorded with the final documents for the temporary terminus of Watson Peak Road
5. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
6. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

Should you have questions please contact Juliet Spalding with the Planning Division at 247-8684 or by email at spaldingj@ci.billings.mt.us.

Sincerely,

Thomas W. Hanel, Mayor

Pc: Marshall Phil, Blueline Engineering

Regular City Council Meeting

Date: 03/14/2011

TITLE: Final Plat of Kuhlman Subdivision, Amended Lot 7

PRESENTED BY: Candi Beaudry

Department: Planning & Community Services

Information

PROBLEM/ISSUE STATEMENT

The final plat for Kuhlman Subdivision, Amended Lot 7 is being presented to Council for approval. On November 12, 2010, City staff held a pre-application with the applicant to discuss the creation of a two-lot subdivision of 19,945 square feet of land. It was determined at that time that the subdivision qualifies for the expedited plat review process, which allows, under certain conditions, subdivisions creating just two lots to proceed straight to final plat review. The subject property is located on the west side of Main Street, between Josephine Drive and Kuhlman Drive. It is zoned Highway Commercial (HC) and there are two existing residences on the property. The proposed subdivision would situate one resident on each lot. One variance has been requested from Section 23-406(B)(6) of the City Subdivision Regulations. The variance would allow the required right-of-way dedication for Kuhlman Drive to be reduced (see Attachment 2 for further details). The subdivider is Optionen, LLC, Dieter Zimmermann, Member, and the agent is Pinpoint Land Surveys, PLLC. Upon City Council approval, these documents are appropriate as to form for filing with the Clerk and Recorder.

ALTERNATIVES ANALYZED

The City Council may approve or deny the final plat of Kuhlman Subdivision, Amended Lot 7. If the City Council chooses to deny the final plat, it must base the denial on the criteria outlined in MCA 76-3-611 and BMCC Section 23-305(F).

FINANCIAL IMPACT

Should the City Council approve the final plat, the creation of an additional residential lot may result in an increase in property tax revenues.

RECOMMENDATION

Staff recommends that the City Council approve the requested variance from Section 23-460(B)(6), BMCC, and approve the final plat of Kuhlman Subdivision, Amended Lot 7.

APPROVED BY CITY ADMINISTRATOR

Attachments

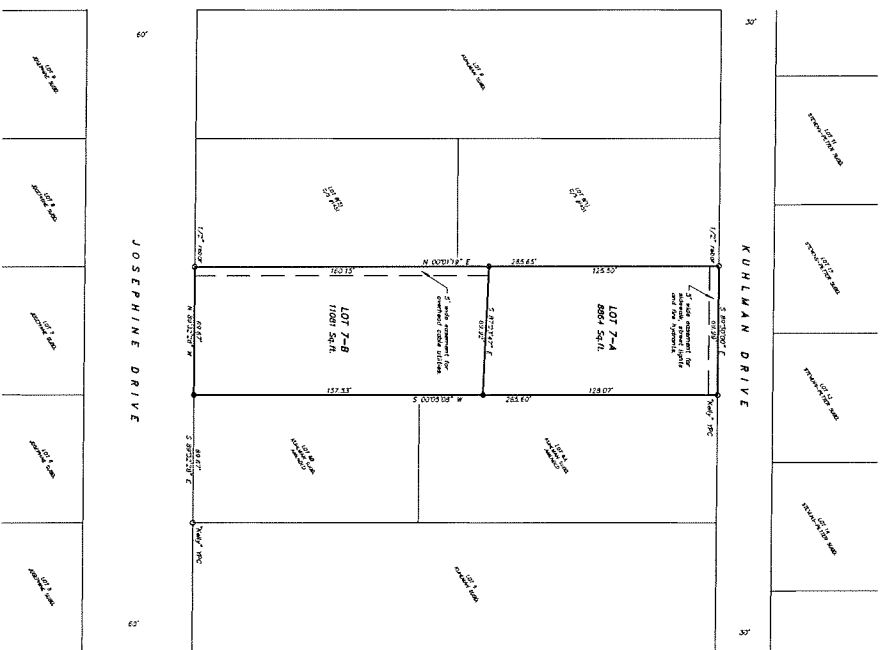
Final Plat

Variance request

= AMENDED PLAT OF LOT 7, KUHLMAN SUBDIVISION =
 LOCATED IN THE NW1/4 OF THE SE1/4 OF SECTION 22,
 TOWNSHIP 1 NORTH, RANGE 26 EAST, P.M.M.
 CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA
 JANUARY 2011

FOR: OPTIMUS LLC
 BILLINGS, MONTANA

BY: PINPOINT LAND SURVEYS, PLLC
 BILLINGS, MONTANA

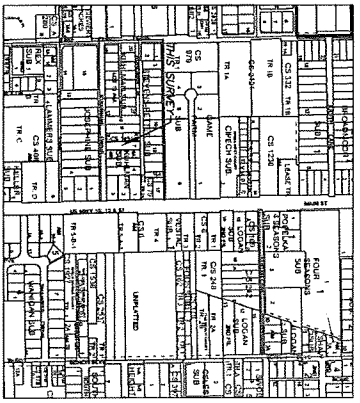


= BASIS OF BEGINNINGS =
 Assumed S 89°23'00" E along the north line of Lot 7 per plat of Kuhlman Subdivision.

- = LEGEND =**
- Found property corner as marked
 - Set 5/8" x 1/4" rod with 'Topcoat'
 - Yellow plastic cap
 - Standard property line
 - Surveyed property line
 - Easement boundary

= SITE DATA =
 NUMBER OF RECORDS: 117
 NUMBER OF PAGES: 117
 DATE OF RECORD: 1/11/2011
 BY: PINPOINT LAND SURVEYS, PLLC

= VICINITY MAP =



1/4 SEC.	SECTION	TOWNSHIP	RANGE	SHEET NO.
37/4	22	1 NORTH	26 EAST	1 of 2
PINPOINT LAND SURVEYS, PLLC BILLINGS, MONTANA 59105 (406) 373-9556				

Variance Request and Evaluation



Toll Free Fax: (866) 589-8277
pinpointsurveys@vikingcable.net

January 4, 2011

Ms. Juliet Spalding
Subdivision Coordinator
City of Billings Planning and Community Services
510 North Broadway – 4th Floor
Billings, Montana 59101

RE: Amended Plat of Lot 7, Kuhlman Subdivision

Dear Juliet:

Please consider this letter as a request for a variance from the design and improvement standards of the City of Billings Subdivision Regulations.

Specifically the owner, Optionen LLC, is requesting a variance from Section 23-406(B)(6) requiring the right-of-way width to be 56 feet. Optionen LLC is requesting the right-of-way width to remain 30 feet wide for Kuhlman Drive.

Please consider the following in making your determination:

1. Traffic volume is minimal as Kuhlman Drive dead ends approximately 200 feet east of this property where there is a hammerhead type turnaround. There are no traffic constrictions and emergency services will not be affected.
2. There is an existing residence on Lot 7-A and dedication of an additional 26 feet would place the residence within the right-of-way.
3. There will be no increase in taxpayer burden as Optionen LLC will file a waiver of right to protest the creation of a special improvement district should future improvements be required.
4. The variance will not in any manner place the subdivision in nonconformance with any adopted zoning regulations or growth policy.
5. The City Engineering Department has stated their support of the variance. A 5-foot wide easement for sidewalk, street lights and fire hydrants will be provided along Kuhlman Drive for future improvements.

Please contact me if you require additional information for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Clay".

Pinpoint Land Surveys, PLLC
Clay Schwartz, PLS



Staff Evaluation of Variance Request

Kuhlman Drive fronts the subject property on the north, and provides access to Lot 7-A. A 30-foot wide street right-of-way is presently dedicated for Kuhlman Drive, and since this subdivision only affects a short portion of it (approximately 70 feet) and ends in a dead-end to the east, the subdividers have requested a variance from the current right-of-way dedication requirements of 56 feet. Staff is supportive of this variance request in this existing situation if a 5-foot wide easement is provided adjacent to the street for future street lights, hydrants and drive approaches. This is consistent with what was done for a similar request in 2009 when the lot adjacent to the east was split in half.

In reviewing the criteria for granting subdivision variances, granting this variance will not be detrimental to public health and safety or injurious to adjoining properties. Additionally, the variance will not result in an increase in taxpayer burden, as the design for a street upgrade could fit into the existing right of way, with the added 5-foot wide easement. Lastly, granting the variance will not place the subdivision in violation of any adopted zoning regulations or the 2008 Growth Policy.

Therefore, City staff recommends that City Council approve the requested variance from Section 23-406(B)(6) of the City Subdivision Regulations to waive the dedication of additional feet of right-of-way for Kuhlman Drive at this location.

Regular City Council Meeting

Date: 03/14/2011

TITLE: Payment of Claims February 11, 2010.

PRESENTED BY: Pat M. Weber, Financial Services Manager

Department: City Hall Administration

Information

PROBLEM/ISSUE STATEMENT

Claims in the amount of \$936,462.97 have been audited and are presented for your approval for payment. A complete listing of the claims dated February 11, 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 the Payment of Claims.

APPROVED BY CITY ADMINISTRATOR

Attachments

List of claims greater than \$2500.

PREPARED 02/11/2011, 15:17:37
PROGRAM: GM350L
CITY OF BILLINGS

A/P CHECKS BY PERIOD AND YEAR
MINIMUM AMOUNT: 2,500.00
FROM 02/11/2011 TO 02/11/2011

PAGE 1

BANK CODE 00

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601-0000-141.00-00	01/14/2011	MP	2000152		07/2011	1,432.97	
150-2112-421.23-20	01/14/2011	MP	2000152	280492	07/2011	28.32	
211-3130-433.23-20	01/14/2011	MP	2000152	280492	07/2011	28.32	
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561-7113-711.24-50	02/10/2011	INVOICE #10-3361	10-3356,61,63	F12315	08/2011	1,005.00	
561-7113-711.24-50	02/10/2011	INVOICE #10-3363	10-3356,61,63	F12315	08/2011	412.50	
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240-4301-419.35-60	02/04/2011	ALT MODES JAN 2011	AMODES JAN 11	281533	08/2011	5,667.00	
02/11/2011	741478	ACUITY BRANDS LIGHTING INC	20345			7,118.50	
211-0000-141.31-83	02/08/2011	STREET LIGHTS	15907168		08/2011	7,118.50	
02/11/2011	741480	AHANU CONSTRUCTION INC	21317			34,031.99	
840-3184-431.93-10	02/08/2011	WO0515 HOWARD HEIGHTS	1	281597	08/2011	34,031.99	
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02/11/2011	741489	ARCHIE COCHRANE	800			47,052.72	
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02/11/2011	741491	AUTOMATED OFFICE INC	241			5,750.00	
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PREPARED 02/11/2011, 15:17:37
PROGRAM: GM350L
CITY OF BILLINGS

A/P CHECKS BY PERIOD AND YEAR
MINIMUM AMOUNT: 2,500.00
FROM 02/11/2011 TO 02/11/2011

PAGE 2

BANK CODE 00

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150-2226-422.22-40	02/08/2011	FIRE5:LINEN 1-20-2011	1076-81585 FR5	281585	08/2011	13.75	
150-2226-422.22-40	02/08/2011	FIRE3:LINEN 1-24-2011	1076-81890 FR3	281585	08/2011	10.94	
150-2226-422.22-40	02/08/2011	FIRE6:LINEN 11-25-2011	1076-81998 FR6	281585	08/2011	9.34	
150-2226-422.22-40	02/08/2011	FIRE4:LINEN 1-25-2011	1076-82024 FR4	281585	08/2011	20.06	
561-7112-711.22-40	02/10/2011	INVOICE #79598	021011	F12314	08/2011	42.35	
561-7112-711.22-60	02/10/2011	INVOICE #79598	021011	F12314	08/2011	93.00	
561-7112-711.22-40	02/10/2011	INVOICE #80446	021011	F12314	08/2011	31.90	
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561-7112-711.22-60	02/10/2011	INVOICE #S80926	021011	F12314	08/2011	31.40	
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561-7113-711.22-60	02/10/2011	INVOICE #79597	021011	F12314	08/2011	79.39	
561-7113-711.22-60	02/10/2011	INVOICE #80444	021011	F12314	08/2011	35.39	
561-7113-711.22-60	02/10/2011	INVOICE #81324	021011	F12314	08/2011	35.39	
561-7113-711.22-60	02/10/2011	INVOICE #82182	021011	F12314	08/2011	35.39	
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296-6526-463.72-75	02/08/2011	2ND QTR 2011	FY2011-2	281624	08/2011	3,980.75	
02/11/2011 741499	BILLINGS COMMUNITY CABLE	413				25,000.00	
10-1411-414.72-66	02/07/2011	MISC SERVICES	02012011	281545	08/2011	25,000.00	
02/11/2011 741507	BISON MOTOR COMPANY	12046				55,068.20	
150-2226-422.94-60	02/03/2011	FIRE1:FORD F250 4X4 TRUCK	6290/FORD F250	278744	08/2011	11,445.00	
640-2240-422.94-60	02/03/2011	FIRE1:FORD F250 4X4 TRUCK	6290/FORD F250	278744	08/2011	18,539.10	
503-7591-609.94-40	02/09/2011	NONSTOCKING ITEMS-P.U.D.	020320110	278565	08/2011	25,084.10	
02/11/2011 741512	BRENNTAG PACIFIC INC	17236				34,345.55	
211-3132-433.47-21	02/01/2011	ROAD/HIGHWAY MATERIAL	BPI065208	281269	08/2011	4,512.50	
211-3132-433.47-21	02/01/2011	ROAD/HIGHWAY MATERIAL	BPI065924	281269	08/2011	4,718.42	

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211-3132-433.47-20	02/08/2011	ROAD/HIGHWAY MATERIAL	BPI068085	281425	08/2011	5,477.40	
211-3132-433.47-20	02/08/2011	ROAD/HIGHWAY MATERIAL	BPI068086	281425	08/2011	5,362.03	
211-3132-433.47-20	02/08/2011	ROAD/HIGHWAY MATERIAL	BPI068087	281425	08/2011	5,459.14	
02/11/2011 741515	BST INC(TAYLORS VICTORY LANE C	20471				3,972.50	
201-1507-466.35-90	02/10/2011	MISC SERVICES	EBURD TID DISB.	281686	08/2011	3,972.50	
02/11/2011 741519	CMG CONSTRUCTION, INC.	17342				46,845.45	
845-0000-201.10-00	02/08/2011	WO0412 ALKALI CR PHASE 3	CO#8 REDUCTION	274580	08/2011	577.65	
845-3186-431.93-10	02/08/2011	WO0412 ALKALI CR PHASE 3	CO#8 REDUCTION		08/2011	577.65-	
490-5161-452.93-70	02/08/2011	WO0307 ALKALI CR PATH	FUND TRANSFER	274408	08/2011	14,279.42-	
490-5161-452.93-70	02/08/2011	WO0307 ALKALI CR PATH	FUND TRANSFER	274408	08/2011	14,279.42	
210-5151-452.93-90	02/08/2011	WO0307 ALKALI CR PATH	6	274408	08/2011	13,565.45	
435-3165-431.93-11	02/08/2011	WO0412 ALKALI CR RD PHS 3	CHANGE ORDER #8	274580	08/2011	106.91-	
435-3165-431.93-11	02/08/2011	WO0412 ALKALI CR RD PHS 3	CHANGE ORDER #8	274580	08/2011	106.91	
211-3132-433.39-90	02/10/2011	ROADWAY SNOW REMOVAL	211-06/PYMT 1	281073	08/2011	33,280.00	
02/11/2011 741525	CSG SYSTEMS INC	20870				18,411.53	
502-7311-602.31-10	02/07/2011	MISC SERVICES	70309	281556	08/2011	8,128.69	
502-7311-602.31-11	02/07/2011	MISC SERVICES	70309	281556	08/2011	2,918.23	
512-8311-622.31-10	02/07/2011	MISC SERVICES	70309	281556	08/2011	5,418.51	
512-8311-622.31-11	02/07/2011	MISC SERVICES	70309	281556	08/2011	1,946.10	
02/11/2011 741536	EBSCO	1142				13,421.92	
260-5519-455.33-80	02/07/2011	INVOICE 0335136 ACCT LA-	0335136	F12276	08/2011	13,421.92	
02/11/2011 741538	ED BARTLETT LLC	20308				5,900.00	
10-1411-414.39-50	02/08/2011	MISC SERVICES	217	281617	08/2011	5,900.00	
02/11/2011 741552	GALLES FILTER SERVICE	1397				3,324.02	
601-0000-141.00-00	01/07/2011	MP	219519		07/2011	642.55	
601-0000-141.00-00	01/07/2011	MP	219603		07/2011	40.21	
502-0000-141.00-00	01/07/2011	WATER PARTS AND SUPPLIES	219670		07/2011	201.24	
601-0000-141.71-41	01/12/2011	MP	219693		07/2011	40.07	
601-0000-141.00-00	01/12/2011	AUTO &TRUCK MAINT.ITEMS	219702		07/2011	145.02	
601-0000-141.00-00	01/14/2011	MP	219812		07/2011	96.82	
601-0000-141.00-00	01/14/2011	MP	220186		07/2011	294.06	
211-3132-433.23-20	01/14/2011	MP	219812	280496	07/2011	33.14	
211-3134-433.23-20	01/14/2011	MP	219812	280496	07/2011	15.27	
601-0000-141.00-00	01/19/2011	MP	219904		07/2011	28.44	
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260-5512-455.35-74	02/07/2011	INVOICE 995413	995413	F12277	08/2011	5,744.25	
02/11/2011 741568	HKM ENGINEERING INC	10883				3,742.80	
210-5151-452.93-90	02/08/2011	WO0307 ALKALI CR PATH	50	250043	08/2011	3,240.52	
490-5161-452.93-70	02/08/2011	WO0307 ALKALI CR PATH	50	250043	08/2011	502.28	
02/11/2011 741570	HORIZON PAINTING	18062				2,760.00	
650-1566-487.39-90	02/09/2011	MISC SERVICES	438002	281675	08/2011	2,110.00	
650-1567-487.36-60	02/09/2011	MISC SERVICES	438003	281675	08/2011	650.00	
02/11/2011 741571	HOUSING AUTHORITY OF BILLINGS	7959				5,952.00	
288-6581-464.72-18	02/08/2011	2ND QUARTER 2011	FY2011-2	281622	08/2011	1,723.75	
289-6581-464.72-18	02/08/2011	2ND QUARTER 2011	2ND QTR 2011	281622	08/2011	4,228.25	
02/11/2011 741572	IAFF	20196				4,228.20	
900-0000-209.99-20	02/11/2011	PAYROLL SUMMARY	20110211		08/2011	4,228.20	
02/11/2011 741573	INFORMATION TECHNOLOGY CORE	21550				3,436.00	
10-1220-412.21-20	02/10/2011	SCANNERS FOR COURT	2011-8	281673	08/2011	3,436.00	
02/11/2011 741581	INGRAM BOOK COMPANY	1820				11,287.30	
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260-5519-455.32-27	02/05/2011	PUBLICATIONS/AUDIOVISUAL	56455032	281082	08/2011	93.74		
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260-5519-455.32-26	02/05/2011	PUBLICATIONS/AUDIOVISUAL	56502916	281082	08/2011	33.15		
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260-5519-455.32-26	02/05/2011	PUBLICATIONS/AUDIOVISUAL	56502923	281082	08/2011	9.00		
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260-5519-455.32-26	02/05/2011	PUBLICATIONS/AUDIOVISUAL	56566041	281082	08/2011	8.38		
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260-5519-455.33-33	02/05/2011	PUBLICATIONS/AUDIOVISUAL	56566044	281082	08/2011	1,116.80		
260-5519-455.32-26	02/05/2011	PUBLICATIONS/AUDIOVISUAL	56566045	281082	08/2011	16.49		
260-5519-455.32-27	02/05/2011	PUBLICATIONS/AUDIOVISUAL	56566046	281082	08/2011	11.37		
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260-5519-455.32-26	02/05/2011	PUBLICATIONS/AUDIOVISUAL	56566049	281082	08/2011	39.06		
260-5519-455.32-26	02/05/2011	PUBLICATIONS/AUDIOVISUAL	56566050	281082	08/2011	30.03		
260-5519-455.33-33	02/05/2011	PUBLICATIONS/AUDIOVISUAL	56566051	281082	08/2011	10.02		
260-5519-455.32-26	02/05/2011	PUBLICATIONS/AUDIOVISUAL	56566052	281082	08/2011	14.75		
260-5519-455.32-27	02/05/2011	PUBLICATIONS/AUDIOVISUAL	56594626	281082	08/2011	10.77		

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260-5519-455.32-26	02/05/2011	PUBLICATIONS/AUDIOVISUAL	56608377	281082	08/2011		14.97	
260-5519-455.32-27	02/05/2011	PUBLICATIONS/AUDIOVISUAL	56618082	281082	08/2011		103.42	
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260-5519-455.32-23	02/05/2011	PUBLICATIONS/AUDIOVISUAL	56722419	281082	08/2011		21.59	
260-5519-455.32-26	02/05/2011	PUBLICATIONS/AUDIOVISUAL	56722419	281082	08/2011		47.32	
260-5519-455.32-27	02/05/2011	PUBLICATIONS/AUDIOVISUAL	56722419	281082	08/2011		29.98	
260-5519-455.32-55	02/05/2011	PUBLICATIONS/AUDIOVISUAL	56722419	281082	08/2011		8.97	
260-5519-455.32-26	02/05/2011	PUBLICATIONS/AUDIOVISUAL	56722420	281082	08/2011		35.52	
260-5519-455.32-23	02/05/2011	PUBLICATIONS/AUDIOVISUAL	56722421	281082	08/2011		23.99	
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260-5519-455.32-27	02/05/2011	PUBLICATIONS/AUDIOVISUAL	56722422	281082	08/2011		14.38	
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260-5519-455.32-27	02/05/2011	PUBLICATIONS/AUDIOVISUAL	56722424	281082	08/2011		11.77	
260-5519-455.32-42	02/05/2011	PUBLICATIONS/AUDIOVISUAL	56722425	281082	08/2011		19.25	
260-5519-455.32-27	02/05/2011	PUBLICATIONS/AUDIOVISUAL	56722426	281082	08/2011		15.00	
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260-5519-455.32-27	02/05/2011	PUBLICATIONS/AUDIOVISUAL	56722431	281082	08/2011		40.80	
260-5519-455.32-26	02/05/2011	PUBLICATIONS/AUDIOVISUAL	56722432	281082	08/2011		118.20	
260-5519-455.32-26	02/05/2011	PUBLICATIONS/AUDIOVISUAL	56722433	281082	08/2011		48.02	
260-5519-455.32-27	02/05/2011	PUBLICATIONS/AUDIOVISUAL	56722434	281082	08/2011		29.98	
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605-1515-483.31-10	02/10/2011	MISC SERVICES	JAN 2011	281691	08/2011		4,343.26	
02/11/2011	741613	MIDWEST TAPE	13470				5,799.55	
260-5519-455.33-36	02/07/2011	INVOICE 2393109	PARMLY BLGS LIB	F12285	08/2011		990.10	
260-5519-455.33-36	02/07/2011	INVOICE 2395462	PARMLY BLGS LIB	F12285	08/2011		35.97	
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260-5519-455.33-36	02/07/2011	INVOICE 2400728	PARMLY BLGS LIB	F12285	08/2011		530.27	
260-5519-455.32-25	02/07/2011	INVOICE 2400730	PARMLY BLGS LIB	F12285	08/2011		355.25	
260-5519-455.32-26	02/07/2011	INVOICE 2400731	PARMLY BLGS LIB	F12285	08/2011		990.95	
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260-5519-455.33-36	02/07/2011	INVOICE 2401372	PARMLY BLGS LIB	F12285	08/2011		59.97	
260-5519-455.32-26	02/07/2011	INVOICE 2401373	PARMLY BLGS LIB	F12285	08/2011		152.72	
260-5519-455.32-25	02/07/2011	INVOICE 2401374	PARMLY BLGS LIB	F12285	08/2011		174.72	
260-5519-455.32-23	02/07/2011	INVOICE 2401375	PARMLY BLGS LIB	F12285	08/2011		50.98	
260-5519-455.32-23	02/07/2011	INVOICE 2401376	PARMLY BLGS LIB	F12285	08/2011		89.33	

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260-5519-455.33-36	02/07/2011	INVOICE 2406805	PARMLY BLGS LIB	F12285	08/2011	31.98	
260-5519-455.32-25	02/07/2011	INVOICE 2406806	PARMLY BLGS LIB	F12285	08/2011	53.57	
260-5519-455.32-25	02/07/2011	INVOICE 2406807	PARMLY BLGS LIB	F12285	08/2011	287.67	
260-5519-455.32-23	02/07/2011	INVOICE 2406808	PARMLY BLGS LIB	F12285	08/2011	9.59	
260-5519-455.32-23	02/07/2011	INVOICE 2406809	PARMLY BLGS LIB	F12285	08/2011	15.99	
260-5519-455.32-23	02/07/2011	INVOICE 2406810	PARMLY BLGS LIB	F12285	08/2011	94.73	
260-5519-455.33-36	02/07/2011	INVOICE 2412661	PARMLY BLGS LIB	F12285	08/2011	155.93	
02/11/2011 741616	MONTANA DAKOTA UTILITIES CO	2492				23,863.75	
266-6773-465.72-91	02/08/2011	3701 CAMBRIDGE DRIVE	082497 25	281627	08/2011	54.50	
150-2221-422.34-40	02/10/2011	FIRE	05003521		08/2011	351.81	
512-8500-625.34-40	02/10/2011	PUD	05023622		08/2011	36.86	
512-8500-625.34-40	02/10/2011	PUD	05211321		08/2011	52.64	
10-5122-451.34-40	02/10/2011	REC	05552021		08/2011	461.61	
150-2221-422.34-40	02/10/2011	FIRE	05597121		08/2011	1,623.25	
512-8400-623.34-40	02/10/2011	PUD	07555321 25%		08/2011	5,320.77	
512-8400-623.34-40	02/10/2011	PUD	07555321 50%		08/2011	10,641.54	
512-8400-623.34-40	02/10/2011	PUD	07555321 25%		08/2011	5,320.77	
02/11/2011 741619	MONTANA MUNICIPAL INTERLOCAL	20725				40,293.13	
630-1753-485.73-11	02/03/2011	MISC SERVICES	1210003	281504	08/2011	40,293.13	
02/11/2011 741622	MONTANA STATE FIREMAN'S ASSOC	20195				2,641.57	
900-0000-209.99-24	02/11/2011	PAYROLL SUMMARY	20110211		08/2011	2,641.57	
02/11/2011 741624	MPPA	20198				2,505.73	
900-0000-209.99-23	02/11/2011	PAYROLL SUMMARY	20110211		08/2011	2,505.73	
02/11/2011 741631	NORTH PARK CHILDRENS CENTER	21553				2,500.00	
201-1507-466.35-90	02/10/2011	MISC SERVICES	2011-001	281685	08/2011	2,500.00	
02/11/2011 741636	NORTHWEST PIPE FITTINGS	2758				74,341.98	
502-7312-602.23-80	01/10/2011	NONSTOCKING ITEMS-P.U.D.	1663687	280499	07/2011	77.76	
502-7400-603.24-50	01/12/2011	NONSTOCKING ITEMS-P.U.D.	1665113	280499	07/2011	67.38	
502-7400-603.24-50	01/12/2011	NONSTOCKING ITEMS-P.U.D.	1666026	280499	07/2011	85.69	
502-0000-141.00-00	01/13/2011	WATER PARTS AND SUPPLIES	1665618		07/2011	10,180.00	
502-7500-609.24-50	01/13/2011	NONSTOCKING ITEMS-P.U.D.	1667794	280499	07/2011	148.54	
512-8500-625.24-50	01/13/2011	NONSTOCKING ITEMS-P.U.D.	1667794	280499	07/2011	148.54	
502-0000-141.00-00	01/14/2011	WATER PARTS AND SUPPLIES	1667932		07/2011	14,143.32	
512-8314-622.24-50	01/14/2011	NONSTOCKING ITEMS-P.U.D.	1667981	280499	07/2011	30.80	
502-7400-603.24-50	01/14/2011	NONSTOCKING ITEMS-P.U.D.	1668307	280499	07/2011	26.43	
502-0000-141.00-00	01/18/2011	WATER PARTS AND SUPPLIES	1669126		07/2011	240.54	
502-0000-141.00-00	01/18/2011	SYSTEMS	1669126		07/2011	170.43	
502-7314-602.24-50	01/18/2011	NONSTOCKING ITEMS-P.U.D.	1669891	280499	07/2011	57.97	
502-7500-609.24-50	01/18/2011	NONSTOCKING ITEMS-P.U.D.	1669891	280499	07/2011	57.97	
512-8314-622.24-50	01/18/2011	NONSTOCKING ITEMS-P.U.D.	1669891	280499	07/2011	57.98	
512-8500-625.24-10	01/18/2011	NONSTOCKING ITEMS-P.U.D.	1669891	280499	07/2011	57.97	
211-3134-433.23-20	01/19/2011	MP	1667057	280499	07/2011	315.59	

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512-8400-623.24-50	01/20/2011	NONSTOCKING ITEMS-P.U.D.	1666953	280499	07/2011		60.25
512-8400-623.24-50	01/20/2011	NONSTOCKING ITEMS-P.U.D.	1667888	280499	07/2011		152.72
502-7500-609.24-10	01/20/2011	NONSTOCKING ITEMS-P.U.D.	1670838	280499	07/2011		7.95
502-7500-609.23-80	01/20/2011	NONSTOCKING ITEMS-P.U.D.	1671163	280499	07/2011		39.45
502-0000-141.00-00	01/21/2011	WATER PARTS AND SUPPLIES	1671042		07/2011	10,180.00	
512-8400-623.24-50	01/21/2011	NONSTOCKING ITEMS-P.U.D.	1669977	280499	07/2011		1,758.44
502-0000-141.00-00	01/24/2011	SYSTEMS	16559552		07/2011		169.55
502-7400-603.24-50	01/24/2011	NONSTOCKING ITEMS-P.U.D.	1653938	280499	07/2011		124.20
502-0000-141.00-00	01/25/2011	WATER PARTS AND SUPPLIES	1671929		07/2011		7,126.00
502-0000-141.00-00	01/25/2011	WATER PARTS AND SUPPLIES	1671579		07/2011	14,143.32	
512-8314-622.24-50	01/25/2011	NONSTOCKING ITEMS-P.U.D.	16698911	280499	07/2011		75.12
502-0000-141.00-00	01/26/2011	SYSTEMS	16559553		07/2011		339.10
502-0000-141.00-00	01/26/2011	SYSTEMS	16691261		07/2011		32.16
502-0000-141.00-00	01/26/2011	WATER PARTS AND SUPPLIES	16710361		07/2011		329.76
502-0000-141.00-00	01/26/2011	SYSTEMS	1671049		07/2011		221.34
502-0000-141.00-00	01/26/2011	WATER PARTS AND SUPPLIES	36710362		07/2011		105.48
512-8400-623.24-50	01/26/2011	NONSTOCKING ITEMS-P.U.D.	1672699	280499	07/2011		36.06
502-0000-141.00-00	01/27/2011	SYSTEMS	1668583		07/2011	2,609.24	
502-0000-141.00-00	01/27/2011	SYSTEMS	1674804		07/2011		13.80
502-7312-602.23-80	01/27/2011	NONSTOCKING ITEMS-P.U.D.	1662566	280499	07/2011		2,722.90
502-7312-602.23-80	01/27/2011	NONSTOCKING ITEMS-P.U.D.	1662684	280499	07/2011		3,595.75
512-8400-623.24-50	01/27/2011	NONSTOCKING ITEMS-P.U.D.	1674059	280499	07/2011		1,612.11
512-8400-623.24-50	01/27/2011	NONSTOCKING ITEMS-P.U.D.	1674088	280499	07/2011		150.18
512-8400-623.24-50	01/28/2011	NONSTOCKING ITEMS-P.U.D.	1670629	280499	07/2011		1,118.00
512-8400-623.23-60	02/01/2011	NONSTOCKING ITEMS-P.U.D.	1674124	280499	08/2011		115.48
512-8400-623.24-50	02/01/2011	NONSTOCKING ITEMS-P.U.D.	1675034	280499	08/2011		636.96
512-8400-623.24-50	02/01/2011	NONSTOCKING ITEMS-P.U.D.	1675803	280499	08/2011		133.50
502-7400-603.24-50	02/09/2011	NONSTOCKING ITEMS-P.U.D.	1664361A	280499	08/2011		107.11
02/11/2011	741642	NORTHWESTERN ENERGY	15771			138,848.62	
502-7400-603.34-10	02/01/2011	MISC SERVICES	01004852 JAN11	281285	08/2011		808.54
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512-8400-623.34-10	02/01/2011	MISC SERVICES	01005917 JAN11	281285	08/2011		40,250.69
502-7314-602.34-10	02/01/2011	MISC SERVICES	01006063 JAN11	281285	08/2011		2,131.13
502-7400-603.34-10	02/01/2011	MISC SERVICES	01006063 JAN11	281285	08/2011		53,278.41
502-7400-603.34-10	02/01/2011	MISC SERVICES	01006063 JAN11	281285	08/2011		14,207.58
512-8314-622.34-10	02/01/2011	MISC SERVICES	01006063 JAN11	281285	08/2011		1,420.76
502-7400-603.34-10	02/07/2011	MISC SERVICES	01004787 JAN11	281559	08/2011		572.47
260-5512-455.34-10	02/07/2011	ACCOUNT NUMBER 0100467-0	ACCT 100467-0	F12286	08/2011		8,039.11
266-6773-465.72-91	02/08/2011	1128 LYNN AVENUE	1894940-4	281626	08/2011		12.12
266-6773-465.72-91	02/08/2011	1039 CUSTER AVENUE	1894944-6	281626	08/2011		47.63
571-7143-713.34-10	02/08/2011	ACCOUNT# 0100473-8	02012011	F12295	08/2011		3,158.47
150-2221-422.34-10	02/10/2011	NW FIRE	07125321		08/2011		31.51
561-7113-711.34-10	02/10/2011	NW AVIATION/TRAN	07125339		08/2011		101.59
561-7113-711.34-10	02/10/2011	NW AVIATION/TRAN	07125347		08/2011		14.96
561-7113-711.34-10	02/10/2011	NW AVIATION/TRAN	07125354		08/2011		216.74
10-5141-436.34-10	02/10/2011	NW PARK/REC/PL	07125388		08/2011		135.67

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #			CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT
561-7113-711.34-10	02/10/2011	NW AVIATION/TRAN	07127913		08/2011	36.45
561-7113-711.34-10	02/10/2011	NW AVIATION/TRAN	07127954		08/2011	47.81
561-7113-711.34-10	02/10/2011	NW AVIATION/TRAN	07127970		08/2011	34.58
561-7117-711.34-10	02/10/2011	NW AVIATION/TRAN	07128051		08/2011	8.51
561-7113-711.34-10	02/10/2011	NW AVIATION/TRAN	07128135		08/2011	7.26
571-7143-713.34-10	02/10/2011	NW AVIATION/TRAN	07192255		08/2011	564.21
561-7113-711.34-10	02/10/2011	NW AVIATION/TRAN	07195431		08/2011	2,139.29
561-7113-711.34-10	02/10/2011	NW AVIATION/TRAN	07197593		08/2011	43.29
561-7113-711.34-10	02/10/2011	NW AVIATION/TRAN	07197601		08/2011	34.46
561-7113-711.34-10	02/10/2011	NW AVIATION/TRAN	07197619		08/2011	42.77
561-7113-711.34-10	02/10/2011	NW AVIATION/TRAN	07197627		08/2011	47.18
561-7113-711.34-10	02/10/2011	NW AVIATION/TRAN	07202963		08/2011	40.04
150-2221-422.34-10	02/10/2011	NW FIRE	07208176		08/2011	246.72
10-5126-451.34-10	02/10/2011	NW PARK/REC/PL	07208416		08/2011	46.99
502-7400-603.34-10	02/10/2011	NW PUD-WATER TREAT	07222490		08/2011	10.46
10-5112-452.34-10	02/10/2011	NW PARK/REC/PL	07222565		08/2011	197.51
10-5112-452.34-10	02/10/2011	NW PARK/REC/PL	07222581		08/2011	9.31
10-5112-452.34-10	02/10/2011	NW PARK/REC/PL	07222599		08/2011	15.32
502-7400-603.34-10	02/10/2011	NW PUD-WATER TREAT	07222706		08/2011	1,768.67
10-5112-452.34-10	02/10/2011	NW PARK/REC/PL	07222722	50%	08/2011	8.83
872-5198-452.34-10	02/10/2011	NW PARK/REC/PL	07222722	50%	08/2011	5.90
10-5112-452.34-10	02/10/2011	NW PARK/REC/PL	07222730		08/2011	80.92
10-5112-452.34-10	02/10/2011	NW PARK/REC/PL	07222748		08/2011	11.65
10-5112-452.34-10	02/10/2011	NW PARK/REC/PL	07222755		08/2011	97.61
10-5112-452.34-10	02/10/2011	NW PARK/REC/PL	07222771		08/2011	35.28
10-5112-452.34-10	02/10/2011	NW PARK/REC/PL	07222789		08/2011	29.39
10-5112-452.34-10	02/10/2011	NW PARK/REC/PL	07222797		08/2011	14.96
10-5112-452.34-10	02/10/2011	NW PARK/REC/PL	07228083		08/2011	14.96
10-5112-452.34-10	02/10/2011	NW PARK/REC/PL	07228521		08/2011	9.81
10-5112-452.34-10	02/10/2011	NW PARK/REC/PL	07228620		08/2011	9.31
10-5112-452.34-10	02/10/2011	NW PARK/REC/PL	07229016		08/2011	259.81
10-5112-452.34-10	02/10/2011	NW PARK/REC/PL	07229768		08/2011	8.52
10-5112-452.34-10	02/10/2011	NW PARK/REC/PL	07229958		08/2011	132.03
10-5112-452.34-10	02/10/2011	NW PARK/REC/PL	07230055		08/2011	76.01
10-5112-452.34-10	02/10/2011	NW PARK/REC/PL	07230469		08/2011	7.31
10-5112-452.34-10	02/10/2011	NW PARK/REC/PL	07230493		08/2011	7.31
10-5112-452.34-10	02/10/2011	NW PARK/REC/PL	07230535		08/2011	18.61
10-5112-452.34-10	02/10/2011	NW PARK/REC/PL	07230642		08/2011	17.58
10-5112-452.34-10	02/10/2011	NW PARK/REC/PL	07230659		08/2011	17.58
512-8500-625.34-10	02/10/2011	NW Parks	07233836		08/2011	139.81
872-5198-452.34-10	02/10/2011	NW PARK/REC/PL	07233851		08/2011	8.98
872-5198-452.34-10	02/10/2011	NW PARK/REC/PL	07233869		08/2011	8.98
872-5198-452.34-10	02/10/2011	NW PARK/REC/PL	07233877		08/2011	8.98
872-5198-452.34-10	02/10/2011	NW PARK/REC/PL	07233885		08/2011	8.98
10-5112-452.34-10	02/10/2011	NW PARK/REC/PL	07233919	60%	08/2011	4.35
872-5198-452.34-10	02/10/2011	NW PARK/REC/PL	07233919	40%	08/2011	2.91
872-5198-452.34-10	02/10/2011	NW PARK/REC/PL	07233927		08/2011	8.98
872-5198-452.34-10	02/10/2011	NW PARK/REC/PL	07233935		08/2011	8.03
512-8500-625.34-10	02/10/2011	NW PUD-WASTE WATER	07234040		08/2011	714.83
872-5198-452.34-10	02/10/2011	NW PARK/REC/PL	07238363		08/2011	9.31

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ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
872-5198-452.34-10	02/10/2011	NW PARK/REC/PL	07238405		08/2011	7.29	
512-8500-625.34-10	02/10/2011	NW PUD-WASTE WATER	07238785		08/2011	335.87	
872-5198-452.34-10	02/10/2011	NW PARK/REC/PL	07238835		08/2011	7.70	
10-5112-452.34-10	02/10/2011	NW PARK/REC/PL	07238843		08/2011	57.64	
872-5198-452.34-10	02/10/2011	NW PARK/REC/PL	07238850		08/2011	7.91	
10-5112-452.34-10	02/10/2011	NW PARK/REC/PL	07238876		08/2011	17.57	
10-5112-452.34-10	02/10/2011	NW PARK/REC/PL	08134892		08/2011	13.38	
872-5198-452.34-10	02/10/2011	NW PARK/REC/PL	08814550		08/2011	7.90	
872-5198-452.34-10	02/10/2011	NW PARK/REC/PL	09718248		08/2011	8.03	
10-5112-452.34-10	02/10/2011	PARKS	09789173		08/2011	7.18	
10-5129-451.34-10	02/10/2011	NW FIRE	09998071		08/2011	7.28	
502-7400-603.34-10	02/10/2011	NW Parks	11422532		08/2011	171.43	
10-5112-452.34-10	02/10/2011	NW Parks	11565272		08/2011	7.26	
502-7400-603.34-10	02/10/2011	NW Pud	11608072		08/2011	17.01	
872-5198-452.34-10	02/10/2011	NW parks	11759727		08/2011	171.77	
150-2171-441.34-10	02/10/2011	NW	11834835		08/2011	1,183.21	
10-5112-452.34-10	02/10/2011	NW	12422226		08/2011	7.50	
10-5112-452.34-10	02/10/2011	NW	12488631		08/2011	40.37	
872-5198-452.34-10	02/10/2011	NW	13127071		08/2011	8.00	
502-7400-603.34-10	02/10/2011	NW	13466735		08/2011	5.02	
872-5198-452.34-10	02/10/2011	NW	15138001		08/2011	16.96	
872-5198-452.34-10	02/10/2011	NW	15138027		08/2011	37.11	
872-5198-452.34-10	02/10/2011	NW	15138043		08/2011	18.18	
872-5198-452.34-10	02/10/2011	NW	15143886		08/2011	8.13	
872-5198-452.34-10	02/10/2011	PARKS	15642093		08/2011	7.90	
521-1524-493.34-10	02/10/2011	PARKING-LINC CEN LOT POLE	15696313		08/2011	53.02	
10-5112-452.34-10	02/10/2011	SOUTH PARK CONCESSION	15882624		08/2011	7.18	
10-5112-452.34-10	02/10/2011	PARKS 1	16926669		08/2011	7.88	
512-8500-625.34-10	02/10/2011	SEWER LIFTSTATION C	17040254		08/2011	18.28	
512-8500-625.34-10	02/10/2011	WWTP	17040304		08/2011	34.36	
211-3132-433.34-10	02/10/2011	STREETS/TRAFFIC	17389891		08/2011	24.17	
211-3132-433.34-10	02/10/2011	STREETS/TRAFFIC	17978289		08/2011	5.05	
10-5112-452.34-10	02/10/2011	PARKS & REC	18494088		08/2011	54.87	
502-7400-603.34-10	02/10/2011	2421 BELKNAP AVE	18672659		08/2011	7.18	
10-5112-452.34-10	02/10/2011	PARKS & REC	19049444		08/2011	60.86	
02/11/2011	741645	ONE EIGHTY COMMUNICATIONS	15590			5,306.41	
561-7110-711.34-50	02/09/2011	ONE EIGHTY FEB 2011	AIRPORT 2948370		08/2011	40.60	
606-1931-484.34-50	02/09/2011	ONE EIGHTY FEB 2011	ACCT 00018768		08/2011	542.87	
606-1931-484.34-50	02/09/2011	ONE EIGHTY FEB 2011	ACCT 00001906		08/2011	3,519.07	
10-5112-452.34-50	02/09/2011	ONE EIGHTY FEB 2011	867-7275		08/2011	46.00	
670-3141-489.34-50	02/09/2011	ONE EIGHTY FEB 2011	DEPOT 60%		08/2011	489.86	
660-3110-431.34-50	02/09/2011	ONE EIGHTY FEB 2011	DEPOT 40%		08/2011	326.56	
260-5518-455.35-90	02/09/2011	ONE EIGHTY FEB 2011	INTERNET LIB		08/2011	259.00	
620-1911-482.34-52	02/09/2011	ONE EIGHTY FEB 2011	IT INTERNET		08/2011	79.95	
150-2225-422.34-50	02/09/2011	ONE EIGHTY FEB 2011	LONG DISTANCE		08/2011	2.50	
02/11/2011	741654	PROFORCE LAW ENFORCEMENT	20533			5,085.35	
250-2135-421.21-20	02/03/2011	MISC SERVICES	103192	280865	08/2011	5,085.35	
02/11/2011	741655	PUBLIC UTILITIES	5022			3,499.59	
266-6773-465.72-91	02/08/2011	1128 LYNN AVENUE	97315-11377600	281628	08/2011	28.46	

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ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
266-6773-465.72-91	02/08/2011	3701 CAMBRIDGE DRIVE	97315-12439300	281628	08/2011	28.46	
266-6773-465.72-91	02/09/2011	CANCEL PO #261628	SEE PO #261628	281662	08/2011	56.92-	
521-1592-493.34-20	02/10/2011	105 N 27	4975819		08/2011	25.64	
521-1591-493.34-20	02/10/2011	2922 3 AVE NORTH	22414454		08/2011	57.46	
521-1591-493.34-20	02/10/2011	2922 3 AVE NORTH SP/IR	22434115		08/2011	10.67	
521-1594-493.34-20	02/10/2011	505 N 31	257110001100		08/2011	20.30	
561-7110-711.34-20	02/10/2011	1901 AIRPORT TERM CIR	68407759		08/2011	3,319.11	
512-8500-625.34-20	02/10/2011	2229 BLUE CREEK RD	13670319854		08/2011	9.49	
266-6773-465.72-91	02/10/2011	1128 LYNN AVENUE	97315-11377600	281663	08/2011	28.46	
266-6773-465.72-91	02/10/2011	3701 CAMBRIDGE DRIVE	97315-12439300	281663	08/2011	28.46	
02/11/2011	741659	RAPELJE GRAIN COMPANY	8931			5,562.06	
211-3132-433.47-21	02/08/2011	ROAD/HIGHWAY MATERIAL	0129173	281426	08/2011	2,783.41	
211-3132-433.47-21	02/08/2011	ROAD/HIGHWAY MATERIAL	0129195	281600	08/2011	2,778.65	
02/11/2011	741663	RIVERSIDE SAND & GRAVEL INC	19447			11,861.22	
205-3131-433.93-10	02/10/2011	WO0821 LAKE ELMO DR	7	274940	08/2011	4,992.38	
210-3110-431.93-11	02/10/2011	WO0821 LAKE ELMO DR	7	274940	08/2011	6,868.84	
02/11/2011	741665	SANDERSON STEWART	20446			8,625.22	
233-4370-419.93-90	02/02/2011	SWORDS PRK TR 1	SWORDS PRK TR 1	281493	08/2011	8,625.22	
02/11/2011	741671	SKYCON INC	19639			4,956.42	
561-7112-711.36-60	02/08/2011	INVOICE #326	326	F12289	08/2011	4,956.42	
02/11/2011	741672	SKYLINE SERVICES INC	10740			2,800.00	
561-7112-711.36-60	02/09/2011	MISC SERVICES	29711	276398	08/2011	1,680.00	
561-7112-711.36-60	02/08/2011	INVOICE #29712	29712	F12290	08/2011	1,120.00	
02/11/2011	741680	TERRACON	16191			6,000.00	
205-3131-433.93-10	02/08/2011	SID1369 MOORE LANE	T184826	281595	08/2011	1,400.00	
466-3161-431.93-10	02/08/2011	SID1369 MOORE LANE	T184826	281595	08/2011	4,600.00	
02/11/2011	741683	TITAN MACHINERY INC	20569			9,117.97	
211-3132-433.23-20	02/02/2011	MP	1C06867	281500	08/2011	361.00	
211-3132-433.23-20	02/02/2011	MP	1C06878	281500	08/2011	69.99	
211-3133-433.23-20	02/02/2011	MP	1C06894	281500	08/2011	189.01	
211-3132-433.23-20	02/03/2011	MP	IR00978	281508	08/2011	8,497.97	
02/11/2011	741685	TOWN & COUNTRY SUPPLY ASSOCIAT	18295			77,377.12	
150-2226-422.23-10	02/02/2011	FIRE5:DIESEL/BLND/150 GAL	81180 FIRE5	276337	08/2011	413.62	
150-2226-422.23-10	02/02/2011	FIRE1:UNLEADED/250 GAL	81181 FIRE1	276337	08/2011	652.24	
150-2226-422.23-10	02/02/2011	FIRE1:DIESEL/BLND/250GAL	81182 FIRE1	276337	08/2011	689.38	
150-2226-422.23-10	02/02/2011	FIRE6:DIESEL/BLND 72 GAL	81183 FIRE6	276337	08/2011	198.54	
601-0000-141.00-00	02/07/2011	MP	81040		08/2011	19,275.72	
601-0000-141.00-00	02/07/2011	MP	90775		08/2011	7,151.23	
601-0000-141.00-00	02/07/2011	MP	81040-B		08/2011	19,275.72-	
601-0000-141.71-41	02/07/2011	MP	81040-BB		08/2011	19,275.72	
601-0000-141.71-41	02/07/2011	MP	90768		08/2011	5,461.40	
601-0000-141.00-00	02/08/2011	MP	80769		08/2011	5,289.01	

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ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
601-0000-141.00-00	02/08/2011	MP	81013		08/2011	18,559.10	
601-0000-141.00-00	02/08/2011	MP	81041		08/2011	19,686.88	
02/11/2011	741687	TRACTOR & EQUIPMENT	3775			19,376.47	
541-3123-435.23-20	02/03/2011	FILTERS LF	BLCS0478845	280996	08/2011	302.40	
541-3123-435.23-20	02/03/2011	FILTERS LF	BLCS0478847	280996	08/2011	281.20	
541-3123-435.23-20	02/03/2011	FILTERS LF	BLC0478846	280996	08/2011	220.60	
541-3123-435.53-30	02/03/2011	CAT RENTAL NOV DEC	B1819302	280997	08/2011	8,500.00	
541-3122-435.23-20	02/03/2011	MP	BLW00121077	281530	08/2011	1,935.66	
541-3123-435.23-20	02/08/2011	BOLTS AND NUTS	BLCS0479119	281434	08/2011	20.32	
541-3123-435.23-20	02/08/2011	NUTS	BLCS0479120	281434	08/2011	5.64	
211-3132-433.53-33	02/08/2011	MISC SERVICES	B1831801	281601	08/2011	2,525.00	
211-3132-433.53-33	02/08/2011	MISC SERVICES	B1831802	281601	08/2011	2,500.00	
502-7500-609.23-20	02/08/2011	MP	BLW00121196	281616	08/2011	1,402.11	
541-3123-435.23-20	02/08/2011	MP	BLW00121154	281647	08/2011	1,683.54	
02/11/2011	741706	WILLIAMS BROTHER CONSTRUCTION	8323			14,850.00	
416-0000-201.10-00	02/08/2011	W00622 WTP L STRUCTION	RET RELEASE	261070	08/2011	14,850.00	
02/11/2011	741707	WINGFOOT COMMERCIAL TIRE	15322			3,866.92	
150-2226-422.23-90	01/04/2011	MP	176-10311280	280503	07/2011	25.00-	
211-3140-433.23-90	01/12/2011	MP	176-1031282	280503	07/2011	86.44	
211-3140-433.23-90	01/12/2011	MP	176-1031282	280503	07/2011	264.00	
150-2226-422.23-90	01/25/2011	MP	176-1031340	280503	07/2011	136.44	
150-2226-422.23-90	01/25/2011	MP	176-1031340	280503	07/2011	1,019.64	
150-2226-422.23-90	02/02/2011	MP	176-1031313	280503	08/2011	111.18	
211-3134-433.23-90	02/02/2011	MP	176-1031333	280503	08/2011	47.22	
211-3132-433.23-90	02/09/2011	MP	176-1031286	280503	08/2011	175.42	
211-3140-433.23-90	02/09/2011	MP	176-1031312	280503	08/2011	137.33	
211-3140-433.23-90	02/09/2011	MP	176-1031337	280503	08/2011	289.18	
211-3140-433.23-90	02/09/2011	MP	176-1031337	280503	08/2011	580.00	
211-3134-433.23-90	02/09/2011	MP	176-1031342	280503	08/2011	108.54	
211-3134-433.23-90	02/09/2011	MP	176-1031342	280503	08/2011	178.00	
211-3133-433.23-90	02/09/2011	MP	176-1031361	280503	08/2011	36.09	
211-3130-433.23-90	02/09/2011	MP	176-1031362	280503	08/2011	57.00	
211-3130-433.23-90	02/09/2011	MP	176-1031362	280503	08/2011	665.44	
02/11/2011	741708	WRITER'S VOICE OF BILLINGS	8602			4,077.00	
795-1514-415.72-80	02/10/2011	MISC SERVICES	GRANT 1491	281690	08/2011	4,077.00	
02/11/2011	741711	3M LIBRARY SYSTEMS	14735			12,171.00	
260-5516-455.21-90	02/05/2011	MISC SERVICES	UM83437	280305	08/2011	12,171.00	

DATE RANGE TOTAL *

856,587.55 *

Regular City Council Meeting

Date: 03/14/2011

TITLE: Payment of Claims February 18, 2011.

PRESENTED BY: Pat M. Weber, Financial Services Manager

Department: City Hall Administration

Information

PROBLEM/ISSUE STATEMENT

Claims in the amount of \$797,508.45 have been audited and are presented for your approval for payment. A complete listing of the claims dated February 18, 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

Attachments

List of claims greater than \$2500.

PREPARED 02/18/2011, 14:12:00
PROGRAM: GM350L
CITY OF BILLINGS

A/P CHECKS BY PERIOD AND YEAR
MINIMUM AMOUNT: 2,500.00
FROM 02/18/2011 TO 02/18/2011

PAGE 1

BANK CODE 00

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
02/18/2011	741713	ACCENT AIR CONDITIONING	11940			10,500.00	
561-7113-711.24-50	02/15/2011	INVOICE #10-3358	10-3358	F12336	08/2011	3,500.00	
561-7113-711.24-50	02/16/2011	INVOICE #10-3362	10-3362	F12356	08/2011	7,000.00	
02/18/2011	741722	AMERICAN TITLE & ESCROW	159			15,000.00	
296-6680-463.72-75	02/15/2011	COOK, MIANNE 1911 WYOMING	COOK, MIANNE	281788	08/2011	15,000.00	
02/18/2011	741723	AMERICAN TITLE & ESCROW	159			10,000.00	
296-6680-463.72-75	02/15/2011	GLENDA BIRD 717 KEY CITY	BIRD, GLENDA	281790	08/2011	10,000.00	
02/18/2011	741727	AUTOMATED OFFICE INC	241			3,572.41	
571-7141-713.36-30	01/25/2011	MISC SERVICES	INV9673	280493	07/2011	30.94	
502-7400-603.21-90	01/25/2011	NONSTOCKING ITEMS-P.U.D.	9675	280493	07/2011	6.76	
670-3141-489.36-60	01/26/2011	COPIER MAINTENANCE	9771	280493	07/2011	33.00	
211-3132-433.36-30	01/27/2011	MISC SERVICES	9770	280493	07/2011	22.55	
660-3110-431.36-60	01/28/2011	COPIER MAINTENANCE	9862	280493	07/2011	30.23	
605-1516-483.36-90	01/20/2011	MISC SERVICES	9674	280493	08/2011	42.76	
605-1516-483.36-90	01/20/2011	MISC SERVICES	9676	280493	08/2011	17.69	
605-1516-483.36-90	01/20/2011	MISC SERVICES	9677	280493	08/2011	105.76	
605-1516-483.36-90	01/20/2011	MISC SERVICES	9678	280493	08/2011	19.13	
605-1516-483.36-90	01/20/2011	MISC SERVICES	9679	280493	08/2011	68.90	
605-1516-483.36-90	01/27/2011	MISC SERVICES	9899	280493	08/2011	1,603.20	
605-1516-483.36-90	01/28/2011	MISC SERVICES	9944	280493	08/2011	1.49	
605-1516-483.36-90	01/28/2011	MISC SERVICES	9958	280493	08/2011	870.00	
150-2170-441.21-20	02/16/2011	COPIER MAINTANCE CONTRACT	INV9917	281824	08/2011	720.00	
02/18/2011	741730	BEARTOOTH RESOURCE CONSERV	8351			9,371.91	
10-1313-413.33-50	02/14/2011	MISC SERVICES	152011	281757	08/2011	100.00	
10-1411-414.39-51	02/15/2011	MISC SERVICES	01052011	281760	08/2011	9,271.91	
02/18/2011	741734	BILLINGS GAZETTE	420			11,165.07	
541-3122-435.33-70	01/31/2011	HR-SOLID WASTE	JAN 2011		08/2011	3,455.57	
561-7110-711.32-10	01/31/2011	HR-AIRPORT	JAN 2011		08/2011	631.97	
502-7211-601.33-10	01/31/2011	HR-PUD-WATER	JAN 2011		08/2011	287.62	
512-8211-621.33-10	01/31/2011	HR-PUD-WASTE WATER	JAN 2011		08/2011	287.63	
199-1513-466.35-90	01/31/2011	PLANNING	JAN 2011		08/2011	182.26	
260-5511-455.33-60	01/31/2011	LIBRARY	JAN 2011		08/2011	745.00	
10-1411-414.31-10	01/31/2011	ONLINE BANNER	JAN 2011		08/2011	565.71	
541-3121-435.33-65	01/31/2011	SOLID WASTE TREE RECYCL	JAN 2011		08/2011	573.89	
541-3122-435.33-70	01/31/2011	SOLID WASTE COLLECTION	JAN 2011		08/2011	620.76	
10-5121-451.33-30	01/31/2011	REC WINTER GUIDE	JAN 2011		08/2011	1,340.45	
10-5121-451.32-10	01/31/2011	PARKS & REC INSERT	JAN 2011		08/2011	2,193.12	
10-5140-436.33-10	01/31/2011	CEMETERY DEC. REMOVAL	JAN 2011		08/2011	281.09	
02/18/2011	741737	BISON MOTOR COMPANY	12046			29,345.10	
10-5112-452.82-10	02/14/2011	1-TON PICKUP FOR PARKS	SCHED IV PICKUP	278610	08/2011	29,345.10	
02/18/2011	741741	BORDER STATES ELECTRIC	509			6,068.15	
211-3132-433.24-30	01/04/2011	MISC SERVICES	901828015	280494	07/2011	18.44	

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502-0000-141.00-00	01/07/2011	WATER PARTS AND SUPPLIES	901845335		07/2011	259.90
512-8400-623.23-60	01/10/2011	NONSTOCKING ITEMS-P.U.D.	901834218	280494	07/2011	462.00
512-8500-625.23-60	01/10/2011	NONSTOCKING ITEMS-P.U.D.	901844417	280494	07/2011	71.70
512-8500-625.23-60	01/10/2011	NONSTOCKING ITEMS-P.U.D.	901845442	280494	07/2011	5.32
502-7400-603.23-60	01/12/2011	NONSTOCKING ITEMS-P.U.D.	901862262	280494	07/2011	226.47
512-8400-623.23-60	01/12/2011	NONSTOCKING ITEMS-P.U.D.	901866585	280494	07/2011	323.18
512-8400-623.23-60	01/14/2011	NONSTOCKING ITEMS-P.U.D.	901872071	280494	07/2011	20.88
512-8400-623.23-60	01/18/2011	NONSTOCKING ITEMS-P.U.D.	901878864	280494	07/2011	663.81
502-7400-603.23-60	01/18/2011	NONSTOCKING ITEMS-P.U.D.	901879148	280494	07/2011	232.84
502-0000-141.00-00	01/19/2011	WATER PARTS AND SUPPLIES	901896391		07/2011	216.81
502-7400-603.23-60	01/19/2011	NONSTOCKING ITEMS-P.U.D.	901890551	280494	07/2011	19.60
512-8400-623.23-60	01/20/2011	NONSTOCKING ITEMS-P.U.D.	901856156	280494	07/2011	123.52
512-8400-623.23-60	01/20/2011	NONSTOCKING ITEMS-P.U.D.	901894639	280494	07/2011	26.60
512-8500-625.23-60	01/26/2011	NONSTOCKING ITEMS-P.U.D.	901851354	280494	07/2011	189.47
502-7400-603.23-60	01/26/2011	NONSTOCKING ITEMS-P.U.D.	901903069	280494	07/2011	220.53
502-7400-603.23-60	01/26/2011	NONSTOCKING ITEMS-P.U.D.	901913726	280494	07/2011	78.00
502-7400-603.23-60	01/26/2011	NONSTOCKING ITEMS-P.U.D.	901913864	280494	07/2011	21.49
211-0000-141.31-83	01/27/2011	STREET LIGHTS	901925571		07/2011	59.67
211-3132-433.24-30	01/27/2011	MISC SERVICES	901896587	280494	07/2011	49.89
512-8400-623.23-60	01/27/2011	NONSTOCKING ITEMS-P.U.D.	901919088	280494	07/2011	102.43
502-7400-603.23-60	01/27/2011	NONSTOCKING ITEMS-P.U.D.	901924713	280494	07/2011	414.53
502-7400-603.23-60	01/27/2011	NONSTOCKING ITEMS-P.U.D.	901925080	280494	07/2011	9.40
211-3132-433.24-30	01/27/2011	MISC SERVICES	901925345	280494	07/2011	65.54
512-8400-623.23-60	01/28/2011	NONSTOCKING ITEMS-P.U.D.	901931602	280494	07/2011	459.37
502-7400-603.23-60	02/02/2011	NONSTOCKING ITEMS-P.U.D.	901942392	280494	08/2011	1,083.72
502-7400-603.23-60	02/02/2011	NONSTOCKING ITEMS-P.U.D.	901942403	280494	08/2011	11.30
601-1552-481.21-20	02/15/2011	MP	901897432	280494	08/2011	8.44
601-1552-481.21-20	02/15/2011	MP	901900720	280494	08/2011	372.82
02/18/2011	741742	BORDER STATES ELECTRIC	509			13,945.40
502-7400-603.35-53	02/14/2011	SOFTWARE SUPPORT RENEWAL	901958729	281739	08/2011	6,858.35
512-8400-623.35-53	02/14/2011	SOFTWARE SUPPORT RENEWAL	901958729	281739	08/2011	7,087.05
02/18/2011	741752	CARQUEST AUTO PARTS	3890			3,557.56
502-7312-602.23-20	01/04/2011	NONSTOCKING ITEMS-P.U.D.	1935186219	280495	07/2011	35.42
502-7500-609.24-10	01/04/2011	NONSTOCKING ITEMS-P.U.D.	1935186249	280495	07/2011	49.85
502-7500-609.24-10	01/04/2011	NONSTOCKING ITEMS-P.U.D.	1935186254	280495	07/2011	1.06
502-0000-141.00-00	01/07/2011	WATER PARTS AND SUPPLIES	1935186659		07/2011	119.88
502-0000-141.00-00	01/10/2011	WATER PARTS AND SUPPLIES	1935186812		07/2011	354.33
502-0000-141.00-00	01/10/2011	WATER PARTS AND SUPPLIES	1935186820		07/2011	98.04
502-7500-609.24-10	01/10/2011	NONSTOCKING ITEMS-P.U.D.	1935186812	280495	07/2011	29.94
502-7500-609.24-10	01/10/2011	NONSTOCKING ITEMS-P.U.D.	1935186815	280495	07/2011	29.94-
512-8500-625.23-20	01/12/2011	NONSTOCKING ITEMS-P.U.D.	1935187197	280495	07/2011	3.47
502-7500-609.23-20	01/12/2011	NONSTOCKING ITEMS-P.U.D.	1935187212	280495	07/2011	27.02
512-8500-625.23-20	01/12/2011	NONSTOCKING ITEMS-P.U.D.	1935187355	280495	07/2011	89.20
512-8500-625.23-20	01/13/2011	NONSTOCKING ITEMS-P.U.D.	1935187452	280495	07/2011	16.10
502-7500-609.23-20	01/14/2011	NONSTOCKING ITEMS-P.U.D.	1935187433	280495	07/2011	15.85
502-7500-609.23-20	01/14/2011	NONSTOCKING ITEMS-P.U.D.	1935187506	280495	07/2011	12.30
512-8500-625.23-20	01/19/2011	NONSTOCKING ITEMS-P.U.D.	2833181163	280495	07/2011	19.20

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601-0000-141.00-00	01/20/2011	MP	1910-199961		07/2011		208.32
601-0000-141.00-00	01/20/2011	MP	1910-200546		07/2011		80.02
150-2112-421.23-20	01/20/2011	MP	1910-200655	280495	07/2011		34.41
512-8400-623.24-50	01/20/2011	NONSTOCKING ITEMS-P.U.D.	1935187610	280495	07/2011		15.98
502-0000-141.00-00	01/21/2011	WATER PARTS AND SUPPLIES	1935188264		07/2011		950.35
502-0000-141.00-00	01/21/2011	WASTEWATER PARTS & SUPPLY	1935188264		07/2011		97.02
502-0000-141.00-00	01/21/2011	WATER PARTS AND SUPPLIES	1935188344		07/2011		45.10
502-0000-141.00-00	01/21/2011	WATER PARTS AND SUPPLIES	1935188358		07/2011		62.37
512-8500-625.23-20	01/21/2011	NONSTOCKING ITEMS-P.U.D.	1935188389	280495	07/2011		10.85
502-7400-603.24-50	01/24/2011	NONSTOCKING ITEMS-P.U.D.	1935188449	280495	07/2011		5.73
502-7500-609.23-20	01/24/2011	NONSTOCKING ITEMS-P.U.D.	1935188631	280495	07/2011		19.53
502-0000-141.00-00	01/25/2011	WATER PARTS AND SUPPLIES	1935188797		07/2011		7.15
502-0000-141.00-00	01/25/2011	WASTEWATER PARTS & SUPPLY	1935188798		07/2011		69.30
512-8500-625.23-20	01/26/2011	NONSTOCKING ITEMS-P.U.D.	1935188832	280495	07/2011		110.60
211-3138-433.23-20	01/27/2011	MP	1910-200633	280495	07/2011		4.41
601-1553-481.26-50	01/27/2011	MP	1910-200633	280495	07/2011		12.95
512-8500-625.23-20	01/27/2011	NONSTOCKING ITEMS-P.U.D.	1935188715	280495	07/2011		5.74
502-7400-603.24-50	01/28/2011	NONSTOCKING ITEMS-P.U.D.	1935189114	280495	07/2011		29.60
512-8500-625.23-20	01/28/2011	NONSTOCKING ITEMS-P.U.D.	1935189148	280495	07/2011		28.65
601-0000-141.00-00	02/01/2011	MP	1910-201836		08/2011		11.68
601-0000-141.00-00	02/01/2011	MP	1910-201909		08/2011		38.59
211-3130-433.23-20	02/01/2011	MP	1910-201684	280495	08/2011		23.77
601-1553-481.26-50	02/01/2011	MP	1910-201684	280495	08/2011		6.61
601-1553-481.26-50	02/01/2011	MP	1910-201836	280495	08/2011		11.97
541-3122-435.23-20	02/01/2011	MP	1910-201909	280495	08/2011		53.42
150-2226-422.23-20	02/01/2011	MP	1910-201941	280495	08/2011		38.12
150-2112-421.23-20	02/01/2011	MP	1910-202090	280495	08/2011		38.75
620-1911-482.23-20	02/01/2011	MP	1910-202091	280495	08/2011		41.37
502-7500-609.24-10	02/02/2011	NONSTOCKING ITEMS-P.U.D.	1935189446	280495	08/2011		36.36
512-8500-625.23-20	02/02/2011	NONSTOCKING ITEMS-P.U.D.	1935189496	280495	08/2011		14.26
512-8500-625.23-20	02/02/2011	NONSTOCKING ITEMS-P.U.D.	1935189506	280495	08/2011		4.58
502-7400-603.23-60	02/03/2011	NONSTOCKING ITEMS-P.U.D.	901957552	280495	08/2011		24.50
601-0000-141.00-00	02/07/2011	MP	1910-200222		08/2011		38.65
211-3130-433.23-20	02/07/2011	MP	1910-199898	280495	08/2011		2.57
150-2112-421.23-20	02/07/2011	MP	1910-199913	280495	08/2011		56.86
211-3130-433.23-20	02/07/2011	MP	1910-199913	280495	08/2011		2.44
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211-3130-433.23-20	02/09/2011	MP	1910-200419	280495	08/2011		71.16
541-3123-435.23-20	02/09/2011	MP	1910-200616	280495	08/2011		17.99
150-2112-421.23-20	02/09/2011	MP	1910-200708	280495	08/2011		11.21
150-2112-421.23-20	02/09/2011	MP	1910-200949	280495	08/2011		11.21
541-3122-435.23-20	02/09/2011	MP	1910-201011	280495	08/2011		23.60
211-3130-433.23-20	02/09/2011	MP	1910-201029	280495	08/2011		10.38
541-3122-435.23-20	02/09/2011	MP	1910-201029	280495	08/2011		5.29
150-2172-441.23-20	02/09/2011	MP	1910-201521	280495	08/2011		5.96
601-1553-481.26-50	02/09/2011	MP	1910-201521	280495	08/2011		6.56
601-0000-141.00-00	02/14/2011	MP	1910-201150		08/2011		20.05
150-2226-422.23-20	02/14/2011	MP	1910-201045	280495	08/2011		6.79
150-2172-441.23-20	02/14/2011	MP	1910-201126	280495	08/2011		11.21
150-2112-421.23-20	02/14/2011	MP	1910-201130	280495	08/2011		65.79

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150-2112-421.23-20	02/14/2011	MP	1910-201157	280495	08/2011	204.09	
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150-2112-421.23-20	02/14/2011	MP	1910-201278	280495	08/2011	5.20	
521-1523-493.23-20	02/15/2011	MP	1910-201046-C	280495	08/2011	6.55	
502-7400-603.23-60	02/15/2011	NONSTOCKING ITEMS-P.U.D.	901957552A	280495	08/2011	24.50-	
02/18/2011 741753	CASTLEROCK EXCAVATING INC	19707				22,572.00	
416-7493-603.93-40	02/16/2011	WO0910 BLGS HEIGHTS WTR	1	281795	08/2011	22,572.00	
02/18/2011 741758	DELL COMPUTER L P	13426				8,580.44	
150-2150-421.21-20	02/15/2011	MISC SERVICES	XF712P2D1	281006	08/2011	5,399.96	
150-2221-422.29-25	02/15/2011	MISC SERVICES	XF6X962F5	281097	08/2011	1,538.13	
10-1212-412.29-25	02/15/2011	MISC SERVICES	XF772K6D1	281379	08/2011	1,642.35	
02/18/2011 741773	GALLAGHER BENEFIT SERVICES INC	15815				23,875.00	
627-1752-417.35-60	02/16/2011	MISC SERVICES	3787	281819	08/2011	23,875.00	
02/18/2011 741776	GENERAL CONTRACTORS CONSTR	1415				8,968.89	
407-0000-201.10-00	02/18/2011	Retainage Release	FINAL PAY REQ.	266985	08/2011	8,745.89	
150-2226-422.24-50	02/15/2011	FIRE7:SOFFIT/REMOVED/WEST	FIRE7/SOFFITS	281762	08/2011	223.00	
02/18/2011 741777	GENERAL ELECTRIC CAPITAL CORP	19598				9,370.42	
150-2150-421.61-00	02/16/2011	MISC SERVICES	INVOICE	281826	08/2011	9,006.04	
150-2150-421.62-00	02/16/2011	MISC SERVICES	INVOICE	281826	08/2011	364.38	
02/18/2011 741778	GILLIG CORPORATION	18154				5,405.02	
601-0000-141.71-41	02/15/2011	MP	4693798		08/2011	5,405.02	
02/18/2011 741787	HDR INC	1544				72,080.14	
845-3186-431.93-10	02/16/2011	WO1023 ZIM TR/RIMRCK/HWY3	7/INV 266932-H	276513	08/2011	72,080.14	
02/18/2011 741795	INTEGRATED INFORMATION SOLUTIO	13770				2,875.00	
620-1911-482.53-70	02/15/2011	MISC SERVICES	64474	281809	08/2011	2,875.00	
02/18/2011 741800	ITT CORPORATION	20204				4,685.77	
512-8400-623.24-50	02/07/2011	MISC SERVICES	07618969	281561	08/2011	3,028.64	
512-8400-623.24-50	02/07/2011	MISC SERVICES	07618970	281561	08/2011	1,657.13	
02/18/2011 741801	JOHNSON LANE MATERIALS	15449				2,686.67	
541-3123-435.22-90	02/16/2011	GRAVEL FOR THE LANDFILL	14683	281439	08/2011	2,686.67	
02/18/2011 741803	KADRMAS LEE & JACKSON	14850				27,452.72	
503-7591-609.93-40	02/16/2011	WO0911 RIMRCK/17TH/REHBRG	18/INV 121758	268015	08/2011	4,255.17	
840-3184-431.93-10	02/16/2011	WO0911 RIMRCK/17TH/REHBRG	18/INV 121758	268015	08/2011	6,588.65	
845-3186-431.93-10	02/16/2011	WO0911 RIMRCK/17TH/REHBRG	18/INV 121758	268015	08/2011	16,608.90	
02/18/2011 741807	KOIS BROTHERS EQUIPMENT CO	6452				22,113.76	
601-0000-141.00-00	01/07/2011	MP	88606		07/2011	284.04	
541-3122-435.23-20	01/11/2011	MP	88499	278330	07/2011	1,644.15	
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541-3122-435.23-20	01/19/2011	MP	88624	280497	07/2011	68.21	
541-3122-435.23-20	01/19/2011	MP	88658	280497	07/2011	55.62	
211-3130-433.23-20	01/19/2011	MP	88789	280497	07/2011	3,569.90	
541-3122-435.23-20	01/26/2011	MP	88844	280497	07/2011	530.26	
502-7500-609.23-20	01/28/2011	MP	88776	280497	07/2011	1,806.07	
601-0000-141.00-00	02/03/2011	MP	88876		08/2011	134.64	
601-0000-141.00-00	02/03/2011	MP	88892		08/2011	109.70	
601-0000-141.00-00	02/03/2011	MP	88898		08/2011	104.20	
601-0000-141.00-00	02/08/2011	MP	88767		08/2011	957.69	
541-3122-435.23-20	02/08/2011	MP	88671	280497	08/2011	1,712.30	
211-3134-433.23-20	02/08/2011	MP	88729	280497	08/2011	1,481.79	
541-3122-435.23-20	02/08/2011	MP	88747	280497	08/2011	915.50	
541-3122-435.23-20	02/08/2011	MP	88752	280497	08/2011	140.51	
541-3122-435.23-20	02/08/2011	MP	88777	280497	08/2011	530.26	
541-3122-435.23-20	02/08/2011	MP	88946	280497	08/2011	598.10	
541-3122-435.23-20	02/15/2011	MP	88994	280497	08/2011	165.78	
541-3122-435.23-20	02/16/2011	MP	88676	280497	08/2011	213.90	
02/18/2011	741811	LESMAN IRON WORKS	2156			11,612.00	
541-3123-435.42-70	02/07/2011	ROLL OFF LF	29945	281431	08/2011	1,924.00	
541-3123-435.24-50	02/07/2011	ROLL OFFS LF	29998	281431	08/2011	9,688.00	
02/18/2011	741820	MES-NW	19056			7,456.22	
150-2229-422.26-40	02/11/2011	LEATHER/BOOT/ABELL 12E	00204072 ABELL	273363	08/2011	289.00	
150-2229-422.26-40	02/11/2011	LEATHER BOOT:ELLIS,ANDY	00204072 ELLIS	273363	08/2011	289.00	
150-2229-422.26-40	02/11/2011	LEATHER BOOT:FLEURY,B.	00204072 FLEURY	273363	08/2011	289.00	
150-2229-422.26-40	02/11/2011	FREIGHT/BOOT ORDER	00204072 FRT	273363	08/2011	118.54	
150-2229-422.26-40	02/11/2011	LEATHER BOOT:KINKEAD,TODD	00204072 KINKEA	273363	08/2011	289.00	
150-2229-422.26-40	02/11/2011	LEATHER BOOT:KRIEGER,TREV	00204072 KRIEGR	273363	08/2011	289.00	
150-2229-422.26-40	02/11/2011	LEATHER BOOT:LITTLE CHASE	00204072 LITTLE	273363	08/2011	289.00	
150-2229-422.26-40	02/11/2011	LEATHER BOOT:MAMAYEK,B.	00204072 MAMAYE	273363	08/2011	289.00	
150-2229-422.26-40	02/11/2011	LEATHER BOOT:MEEKER MATT	00204072 MEEKER	273363	08/2011	289.00	
150-2229-422.26-40	02/11/2011	LEATHER BOOT:MORGAN, TY	00204072 MORGAN	273363	08/2011	289.00	
150-2229-422.26-40	02/11/2011	LEATHER BOOT:PADDOCK,MARK	00204072 PADDOC	273363	08/2011	289.00	
150-2229-422.26-40	02/11/2011	LEATHER BOOT/MOORE,RYAN	00204072 R.MOOR	273363	08/2011	289.00	
150-2229-422.26-40	02/11/2011	LEATHER BOOT:RISKE,CRAIG	00204072 RISKE	273363	08/2011	289.00	
150-2229-422.26-40	02/11/2011	LEATHER BOOT:ROPER	00204072 ROPER	273363	08/2011	289.00	
150-2229-422.26-40	02/11/2011	LEATHER BOOT:SCHAUER,R.	00204072 SCHAU	273363	08/2011	289.00	
150-2229-422.26-40	02/11/2011	LEATHER BOOT:SMITH,BRAD	00204072 SMITH	273363	08/2011	289.00	
150-2229-422.26-40	02/11/2011	LEATHER BOOT:WAGNER	00204072 WAGNER	273363	08/2011	289.00	
150-2229-422.26-40	02/11/2011	LEATHER BOOT:ZIMMERMAN R.	00204072 ZIMMRM	273363	08/2011	289.00	
150-2229-422.24-90	02/11/2011	CREDIT/RETRN/STRAINER	00020071 FIRE	279372	08/2011	81.60-	
150-2229-422.24-90	02/11/2011	HOSE .75"X50-FT BRASS GHT	00202694 FIRE	279372	08/2011	888.00	
150-2229-422.24-90	02/11/2011	HOSE .75"X50-FT BRASS GHT	00202694 FIRE	279372	08/2011	20.61	
150-2229-422.24-90	02/11/2011	BALL SHUT OFF&STRAINER	00204070 FIRE	279372	08/2011	442.00	
150-2229-422.24-90	02/11/2011	BALL SHUT OFF&STRAINER	00204070 FIRE	279372	08/2011	26.99	
150-2229-422.24-90	02/11/2011	ADAPTER/CAMLOCK	00207861 FIRE	279372	08/2011	72.00	
150-2229-422.24-90	02/11/2011	ADAPTER/CAMLOCK	00207861 FIRE	279372	08/2011	15.66	

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150-2229-422.24-90	02/11/2011	2"BARREL STRAINERS/FRT	00213774 FIRE	279372	08/2011		16.98
150-2229-422.22-90	02/11/2011	LED ASSY & NOSE CUPS	00216343 SCBA	280971	08/2011		187.50
150-2229-422.22-90	02/11/2011	LED ASSY & NOSE CUPS	00216343 SCBA	280971	08/2011		11.54
150-2229-422.26-40	02/11/2011	LED ASSY & NOSE CUPS	00216343 SCBA	280971	08/2011		825.00
02/18/2011 741826		MONTANA PIVOT GATES INC 18063					2,921.30
502-7400-603.24-50	02/14/2011	MISC SERVICES	00002924	281726	08/2011		2,016.30
502-7400-603.24-50	02/14/2011	MISC SERVICES	00002908	281732	08/2011		905.00
02/18/2011 741827		MORRISON MAIERLE ENVIROMENTAL 9560					3,573.98
260-5518-455.29-25	02/17/2011	MISC SERVICES	95899	280553	08/2011		3,573.98
02/18/2011 741828		MORRISON MAIERLE INC 2572					42,799.94
405-7125-711.96-72	02/15/2011	MISC SERVICES	117065/66/69	274777	08/2011		4,397.00
405-7125-711.96-72	02/15/2011	MISC SERVICES	117065/66/69	274777	08/2011		1,815.62
405-7125-711.96-72	02/15/2011	MISC SERVICES	117065/66/69	274777	08/2011		4,334.00
405-7125-711.96-72	02/15/2011	MISC SERVICES	117065/66/69	274777	08/2011		591.85
405-7125-711.96-73	02/15/2011	MISC SERVICES	117065/66/69	274777	08/2011		231.42
405-7125-711.96-73	02/15/2011	MISC SERVICES	117065/66/69	274777	08/2011		95.56
405-7125-711.96-73	02/15/2011	MISC SERVICES	117065/66/69	274777	08/2011		228.10
405-7125-711.96-73	02/15/2011	MISC SERVICES	117065/66/69	274777	08/2011		31.15
205-3131-433.93-10	02/16/2011	WO0210 BENCH CONNECTION	15/INV 110134	265562	08/2011		18,269.95
503-7591-609.93-40	02/16/2011	WO1105 CHAPPLE WTR MAIN	1/INV 110129	279882	08/2011		12,805.29
02/18/2011 741831		MURRAY ENTERPRISES LLC 21554					4,177.95
521-1595-493.93-90	02/17/2011	PRIOR YEAR ENCUMBRANCES	1	281667	08/2011		4,177.95
02/18/2011 741838		NORTHWEST SCIENTIFIC INC 2760					3,923.53
512-8400-623.22-23	02/14/2011	MISC SERVICES	5009227	279979	08/2011		520.68
512-8400-623.22-23	02/14/2011	MISC SERVICES	5009228	279979	08/2011		463.33
512-8400-623.22-23	02/14/2011	MISC SERVICES	5009229	279979	08/2011		378.32
512-8400-623.22-23	02/14/2011	MISC SERVICES	5009701	279979	08/2011		74.86
512-8400-623.22-23	02/14/2011	MISC SERVICES	5009702	279979	08/2011		509.70
502-7400-603.22-20	02/14/2011	MISC SERVICES	5009543	280736	08/2011		827.84
502-7400-603.22-20	02/14/2011	MISC SERVICES	5009827	280736	08/2011		119.34
502-7400-603.22-20	02/14/2011	MISC SERVICES	5009828	280736	08/2011		45.00
502-7400-603.22-20	02/14/2011	MISC SERVICES	5010046	280736	08/2011		268.00
502-7400-603.22-20	02/14/2011	MISC SERVICES	5010047	280736	08/2011		104.76
502-7400-603.22-20	02/14/2011	MISC SERVICES	5010236	280736	08/2011		282.00
502-7400-603.22-20	02/14/2011	MISC SERVICES	5010237	280736	08/2011		135.31
502-7400-603.22-20	02/14/2011	MISC SERVICES	5010238	280736	08/2011		62.85
502-7400-603.22-20	02/14/2011	MISC SERVICES	5010425	280736	08/2011		92.54
502-7400-603.22-20	02/14/2011	MISC SERVICES	5010525	280736	08/2011		39.00
02/18/2011 741840		NORTHWESTERN ENERGY 15771					24,311.40
512-8500-625.34-10	02/14/2011	MISC SERVICES	17568932 FEB11	281716	08/2011		102.09
561-7117-711.34-10	02/14/2011	1341295-2	021411	F12329	08/2011		553.79
561-7117-711.34-10	02/14/2011	1341291-1	021411	F12329	08/2011		379.17
561-7117-711.34-10	02/14/2011	1341289-5	021411	F12329	08/2011		43.81
561-7117-711.34-10	02/14/2011	1341288-7	021411	F12329	08/2011		279.28

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561-7117-711.34-10	02/14/2011	1264299-7	021411	F12329	08/2011	590.23	
561-7113-711.34-10	02/14/2011	0100484-5	021411	F12329	08/2011	2,631.37	
561-7113-711.34-10	02/14/2011	0100483-7	021411	F12329	08/2011	3,139.25	
561-7113-711.34-10	02/14/2011	1647695-4	021411	F12329	08/2011	31.36	
561-7117-711.34-10	02/14/2011	1669567-8	021411	F12329	08/2011	620.11	
10-5127-451.34-10	02/17/2011	NW PARK/REC/PL	07123870		08/2011	40.95	
10-5122-451.34-10	02/17/2011	NW PARK/REC/PL	07125362		08/2011	163.16	
10-5122-451.34-10	02/17/2011	NW PARK/REC/PL	07208184		08/2011	41.56	
10-5126-451.34-10	02/17/2011	NW PARK/REC/PL	07208218		08/2011	99.64	
502-7400-603.34-10	02/17/2011	NW PUD-WATER TREAT	07222649		08/2011	2,412.16	
10-5112-452.34-10	02/17/2011	NW PARK/REC/PL	07222870		08/2011	18.93	
502-7400-603.34-10	02/17/2011	NW PUD-WATER TREAT	07230402		08/2011	2,442.67	
502-7400-603.34-10	02/17/2011	NW PUD-WATER TREAT	07230592		08/2011	74.64	
150-2221-422.34-10	02/17/2011	NW FIRE	08715468		08/2011	690.51	
10-5112-452.34-10	02/17/2011	NW PARK/REC/PL	09254962		08/2011	236.34	
650-1566-487.34-10	02/17/2011		09758087		08/2011	455.86	
502-7400-603.34-10	02/17/2011	NW PUD	11164522		08/2011	317.69	
561-7117-711.34-10	02/17/2011	NW PUD	11389269		08/2011	135.30	
650-1566-487.34-10	02/17/2011	ACCOUNTS PAYABLE	11608023		08/2011	980.17	
650-1566-487.34-10	02/17/2011	ACCOUNTS PAYABLE	11608049		08/2011	3,803.71	
650-1566-487.34-10	02/17/2011	NW	12693917		08/2011	3,976.53	
211-3132-433.34-10	02/17/2011	STREETS/TRAFFIC	17403577		08/2011	.19	
211-3132-433.34-10	02/17/2011	STREETS/TRAFFIC	17488966		08/2011	.47	
10-5112-452.34-10	02/17/2011	PARKS	18366666		08/2011	34.89	
502-7400-603.34-10	02/17/2011	PUD WATER TREATMENT PLANT	19059435		08/2011	15.57	
02/18/2011	741850	NORTHWESTERN ENERGY	15784			142,323.48	
211-3132-433.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE SIGNALS		08/2011	12,113.56	
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810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0712568-5		08/2011	140.59	
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0712570-1		08/2011	2,313.69	
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810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0712627-9		08/2011	219.76
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0712628-7		08/2011	1,142.68
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0712629-5		08/2011	392.57
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0712630-3		08/2011	285.67
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0712631-1		08/2011	703.18
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0712632-9		08/2011	229.71
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0712633-7		08/2011	191.41
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0712634-5		08/2011	61.60
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0712635-2		08/2011	61.60
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0712636-0		08/2011	109.85
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0712637-8		08/2011	65.71
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0712638-6		08/2011	461.44
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0712639-4		08/2011	706.37
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0712640-2		08/2011	16.42
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0712641-0		08/2011	347.06
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0712642-8		08/2011	31.83
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0712643-6		08/2011	307.63
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0712644-4		08/2011	351.60
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0712645-1		08/2011	260.41
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0712646-9		08/2011	505.42
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0712647-7		08/2011	73.93
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0712648-5		08/2011	41.09
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0712649-3		08/2011	41.09
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0712650-1		08/2011	24.65
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0712651-9		08/2011	438.84
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810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0712653-5		08/2011	341.14
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0712654-3		08/2011	262.44
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0712655-0		08/2011	7.97
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810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0712657-6		08/2011	98.58
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0712658-4		08/2011	1,672.24
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0712659-2		08/2011	383.61
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0712660-0		08/2011	263.61
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0712661-8		08/2011	533.31
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0712662-6		08/2011	745.54
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0712663-4		08/2011	385.61
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0712664-2		08/2011	899.76
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0712665-9		08/2011	539.84
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0712666-7		08/2011	2,339.42
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0712667-5		08/2011	717.28
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0712668-3		08/2011	422.31
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0712669-1		08/2011	451.03
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0712670-9		08/2011	143.56
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0712671-7		08/2011	373.56

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ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT
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810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0712674-1		08/2011	344.56
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0712675-8		08/2011	573.86
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0712676-6		08/2011	77.11
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0712677-4		08/2011	102.83
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0712678-2		08/2011	79.38
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0712679-0		08/2011	308.50
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0712680-8		08/2011	1,066.60
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0712681-6		08/2011	2,262.38
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0718734-7		08/2011	2,545.06
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 1301786-8		08/2011	17.34
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0719001-0		08/2011	174.57
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0718801-4		08/2011	3,650.56
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0719162-0		08/2011	514.16
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0719644-7		08/2011	1,792.29
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0719763-5		08/2011	129.74
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0720813-5		08/2011	145.32
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0720360-7		08/2011	755.56
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0720606-3		08/2011	2,421.49
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 1301786-8		08/2011	16.01
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0720810-1		08/2011	1,178.76
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0720705-3		08/2011	462.74
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0720937-2		08/2011	2,916.02
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0720716-0		08/2011	833.79
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0721427-3		08/2011	141.53
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0721556-9		08/2011	325.95
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0721684-9		08/2011	54.31
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0833098-7		08/2011	66.98
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0906944-4		08/2011	377.32
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0995095-7		08/2011	925.66
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0905005-5		08/2011	2,615.28
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0926386-4		08/2011	187.60
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0907926-0		08/2011	57.45
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0961926-3		08/2011	409.46
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 1058710-3		08/2011	768.65
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 1087619-1		08/2011	201.00
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 1124127-0		08/2011	57.01
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 1045653-1		08/2011	622.14
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 1079722-3		08/2011	319.70
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 1172743-5		08/2011	335.27
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 1206985-2		08/2011	314.17
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 1296582-8		08/2011	221.20
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 1246537-3		08/2011	131.76
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 1303978-9		08/2011	1,662.03
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 1685375-6		08/2011	301.88
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 1433921-2		08/2011	120.44
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 1481532-8		08/2011	565.57
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 1481534-4		08/2011	219.76
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 1481535-1		08/2011	439.49

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810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 1481536-9		08/2011	102.83	
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 1481537-7		08/2011	1,181.37	
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 1481539-3		08/2011	197.77	
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 1481540-1		08/2011	175.82	
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 1662840-6		08/2011	374.82	
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 1687005-7		08/2011	1,657.85	
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 1607534-3		08/2011	270.20	
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 1695873-8		08/2011	1,008.65	
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 1740353-6		08/2011	293.54	
810-3183-431.34-10	02/28/2011	LIGHT MAINT TRANSFER	NWE 0712569-3		08/2011	47.62	
02/18/2011 741855		PROFESSIONAL AUDIO & LIGHTING 13248				2,600.00	
10-1100-411.29-25	02/16/2011	ADMIN 50%	PROJECTOR	281812	08/2011	1,300.00	
10-1314-413.29-25	02/16/2011	50% CITY CLERK SHARE	PROJECTOR	281812	08/2011	1,300.00	
02/18/2011 741859		RAPELJE GRAIN COMPANY 8931				3,785.39	
211-3132-433.47-21	02/15/2011	ROAD/HIGHWAY MATERIAL	0130703	281681	08/2011	3,785.39	
02/18/2011 741865		RIMROCK FOUNDATION 3210				23,402.33	
247-1251-412.39-90	02/16/2011	BAMDUI SERVICES-JAN 2011	2011-8	281770	08/2011	1,587.59	
248-1263-412.35-81	02/16/2011	BAMDUI SERVICES-JAN 2011	2011-8	281770	08/2011	5,813.03	
738-1264-412.35-60	02/16/2011	SAMHSA JANUARY 2011	2011-8	281783	08/2011	3,667.03	
738-1264-412.35-90	02/16/2011	SAMHSA JANUARY 2011	2011-8	281783	08/2011	3,769.44	
738-1264-412.37-30	02/16/2011	SAMHSA JANUARY 2011	2011-8	281783	08/2011	10.12	
738-1264-412.39-90	02/16/2011	SAMHSA JANUARY 2011	2011-8	281783	08/2011	2,707.15	
245-1256-412.39-90	02/16/2011	BAMHC-COUNSELOR-JAN2011	2011-8	281789	08/2011	1,986.42	
246-1250-412.35-90	02/16/2011	BAMDC-IOP COUNSELOR JAN11	2011-8	281791	08/2011	3,861.55	
02/18/2011 741866		RIVERSTONE HEALTH 20210				11,250.00	
10-1411-414.39-31	02/16/2011	MISC SERVICES	02152011	281835	08/2011	11,250.00	
02/18/2011 741884		SUNSET EXCAVATION 11477				5,475.00	
505-7515-609.36-71	02/14/2011	MISC SERVICES	904739	281725	08/2011	1,275.00	
505-7515-609.36-71	02/14/2011	MISC SERVICES	904740	281725	08/2011	4,200.00	
02/18/2011 741885		TETRA TECH, INC. 19346				2,829.50	
541-3123-435.35-90	02/16/2011	GAS MONITORING	50427659	281438	08/2011	2,829.50	
02/18/2011 741886		TIRE-RAMA 1864				13,236.08	
211-3140-433.23-90	01/06/2011	MP	1050-172535	280501	07/2011	35.95	
541-3122-435.23-90	01/06/2011	TIRES AND REPAIRS	1050172597	280501	07/2011	4,031.50	
541-3122-435.23-90	01/06/2011	TIRES AND REPAIRS	1050172600	280501	07/2011	3,633.00	
541-3122-435.23-90	01/06/2011	TIRES AND REPAIRS	1050172601	280501	07/2011	989.00	
541-3123-435.23-90	01/06/2011	TIRE REPAIR	1050172618	280501	07/2011	20.00	
211-3140-433.23-90	01/07/2011	MP	1050-172534	280501	07/2011	71.90	
211-3140-433.23-90	01/10/2011	MP	1050-172804	280501	07/2011	30.00	
211-3140-433.23-90	01/12/2011	MP	1050-172672	280501	07/2011	30.00	
211-3140-433.23-90	01/14/2011	MP	1050-172888	280501	07/2011	30.00	
541-3122-435.23-90	01/18/2011	TIRES AND REPAIRS SW	1050173082	280501	07/2011	1,296.54	
541-3122-435.23-90	01/18/2011	TIRES AND REPAIRS SW	1050173146	280501	07/2011	530.00	

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541-3123-435.23-90		01/18/2011	LANDFILL TIRE REPAIRS	1050173153	280501	07/2011	334.22
541-3123-435.23-90		01/25/2011	LANDFILL REPAIR	1050172815	280501	07/2011	1,342.42
541-3122-435.23-90		01/28/2011	TIRES AND REPAIRS SW	1050173385	280501	07/2011	678.60
211-3134-433.23-90		02/03/2011	MP	1050-173389	280501	08/2011	30.00
211-3140-433.23-90		02/03/2011	MP	1050-173639	280501	08/2011	30.00
211-3138-433.23-90		02/03/2011	MP	1050-173682	280501	08/2011	72.95
211-3134-433.23-90		02/09/2011	MP	1050-172805	280501	08/2011	20.00
211-3140-433.23-90		02/09/2011	MP	1050-172850	280501	08/2011	30.00
02/18/2011	741889	TOWN & COUNTRY SUPPLY ASSOCIAT	18295				53,027.38
601-0000-141.00-00		02/14/2011	MP	74511		08/2011	10,902.80
561-7118-711.23-13		02/14/2011	INVOICE #81046	81046	F12323	08/2011	11,531.68
601-0000-141.00-00		02/16/2011	MP	81056		08/2011	30,592.90
02/18/2011	741890	TRANE CO THE	5404				4,496.00
561-7112-711.24-50		02/15/2011	INVOICE #2114802	2114802	F12337	08/2011	4,496.00
02/18/2011	741897	US CONFERENCE OF MAYORS	3828				5,269.00
10-1100-411.33-50		02/14/2011	MISC SERVICES	37779	281756	08/2011	5,269.00
02/18/2011	741903	WESTERN SYSTEMS INC	19490				10,558.43
211-3132-433.24-30		02/15/2011	MISC SERVICES	0000020022	279541	08/2011	7,778.43
211-3132-433.24-30		02/15/2011	MISC SERVICES	0000020083	281751	08/2011	2,780.00
02/18/2011	741905	YELLOWSTONE COUNTY FINANCE DPT	16736				4,130.00
150-2111-421.35-90		02/15/2011	JANUARY 2011 INMATE BILLI	JAN 2011 INMATE	F12347	08/2011	4,130.00
02/18/2011	741906	YELLOWSTONE COUNTY GIS	10369				7,000.00
620-1913-482.35-90		02/15/2011	MISC SERVICES	11-06	281810	08/2011	7,000.00
02/18/2011	741907	YELLOWSTONE COUNTY HEALTH DEPT	6957				11,115.00
10-1511-322.16-11		02/17/2011	HEALTH INSPECTIONS	AUG-DEC 2010		08/2011	9,180.00
10-1511-322.16-11		02/17/2011	HEALTH INSPECTIONS	JAN 2011		08/2011	1,935.00
02/18/2011	741908	YELLOWSTONE COUNTY SHERIFFS	6218				3,725.25
717-2166-421.78-65		02/11/2011	MISC SERVICES	ASSET FORF	281710	08/2011	1,678.08
717-2166-421.78-65		02/11/2011	MISC SERVICES	ASSET FORFEIT	281711	08/2011	388.20
717-2166-421.78-65		02/11/2011	MISC SERVICES	ASSET FORFEIT	281713	08/2011	1,658.97

DATE RANGE TOTAL * 728,190.59 *

Regular City Council Meeting

Date: 03/14/2011

TITLE: Public Hearing to Vacate portions of 4th Avenue South and South 23rd Street

PRESENTED BY: David Mumford

Department: Public Works

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:

- After holding a public hearing, approve the vacation of the above-mentioned right-of-way;
or
- Do not approve the vacation of the above-mentioned right-of-way.

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, which will be deposited into the Gas Tax Fund.

RECOMMENDATION

Staff recommends that the City Council conduct a public hearing, approve vacating portions of South 23rd Street and 4th Avenue South, approve an easement agreement for the public utilities running through the vacated streets and accept a payment of \$135,950 from Conoco-Phillips for the property.

APPROVED BY CITY ADMINISTRATOR

Attachments

Map Depicting Area to be Vacated

Letter from Charles H. Hamwey establishing land value

Resolution to Vacate

Easement Agreement

DATE: 1-1-98 BY: EMMETT A. PAGE NO. 212123 SHEET 1 OF 1	CONOCOPHILLIPS STREET VACATION PORTIONS OF SOUTH 23TH ST. & 4TH AVE. S. BILLINGS, YELLOWSTONE COUNTY, MONTANA EXHIBIT "A"	 SANDERSON STEWART www.sandersonstewart.com
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(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. 23rd ST. & 4th 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 4th 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

RESOLUTION NO. 11-_____

A RESOLUTION OF THE CITY OF BILLINGS,
MONTANA, DISCONTINUING AND VACATING **portions**
of South 23rd Street and 4th Avenue South.

WHEREAS, a proper petition was filed with the City Council of the City of Billings, Montana, as per Section 22-601 BMCC, requesting discontinuance and vacation of **portions of South 23rd Street and 4th Avenue South** as described hereinafter; and

WHEREAS, a public hearing was properly noticed and held as required by law.

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

1. **DISCONTINUANCE AND VACATION.** Pursuant to Sections 7-14-4114 and 7-14-4115, M.C.A., **portions of South 23rd Street and 4th Avenue South** more particularly described as follows:

PORTIONS OF S. 23rd ST. & 4th AVE. S. RIGHT-OF-WAY

A tract of land located in the NE 1/4 of Section 3, T. 1 S., R. 26 E., P.M.M., Yellowstone County, Montana, being portions of the right-of-way of South 23rd Street and 4th Avenue South more particularly described as follows, to-wit:

Beginning at a point which is the northeasterly corner of Lot 12, Block 173 of the Original Town (now City) of Billings, Montana; thence, from said point of beginning, crossing the right-of-way of South 23rd Street, N 55°23'30" E a distance of 80.00

feet; thence, along the easterly right-of-way line of South 23rd Street, S 34°36'30" E a distance of 372.65 feet; thence, along the east line of Section 3, T. 1 S., R. 26 E., P.M.M., S 00°03'00" E a distance of 8.92 feet; thence, along the southerly right-of-way line of 4th Avenue South,

S 55°23'30" W a distance of 374.94 feet; thence, along the easterly right-of-way line of South 24th Street, N 34°36'30" W a distance of 80.00 feet; thence along the northerly right-of-way line of 4th Avenue South, N 55°23'30" E a distance of 300.00 feet; thence along the westerly right-of-way line of South 23rd Street, N 34°36'30" W a distance of 300.00 feet to the point of beginning; said described tract having an area of 54,380 square feet or 1.2484 acres.

Is hereby discontinued, abandoned and vacated.

2. PUBLIC INTEREST. The discontinuance, vacation and abandonment of the above described **portions of South 23rd Street and 4th Avenue South** is in the best interest of the public and can be done without any public detriment.

PASSED by the City Council and APPROVED this 14th day of March 2011.

THE CITY OF BILLINGS:

BY: _____
Thomas W. Hanel MAYOR

ATTEST:

BY: _____
Cari Martin CITY CLERK

RIGHT-OF-WAY EASEMENT AGREEMENT

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged on this _____ day of _____, _____, the undersigned, Conoco Phillips Company, with an address of 2626 Lillian Avenue, Billings, MT 59101, hereinafter called "Grantor", hereby grants and conveys unto THE CITY OF BILLINGS, a municipal corporation and political subdivision of the State of Montana, City Hall, 210 North 27th Street, Billings, Montana, 59101, hereinafter called "Grantee", a non-exclusive right-of-way easement for the purposes set forth across, under and through the following described tracts of real property in Yellowstone County Montana:

DESCRIPTION OF EASEMENT:

Ten feet on both side of where the Water lines and Sanitary Sewer lines are currently in place within the tract being more particularly described as follows, to-wit:

A tract of land located in the NE 1/4 of Section 3, T. 1 S., R. 26 E., P.M.M., Yellowstone County, Montana, being portions of the right-of-way of South 23rd Street and 4th Avenue South more particularly described as follows, to-wit:

Beginning at a point which is the northeasterly corner of Lot 12, Block 173 of the Original Town (now City) of Billings, Montana; thence, from said point of beginning, crossing the right-of-way of South 23rd Street, N 55°23'30" E a distance of 80.00 feet; thence, along the easterly right-of-way line of South 23rd Street, S 34°36'30" E a distance of 372.65 feet; thence, along the east line of Section 3, T. 1 S., R. 26 E., P.M.M., S 00°03'00" E a distance of 8.92 feet; thence, along the southerly right-of-way line of 4th Avenue South, S 55°23'30" W a distance of 374.94 feet; thence, along the easterly right-of-way line of South 24th Street, N 34°36'30" W a distance of 80.00 feet; thence along the northerly right-of-way

line of 4th Avenue South, N 55°23'30" E a distance of 300.00 feet; thence along the westerly right-of-way line of South 23rd Street, N 34°36'30" W a distance of 300.00 feet to the point of beginning; said described tract having an area of 54,380 square feet or 1.2484 acres.

MAINTENANCE AND OWNERSHIP OF WATER AND SANITARY SEWER MAINS

The Grantee will maintain ownership and maintenance responsibilities of the water lines and sanitary sewer lines within 4th Avenue South and South 23rd Street.

This right-of-way easement to Grantee is for the sole purpose of constructing, reconstructing, maintaining, operating, servicing, repairing and replacing sanitary sewers and/or water lines over, across, under and through the said real property, together with the right of free ingress and egress at all times for the purpose of constructing, reconstructing, maintaining, operating, servicing, repairing and replacing said sanitary sewers and/or water lines and appurtenances, and adding additional sanitary sewer and/or water lines.

This grant is subject to all grants, easements, leases, mineral leases or rights, reservations, rights and rights-of-way heretofore reserved or granted and/or now existing on the above described property and is further made without warranty of title, express or implied.

Grantor shall continue to have the right to use and enjoy the above described property, except as to the rights herein granted, subject to the following:

a) Grantor agrees not to plant, nor cause to be planted within the right-of-way easement any trees, bushes, shrubs, hedges nor any other plantings of a similar nature, except with permission from the City of Billings Public Works Department, which permission shall not be unreasonably withheld, delayed or conditioned.

b) Grantor agrees that authorized representatives of the City of Billings can travel within the right-of-way easement with their equipment in the performance of their duties at all reasonable times, regardless of outside weather conditions; provided, however, Grantee shall be liable for any damage caused to Grantor's property and roads as a result of such travel.

c) Grantor shall obtain permission of the City of Billings which permission shall not be unreasonably withheld, delayed or conditioned, prior to placing or removing any fill dirt within the right-of-way easement. In the event such permission is granted and as a result of such placement or removal it is necessary to modify the existing public utilities, then Grantor agrees to perform any work necessary to modify the existing public utilities, which work may be required prior to placing or removing any fill dirt within the right-of-way easement. All such work shall be done at Grantor's expense and without expense to the City of Billings.

d) Grantor shall obtain permission of the City of Billings, which permission shall not be unreasonably withheld, delayed or conditioned, prior to constructing, or causing to be constructed, within the right-of-way easement, any type of building or structure, such as, but

not limited to, houses, garages, shacks, kennels, fences, and other fixed objects of any kind, shape or form. In the event such permission is granted and as a result of such building or structure it is necessary to modify the existing public utilities, then Grantor agrees to perform any work necessary to relocate the existing public utilities out of the right-of-way easement as approved by the City of Billings Public Works Department. All such work shall be done at Grantor's expense and without expense to the City of Billings. Before relocation of public utilities, if it is determined that the existing public utilities need to be upsized due to reasons other than to serve Grantor's property, the cost to upsize the utility will be borne by the City of Billings.

Grantee agrees that any time Grantee and its representatives are on Grantor's property, including the right-of-way easement, Grantee and its representatives shall comply with all of Grantor's safety rules and regulations, and that Grantee shall be liable for any damages to Grantor's property caused by the exercise of Grantee's rights under this Easement. After completion of any construction, replacement, repair or service work to the public utilities by the City of Billings, Grantee shall be responsible for restoring the surface as near as practicable to the condition that existed prior to such activity.

Each party hereto shall reimburse the other party for any and all damage claims paid by the other party for damages of any type or nature to any and all persons and entities in the event such damage results from or was caused to happen by such party's failure to comply with any portion of the rights, restrictions, obligations or responsibilities contained in this Easement.

The Grantor and Grantee agree to mutually indemnify, defend and hold each other and their respective officers, employees, agents and contractors, harmless from and against all liabilities, claims, demands, losses, actions, judgments, costs, expenses, attorneys fees or damages of whatever kind or nature, arising out of, resulting from or related to the negligent, intentional or reckless acts or omissions of the Grantor's or Grantee's performance of their respective duties and obligations under this easement agreement.

No waiver of the provisions hereof shall be effective unless in writing and signed by the party to be charged with such waiver. No waiver shall be deemed a continuing waiver or waiver in respect of any subsequent breach or default, either of a similar or dissimilar nature, unless expressly so stated in writing.

Any notice, request, instruction or other document to be given hereunder by either party to the other shall be in writing, and delivered personally, by telecopy, by messenger or by certified mail, postage prepaid, return receipt requested as follows:

If to Grantor, addressed to:	Conoco Phillips Company
	2626 Lillian Avenue
	Billings, MT 59101

If to Grantee, addressed to: City Of Billings
City Hall
210 North 27th Street
Billings, MT 59101

Either party may change its representative or the address to which notice shall be directed by appropriate written notice to the other party in the manner described above.

The covenants, agreements and all statements in this Easement apply to and shall be binding on the heirs, personal representatives, successors and assigns of the respective parties and shall run with the land. This Easement contains all of the agreements and stipulations between Grantor and Grantee with respect to the granting of the easement right-of-way, and is intended solely for the benefit of the parties hereto and shall not create any rights, including without limitation any third party beneficiary rights, in any third party.

Conoco Phillips Company

BY: _____

ITS: _____

STATE OF _____)
: ss.
County of _____)

On this _____ day of _____, 2011 before me a Notary Public for the State of _____, personally appeared _____, and acknowledged to me that they executed the foregoing instrument of behalf of and as the act of **Conoco Phillips Company**.

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

_____ (Signature)

(NOTARIAL SEAL)

_____ (Printed Name)

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

CITY OF BILLINGS
MONTANA

By: _____
Mayor

Attest: _____
City Clerk

STATE OF MONTANA)
 : ss
County of Yellowstone)

On this ____ day of _____, 2011, before me, a Notary Public in and for the State of Montana, personally appeared _____ and _____, known to me to be the Mayor and City Clerk, respectively, of the City of Billings, Montana, whose names are subscribed to the foregoing instrument in such capacity and acknowledged to me that they executed the same on behalf of the City of Billings, Montana.

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

_____ (Signature)

(NOTARIAL SEAL)

_____ (Printed Name)

Notary Public for the State of _____

Residing in _____, _____

My Commission Expires: _____

Regular City Council Meeting

Date: 03/14/2011

TITLE: W.O. 11-02 Miscellaneous/Developer Related - Public Hearing and Resolution
Ordering Improvements

PRESENTED BY: David Mumford

Department: Public Works

Information

PROBLEM/ISSUE STATEMENT

On February 14, 2011, Council passed a Resolution of Intent for the Miscellaneous/Developer related improvements project and established a Public Hearing date of March 14, 2011. After conducting the Public Hearing, Council must pass a resolution ordering construction of improvements in order for the project to proceed.

The project consists of curb, gutter, sidewalk, and storm drain improvements at various locations around the city. It consists of unfulfilled building permit obligations and the continuation of annual improvements that deal with tripping hazards, drainage problems, property owner requests, complaints, and other miscellaneous concrete work brought to the attention of the City Engineer's Office.

ALTERNATIVES ANALYZED

The Council may:

- Pass a resolution ordering construction of the improvements; or
- Do not pass a resolution ordering construction of the improvements.

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 pass a resolution ordering construction of the improvements identified in Work Order 11-02, Miscellaneous/Developer Related.

APPROVED BY CITY ADMINISTRATOR

Attachments

Resolution Ordering Improvements

Exhibit A

Exhibit B

RESOLUTION NO. 11 - _____

A RESOLUTION RELATING TO **W.O. 11-02, MISCELLANEOUS /DEVELOPER-RELATED IMPROVEMENTS**; 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 **February 14, 2011**, adopted Resolution No. **11-19025** (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. 11-02** (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 **March 14, 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 the following improvements shall be constructed, reconstructed, repaired, or replaced:

See Exhibit "A" attached hereto.

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 **\$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.

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.

Section 6. Property Owner Option to Construct Improvements. Notice of passage of this Resolution shall be mailed to all affected property owners and said owners shall have thirty (30) days from the date of said Notice in which to install the ordered improvements at their cost and expense. In the event the owners do not take said action within the said thirty (30) day period, the City will install the improvements and will assess the costs thereof, all costs of administration and engineering and all bond issuance costs against the real property.

PASSED AND ADOPTED by the City Council of the City of Billings, Montana,
this 14th day of March 2011.

THE CITY OF BILLINGS:

BY _____
Thomas W. Hanel MAYOR

ATTEST:

BY _____
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 28th Street (Dev. Rel.) * East Side of 32nd Street West between Rosebud Avenue and Stillwater Avenue * 208 N 23rd Street * 818 South 28th Street (Dev. Rel.) * 133 Custer Avenue (Dev. Rel.) * 602 Nelson Drive * 421 South 37th Street (Dev. Rel.) * 420 Nelson Drive * 606 Nelson Drive * 3007 Montana Avenue
2. CURB & GUTTER: 2543 Yellowstone Avenue * 2524 Lewis Avenue * 2910 3rd Avenue South * 313 South 36th 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 2nd Street West
4. SIDEWALK, CURB & GUTTER: 2541 Yellowstone Avenue * 2549 Yellowstone Avenue * Pine Street * 2217 Pine Street * 600 S 27th Street * 2601 Minnesota Avenue (Dev. Rel.) * 4639 Stone Street * 702 North 23rd Street * 605 18th Street West * 946 Avenue C * 2904 Stinson Avenue * 2031 Poly Drive * # 7 North 31st Street * 2825 3rd Avenue North- (work on 4th Avenue North) * 242 Fair park Drive
5. SIDEWALK, CURB & GUTTER, DRIVEWAY APRONS: 2553, 2554 Yellowstone Avenue * 2815 5th Avenue South (Dev. Rel.) * Both Sides of Wyoming Avenue from 8th Street West to 9th Street West * Both Sides of Park hill Drive, Between # 529 Park hill Drive and 6th Street West * 2222 Spruce Street * East Side of South 30th Street, from 4th Avenue South to 5th Avenue South * West Side of South 29th Street, from 4th Avenue South to 5th Avenue South * 1803 Avenue F * West Side of South 28th Street Between 4th Avenue South and 5th Avenue South * East Side of South 29th Streets Between 4th Avenue South and 5th Avenue South * 4203 Audubon Way * 2322 Wyoming Avenue * 2228 Pine Street * 245 & 303 Emerald Drive * 704 Hallowell Lane * 2032 Colton Boulevard * 2613 Yellowstone Avenue * 219 Glenhaven Drive * 227 Glenhaven Drive * 241 Glenhaven Drive

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

Tax Code	SID #	SID Pay-off (A)	Delinquent (B)	WO 09-02- Assessment (C)	A + B + C	Market Value
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: 03/14/2011

TITLE: W.O. 05-13 Jackson Street Sidewalks Phase II - Public Hearing and Resolution Ordering Improvements

PRESENTED BY: David Mumford

Department: Public Works

Information

PROBLEM/ISSUE STATEMENT

On February 14, 2011, Council passed a Resolution of Intent for the Jackson Street Sidewalks Phase II project and established a Public Hearing date of March 14, 2011. After conducting the Public Hearing, the Council must pass a resolution ordering construction of improvements in order for the project to proceed.

The project was identified in the Safe Routes to School Plan and includes installation of curb/gutter, sidewalk, and drive approaches from Frances to Ryan.

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 \$411,980 as follows:

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

RECOMMENDATION

Staff recommends that Council pass this Resolution Ordering Construction Improvements identified in Work Order 05-13, Jackson Street Sidewalks Phase II.

APPROVED BY CITY ADMINISTRATOR

Attachments

Resolution Ordering Improvements

Exhibit A

Exhibit B

RESOLUTION NO. 11 - _____

A RESOLUTION RELATING TO **W.O. 05-13, JACKSON STREET SIDEWALKS PHASE II**; 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 **February 14, 2011**, adopted Resolution No. **11-19026** (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. 05-13** (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 **March 14, 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 the following improvements shall be constructed, reconstructed, repaired, or replaced:

See Exhibit "A" attached hereto.

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 **\$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.

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.

Section 6. Property Owner Option to Construct Improvements. Notice of passage of this Resolution shall be mailed to all affected property owners and said owners shall have thirty (30) days from the date of said Notice in which to install the ordered improvements at their cost and expense. In the event the owners do not take said action within the said thirty (30) day period, the City will install the improvements and will assess the costs thereof, all costs of administration and engineering and all bond issuance costs against the real property.

PASSED AND ADOPTED by the City Council of the City of Billings, Montana,
this 14th day of March 2011.

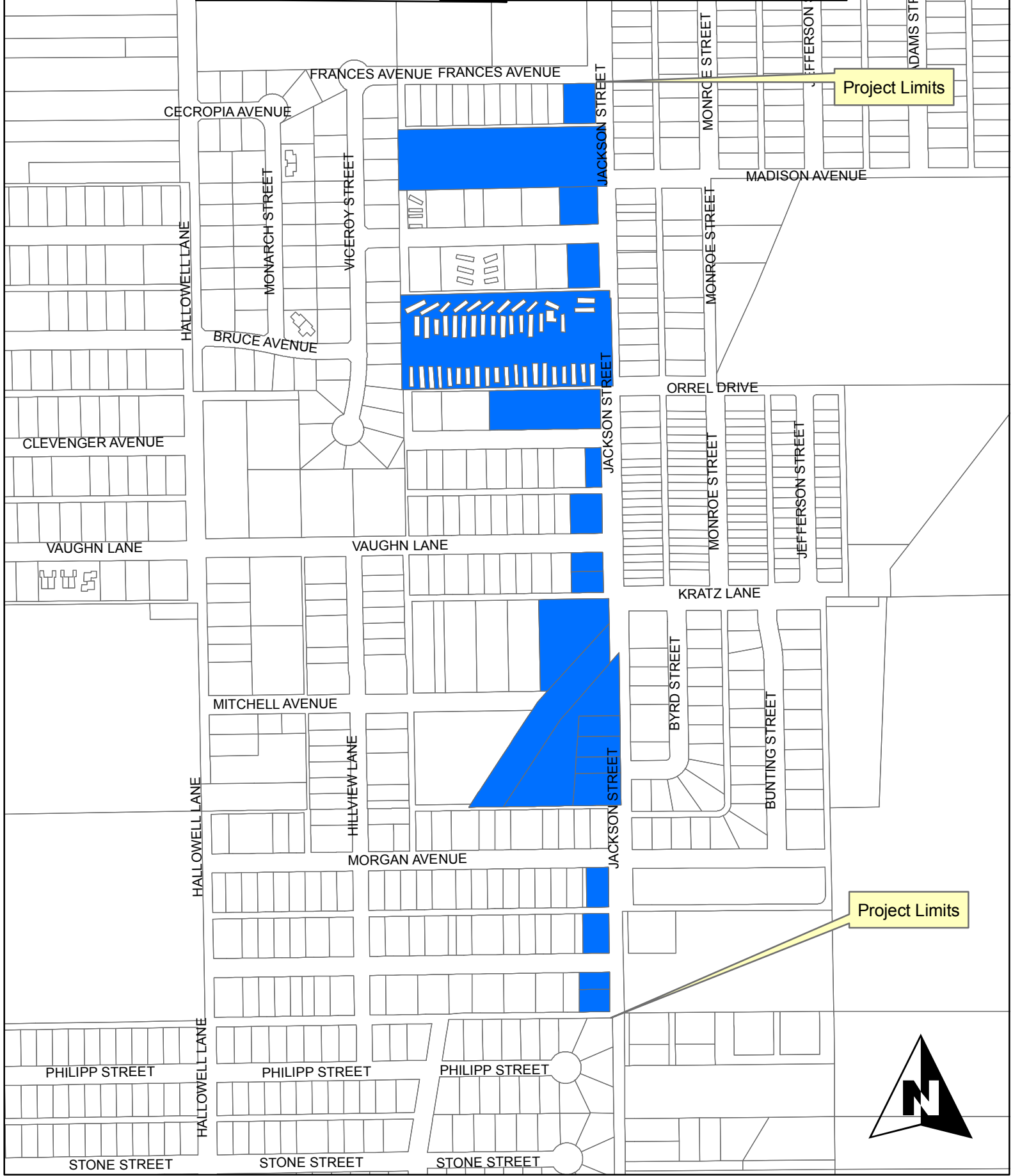
THE CITY OF BILLINGS:

BY _____
Thomas W. Hanel MAYOR

ATTEST:

BY _____
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

Tax Code	SID #	SID Pay-off (A)	Delinquent (B)	WO 05-13- Assessment (C)	A + B + C	Market Value
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: 03/14/2011

TITLE: SID 1369 Moore Lane Public Hearing and Resolution Creating District

PRESENTED BY: David Mumford

Department: Public Works

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, gutter and sidewalk. The City is contributing \$425,000 of arterial funds and storm funds to the project.

ALTERNATIVES ANALYZED

The Council may:

- After holding a public hearing, approve the Resolution Creating SID 1369; or
- After holding a public hearing, do not approve the Resolution Creating 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 Creating SID 1369.

APPROVED BY CITY ADMINISTRATOR

Attachments

Boundary of Proposed Special Improvement District

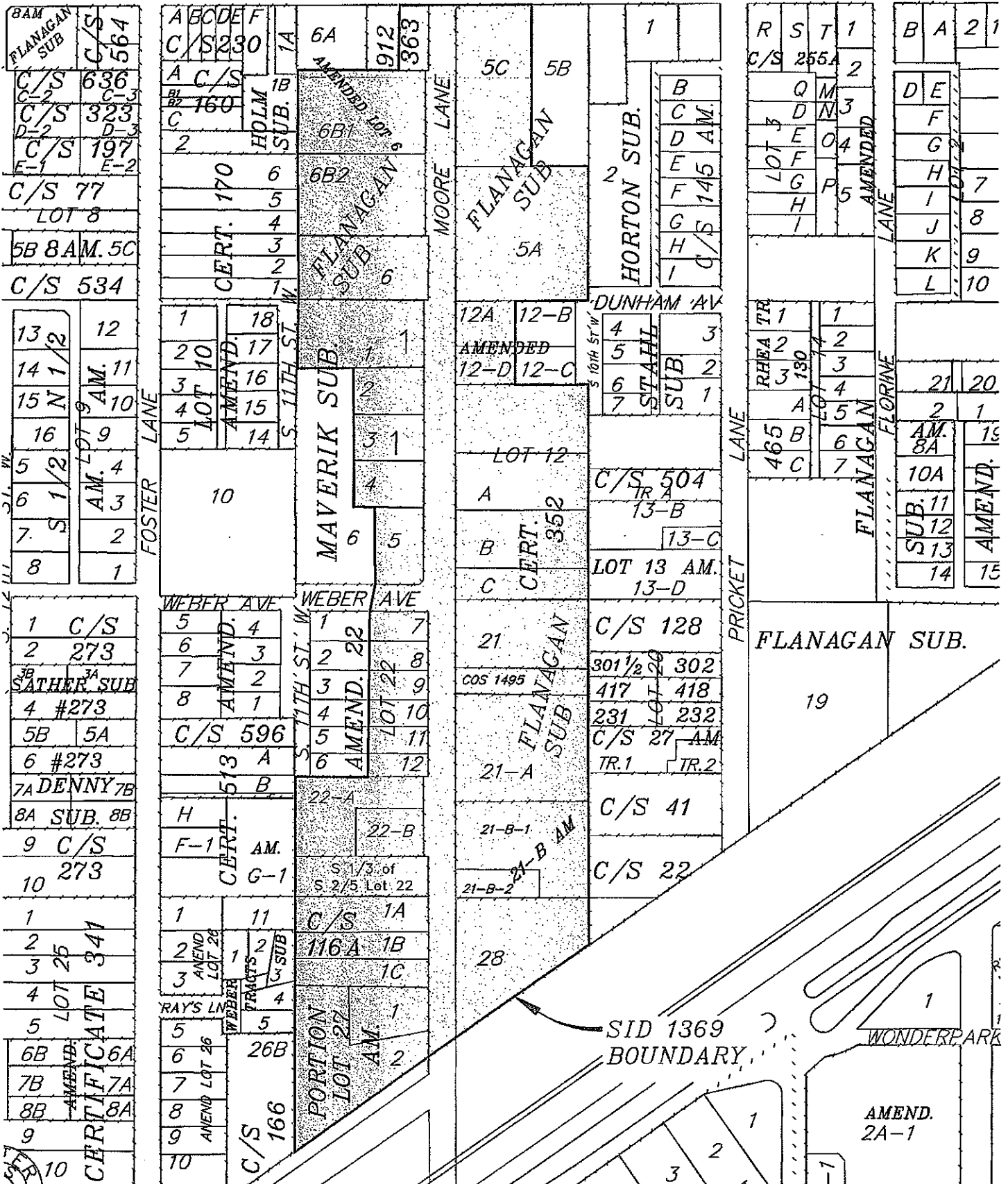
SID 1369 Resolution Creating District

EXHIBIT "A"

10 9 8 7 6 5 4 3 2 1

1 MC SU 6 4 3 2

CENTRAL AVENUE



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. 11-_____, entitled: "RESOLUTION RELATING TO SPECIAL IMPROVEMENT DISTRICT NO. **1369**; CREATING 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 AND ESTABLISHING COMPLIANCE WITH REIMBURSEMENT BOND REGULATIONS UNDER THE INTERNAL REVENUE CODE" (the "Resolution"), on file in the original records of the City in my legal custody; that the Resolution was duly adopted by the City Council of the City at a meeting on **March 14, 2011**, and that the meeting was duly held by the City Council and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

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

_____; voted against the same: _____

_____; abstained from voting thereon: _____

_____; or were absent: _____

_____.

WITNESS my hand officially this _____ day of _____.

Cari Martin

CITY CLERK

RESOLUTION NO. 11-_____

RESOLUTION RELATING TO SPECIAL IMPROVEMENT DISTRICT NO. **1369**; CREATING 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 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 **February 14, 2011**, adopted Resolution No. **11-19027** (the "Resolution of Intention"), pursuant to which this Council declared its intention to create a special improvement district, designated as Special Improvement District No. **1369** of the City, under Montana Code Annotated, Title 7, Chapter 12, Parts 41 and 42, 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 special improvement district bonds drawn on the District (the "Bonds"), the creating and administration of the District, 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 the law, and on **March 14, 2011**, this Council conducted a public hearing on the creation or extension of the District and the making of the Improvements. The meeting of this Council at which this resolution was adopted is the first regular meeting of the Council following the expiration of the period ended 15 days after the first date of publication of the notice of passage of the Resolution of Intention (the "Protest Period").

Section 3. Protests. Within the Protest Period, _____ protests were filed with the City Clerk and not withdrawn by the owners of property in the District subject to assessment for ____% of the total costs of the Improvements or representing ____% of the area of the District to be assessed for the cost of the Improvements. **The protest represents ____% of the assessed cost.**

Section 4. Creation of the District; Insufficiency of Protests. The District is hereby created on the terms and conditions set forth in, and otherwise in accordance with, the Resolution of Intention. The protests against the creation or extension of the District or the making of the Improvements filed during the Protest Period, if any, are hereby found to be insufficient. The findings and determinations made in the Resolution of Intention are hereby ratified and confirmed.

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 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.

5.03. Declaration of Intent. The City reasonably expects to reimburse the expenditures made for costs for the Improvements out of the proceeds of Bonds in an estimated maximum aggregate principal amount of **\$1,296,000** 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 not 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.

PASSED AND ADOPTED by the City Council of the City of Billings, Montana, this **14th** Day of March, 2011.

THE CITY OF BILLINGS:

BY _____
Thomas W. Hanel MAYOR

ATTEST:

BY _____
Cari Martin CITY CLERK