

CITY OF BILLINGS

CITY OF BILLINGS VISION STATEMENT:

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

AGENDA

COUNCIL CHAMBERS

November 14, 2011

6:30 P.M.

CALL TO ORDER: Mayor Hanel

PLEDGE OF ALLEGIANCE: Mayor Hanel

INVOCATION: Councilmember Cimmino

ELECTION OF DEPUTY MAYOR (simple majority of the whole Council required)

ROLL CALL

MINUTES: October 24, 2011

COURTESIES

PROCLAMATIONS

ADMINISTRATOR REPORTS - TINA VOLEK

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

1. CONSENT AGENDA -- Separations:

A. Boards and Commissions

- 1. Approval** of correction to term expiration date from 12/31/11 to 12/31/12 for Curtis Haney on the Exchange City Golf Corporation Board .

B. Bid Awards:

- 1. Upgrades for the Airport's West End Office Building Project.** (Opened 10/25/2011) Recommend High Tech Construction & Properties, Inc.; \$45,400.

2. **W.O. 09-28, Water Treatment Facility Back-Up Power, Phase II.** (Opened 10/25/2011) Recommend delay of award until 11/28/2011.
3. **Seven (7) 2012 Truck Cabs and Chassis with Refuse Compactor Bodies.** (Opened 10/25/2011) Recommend Schedule I: 3 Autocar Truck and Wayne Curtender Body (Side Load) from Jack's; \$718,944; Schedule II: 2 Pete Truck and New Way Packer Body (Front Load) from Montana Peterbuilt; \$320,963; and Schedule III: 2 Freightliner Truck and Advantage Roll-Off Hoist from I-State; \$305,652.
4. **Tracked Excavator for Distribution and Collection Division, Public Works Department.** (Opened 10/25/2011) Recommend Tractor & Equipment; \$62,744.87.
5. **Two (2) 8-Yard Dump Trucks for Distribution and Collection Division, Public Works Department.** (Opened 10/25/2011) Recommend Motor Power Equipment Company; \$225,368.
6. **Purchase of five (5) city vehicles in the car and light truck class.** (Opened 11/1/11) Schedule I: Recommend Menholt Chevrolet without trade - \$71,396.80; Schedule II: Recommend Fremont Motors with trade - \$30,352.82.
- C. **Contract** with Kompan, Inc. for design, procurement, and installation of playground equipment and fall protection materials for Yellowstone Family Park funded through SID 1392. No cost to City.
- D. **Approval** of 5-year Building Lease with Transportation Security Administration for term of 12/1/2011-11/30/2016, total revenue - \$682,830.60; and Supplemental Agreement on the 2008 Lease restating term of 3/1/08-11/30/11.
- E. **Approval** of the Yellowstone County All Risk Mutual Aid Agreement.
- F. **Approval** of Downtown Revolving Loan Committee's recommendation of loan to Steven and Joni Harman for renovation of building located at 2511-2613 Minnesota Avenue; up to \$100,000.
- G. **Approval** of Downtown Revolving Loan Committee's recommendation of loan to DB Squared for renovation of 2nd floor of Yellowstone Garage Building located at 2303 Montana Avenue; up to \$250,000.
- H. **Resolution of Intent** to de-annex Lots 26, 27, the west half of Lot 28, Lot 38, and Lot 40 of the Sunny Cove Fruit Farms from the Billings City Limits and set a public hearing for December 12, 2011.
- I. **Second/Final Reading Ordinance** for a permanent ordinance defining medical marijuana "storefront" businesses and prohibiting the operation of medical marijuana storefronts in the City of Billings.
- J. **Amended Plat of Harvest Subdivision, 4th Filing, Block 40, Amended Lots 3 and 4,** generally located west of 32nd Street West off of King Avenue West.

K. Final Plat Approval of Montana Sapphire Subdivision, Block 1, Amended Lots 8 & 9A-5.

L. Bills and Payroll:

1. October 11, 2011
2. October 17, 2011
3. October 24, 2011
4. July 1, 2011 - September 30, 2011 (Municipal Court)

REGULAR AGENDA:

2. **PUBLIC HEARING AND RESOLUTION** creating SILMD 310, Bench Boulevard from Main Street to approximately 1,000 feet east of the intersection. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)
3. **PUBLIC HEARING AND RESOLUTION OF INTENT** to create a city-wide park district establishing an annual assessment to provide funding for a wide variety of park improvements and maintenance; and setting a second public hearing for the creation of the district for December 19, 2011. Staff and the Parks, Recreation and Cemetery Board recommend approval. (Action: approval or disapproval of staff and Parks, Recreation and Cemetery Board recommendation.)

PUBLIC COMMENT on Non-Agenda Items -- Speaker Sign-in required. (Restricted to *ONLY* items not on this printed agenda. Comments here are limited to 3 minutes. 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

Meeting Date: 11/14/2011

TITLE: Boards & Commissions Appointments

PRESENTED BY: Tina Volek

Department: City Hall Administration

PROBLEM/ISSUE STATEMENT

At the City Council meeting of February 22, 2010 the Council approved the appointment of Curtis Haney to the Exchange City Golf Corporation Board. It was discovered that the approved term ending date of 12/31/11 was for only two (2) years when the term length should actually be three (3) years ending on 12/31/2012.

ALTERNATIVES ANALYZED

Council may:

- Confirm the corrected term ending date.
- Not confirm the corrected term ending date.

FINANCIAL IMPACT

The proposed action has no financial impact.

RECOMMENDATION

Mayor Hanel recommends correcting the term expiration date for Curtis Haney from 12/31/11 to 12/31/12.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Meeting Date: 11/14/2011

TITLE: Award of the Upgrades for the Airport's West End Office Building Project

PRESENTED BY: Tom Binford

Department: Airport

PROBLEM/ISSUE STATEMENT

The Transportation Security Administration (TSA) leases a portion of the Airport's West End Office Building and has been negotiating with Airport staff to add office space to their operations. To meet the TSA's requirements for the additional office areas, the new space must be upgraded. This construction upgrade is part of a new Lease agreement with the TSA that is being presented to City Council in a separate action. Airport staff has worked with TSA staff to develop a scope of work for this upgrade project, which includes installing sound dampening insulation in the walls and ceilings, new entry doors with high security locks, new data cabling, and new paint throughout the entire office area. TSA will reimburse the City for these improvement costs. The project was advertised in the *Billings Times* and on the City's Web Site on October 13 and 20. The following bids were received on October 25, 2011:

CONTRACTOR	BID
High Tech Construction & Properties, Inc.	\$45,400
Hardy Construction Co.	\$48,300
DPS Company, LLC	\$52,312
General Contractors Construction, Inc.	\$55,189
Fisher Construction, Inc.	\$55,220

ALTERNATIVES ANALYZED

The City Council may:

- Approve the award of the Upgrades for the Airport's West End Office Building Project; or
- Decline to approve the award of the Upgrades for the Airport's West End Office Building Project, reject all bids and not complete the project at this time, and subsequently not enter into a five-year lease for the space with the TSA.

FINANCIAL IMPACT

The total cost of this project is \$45,400. The Airport will be fully reimbursed for these costs by the TSA upon the completion of the project. Subsequently, there is no financial impact to the Airport from this project.

RECOMMENDATION

Staff recommends that the City Council award the contract for the Upgrades for the Airport's West End Office Building to the low bidder, High Tech Construction & Properties, Inc., for the amount of \$45,400.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting**Meeting Date:** 11/14/2011**TITLE:** W.O. 09-28--Water Treatment Facility Backup Power Phase II, Delay Bid Award**PRESENTED BY:** David Mumford**Department:** Public Works

PROBLEM/ISSUE STATEMENT

W.O. 09-28 will provide backup power for the water treatment and distribution system, acting as an important insurance policy for maintaining the ability to produce and deliver water to the City. Any loss of power on the main feed into the Water Treatment Plant (WTP), loss of the switch gear, or problems with NorthWestern Energy (supplier) has the potential to put the WTP out of commission. Power disruptions on the main feed system, caused by voltage spikes, equipment failures, or other issues, occur an average of eight to ten times every year. The loss of any of the high voltage equipment that cannot be bypassed could take days to weeks to replace. The project includes 2 generators, a medium voltage unit and a portable low voltage unit, that will bypass the high energy switch gear and allow the WTP to treat and deliver up to 20 MGD (million gallons per day). Following the terrorist attacks in 2001, there has been a significant effort nationwide to install backup power at all water utilities. The City of Billings has finally secured funding to implement these measures at the WTP.

The project was bid October 25, 2011, and Council must act on these bids at this time. There has been information presented since the bid opening that requires further review before a recommendation can be made for award. Staff is recommending a delay of the bid while an assessment can be completed.

ALTERNATIVES ANALYZED

The Council may:

- Approve a contract with ACE Electric, the apparent low bidder, or
- Delay action on the bids received; or
- Reject all bids and do not approve a contract.

FINANCIAL IMPACT

There were four (4) bids received for the project, as shown below.

Contractor	Base Bid	Alternate A
Colstrip Electric, Inc.	\$1,316,936.00	
ACE Electric	\$1,142,587.00	
Yellowstone Electric	\$1,407,072.00	(\$23,112.00)
Action Electric	\$1,233,750.00	
Engineer's Estimate	\$1,400,000.00	

Alternate A is a bid deduct to provide for an alternate manufacturer of the low voltage generator.

The low bidder is ACE Electric. The project is being funded with \$974,000 from a HUD grant and the remainder from water funds approved in the FY11 budget. There are adequate funds available to cover all project costs.

RECOMMENDATION

Staff recommends that Council delay action on bids for WO 09-28, Water Treatment Plant backup power Phase II until November 28, 2011 to allow time for further assessment of the bids.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Meeting Date: 11/14/2011

TITLE: Purchase of Six 2012 Trucks for Solid Waste & One 2012 Truck for Street/Traffic

PRESENTED BY: David Mumford

Department: Public Works

PROBLEM/ISSUE STATEMENT

The Solid Waste Division and Street/Traffic Division FY12 Budgets include funds to replace five older garbage trucks, one roll off truck for the landfill and to purchase one roll off truck for the Street/Traffic Division. All are included in the approved Equipment Replacement Plan and they are scheduled for purchase this fiscal year. The Street/Traffic division roll off will be purchased with Street/Traffic funds.

Public Works is ordering three different styles of trucks. The automated "side load" trucks are used to pick up 90 and 300-gallon residential containers. The automated "front load" trucks dump metal commercial dumpsters. The landfill truck is being used to haul roll off boxes from the transfer site to the active fill area at the landfill. The Street/Traffic truck is used for snow removal and street sweeping operations. Five trucks will be traded in with the new truck purchases. Public Works plans to keep one of the compactor body trucks as a spare unit that can operate when front line trucks are being repaired.

ALTERNATIVES ANALYZED

The Council may:

- Award the bid as recommended; or
- Not award the bid and the existing trucks for the Solid Waste division would be kept in service longer than recommended in the Equipment Replacement Plan. The truck for the Street/Traffic Division is an addition to the fleet. Not awarding the bid would result in a reduction of capacity for hauling snow and sweeping debris.

Staff does not recommend purchasing the three side loading units (Schedule 1) from the apparent low bidder, Tri-State. The offered Mack truck does not have corner or other rear windows, which is a safety issue for drivers as they pick up barrels, maneuver in alleys and re-enter street traffic while operating from the right side of the vehicle. The specifications require an engine mounted and dash vented air conditioner and the Mack trucks have roof mount units. The Mack has a long turning radius, which requires more backing and turning than the recommended units, causing both safety issues for drivers and higher maintenance costs.

FINANCIAL IMPACT

The Solid Waste Division budgeted funds to purchase the six trucks and the Street/Traffic Division budgeted to purchase one truck. An invitation for bids was advertised October 20th and 27th, and 7 bid packets were distributed to various truck and refuse compactor vendors. Bids were received and opened on November 1, 2011. The bids for Schedules I, II, and III are summarized in Attachment A.

RECOMMENDATION

Staff recommends that Council approve purchasing five new 2012 truck cabs and chassis with refuse compactor bodies and two roll off trucks as follows:

Schedule I—Three Units – Jack's with an Autocar truck and a Wayne Curbtender body,
\$718,944 net price

Schedule II—Two Units - Montana Peterbuilt with a Pete truck and the New Way Packer Body,
\$320,963 net price

Schedule III—Two Units - I-State with a Freightliner truck and the Advantage roll-off hoist,
\$305,652 net price

APPROVED BY CITY ADMINISTRATOR

Attachments

Bid Tab

Solid Waste and Street Traffic Truck Bids For FY 2012

Attachment A

Schedule I

Vendor	Tri-State	Jack's	Tri-State	I State	Jack's
Truck	Mack LEU613	Autocar ACX64	Mack LEU613	Condor 880	Autocar ACX64
Packer	Wayne Curbten	Wayne Curbten	Heil 7000	Heil	Heil
Base Bid	\$236,936.67	\$247,808.00	\$255,938.00	\$258,464.00	\$266,859.00
5 yr Trans Warnty	\$875.00	\$450.00	\$875.00	\$2,080.00	\$450.00
5 yr Eng	\$4,640.00	\$0.00	\$4,640.00	\$3,000.00	\$0.00
5 yr Cylinder	\$9,440.00	\$9,440.00	\$12,845.00	\$12,845.00	\$12,845.00
Add'l 12 Mth Warnty	\$5,260.00	\$5,260.00	\$4,650.00	\$4,650.00	\$4,650.00
Total Each	\$257,151.67	\$262,958.00	\$278,948.00	\$281,039.00	\$284,804.00
Total 3 units	\$771,455.01	\$788,874.00	\$836,844.00	\$843,117.00	\$854,412.00
Less trade 143	\$35,500.00	\$35,500.00	\$29,000.00	\$29,000.00	\$29,000.00
less trade 144	\$34,430.00	\$34,430.00	\$29,000.00	\$29,000.00	\$29,000.00
Net Bid	\$701,525.01	\$718,944.00	\$778,844.00	\$785,117.00	\$796,412.00

Schedule II

Vendor	Mont. Pete	Tri-State	Jack's	Mont. Pete	Tri-State	Jack's	Mont. Pete	Tri-State	I State	Tri-State	Mont. Pete	Jack's	I State	Jack's
Truck	Pete 320	Mack MRU613	Autocar ACX64	Pete 320	Mack MRU613	Autocar ACX64	Pete 320	Mack MRU613	Condor 830	Mack MRU613	Pete 320	Autocar ACX64	Condor 830	Autocar ACX64
Packer	New Way	New Way	New Way	Wittke	Wittke Starlight	Wittke	Heil	Heil	Heil	PendPac	PendPac	Heil	PendPac	PendPac
Base Bid	\$202,854.00	\$202,600.00	\$213,613.00	\$223,662.00	\$223,408.00	\$234,420.00	\$220,925.00	\$220,671.00	\$223,893.00	\$228,319.00	\$228,573.00	\$231,684.00	\$231,541.00	\$239,332.00
5 yr Trans Warnty	\$825.00	\$875.00	\$450.00	\$825.00	\$875.00	\$450.00	\$825.00	\$875.00	\$2,080.00	\$875.00	\$825.00	\$450.00	\$2,080.00	\$450.00
5 yr Eng	\$3,950.00	\$4,640.00	\$0.00	\$3,950.00	\$4,640.00	\$0.00	\$3,950.00	\$4,640.00	\$3,000.00	\$4,640.00	\$3,950.00	\$0.00	\$3,000.00	\$0.00
5 yr Cylinder	\$4,970.00	\$4,970.00	\$4,970.00	\$8,445.00	\$8,445.00	\$8,445.00	\$3,720.00	\$3,720.00	\$3,720.00	\$4,000.00	\$5,000.00	\$3,720.00	\$4,000.00	\$4,000.00
Add'l 12 Mth Warnty	\$3,765.00	\$3,765.00	\$3,765.00	\$2,260.00	\$2,260.00	\$2,260.00	\$2,830.00	\$2,830.00	\$2,830.00	\$2,000.00	\$2,000.00	\$2,830.00	\$2,000.00	\$2,000.00
Service Hoist	\$2,380.00	\$2,380.00	\$2,380.00	\$2,595.00	\$2,595.00	\$2,595.00	\$3,650.00	\$3,650.00	\$3,650.00	\$0.00	\$0.00	\$3,650.00	\$0.00	\$0.00
Total Each	\$218,744.00	\$219,230.00	\$225,178.00	\$241,737.00	\$242,223.00	\$248,170.00	\$235,900.00	\$236,386.00	\$239,173.00	\$239,834.00	\$240,348.00	\$242,334.00	\$242,621.00	\$245,782.00
Total 2 units	\$437,488.00	\$438,460.00	\$450,356.00	\$483,474.00	\$484,446.00	\$496,340.00	\$471,800.00	\$472,772.00	\$478,346.00	\$479,668.00	\$480,696.00	\$484,668.00	\$485,242.00	\$491,564.00
Less trade 146	\$62,875.00	\$62,875.00	\$62,875.00	\$62,875.00	\$62,875.00	\$62,875.00	\$35,000.00	\$35,000.00	\$35,000.00	\$35,000.00	\$35,000.00	\$35,000.00	\$35,000.00	\$35,000.00
less trade 147	\$53,650.00	\$53,650.00	\$53,650.00	\$53,650.00	\$53,650.00	\$53,650.00	\$35,000.00	\$35,000.00	\$35,000.00	\$35,000.00	\$35,000.00	\$35,000.00	\$35,000.00	\$35,000.00
Net Bid	\$320,963.00	\$321,935.00	\$333,831.00	\$366,949.00	\$367,921.00	\$379,815.00	\$401,800.00	\$402,772.00	\$408,346.00	\$409,668.00	\$410,696.00	\$414,668.00	\$415,242.00	\$421,564.00

Schedule III

Vendor	I State	Mont. Pete	I State	Tri-State	Tri-State	Tri-State	Tri-State
Truck	Freightliner 114	Pete 365	Freightliner 114	Volvo VHD64B	Mack GU813	Mack GU813	Volvo VHD64B
Hoist	Advantage	Advantage	Western Cascade	Advantage	Advantage	Western Cascade	Western Cascade
Base Bid	\$159,576.00	\$167,002.00	\$168,041.00	\$174,830.00	\$174,830.00	\$176,595.00	\$176,595.00
5 yr Trans Warnty	\$825.00	\$875.00	\$825.00	\$875.00	\$875.00	\$875.00	\$875.00
5 yr Eng	\$1,600.00	\$3,950.00	\$1,600.00	\$4,640.00	\$4,640.00	\$4,640.00	\$4,640.00
5 yr Cylinder	\$0.00	\$0.00	\$3,500.00	\$0.00	\$0.00	\$3,500.00	\$3,500.00
Add'l 12 Mth Warnty	\$500.00	\$500.00	\$3,200.00	\$500.00	\$500.00	\$3,200.00	\$3,200.00
Total Each	\$162,501.00	\$172,327.00	\$177,166.00	\$180,845.00	\$180,845.00	\$188,810.00	\$188,810.00
Total 2 units	\$325,002.00	\$344,654.00	\$354,332.00	\$361,690.00	\$361,690.00	\$377,620.00	\$377,620.00
Less trade 129	\$19,350.00	\$19,350.00	\$16,900.00	\$19,350.00	\$19,350.00	\$16,900.00	\$16,900.00
Net Bid	\$305,652.00	\$325,304.00	\$337,432.00	\$342,340.00	\$342,340.00	\$360,720.00	\$360,720.00

Regular City Council Meeting

Meeting Date: 11/14/2011

TITLE: Purchase One 12,000-Pound Tracked Excavator

PRESENTED BY: David Mumford

Department: Public Works

PROBLEM/ISSUE STATEMENT

The Distribution and Collection Division of the Public Works Department FY 2012 Budget includes funds to purchase one new tracked excavator for use in the pipe bursting program. The vehicle is included in the approved Equipment Replacement Plan. The Public Works Department obtained bids for the excavator and recommends its purchase.

ALTERNATIVES ANALYZED

The Council may:

- Award the bid as recommended; or
- Not award the bid and the new excavator will not be added to the fleet, which will hamper the pipe bursting program.

FINANCIAL IMPACT

The bid was advertised on October 13 and 20, 2011. There is sufficient funding in the FY 12 budget to make the purchase. Seven bids were received on October 25, 2011, as follows:

Vendor	Bid Amount
Tractor & Equipment Co.	\$62,744.87
Bobcat of Big Sky, Inc.	\$51,629.00
RDO Equipment – Hitachi Z50U	\$55,920.00
Titan Machinery	\$59,547.61
H & E Equipment Services	\$59,500.00
Tri-State Truck & Equipment, Inc.	\$59,900.00
RDO Equipment – Hitachi Z60U	\$62,445.00

RECOMMENDATION

After reviewing the bids and specifications for the excavator, staff determined that only one bidder (the high bidder) met the minimum bid specifications. As such, staff recommends that Council award the bid for one (1) new current model 12,000-pound tracked excavator to Tractor & Equipment Co. in the amount of \$62,744.87.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting**Meeting Date:** 11/14/2011**TITLE:** Two New 8-Yard Dump Trucks for Distribution and Collection Division**PRESENTED BY:** David Mumford**Department:** Public Works**PROBLEM/ISSUE STATEMENT**

The Distribution and Collection Division of the Public Works Department FY2012 Budget includes funds to replace two older dump trucks. Both trucks are scheduled for replacement in the Equipment Replacement Plan (ERP). The Public Works Department received bids for purchasing two 2012 56,000 GVW 8-yard dump trucks. Both of the old trucks will be traded, so the trade in value is reflected in the net price submitted by the bidders. In addition to the day to day operational uses of the trucks, the truck specifications were written to allow the use of snow plows on the trucks.

ALTERNATIVES ANALYZED

The Council may:

- Award the bid as recommended; or
- Not award the bid and the existing trucks will be kept in service longer than the recommendations from the Equipment Replacement Program.

FINANCIAL IMPACT

The invitation for bids was advertised on October 13 and 20, 2011. There is sufficient money in the FY 12 budget to cover the award. Eight bids were received on October 25, 2011, as follows:

<u>Vendor</u>	<u>Bid Amount</u>	<u>Plus 5-Year Warranty on Transmission & Engine Per Unit</u>
Motor Power Equipment	\$ 219,348.00	\$ 225,368.00
Motor Power Equipment	\$ 222,152.00	\$ 228,172.00
I-State Truck Center	\$ 223,548.00	\$ 227,598.00
Motor Power Equipment	\$ 221,600.00	\$ 230,350.00
I-State Truck Center	\$ 223,952.00	\$ 228,002.00
Motor Power Equipment	\$ 246,000.00	\$ 254,750.00
I-State Truck Center	\$ 253,326.00	\$ 257,376.00
Tri-State Truck & Equipment	\$ 249,990.00	\$ 261,990.00

RECOMMENDATION

Staff recommends that Council award the bid for two (2) new current model 2012 56,000 GVW 8-yard dump trucks to the low bidder, Motor Power Equipment Co., in the amount of \$225,368.00. This includes the new trucks, trading in the old trucks and the 5-year warranty on the transmission and engine.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting**Meeting Date:** 11/14/2011**TITLE:** City Vehicles Bid Award**PRESENTED BY:** Tina Volek**Department:** City Hall Administration**PROBLEM/ISSUE STATEMENT**

Five City Vehicles in the car and light truck class are scheduled for replacement in the City's Equipment Replacement Program and were approved by City Council during the FY 11/12 budget process.

The bids are for the following types of vehicles:

- Four mid size ext. cab pickups (Engineering, Public Works, Cemetery),
- One 1/2 ton 4x4 pickup w/plow (Parks)

Staff advertised for sealed bids for City Vehicles on October 20 and 27, 2011, with a bid opening on November 1, 2011.

ALTERNATIVES ANALYZED

The City Council may:

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

FINANCIAL IMPACT

The City received bids from three vendors on the vehicles as outlined below:

BID SCHEDULE I – FOUR (4) NEW 2012 MID SIZE EXTENDED CAB 2WD PICKUPS

Vendor	Total Bid	Trade-In	Net Bid
Fremont Motors	\$85,011.52	\$3,200.00	\$81,811.52
Menholt Chevrolet	\$71,396.80	\$1,600.00	\$69,796.80
Bison Ford	\$93,397.92	\$1,000.00	\$92,397.92

BID SCHEDULE II – ONE (1) NEW 2012 ½ TON 4X4 REGULAR CAB PICKUP WITH SNOW PLOW

Vendor	Total Bid	Trade-In	Net Bid
Fremont Motors (1)	\$31,070.88	\$2,100.00	\$28,970.88
Fremont Motors (2)	\$32,452.82	\$2,100.00	\$30,352.82
Menholt Chevrolet	\$32,657.75	\$ 800.00	\$31,875.75
Bison Ford	\$31,559.42	\$ 500.00	\$31,059.42

RECOMMENDATION

Staff recommends awarding Bid Schedule I without trades to Menholt Chevy for the bid amount of \$71,396.80 and retaining the trade vehicles for sale at auction. Staff recommends rejecting the lowest bid with trade for Bid Schedule II from Fremont Motors(1) first bid in the amount of \$28,970.88 because the vehicle bid does not meet the required specifications for the snow plow package. The unit bid is not intended or designed for use with a snow plow. Therefore, staff recommends awarding Bid Schedule II with trade to Fremont Motors(2) for their second bid of \$30,352.82 which meets specifications.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Meeting Date: 11/14/2011

TITLE: Yellowstone Family Park Playground Contract Award

PRESENTED BY: Mike Whitaker

Department: Parks/Rec/Public Lands

PROBLEM/ISSUE STATEMENT

As part of the improvements associated with the development of Yellowstone Family Park, a Request For Proposals (RFP) was sent out September 22, 2011 by the City of Billings Parks, Recreation and Public Lands (PRPL) Department to procure and install playground equipment and fall protection material for the park. Six companies responded to the RFP with their proposals. A selection committee comprised of Staff, Project Consultant and two property owners from Yellowstone Club Estates and Yellowstone Ridge Subdivision was formed to evaluate the proposals and select a company that in their opinion best met the qualifications of the RFP. Each member of the committee independently reviewed each proposal prior to meeting. On October 21, 2011 the selection committee convened to discuss the proposals, the relative merits of each, and to recommend to Council a company to enter into a contract to provide and install the playground equipment and fall protection material. After thorough discussion the committee selected Kompan, Inc. The budgetary cost for this RFP was set at \$100,000 +/- 5%. The cost provided by the selected company was \$99,862.90. Attachment A is a contract with Kompan, Inc. for Council consideration and approval.

ALTERNATIVES ANALYZED

The following alternatives were analyzed:

- Award a contract to Kompan, Inc. to design, procure and install playground equipment and fall protection material at the Yellowstone Family Park; or
- Reject all proposals and seek additional proposals.

FINANCIAL IMPACT

Funding for the playground equipment and fall protection material will be provided through the existing SID # 1392 as part of the overall development of Yellowstone Family Park. There will be no financial impact to the City.

RECOMMENDATION

Staff recommends that City Council approve the contract with Kompan, Inc. for \$99,862.90 to design and install playground equipment and fall protection material for the Yellowstone Family Park.

APPROVED BY CITY ADMINISTRATOR

Attachments

Contract



YELLOWSTONE FAMILY PARK PLAYGROUND – MLJ10142011 SERVICES AGREEMENT

THIS AGREEMENT is made and entered into this **14** day of **November, 2011**, by and between the **CITY OF BILLINGS, MONTANA**, a municipal corporation organized and existing under the laws of the State of Montana, P.O. Box 1178, Billings, Montana 59103, hereinafter referred to as “City,” and **Kompan, Inc., of Tacoma, WA** hereinafter referred to as “Contractor.”

In consideration of the mutual covenants and agreements herein contained, the receipt and sufficiency whereof being hereby acknowledged, the parties hereto agree as follows:

1. **Purpose:** City agrees to hire Contractor as an independent contractor to perform the services of providing and installing playground equipment and fall protection material described in the Scope of Work attached hereto as Exhibit “A” and by this reference made a part hereof.

2. **Effective Date:** This Agreement is effective upon the date of its execution and will terminate on May 1, 2012. The parties may extend this agreement, by mutual concurrence, for up to thirty (30) days, in writing prior to its termination.

3. **Scope of Work:** The Contractor shall perform the services outlined in Exhibit “A”. In performing these services, the Contractor shall at all times comply with all federal, state and local statutes, rules and ordinances applicable. These services and all duties incidental or necessary therefor, shall be performed diligently and completely and in accordance with professional standards of conduct and performance.

4. **Payment:** City agrees to pay Contractor ninety-nine thousand eight hundred sixty-two dollars and ninety cents (\$99,862.90) for the work described in the Scope of Work in Exhibit “A”. Any alteration or deviation from the described work that involves extra costs will be executed only upon **written request** by the City to Contractor and will become an extra charge over and above the contract amount. The parties must agree upon any extra charges in writing.

If partial payment is requested by Contractor, it shall be made upon invoice and said estimate being proportioned to the work completed by the Contractor. City shall deduct five percent (5%) from each pay estimate to be held until the completion of the final scope of work. The final payment shall be made only after acceptance of final invoice by the City, and determination has been made by the City that the scope of work has been satisfactorily completed.



5. **Independent Contractor Status:** The parties agree that Contractor is an independent contractor for purposes of this Agreement and is not to be considered an employee of the City for any purpose. Contractor is not subject to the terms and provisions of the City's personnel policies handbook and may not be considered a City employee for workers' compensation or any other purpose. Contractor is not authorized to represent the City or otherwise bind the City in any dealings between Contractor and any third parties.

Contractor shall comply with the applicable requirements of the Workers' Compensation Act, Title 39, Chapter 71, MCA, and the Occupational Disease Act of Montana, Title 39, Chapter 71, MCA. Contractor shall maintain workers' compensation insurance coverage for all members and employees of Contractor's business, except for those members who are exempted as independent contractors under the provisions of §39-71-401, MCA.

Contractor shall furnish City with copies showing one of the following: (1) proof of registration as a registered contractor under Title 39, Chapter 9, MCA; (2) a binder for workers' compensation coverage by an insurer licensed and authorized to provide workers' compensation insurance in the State of Montana; or (3) proof of exemption from workers' compensation granted by law for independent contractors.

6. **Indemnity and Insurance:** Contractor agrees to indemnify, defend and save City, its officers, agents and employees harmless from any and all losses, damage and liability occasioned by, growing out of, or in any way arising or resulting from any intentional or negligent act on the part of Contractor or its agents or employees. **For this purpose, Contractor shall provide City with proof of Commercial General liability insurance issued by a reliable company or companies for personal injury and property damage, in an amount not less than \$750,000 per claim, and in an amount not less than \$1.5 million per occurrence and naming the City as an additional insured. The insurance must be in a form suitable to City.**

7. **Warranty:** Contractor warrants that all services and work will be performed in a good workman-like manner. Contractor acknowledges that it will be liable for any breach of this warranty for the lesser period of one (1) year from the time services are completed or any warranty described in the Scope of Work in Exhibit "A".

8. **Compliance with Laws:** Contractor agrees to comply with all federal, state, and local laws, ordinances, rules and regulations. Contractor agrees to purchase a City business license.

a. PREVAILING WAGE REQUIREMENTS – MONTANA – BOOKLET ATTACHED (EXHIBIT B)

Unless superseded by federal law, Montana law requires that contractors and subcontractors give preference to the employment of Montana residents for any public works contract in excess of



\$25,000 for construction or non-construction services in accordance with sections 18-2-401 through 18-2-432, MCA, and all administrative rules adopted pursuant thereto. Unless superseded by federal law, each contractor shall ensure that at least 50% of the contractor's workers performing labor on a construction project are bona fide Montana residents. The Commissioner of the Montana Department of Labor and Industry has established the resident requirements in accordance with sections 18-2-403 and 18-2-409, MCA. Any and all questions concerning prevailing wage and Montana resident issues should be directed to the Montana Department of Labor and Industry.

In addition, unless superseded by federal law, all employees working on a public works contract shall be paid prevailing wage rates in accordance with sections 18-2-401 through 18-2-432, MCA, and all administrative rules adopted pursuant thereto. Montana law requires that all public works contracts, as defined in section 18-2-401, MCA, in which the total cost of the contract is in excess of \$25,000, contain a provision stating for each job classification the standard prevailing wage rate, including fringe benefits, travel, per diem, and zone pay that the contractors, subcontractors, and employers shall pay during the public works contract.

Furthermore, section 18-2-406, MCA, requires that all contractors, subcontractors, and employers who are performing work or providing services under a public works contract post in a prominent and accessible site on the project staging area or work area, no later than the first day of work and continuing for the entire duration of the contract, a legible statement of all wages and fringe benefits to be paid to the employees in compliance with section 18-2-423, MCA. Section 18-2-423, MCA, requires that employees receiving an hourly wage must be paid on a weekly basis.

Each contractor, subcontractor, and employer must maintain payroll records in a manner readily capable of being certified for submission under section 18-2-423, MCA, for not less than three years after the contractor's, subcontractor's, or employer's completion of work on the public works contract.

The nature of the work performed or services provided under this contract meets the statutory definition of a "public works contract" under section 18-2-401(11)(a), MCA, and falls under the category of **construction** services. The booklet containing Montana's **2011** Rates for **Montana Prevailing Wage Rates For Heavy Construction** is attached.

9. Contractors' Gross Receipts Tax: Contractor understands that all contractors or subcontractors working on a publicly funded construction project, including any work requiring the installation, addition, placement, replacement, or removal of any equipment, parts, structures, or materials of any kind whatsoever, are required to pay or have withheld from earnings one percent (1%) of the gross contract price if the gross contract price is Five Thousand Dollars (\$5,000) or more.

10. Nondiscrimination: Contractor agrees that all hiring by Contractor of persons performing this Agreement will be on the basis of merit and qualification and will not discriminate on the basis of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin.

11. Default and Termination: If either party fails to comply with any condition of this Agreement at the time or in the manner provided for, the other party may, at its option,



terminate this Agreement and be released from all obligations if the default is not cured within ten (10) calendar days after written notice is provided to the defaulting party. Said notice shall set forth the items to be cured. Additionally, the non-defaulting party may bring suit for damages, specific performance, and any other remedy provided by law. These remedies are cumulative and not exclusive. Use of one remedy does not preclude use of the others. Notices shall be provided in writing and hand-delivered or mailed to the parties at the addresses set forth in the first paragraph of this Agreement.

12. Liaison: City's designated liaison with Contractor is Mark Jarvis, Park Planner and Contractor's designated liaison with City is Eric Wride.

13. Governing Law and Venue: This Agreement shall be construed and enforced in accordance with the laws of the State of Montana. Venue for any suit between the parties arising out of this Agreement shall be the State of Montana Thirteenth Judicial District Court, Yellowstone County.

14. Severability: Any provision or part of the Agreement held to be void or unenforceable under any law or regulation shall be deemed stricken and all remaining provisions shall continue to be valid and binding upon the City and the Contractor, who agree that the Agreement shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

15. Successors and Assigns: Neither the City nor the Contractor shall assign, transfer or encumber any rights, duties or interests accruing from this Agreement without the written consent of the other.

16. Ownership of Documents: All documents, data, drawings, specifications, software applications and other products or materials produced by the Contractor in connection with the services rendered under this Agreement shall be the property of the City whether the project for which they are made is executed or not. All such documents, products and materials shall be forwarded to the City at its request and may be used by the City as it sees fit. The City agrees that if the documents, products and materials prepared by the Contractor are used for purposes other than those intended by the Agreement, the City does so at its sole risk and agrees to hold the Contractor harmless for such use. All or any portions of materials, products and documents produced under this Agreement may be used by the Contractor upon confirmation from the City that they are subject to disclosure under the Public Disclosure Act. All services performed under this Agreement will be conducted solely for the benefit of the City and will not be used for any other purpose without written consent of the City. Any information relating to the services will not be released without the written permission of the City. The Contractor shall preserve the confidentiality of all City documents and data accessed for use in Contractor's work product.



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

CITY OF BILLINGS, MONTANA

CONTRACTOR (Print Name Above)

By _____
Thomas W. Hanel, Mayor

By _____

Print Name _____

Print Title _____

APPROVED AS TO FORM:

By _____
BRENT BROOKS, City Attorney



EXHIBIT A

SCOPE OF WORK

A. General

This project consists of the component layout, procurement and installation of a playground system including fall zone material at Yellowstone Family Park located at the corner of 54th Street West and Bobby Jones Drive, in Billings, Montana. Work is to include the layout of a play system within the constructed play area boundaries, as well as the installation of commercial grade playground equipment, equipment footings, drainage system and materials, landing mats if needed, sub base material and fall zone material. This project will be the final turnkey step in completing the overall Yellowstone Family Park Construction project. Playground contractor shall coordinate with the general contractor as necessary to provide necessary infrastructure including but not limited to site access, playground sub-grade, drainage sleeving, etc. in preparation for playground installation. Layout of component equipment shall be approved by City's liaison prior to construction. All equipment will be assembled and installed by the Contractor.

The total cost of this project shall include the costs of delivered play system as designed, inclusive of the equipment structures, components, hardware, detailed technical installation instructions and operations & maintenance manuals from manufacturer as submitted in the Sales Proposal, Attachment A.

B. Play System Specifications

1. Age appropriate signage prominently displayed as approved by PRPL and including PRPL logo.
2. Play system must include poured-in-place fall zone material to required minimum depth over play area with subsurface drainage system, drainage fabric and all concrete footings installed per all federal standards.
3. Play system must include landing pads for all equipment as appropriate.
4. All play system elements must demonstrate the highest level of durability in materials and finishes selected in consideration of child health and safety.
5. "Green" construction practices and materials are highly desired.
6. Contractor shall coordinate their work with other park construction through owners' construction manager and complete the installation of the playground as outlined in Effective Date as herein described in this agreement.

C. Assembly/Installation and Inspection

1. The play system assembly and installation will be provided and managed by the Contractor. The Contractor must supply direct supervision from manufacturer or supply qualified and certified representative familiar with playground installation. All tools and equipment required to install play equipment shall be provided by the Contractor. Working days will begin as outlined in the Notice to Proceed.
2. An independent Certified Playground Safety Inspector (CPSI) that is mutually agreeable to the City of Billings will be required to conduct a post installation audit and certify that the playground meets all current National Playground Safety Institute (NPSI) standards.
3. Warranty: Upon completion of installation, the Contractor must provide documentation attesting the equipment has been installed meeting all specifications thereby warranted by manufacturer. Additionally, it is the Contractor's responsibility to provide to the City the manufacturer's warranty of installed equipment.

D. Compliance

1. All equipment must meet and/or exceed all federal, CPSC, ASTM & IPEMA guidelines.



Documentation of compliance must be provided to the City by the Contractor. All equipment must comply with Americans with Disabilities Act (ADA).

2. In accordance with MCA 49-3-207, Nondiscrimination Provision in All Public Contracts, the Contractor will ensure that hiring is made based on merit and qualifications and that there will be no discrimination based on race, color, religion, creed, political ideas, sex, age, marital status, physical or mental handicap or national origin by the persons performing the contract.
3. The Contractor and any persons doing work on this project will be required to obtain registration with the Montana Department of Labor and Industry (DLI) except as listed in MCA 39-9-211. Information on registration can be obtained from the Department of Labor and Industry by calling 1-406-444-7734. The Supplier is required to have registered with the DLI prior to submitting a proposal on this project. ("Bid Only" registration is available for out-of-state Suppliers.) All laborers and mechanics employed by Contractor in performance of this construction work shall be paid wages at rates as may be required by law.
4. The Contractor shall be required as part of a contract to utilize the Montana Davis-Bacon Wage Rates for Heavy Construction effective January 27, 2011 (Prevailing Wage Rates further described in construction contract). Highway Construction wage rates will not apply to this project.

**MONTANA
PREVAILING WAGE RATES FOR HEAVY CONSTRUCTION 2011**

Effective: January 27, 2011

**Brian Schweitzer, Governor
State of Montana**

**Keith Kelly, Commissioner
Department of Labor & Industry**

To obtain copies of prevailing wage rate schedules, or for information relating to public works projects and payment of prevailing wage rates visit ERD at www.mtwagehourbopa.com or contact them at:

Employment Relations Division
Montana Department of Labor and Industry
P. O. Box 201503
Helena, MT 59620-1503
Phone 406-444-5600
TDD 406-444-5549

The Labor Standards Bureau welcomes questions, comments and suggestions from the public. In addition, we'll do our best to provide information in an accessible format, upon request, in compliance with the Americans with Disabilities Act.

MONTANA PREVAILING WAGE REQUIREMENTS

The Commissioner of the Department of Labor and Industry, in accordance with Sections 18-2-401 and 18-2-402 of the Montana Code Annotated, has determined the standard prevailing rate of wages for the occupations listed in this publication.

The wages specified herein control the prevailing rate of wages for the purposes of 18-2-401, et seq., Montana Code Annotated. It is required that each employer pay (as a minimum) the rate of wages, including fringe benefits, travel allowance and per diem applicable to the district in which the work is being performed, as provided in the attached wage determinations.

All Montana Prevailing Wage Rates are available on the internet at www.mtwagehourbopa.com or by contacting the Labor Standards Bureau at (406) 444-5600 or TDD (406) 444-5549.

In addition, this publication provides general information concerning compliance with Montana's Prevailing Wage Law and the payment of prevailing wages. For detailed compliance information relating to public works contracts and payment of prevailing wage rates, please consult the regulations on the internet at www.mtwagehourbopa.com or contact the Labor Standards Bureau at (406) 444-5600 or TDD (406) 444-5549.

KEITH KELLY
Commissioner
Department of Labor and Industry
State of Montana

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A. Date of Publication January 27, 2011

B. Definition of Heavy Construction

The Administrative Rules of Montana (ARM) 24.17.501(4) – (4)(a), Public Works Contracts For Construction Services Subject to Prevailing Rates, states: “*Heavy construction projects include, but are not limited to, those projects that are not properly classified as either ‘building construction’, or ‘highway construction.’*”

Heavy construction projects include, but are not limited to, antenna towers, bridges (major bridges designed for commercial navigation), breakwaters, caissons (other than building or highway), canals, channels, channel cut-offs, chemical complexes or facilities (other than buildings), cofferdams, coke ovens, dams, demolition (not incidental to construction), dikes, docks, drainage projects, dredging projects, electrification projects (outdoor), fish hatcheries, flood control projects, industrial incinerators (other than building), irrigation projects, jetties, kilns, land drainage (not incidental to other construction), land leveling (not incidental to other construction), land reclamation, levees, locks and waterways, oil refineries (other than buildings), pipe lines, ponds, pumping stations (prefabricated drop-in units – not buildings), railroad construction, reservoirs, revetments, sewage collection and disposal lines, sewers (sanitary, storm, etc.), shoreline maintenance, ski tows, storage tanks, swimming pools (outdoor), subways (other than buildings), tipples, tunnels, unsheltered piers and wharves, viaducts (other than highway), water mains, waterway construction, water supply lines (not incidental to building), water and sewage treatment plants (other than buildings) and wells.”

Federal Davis-Bacon wage rates as published in U.S. Department of Labor General Wage Decision No. MT100001 Modification No.8 have been adopted by the Montana Department of Labor and Industry for use in Heavy Construction projects and are included in this publication. These rates apply statewide or as shown in MT100001 Modification No. 8.

C. Definition of Public Works Contracts

Montana Code Annotated, section 18-2-401(11)(a), defines “public works contract” as “*a contract for construction services let by the state, county, municipality, school district, or political subdivision or for nonconstruction services let by the state, county, municipality, or political subdivision in which the total cost of the contract is in excess of \$25,000...*”

D. Prevailing Wage Schedule

This publication covers only Heavy Construction occupations and rates in the specific localities mentioned herein. These rates will remain in effect until superseded by a more current publication. Current prevailing wage rate schedules for Building Construction, Highway Construction and Nonconstruction Services occupations can be found on the internet at **www.mtwagehourbopa.com** or by contacting the Labor Standards Bureau at (406) 444-5600 or TDD (406) 444-5549.

E. Rates to Use for Projects

Rates to be used on a public works project are those that are in effect at the time the project and bid specifications are advertised.

F. Wage rate adjustments for multiyear contracts

Section 18-2-417, Montana Code Annotated states:

"(1) Any public works contract that by the terms of the original contract calls for more than 30 months to fully perform must include a provision to adjust, as provided in subsection (2), the standard prevailing rate of wages to be paid to the workers performing the contract.

(2) The standard prevailing rate of wages paid to workers under a contract subject to this section must be adjusted 12 months after the date of the award of the public works contract. The amount of the adjustment must be a 3% increase. The adjustment must be made and applied every 12 months for the term of the contract.

(3) Any increase in the standard rate of prevailing wages for workers under this section is the sole responsibility of the contractor and any subcontractors and not the contracting agency."

G. Fringe Benefits

Section 18-2-412 of the Montana Code Annotated states:

"(1) To fulfill the obligation...a contractor or subcontractor may:

(a) pay the amount of fringe benefits and the basic hourly rate of pay that is part of the standard prevailing rate of wages directly to the worker or employee in cash;

(b) make an irrevocable contribution to a trustee or a third person pursuant to a fringe benefit fund, plan, or program that meets the requirements of the Employee Retirement Income Security Act of 1974 or that is a bona fide program approved by the U. S. department of labor; or

(c) make payments using any combination of methods set forth in subsections (1)(a) and (1)(b) so that the aggregate of payments and contributions is not less than the standard prevailing rate of wages, including fringe benefits and travel allowances, applicable to the district for the particular type of work being performed.

(2) The fringe benefit fund, plan, or program described in subsection (1)(b) must provide benefits to workers or employees for health care, pensions on retirement or death, life insurance, disability and sickness insurance, or bona fide programs that meet the requirements of the Employee Retirement Income Security Act of 1974 or that are approved by the U. S. department of labor."

Fringe benefits are paid for all hours worked (straight time and overtime hours). However, fringe benefits are not to be considered a part of the hourly rate of pay for calculating overtime, unless there is a collectively bargained agreement in effect that specifies otherwise.

H. Apprentices

Wage rates for apprentices registered in approved federal or state apprenticeship programs are contained in those programs. Additionally, section 18-2-416(2), Montana Code Annotated states, *"...The full amount of any applicable fringe benefits must be paid to the apprentice while the apprentice is working on the public works contract."* Apprentices not registered in approved federal or state apprenticeship programs will be paid the appropriate prevailing wage rate when working on a public works contract.

I. Posting Notice of Prevailing Wages

Section 18-2-406, Montana Code Annotated, provides that contractors, subcontractors, and employers who are *"performing work or providing construction services under public works contracts, as provided in this part, shall post in a prominent and accessible site on the project or staging area, not later than the first day of work and continuing for the entire duration of the project, a legible statement of all wages and fringe benefits to be paid to the employees."*

J. Employment Preference

Sections 18-2-403 and 18-2-409, Montana Code Annotated require contractors to give preference to the employment of bona fide Montana residents in the performance of work on public works contracts.

**MONTANA STATEWIDE PREVAILING
DAVIS-BACON**

Effective: January 27, 2011

HEAVY CONSTRUCTION WAGE RATES

General Wage Determinations Issued Under
The Davis-Bacon and Related Acts

State: Montana

Construction Types: Heavy

Counties: Montana Statewide.

ZONE DEFINITIONS

CARPENTERS, CEMENT MASONS*, LABORERS, AND TRUCK DRIVERS

The zone hourly rates applicable to each project shall be determined by measuring the road miles over the shortest practical maintained route from the nearest County Courthouse of the following listed towns to the center of the job:

BILLINGS, BOZEMAN, BUTTE, GREAT FALLS, HAVRE, HELENA, KALISPELL, LEWISTOWN, MILES CITY, MISSOULA

Zone 1: 0 to 30 miles - Base Pay

Zone 2: 30 to 60 miles - Base Pay + \$2.95

Zone 3: Over 60 miles - Base Pay + \$4.70

*CEMENT MASONS ZONES: The above cities plus DILLON, GLASGOW, GLENDIVE, SIDNEY

CARP0028-002 05/01/2009

	Rates	Fringes
Carpenters: (Zone 1)		
Carpenter & Pilebuck	\$23.25	\$8.90
Millwright	\$27.25	\$8.90

CARP0028-004 06/01/2006

	Rates	Fringes
Diver Tender	\$27.27	\$7.80
Diver	\$56.54	\$7.80

DEPTH PAY (Surface Diving)
050 to 100 feet \$2.00 per foot
101 to 150 feet \$3.00 per foot
151 to 220 feet \$4.00 per foot
221 ft & deeper \$5.00

ELEC0044-001 06/01/2010

	Rates	Fringes
Line Construction		
(1) Lineman	\$37.73	4.75% + \$10.61
(2) Equipment Operator	\$25.13	4.75% + \$10.95
(3) Experienced Groundman	\$20.27	4.75% + \$10.33

ELEC0233-001 08/01/2009

BLAINE, BROADWATER, CASCADE, CHOUTEAU, FERGUS, GLACIER, HILL, JUDITH BASIN, LEWIS & CLARK, LIBERTY, MEAGHER, PETROLEUM, PHILLIPS, PONDERA, TETON, TOOLE, VALLEY, AND WHEATLAND COUNTIES

	Rates	Fringes
ELECTRICIAN	\$27.96	4.75% + \$9.36

ELEC0233-002 08/01/2009

BEAVERHEAD, DEER LODGE, GRANITE, JEFFERSON, MADISON, POWELL, AND SILVER BOW COUNTIES

	Rates	Fringes
ELECTRICIAN	\$26.10	4.75% + \$10.80

ELEC0532-001 06/01/2010

GALLATIN, PARK, AND SWEET GRASS COUNTIES

	Rates	Fringes
ELECTRICIAN	\$26.61	\$10.27

ELEC0532-003 06/01/2010

BIG HORN, CARBON, CARTER, CUSTER, DANIELS, DAWSON, FALLON, GARFIELD, GOLDEN VALLEY, MCCONE, MUSSELSHELL, POWDER RIVER, PRAIRIE, RICHLAND, ROOSEVELT, ROSEBUD, SHERIDAN, STILLWATER, TREASURE, WIBAUX AND YELLOWSTONE COUNTIES

	Rates	Fringes
ELECTRICIAN	\$29.38	1.75% + \$8.39

ELEC0768-001 06/01/2009

FLATHEAD, LAKE, LINCOLN, MINERAL, MISSOULA, RAVALLI, AND SANDERS COUNTIES

	Rates	Fringes
ELECTRICIAN	\$27.02	\$10.37

ZONE DEFINITIONS FOR POWER EQUIPMENT OPERATORS:

The zone hourly rates applicable to each project shall be determined by measuring the road miles over the shortest practical maintained route from the nearest County Courthouse of the following listed towns to the center of the job:

BILLINGS, BOZEMAN, BUTTE, GREAT FALLS, HELENA, KALISPELL, MISSOULA

Zone 1: 0 to 30 miles - Base Pay

Zone 2: 30 to 60 miles - Base Pay + \$3.50

Zone 3: Over 60 miles - Base Pay + \$5.50

	Rates	Fringes
Power Equipment Operator		
(Zone 1)		
Group 1	\$23.47	\$9.50
Group 2	\$23.94	\$9.50
Group 3	\$24.34	\$9.50
Group 4	\$25.00	\$9.50
Group 5	\$25.50	\$9.50
Group 6	\$26.60	\$9.50
Group 7	\$27.10	\$9.50

POWER EQUIPMENT OPERATORS CLASSIFICATIONS

GROUP 1: Air Compressor; Auto Fine Grader; Belt Finishing Machine; Boring Machine, small; Cement Silo; Crane, A-Frame Truck Crane; Crusher Conveyor; DW-10, 15, and 20 Tractor Roller; Farm Tractor; Forklift; Form Grader; Front-End Loader under 1 cu yd; Heavy Duty Drills; Herman Nelson Heater; Mulching Machine; Oiler, all except Cranes & Shovels; Pumpman.

GROUP 2: Air Doctor; Backhoe/Excavator/Shovel to and including 3 cu yd; Bit Grinder; Bituminous Paving Travel Plant; Boring Machine, large; Broom, Self-Propelled; Concrete Travel Batcher; Concrete Float & Spreader; Concrete Bucket Dispatcher; Concrete Finish Machine; Concrete Conveyor; Distributor; Dozer, Rubber-Tired, Push & Side Boom; Elevating Grader/Gradall; Field Equipment Serviceman; Front-End Loader 1 cu yd to including 5 cu yd; Grade Setter; Heavy Duty Drills, all types; Hoist/Tugger, all; Hydralift & similar; Industrial Locomotive; Motor Patrol, except Finish; Mountain Skidder; Oiler - Cranes & Shovels; Pavement Breaker, EMSCO; Power Saw, Self-Propelled; Pugmill; Pumpcrete/Grout Machine; Punch Truck; Roller, other than Asphalt; Roller, Sheepsfoot, Self-Propelled; Roller, 25 tons and over; Ross Carrier; Rotomill under 6 ft; Trenching Machine; Washing/Screening Plant.

GROUP 3: Asphalt Paving Machine; Asphalt Screed; Backhoe/Excavator/Shovel over 3 cu yd; Cableway Highline; Concrete Batch Plant; Concrete Curing Machine; Concrete Pump; Cranes, Creter; Cranes, Electric Overhead; Cranes, 24 tons and under; Curb Machine/Slip Form Paver; Finish Dozer; Front-end Loader over 5 cu yd; Mechanic/Welder; Pioneer Dozer; Roller, Asphalt (Breakdown & Finish); Rotomill, over 6 ft; Scraper, single, twin, or pulling Belly Dump; Yo-Yo Cat.

GROUP 4: Asphalt/Hot Plant Operator; Cranes, 25 tons to 44 tons; Crusher Operator; Finish Motor Patrol; Finish Scraper.

GROUP 5: Cranes, 45 tons to including 74 tons;

GROUP 6: Cranes, 75 tons to including 149 tons; Crane, Whirley (all).

GROUP 7: Cranes, 150 tons to including 250 tons (add \$1.00 for every 100 tons over 250 tons); Crane, Stiff-Leg or Derrick; Helicopter Hoist; Crane, Tower (all).

IRON0014-002 07/01/2009

FLATHEAD, GLACIER, LAKE, LINCOLN, MINERAL, MISSOULA, AND SANDERS COUNTIES

	Rates	Fringes
IRONWORKER	\$25.34	\$16.58

IRON0732-009 06/01/2010

REMAINING COUNTIES

	Rates	Fringes
IRONWORKER	\$25.57	\$17.21

LABO1686-001 05/01/2008

	Rates	Fringes
LABORER (Zone 1)		
Group 1	\$17.14	\$6.72
Group 2	\$20.10	\$6.72
Group 3	\$20.24	\$6.72
Group 4	\$21.00	\$6.72

LABORERS CLASSIFICATIONS**GROUP 1:** Flagperson

GROUP 2: All General Labor Work; Burning Bar; Bucket Man; Carpenter Tender; Caisson Worker; Cement Mason Tender; Cement Handler (dry); Chuck Tender; Choker Setter; Concrete Worker; Curb Machine-Lay Down; Crusher and Batch Worker; Fence Erector; Form Setter; Form Stripper; Heater Tender; Landscaper; Pipe Wrapper; Pot Tender; Powderman Tender; Rail and Truck Loaders and Unloaders; Ripraper; Sealants for concrete and other materials; Sign Erection, Guard Rail and Jersey Rail; Stake Jumper; Spike Driver; Signalman; Tail Hoseman; Tool Checker and Houseman; Traffic Control Worker.

GROUP 3: Concrete Vibrator; Dumpman (Grademan); Equipment Handler; Geotextile and Liners; High-Pressure Nozzleman; Jackhammer (Pavement Breaker); Laser Equipment; Non-Riding Rollers; Pipelayer; Posthole Digger (Power); Power Driven Wheelbarrow; Rigger; Sandblaster; Sod Cutter-Power.

GROUP 4: Asphalt Raker; Cutting Torch; Grade Setter; High-Scaler; Power Saws (Faller & Concrete); Powderman (\$1.00 per hour above Group 4 rate); Rock & Core Drill; Track or Truck mounted Wagon Drill; Welder including Air Arc.

PAIN0260-001 07/01/2002

BLAINE, BROADWATER, CASCADE, CHOUTEAU, DANIELS, FERGUS, GARFIELD, GLACIER, GRANITE (South of a line running East & West through the Southern city limits of PHILLIPSBURG), HILL, JEFFERSON, JUDITH BASIN, LEWIS AND CLARK, LIBERTY, McCONE, MEAGHER, PETROLEUM, PHILLIPS, PONDERA, POWELL (South of a line running East & West through the Southern city limits of HELMSVILLE), RICHLAND, ROOSEVELT, SHERIDAN, TETON, TOOLE, VALLEY, AND WHEATLAND COUNTIES

	Rates	Fringes
PAINTER	\$13.85	1% + \$3.45

PAIN0260-002 07/01/2002

FLATHEAD, GRANITE (North of a line running East & West through the Southern city limits of PHILLIPSBURG), LAKE, LINCOLN, MINERAL, MISSOULA, POWELL (North of a line running East & West through the Southern city limits of HELMSVILLE), RAVALLI, AND SANDERS COUNTIES

	Rates	Fringes
PAINTER	\$16.85	1% + \$3.45

PAIN1922-001 06/01/2009

BEAVERHEAD, BIG HORN, CARBON, CARTER, CUSTER, DAWSON, DEER LODGE, FALLON, GALLATIN, GOLDEN VALLEY, JEFFERSON, MADISON, MUSSELSHELL, PARK, POWDER RIVER, PRAIRIE, ROSEBUD, SILVER BOW, STILLWATER, SWEET GRASS, TREASURE, WIBAUX, AND YELLOWSTONE COUNTIES

PAINTER
(Industrial, includes industrial plants, tanks, pipes, bridges)

Rates	Fringes
\$21.00	\$0.00

PLAS0119-001 05/01/2008

STATEWIDE (except DEER LODGE, JEFFERSON, POWELL, and SILVER BOW COUNTIES)

	Rates	Fringes
CEMENT MASONS: (Zone 1)		
Area 1	\$18.83	\$6.96
Area 2	\$20.24	\$6.86

AREA 1: STATEWIDE (except DEER LODGE, JEFFERSON, POWELL, and SILVER BOW COUNTIES)
AREA 2: DEER LODGE, JEFFERSON, POWELL, AND SILVER BOW COUNTIES

PLUM0030-003 09/01/2009

BIGHORN, BLAINE, CARBON, CARTER, CASCADE, CHOUTEAU, CUSTER, DANIELS, DAWSON, FALLON, FERGUS, GARFIELD, GOLDEN VALLEY, HILL, JUDITH BASIN, LIBERTY, McCONE, MEAGHER, MUSSELSHELL, PETROLEUM, PHILLIPS, PONDERA, POWDER RIVER, PRAIRIE, RICHLAND, ROOSEVELT, ROSEBUD, SHERIDAN, STILLWATER, TETON, TOOLE, TREASURE, VALLEY, WHEATLAND, WIBAUX AND YELLOWSTONE COUNTIES

	Rates	Fringes
PLUMBER		
Commercial	\$28.25	\$13.40
Industrial – Power Generating Plants	\$30.60	\$13.40

PLUM0041-001 07/01/2010

BEAVERHEAD, BROADWATER, DEER LODGE, GALLATIN, GRANITE, JEFFERSON, LEWIS AND CLARK, MADISON, PARK, POWELL, SILVER BOW, AND SWEET GRASS COUNTIES

	Rates	Fringes
PLUMBER	\$28.25	\$13.05

PLUM0459-001 05/01/2010

FLATHEAD, GLACIER, LAKE, LINCOLN, MINERAL, MISSOULA, RAVALLI, AND SANDERS

	Rates	Fringes
PLUMBER	\$27.51	\$12.08

TEAM0002-001 05/01/2008

	Rates	Fringes
TRUCK DRIVERS: (Zone 1)		
Group 1	\$ 14.14	\$5.92
Group 2	\$ 18.84	\$5.92

TRUCK DRIVERS CLASSIFICATIONS:**GROUP 1:** Pilot Car

GROUP 2: All Combination Trucks and Concrete Mixers; Distributor Driver; All Dry Batch Trucks; Dumpman, Gravel Spreader Box Operator; All Dump Trucks and similar equipment including DW 20, DW 21, or Euclid Tractor; Dumpsters; Flat Trucks; Servicemen; Lowboys, Four-Wheel Trailers; Float Semi-Trailer; Lumber Carriers, Lift Trucks & Fork Lifts; Pick-up Driver hauling material; Powder Truck (Bulk Unloader type); Power Boom; Service Truck Drivers, Fuel Truck Drivers, Tiremen; All Water Tank Drivers; Petroleum Products Drivers; Trucks with Power Equipment such as Winch, A-Frame Truck, Crane, Hydralift, Gout-Crete Truck, and Combination Mulching, Seeding & Fertilizing Truck; Truck Mechanic.

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.

END OF GENERAL DECISION

Regular City Council Meeting

Meeting Date: 11/14/2011

TITLE: Building Lease and Supplemental Lease Agreement with Transportation Security Administration

PRESENTED BY: Tom Binford

Department: Airport

PROBLEM/ISSUE STATEMENT

The Transportation Security Administration (TSA) wishes to continue to lease space in the Airport's office building located at the west end of the Airport near the water tower. On November 10, 2008, the City Council approved a one-year Lease for 4,342 square feet of office space, including utilities and garbage service, for a term beginning March 1, 2008 and ending February 28, 2009. The TSA has been in holdover on the 2008 Lease since the Lease expired. During the holdover period, the TSA has continued to pay for and occupy the space, while working with staff on the potential for improvements to the space the TSA leases. The TSA has determined that they want to continue to occupy this space, as well as add 3,715 square feet of office space that was previously leased by the Valley Bible Church. Subsequently, staff has been negotiating with the General Services Administration (GSA) to put a new lease in place for the TSA. The new Lease is for 8,057 square feet of office space, and would be for a five-year firm term, with an ability to extend the Lease for an additional five (5) years at a rate to be determined for that period. The Lease will commence December 1, 2011 and expire on November 30, 2016. This Lease also provides for some tenant improvements to meet the TSA's needs, for which the TSA will reimburse the Airport. Additionally, since the TSA has been operating in holdover status on the original 2008 Lease, a Supplemental Agreement is also required to restate the term on that Lease, so that the term includes the holdover period and coincides with the actual lease occupancy dates. The Supplemental Agreement restates the actual term as commencing March 1, 2008 and ending on November 30, 2011.

ALTERNATIVES ANALYZED

The City Council may:

- Approve the new five-year Lease with the U.S. Government on behalf of the TSA and the Supplemental Agreement on the 2008 Lease restating the term as commencing March 1, 2008 and ending November 30, 2011; or
- Not approve the new five-year Lease with the U.S. Government on behalf of the TSA and the Supplemental Agreement on the 2008 Lease restating the term as commencing March 1, 2008 and ending November 30, 2011.

FINANCIAL IMPACT

The Lease will generate \$136,566.12 per year of revenue for the City's Airport, and \$682,830.60 for the initial five-year term. Should the TSA opt to extend the Lease for the additional five years, a new rental rate will be determined for that extended period.

RECOMMENDATION

Staff recommends that Council approve the Lease with the U.S. Government for the benefit of the TSA for an initial five-year term beginning December 1, 2011 and ending November 30, 2016, and the Supplemental Agreement on the 2008 Lease restating the term as commencing March 1, 2008 and ending November 30, 2011.

APPROVED BY CITY ADMINISTRATOR

Attachments

Supplemental Agreement

GENERAL SERVICES ADMINISTRATION
PUBLIC BUILDINGS SERVICE
SUPPLEMENTAL LEASE AGREEMENT

SUPPLEMENTAL AGREEMENT

NO. 1

TO LEASE NO.

LMT14309

ADDRESS OF PREMISES

Airport Office Building – West
Billings Logan International Airport
1737 Highway 3
Billings, MT 59105

THIS AGREEMENT, made and entered into this date by and between **City of Billings**

whose address is Billings Logan International Airport
1901 Terminal Circle, Room 216
Billings, MT 59105

hereinafter called the Lessor, and the **UNITED STATES OF AMERICA**, hereinafter called the Government:

WHEREAS, the parties hereto desire to amend the above Lease to extend the term.

NOW THEREFORE, these parties for the considerations hereinafter mentioned covenant and agree that the said lease is amended as follows:

Paragraph B. "Term" is hereby deleted in its entirety and replaced with the following Paragraph B:

"B. Term. To have and to hold, for the term commencing on March 1, 2008, and continuing through November 30, 2011 inclusive. Government has continuously occupied said Premises on a month-to-month basis since the original expiration date of February 28, 2009 at the rental rate in effect at the time of the original expiration date. The Government may terminate this lease at any time on or after December 1, 2008, by giving at least 60 days notice in writing to the Lessor. No rental shall accrue after the effective date of the termination. Said notice shall be computed commencing with the day after the date of mailing."

All other terms and conditions of the lease shall remain in force and effect.

IN WITNESS WHEREOF, the parties subscribed their names as of the date below.

LESSOR, CITY OF BILLINGS – BILLINGS LOGAN INTERNATIONAL AIRPORT

BY _____
(Signature) Thomas W. Hanel

MAYOR
(Title)

Date: _____

IN PRESENCE OF

(Signature) Cari Martin, City Clerk

1901 Terminal Circle, Room 216, Billings, MT 59105
(Address)

UNITED STATES OF AMERICA, GENERAL SERVICES ADMINISTRATION

BY _____

CONTRACTING OFFICER
(Official Title)

Regular City Council Meeting

Meeting Date: 11/14/2011

TITLE: Yellowstone County All Risk Mutual Aid Agreement

PRESENTED BY: Paul Dextras

Department: Fire

PROBLEM/ISSUE STATEMENT

Mutual Aid Agreements are necessary to establish methods, procedures, working relationships, and appropriate indemnification under which various fire departments are enabled to provide assistance to each other's jurisdictions during an emergency incident.

The Yellowstone County All Risk Mutual Aid Agreement was previously signed in 1997 and needed to be updated. The document has been updated and redrafted in a cooperative effort between all fire departments in Yellowstone County and their respective legal representatives.

Billings City Legal Department and the Yellowstone County Legal Department have conferred and reviewed this document and agree that the document is ready for circulation to all signatories for their respective signatures.

ALTERNATIVES ANALYZED

City Council may:

- Approve the Mutual Aid Agreement;
- Not Approve the Mutual Aid Agreement

FINANCIAL IMPACT

There will be operating costs to provide mutual aid but the amount cannot be determined due to unknown frequency, intensity, location, etc.

RECOMMENDATION

Staff recommends that Council approve the Yellowstone County All Risk Mutual Aid Agreement.

APPROVED BY CITY ADMINISTRATOR

Attachments

Mutual Aid Agreement

YELLOWSTONE COUNTY ALL RISK MUTUAL AID AGREEMENT

PURPOSE

This agreement is made between the undersigned Fire Organizations in Yellowstone County and supersedes any prior county wide mutual fire protection agreements.

AUTHORITY

WHEREAS, the signatory parties are vulnerable to natural, man-made or war caused disasters such as, but not limited to: range, timber, and structure fires, floods, tornadoes, hazardous materials emergencies, earthquakes, winter storms, or enemy attack, which could overtax or exhaust local resources; and

WHEREAS, the signatory parties desire to augment fire protection in their areas pursuant to Sections 7-33-2108, 7-33-2202, 7-33-4112 and 10-3-202 MCA; and

WHEREAS, it is beneficial for them to render mutual assistance in accordance with these terms and it is in the public's interest that a mutual aid agreement is implemented;

NOW, THEREFORE, IT IS UNDERSTOOD AND AGREED AS FOLLOWS:

1. DEFINITIONS

- A. "Agency" means any signatory fire department or fire company.
- B. "Requesting Agency" means the agency asking for assistance.
- C. "Responding Agency" means the agency sending assistance.
- D. "I.C." means Incident Commander or person in charge of the operation/situation.
- E. "Yellowstone County Fire Council" means the member agencies of that organization as established by the by-laws for the Yellowstone County Fire Council. The Yellowstone Fire Council is comprised of most Rural and Municipal Fire Departments in Yellowstone County.

2. DURATION AND REVIEW

- A. Duration: This agreement shall be effective upon execution by all agencies and shall continue thereafter unless amended or terminated.
Any agency may withdraw from the agreement by giving at least thirty (30) days written notice to all other agencies.
- B. Review: Any agency may request a review of the agreement by sending proposed amendments to the Yellowstone County Fire Council.
Each member agrees that the Fire Chiefs or their representatives shall meet at least annually to review availability of equipment, material and personnel, and to reassess coordination of operations. The Fire Chiefs may schedule emergency drills to assure response capability and effectiveness, providing the participating members agree to the drill.

3. OPERATIONS

A. REQUEST AND RESPONSE

- 1. The Fire Chief or designee from any participating agency may request assistance from any other agency or agencies only when it is determined that such assistance is essential to protect life and property.
- 2. A request for assistance should include the type of equipment, the number of personnel, and specify the location where needed. Giving assistance is not mandatory, however, if an agency cannot give assistance, it shall inform the requesting agency that assistance cannot be given.

3. The responding agency shall determine what equipment and/or personnel can be provided and then dispatch the designated equipment and/or personnel. Each member agrees that equipment, material and/or personnel may be withheld or withdrawn by the responding member's own authority.

B. COMMAND AT THE FIRE SCENE

1. Personnel from the responding agency shall report to the requesting agency's IC. The incident commander of the requesting party has overall responsibility for command of the resources provided by the responding party. However, the responding agency's own staff shall remain in control of the operation of the responding agency's equipment according to the responding agency's policies.
2. The nationally recognized Incident Command System (NIMS) shall be utilized by all agencies.

C. RELEASE FROM THE SCENE

1. A requesting agency shall release a responding agency when services are no longer required or when the responding agency is needed for fire protection or other emergencies in its own jurisdiction.

4. COMPENSATION

1. Each party agrees that it will not seek from the other party compensation for services rendered under this Agreement. Each party hereto shall at all times be responsible to its own employees for the payment of wages and other compensation and for carrying workmen's compensation upon said employees; and each party shall be responsible for its own equipment and shall bear the risk of loss therefore, irrespective of whether or not said personnel and equipment are being used within the area of primary responsibility of that party. However, if the fire suppression chemicals are utilized by the responding party, the requesting party shall compensate the other party for the actual cost of such chemicals.
2. If any costs incurred by any agency in situations where this Agreement has been implemented are reimbursable, due to county, state or presidential disaster declaration, item 1 becomes null and void in areas included under a disaster declaration in order to allow appropriate reimbursement.

5. RESPONSIBILITY AND LIABILITY

A. PREPAREDNESS AND SAFETY

1. Each agency shall be responsible to see that its own equipment is properly maintained and safely operated and its personnel are properly trained.
2. A responding agency will not be required to take action where the safety of personnel and equipment is in question.
3. Personnel of a responding agency shall be considered to be acting under the lawful orders and instructions of their own agency to and from the operation. They are not to be considered personnel or employees of any other agency.

B. INDEMNIFICATION: The Requesting Agency shall indemnify, defend, save, and hold the Responding Agencies harmless from any and all claims, cause 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 Requesting Agency or any agent, employee or subcontractor as a result of the Requesting Agency's performance pursuant to this Agreement.

1. The Requesting Agency shall not indemnify, defend, save, and hold the Responding Agencies 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, errors or omissions solely of the Responding Agency occurring during the course of or as a result of the performance of this Agreement.
2. Where claims, lawsuits or liability, including attorneys' fees and costs arise from wrongful or negligent acts of both the Requesting Agency and Responding Agency or Agencies, the Requesting Agency shall indemnify, defend, save, and hold the Responding Agency or Agencies 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 Requesting Agency's wrongful or negligent acts occurring as a result from the Requesting Agency's performance pursuant to this Agreement.

C. INSURANCE: Each party to this agreement shall, at their expense, obtain and keep in full force and effect adequate insurance against general liability, automobile liability and physical damage, with policy limits of not less than \$1,500,000 per occurrence, and worker's compensation to cover loss, damage, or injury to persons or property which might arise out of the performance of their duties under this agreement. Each entity shall produce a copy of the Certificate of Insurance to every agency of this agreement annually and not later than September 1st of each year, or upon request.

6. FILING OF AGREEMENT

- A. The original of this agreement shall be filed with the Yellowstone County Clerk and Recorder.
- B. Copies shall be filed with each agency.

7. ADMINISTRATION OF AGREEMENT

- A. This agreement shall be administered by representatives from each agency involved.
- B. The agreement shall be in effect when two (2) or more agencies are signatory to this agreement.

This agreement shall become effective on the _____ day of _____, 2011, by and between all agencies identified and signed below:

BLUE CREEK VFD

Print Name and Title

Signature and Date

BROADVIEW VFD

Print Name and Title

Signature and Date

CUSTER VFD

Print Name and Title

Signature and Date

LOCKWOOD FIRE DISTRICT

Print Name and Title

Signature and Date

MOLT VFD

Print Name and Title

Signature and Date

**BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA**

BY: _____

TITLE: _____

DATE: _____

CITY OF LAUREL

BY: _____

TITLE: _____

DATE: _____

ATTEST:

Clerk and Recorder

HALEY BENCH VFD

Print Name and Title

Signature and Date

SHEPHERD VFD

Print Name and Title

Signature and Date

WORDEN VFD

Print Name and Title

Signature and Date

CITY OF BILLINGS

BY: _____

TITLE: _____

DATE: _____

Regular City Council Meeting

Meeting Date: 11/14/2011

TITLE: Approval of Downtown Revolving Loan Fund Recommendation for the Harman Building Renovation

PRESENTED BY: Patrick M. Weber, Finance Director

Department: City Hall Administration

PROBLEM/ISSUE STATEMENT

The Downtown Revolving Loan Committee met on September 13, 2011, and gave conditional approval of a loan to Steven and Joni Harman. The Harmans met all conditions required by the committee and an email vote was taken on October 17, 2011. The loan was approved by the committee.

The Harmans will be renovating the building located at 2511-2613 Minnesota Avenue (old Kitchen Gallery building). Leases with four tenants have already been secured. The cost of the renovation will be \$487,000 with the Downtown Revolving Loan Fund financing \$100,000 and Western Security Bank financing the remainder. The Revolving Loan Fund will be subordinate to the Bank's loan.

ALTERNATIVES ANALYZED

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

FINANCIAL IMPACT

The loan fund will have a balance of \$700,000 after this loan and the pending DB Squared LLC loan.

RECOMMENDATION

The Downtown Revolving Loan Fund Committee recommends Council approve the loan to Steven and Joni Harman up to \$100,000.

APPROVED BY CITY ADMINISTRATOR

Attachments

Loan Terms

Revolving Loan Fund Loan

Monday, November 14, 2011

The Harman Building (old Kitchen Gallery building) renovation, loan terms are as follows:

Loan	Not to exceed \$100,000.
Interest Rate	5% Adjusted annually.
Term	Amortized over 15 years with a balloon payment at maturity.
Payments	Minimum Payments calculated at a rate of 5% over a ten year term.
Collateral	Second mortgage on the real property and personal guarantees of Steven and Joni Harman.
Disbursement	The City will disburse funds after it receives documentation supporting the actual project costs to assure that 20% equity exists.

This loan is for the purpose of renovation of Harman Building located at 2511-2613 Minnesota Avenue.

Regular City Council Meeting

Meeting Date: 11/14/2011

TITLE: Approval of Downtown Revolving Loan Fund Recommendation for the
Yellowston Garage Building

PRESENTED BY: Patrick M. Weber, Finance Director

Department: City Hall Administration

PROBLEM/ISSUE STATEMENT

The Downtown Revolving Loan Committee met on October 26, 2011, and approved a loan to DB Squared LLC.

DB Squared will renovate the second floor above Ciao Mambo's restaurant in the Yellowstone Garage building into office space. The building is located at 2303 Montana Avenue. The Downtown Revolving Loan Fund will finance \$250,000 and Western Security Bank will finance \$938,500. The Revolving Loan Fund will be subordinate to the Bank's loan.

ALTERNATIVES ANALYZED

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

FINANCIAL IMPACT

The loan fund will have a balance of \$700,000 after this loan and the pending Harman loan.

RECOMMENDATION

The Downtown Revolving Loan Fund Committee recommends Council approve the loan to DB Squared up to \$250,000.

APPROVED BY CITY ADMINISTRATOR

Attachments

Loan Terms

Revolving Loan Fund Loan

Monday, November 14, 2011

The DB Squared LLC renovation, loan terms are as follows:

Loan	Not to exceed \$250,000.
Interest Rate	5% Adjusted annually.
Term	Amortized over 20 years with a balloon payment at maturity.
Payments	Minimum Payments calculated at a rate of 5% over a ten year term.
Collateral	Second mortgage on the real property and personal guarantees of Matt Brosovich, Jake Brosovich, Roger Daniel, Jay Doucette and Brittany Doucette.
Disbursement	The City will disburse funds after it receives documentation supporting the actual project costs to assure that 20% equity exists.

DB Squared will renovate the second floor above Ciao Mambo's restaurant of the Yellowstone Garage building into office space. The building is located at 2303 Montana Avenue.

Regular City Council Meeting

Meeting Date: 11/14/2011

TITLE: Resolution of Intent to Exclude Multiple Lots in Sunny Cove Fruit Farms and Set a Public Hearing

PRESENTED BY: Candi Beaudry

Department: Planning & Community Services

PROBLEM/ISSUE STATEMENT

The Planning Division is requesting the City Council approve a Resolution of Intent to Exclude Property, described as Lots 26, 27, the west half of Lot 28, Lot 38, and Lot 40 of the Sunny Cove Fruit Farms. The resolution would set a public hearing for December 12, 2011. The deannexation would result in about 46 acres of undeveloped, west end land being taken out of the City. Petitioner and property owner Thomas E. Romine has signed the attached petition to request that this property be deannexed.

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

1. The property is not currently connected to City water, wastewater or storm drainage facilities, and cannot connect to these facilities without a significant expenditure of personal or public funds, and
2. The property is not encumbered by any indebtedness of any improvement district of which the territory is a part, and
3. The property is located on the outer perimeter of the City limits and upon exclusion of the property will not result in a parcel wholly surrounded by City limits.

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

1. The property is adjacent to public right-of-way on 62nd Street West and borders 60th Street West right-of-way on both the east and west sides, and
2. The property is adjacent on the north, east, south, and partially on the west sides to acceptable limits of annexation as defined on the most recent update of the Limits of Annexation Map.

While this deannexation petition is at odds with several criteria in the City's deannexation policy, like annexation petitions, the City Council usually accepts the petition and sets a public hearing date to more thoroughly consider the petition and review comments on the request from all reviewing City Departments.

ALTERNATIVES ANALYZED

The City Council may:

- Approve the Resolution of Intent to Exclude Property to deannex the above mentioned property and set a public hearing for December 12, 2011; or
- Not approve the Resolution of Intent.

FINANCIAL IMPACT

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

RECOMMENDATION

Staff recommends that Council approve the Resolution of Intent to Exclude Lots 26, 27, the west half of Lot 28, Lot 38, and Lot 40 of the Sunny Cove Fruit Farms from the city limits, and set a public hearing for December 12, 2011.

APPROVED BY CITY ADMINISTRATOR

Attachments

Resolution of Intent to Deannex

Deannexation Petition

Deannexation Petition Owner Statement

RESOLUTION NO. 11 -

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

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

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

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

A tract of land situated in the NE1/4 of Section 36, T.1N., R.24E., and the NW1/4 of Section 31, T.1N., R.25E., P.M.M., Billings, Yellowstone County, Montana, more particularly described as:

Sunny Cove Fruit Farms, Lots 26 and 40, Recorded April 27, 1910, Under Document No. 21540, Records of Yellowstone County, Montana, annexed under Resolution No. 06-18392, Recorded March 08, 2006, Under Document No. 3369380, Records of Yellowstone County, Montana;

Sunny Cove Fruit Farms, Lot 27, the west ½ of Lot 28 and Lot 38, Recorded April 27, 1910, Under Document No. 21540, Records of Yellowstone County, Montana, (now described as, Amended Plat of Sunny Cove Fruit Farms, Lot 27A, Recorded December 29, 2009, Under Document No. 3536038, Records of Yellowstone County, Montana);

Including all adjacent right-of-way of 60th Street West and 62nd Street West.

Containing 46.579 gross and 44.135 net acres, more or less.

(# 11-04) See Exhibit "A" Attached

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

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

A public hearing on the question of exclusion of said territory shall be held on December 12, 2011.

APPROVED AND PASSED by the City Council of the City of Billings this 14th day of November, 2011.

THE CITY OF BILLINGS

BY: _____

Thomas W. Hanel, MAYOR

ATTEST:

BY: _____

Cari Martin, CITY CLERK

[illegible]

(Should be completed prior to obtaining signatures of resident freeholder electors)

DESCRIPTION OF THE TERRITORY TO BE DE-ANNEXED FROM THE CITY OF BILLINGS

[illegible]

ALL ITEMS BELOW SHALL BE COMPLETED BY STAFF

Date Submitted: 10/13/11

Received By: S. V. S.

Petition Number

Fee Paid: \$915.00 ✓ 1222

Address	Phone
1128 N. 32 nd	59101
671.7444	



AN11-04
11-549 - Project #
W4
13

STATEMENT IN SUPPORT OF DE-ANNEXATION

Note the attached maps received from the Public Works Department showing the location of the water and sewer lines. The water line runs along Rimrock Road east to west approximately 660 feet north of the subject property. The sewer line runs up 58th Street West to Rimrock and along the south side of Rimrock, again approximately 660 feet of the subject property. Refer to the Limits of Annexations map which shows the City Limits (areas in light blue). I have also indicated city limits on my map from the Yellowstone County Interactive Mapping Site with a dark blue line.

The subject property is part of an operating farm that I have owned since December of 1977. In response to several serious inquiries from real estate developers and commercial agents and on the advice of Engineering, Inc., I petitioned in 2006 to bring into the City approximately 60 acres of the farm property. As a result of this annexation, my real estate taxes rose from \$1,733 in 2006 to \$14,682 in 1977. \$12,578 of this increase was for assessments for storm sewer (\$4,126) and street maintenance (\$8,452), something Engineering, Inc. neglected to tell me. There is no prospect or plan to extend water and sewer lines or storm sewer to the subject property of this request, thus rendering this property undevelopable in the foreseeable future. **The main impediment to future development is the unavailability of sewer service.** It continues to be farmed while I find myself slowly getting taxed out of this farm property with no possibility for development. I am petitioning to de-annex approximately 45 acres, the portion of the total ground that does not have access to sewer. This property substantially meets the criteria established by the City Council for de-annexation. The remaining 14.196 of ground of the original approximately 60 acres brought into the City will remain within the City limits, fronts Rimrock Road and has water service now and the possibility of sewer service.

The land being petitioned to be de-annexed is not served by city water, sewer or storm sewer. Because of the slope of the land south from Rimrock Road, for this property to receive sewer service would require either a pump station along Rimrock or extension of the sewer main from 58th Street West along a non-existent Colton Road, which is in the county, to the west to the non-existent 60th Street West (over 1300 feet) and then over 650 feet north to reach the southernmost boundary of the subject property (a total of nearly 2000 feet). It would take an additional 2000 feet to reach Lot 40. Again, **the lack of availability of sewer service is the main impediment to future development.** Joe Sheridan of Public Works informs me that **the extension of sewer lines west of 58th along Colton is not included in the Facilities Master Plan for the period through 2025.**

Referring to the City of Billings Resolution establishing a policy related to the exclusion of territory from the City of Billings, the following criteria are to be considered:

1. A petition, signed by a majority of qualified electors or by owners of not less than the three-fourths in value of territory to be excluded, has been filed with the City Clerk. *I am sole owner of the subject property and the petition has been filed with the City Clerk.*
2. The territory to be excluded is within the existing City limits and on the border of the City. *The subject property is in the City limits and is on the border, there being no property adjacent to the south or west within the City limits.*

3. Granting the petition is in the best interest of the City. (See criteria below) *This property meets all the criteria for the best interest of the City except adjacent to acceptable limits for annexation.*
4. The exclusion of the territory will not mar the symmetry of the City. *Tract 40 is an isolated tract dangling alone and all of the subject property is on the outskirts of the City and is a peninsula of the City limits. De-annexation will square up the City limits.*

Again, referring to the City of Billings Resolution regarding de-annexation, exclusion of the territory may be considered in the best interest of the City if the territory:

1. Is not currently connected to City water, wastewater or storm drainage facilities, and cannot connect to these facilities without an unreasonable expenditure of personal or public funds. *The subject property is not connected to City water, wastewater or storm drainage facilities and the cost of extending those services to this property are prohibitive.*
2. Is not adjacent to public rights-of-way. *Of the subject property, only tract 40 is adjacent to a constructed road and that road is 62nd Street West, a county road.*
3. Is not encumbered by any indebtedness of any improvement district of which the territory is a part. *The subject property is not so encumbered.*
4. Is located on the outer perimeter of the City limits and upon exclusion of the property will not result in a parcel wholly surrounded by City limits. *The subject property meets these criteria.*
5. Is not adjacent to acceptable limits of annexation as defined on the most recent update of the Limits of Annexation Map. *The property is adjacent to areas coded red (indicating property that is within the limits of annexation for the period 2011-2015). Given the current and foreseeable future climate for real estate development and extension of city services, I would suggest that this map is no longer realistic for that time frame. **Indeed, as noted above, the extension of a sewer main west of 58th along Colton is not included in the Facilities Master Plan for the period through 2025.** It is interesting to note that property immediately west and to the south of the subject property is not included even in the Long Range Planning Area and that this property is surrounded on three sides by County property.*

I respectfully submit the Petition for De-annexation to the City Council.



Thomas E. Romine

Regular City Council Meeting

Meeting Date: 11/14/2011

TITLE: Second and Final Reading of Permanent Ordinance Defining and Prohibiting Medical Marijuana Storefronts

PRESENTED BY: Brent Brooks

Department: Legal

PROBLEM/ISSUE STATEMENT

Pursuant to specific statutory authority conferred by MCA Sec 7-5-104 and BMCC Sec. 2-235, the Billings City Council enacted Emergency Ordinance 11-5537 on July 5th, 2011, prohibiting medical marijuana providers from operating storefront businesses in the City of Billings for a 90-day period effective immediately upon passage. Senate Bill 423, Section 13(2) passed by the 2011 Montana Legislature specifically authorized local governments to enact ordinances prohibiting such storefront businesses.

The attached ordinance was originally considered by the Council on October 11, 2011, and the Council voted to postpone consideration until October 24th in order to allow adequate advertising for a public hearing. A public hearing and first reading of the attached ordinance was held on October 24th, at which time the Council unanimously passed the ordinance on first reading.

The attached permanent ordinance defines “storefront” medical marijuana businesses and permanently prohibits them from operating in the City of Billings. The attached proposed ordinance prohibits any open and visible display of marijuana, marijuana products, and depictions of marijuana, in a manner visible from the exterior of any building or structure wherein a provider operates a medical marijuana business. The ordinance also prohibits any provider from allowing members of the general public to access the provider’s place of business and restricts access to cardholders registered with that provider and persons seeking to become cardholders registered with that provider.

ALTERNATIVES ANALYZED

The City Council may:

- Approve the attached permanent ordinance on second reading defining medical marijuana “storefront” businesses, and prohibiting the operation of medical marijuana storefronts in Billings; or
- Disapprove the proposed ordinance; or
- Postpone action to another time.

FINANCIAL IMPACT

Enforcement of Senate Bill 423 and the attached permanent ordinance prohibiting medical marijuana storefront businesses will likely have an impact on law enforcement and code enforcement work load, although the exact costs cannot be determined at this time.

RECOMMENDATION

Staff recommends that the City Council approve the attached ordinance on second reading.

APPROVED BY CITY ADMINISTRATOR

Attachments

Ordinance

ORDINANCE NO. 11-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS MONTANA CITY CODE BE AMENDED BY ADDING A NEW ARTICLE 7-1700 TITLED "MEDICAL MARIJUANA", ADDING NEW CODE SECTIONS, DEFINING MEDICAL MARIJUANA STOREFRONTS, AND PERMANENTLY PROHIBITING THE OPERATION OF MEDICAL MARIJUANA STOREFRONTS, PURSUANT TO SB 423 PASSED BY THE 2011 MONTANA LEGISLATURE.

RECITALS

WHEREAS, the 2011 Montana Legislature passed the Montana Marijuana Act, Senate Bill (SB) 423, with most sections effective July 1, 2011, which extensively changes, restricts and regulates the use and prohibits the sale for profit of medical marijuana, including the option granted to local governments to prohibit storefront medical marijuana facilities to operate beyond July 1, 2011; and

WHEREAS, the City Council of the City of Billings had previously enacted emergency ordinance No. 11-5537 pursuant to the statutory authority conferred by MCA Sec. 7-5-104 and BMCC 2-235, prohibiting storefront medical marijuana businesses for a 90 day period effective July 5th, 2011; and

WHEREAS, in order to protect and preserve the public peace, health, safety, and welfare, the City Council of the City of Billings wishes to permanently prohibit storefront medical marijuana businesses, pursuant to the explicit authority granted by SB 423, Section 13(2);

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

Section 1: Recitals. All of the Recitals set forth above are hereby adopted as Findings of Fact.

Section 2: New Article. That the Billings Montana City Code be amended to add a new article, Article 7-1700 MEDICAL MARIJUANA, and new sections BMCC Section 7-1701, 7-1702, 7-1703.

BMCC Section 7-1701 Definitions.

The terms "marijuana", "provider", "marijuana-infused product", "marijuana-infused product provider", "registered cardholder" or "cardholder" shall have the meaning

provided to such terms by the Montana Marijuana Act, Section 2, (SB 423) passed by the 2011 Montana Legislature.

The term “Storefront Business” means any commercial establishment, structure or building that is openly accessible by members of the general public. Storefront Business does not include a commercial establishment, structure, or building that is inaccessible to the general public, which only provides access to Cardholders registered with that Provider by the Montana Department of Health and Human Services or other persons, by appointment, who are intending to establish a bona fide Provider/Cardholder relationship with that Provider.

BMCC Section 7-1702 Storefronts Prohibited.

(1) As authorized by Senate Bill (SB) 423, Section 13(2) or the Montana Marijuana Act, passed by the 2011 Montana Legislature, no “Provider” of marijuana or marijuana-infused products shall be permitted to open or operate a “Storefront Business” within the Billings City Limits. “Providers” who are in full compliance with the Montana Marijuana Act shall be permitted to dispense medical marijuana and marijuana infused products to “Cardholders” who are registered with that Provider by the Montana Department of Health and Human Services, provided that access to the Storefront Business is limited to Cardholders registered with that Provider and other persons, by appointment, who are intending to establish a bona fide Provider/Cardholder relationship with that Provider.

(2) As authorized by Senate Bill (SB) 423, Section 13(1) of the Montana Marijuana Act, passed by the 2011 Montana Legislature, “Providers” permitted to dispense medical marijuana and medical marijuana infused products under Section 1 above are prohibited from displaying, in an open or visible manner to the general public, any medical marijuana plant, marijuana infused product, or any depictions, caricatures, or other artistic renditions of a marijuana plant, leaf, bud or parts in a manner visible from the exterior of the establishment, structure or building in which the “Provider” does business.

BMCC Section 7-1703 Penalties.

Any individual, entity or establishment that violates the terms of this ordinance set forth above shall be deemed to be creating a public nuisance and shall be subject to criminal penalties as provided in Billings, Montana City Code (BMCC) Section 1-110 and shall further be subject to civil action to restrain or abate as authorized in B.M.C.C. Section 18-301, et. seq. as the City deems appropriate. Such ability of the City to prosecute and/or enjoin or abate is in addition to any other remedies available to the City at law or in equity.

It shall be a defense to a violation of B.M.C.C. Sec. 7-1703 that a Provider did not allow members of the general public, who were not registered Cardholders with that Provider or persons seeking, by appointment, to establish a bona fide Provider/Cardholder relationship with that Provider, to access the Provider's place of business.

Section 3: Severability: In the event any word, phrase, clause, sentence, paragraph, section or other part of the ordinance set forth herein is held invalid by a court of competent jurisdiction, such judgment shall affect only that part held invalid and the remaining provisions thereof shall continue in full force and effect.

Section 4: Effective Date: This ordinance shall become effective 30 days after passage and approval upon second reading of the Billings Montana City Council.

PASSED by the City Council on first reading this 24th day of October, 2011.

PASSED, ADOPTED and APPROVED on second reading this 14^h day of November, 2011.

CITY OF BILLINGS

BY: _____
Thomas W. Hanel, Mayor

Attest:

Cari Martin, City Clerk

Regular City Council Meeting

Meeting Date: 11/14/2011

TITLE: Harvest Subdivision 4th Filing, Block 40, Amended Lots 3 and 4

PRESENTED BY: David Mumford

Department: Public Works

PROBLEM/ISSUE STATEMENT

Lots 3 and 4 of Block 40 of Harvest Subdivision 4th Filing currently have commercial buildings constructed on them with a no access strip along King Avenue West. Access to both of these lots is from Henesta Drive (just north of King Avenue). A safety analysis determined that an accident cluster was caused by the significant number of left turns at the intersection of 32nd Street West and Henesta Drive. To alleviate the accident cluster, it was determined that a right-in right-out access on King Avenue West can be constructed between the two lots. To accomplish this, the owner submitted a new plat providing a break in the no access strip along King Avenue West. This has been evaluated by Engineering to be sufficient. A no access strip is an easement and may be altered by City Council.

ALTERNATIVES ANALYZED

Council may:

- Approve the amended plat of Harvest Subdivision 4th Filing, Block 40, Amended Lots 3 and 4; or
- Do not approve the amended plat of Harvest Subdivision 4th Filing, Block 40, Amended Lots 3 and 4. If the amended plat is not allowed, the King Avenue West access to the business area will not be able to be constructed which will not reduce the number of vehicles exiting onto 32nd Street West.

FINANCIAL IMPACT

There is no financial impact associated with approval of this plat amendment.

RECOMMENDATION

Staff recommends that the City Council approve the Amended Plat of Harvest Subdivision 4th Filing, Block 40, Amended Lots 3 and 4.

APPROVED BY CITY ADMINISTRATOR

Attachments

Amended Plat

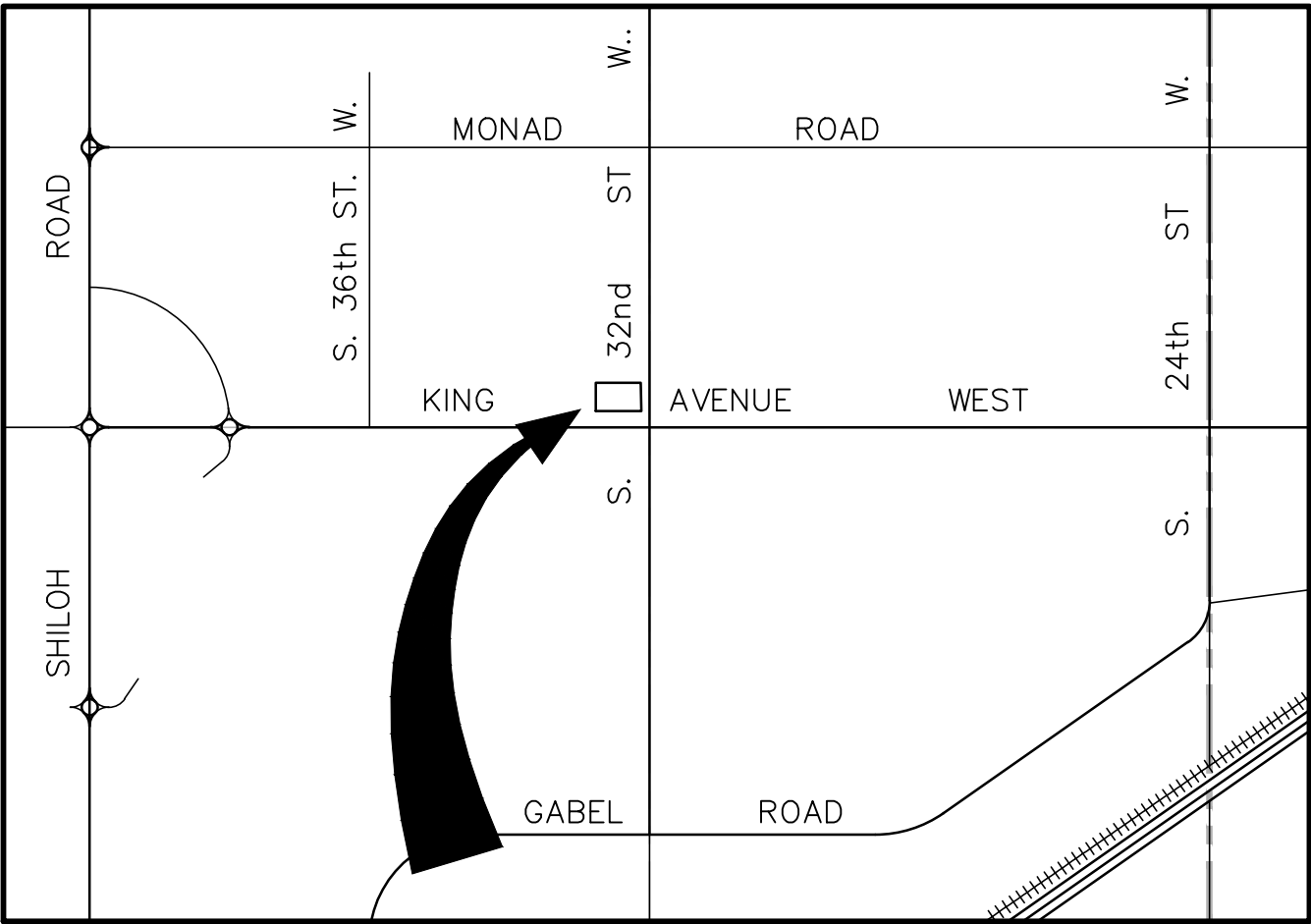
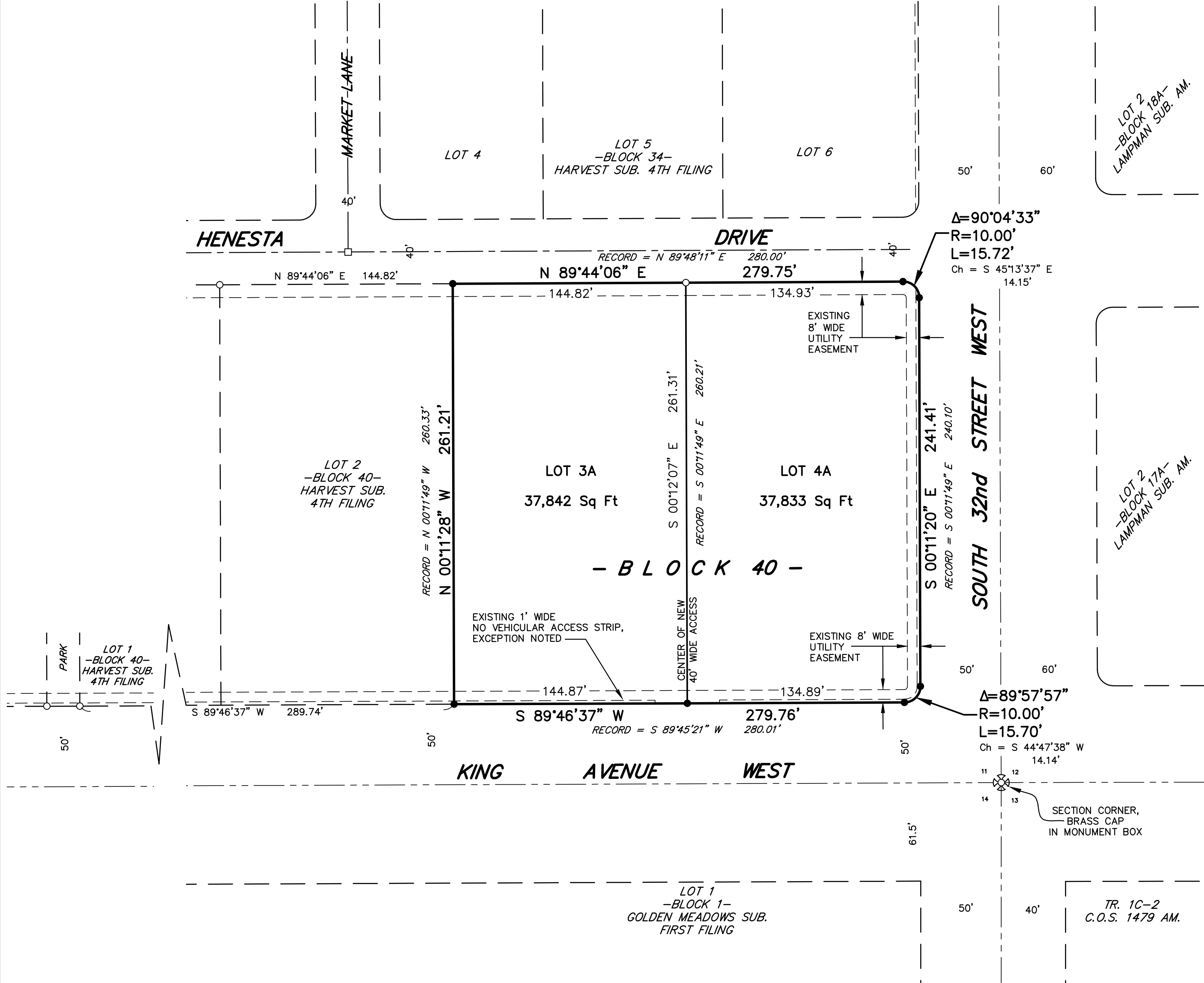
AMENDED PLAT OF LOTS 3 AND 4, BLOCK 40,
HARVEST SUBDIVISION 4th FILING
SITUATED IN THE SE1/4 OF SECTION 11, T. 1 S., R. 25 E., P.M.M.
IN THE CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : STEEL PROPERTIES, INC.

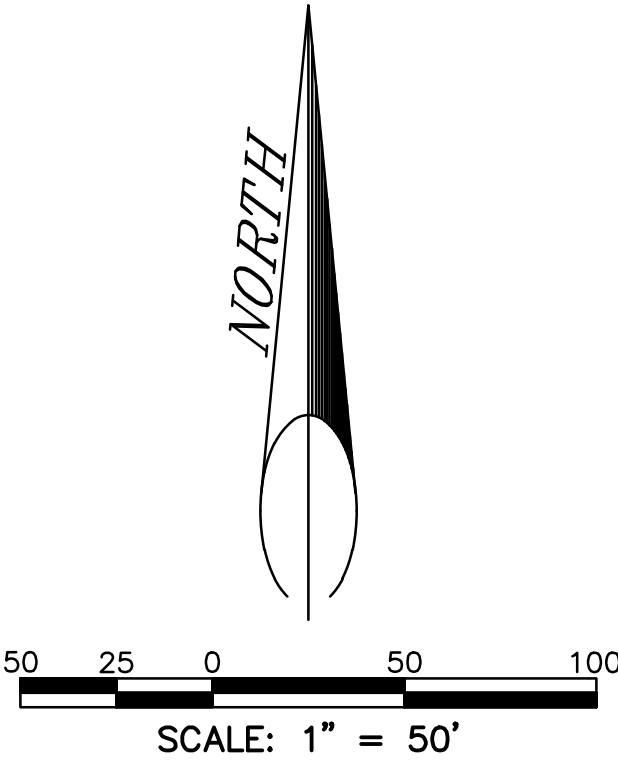
PREPARED BY : SANDERSON STEWART

SEPTEMBER 2011

BILLINGS, MONTANA



VICINITY MAP
NOT TO SCALE



BASIS OF BEARING: GPS OBSERVATIONS USING SURVEY GRADE RECEIVERS.

- FOUND SURVEY MONUMENT, REBAR WITH CAP MARKED "S/S/G".
- FOUND BRASS CAP CENTERLINE INTERSECTION MONUMENT.
- SET 5/8" X 18" REBAR AND CAP MARKED WITH THE LICENSE NUMBER OF THE UNDERSIGNED LAND SURVEYOR AND "SANDERSON STEWART".

ERRORS AND OMISSIONS REVIEW

I hereby certify that I have examined the annexed and foregoing plat for errors and omissions in computations and drafting.

Examining Land Surveyor _____ Date _____

CERTIFICATE OF CITY ATTORNEY

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

DATED: _____

Reviewed by: _____

CERTIFICATE OF COUNTY TREASURER

I hereby certify that all real property taxes and special assessments have been paid per 76-3-611(1)(b) / 76-3-207(3), M.C.A.

Date _____

Yellowstone County Treasurer

BY: _____ Deputy

CERTIFICATE OF CITY COUNCIL APPROVAL

STATE OF MONTANA)
County of Yellowstone)

We hereby certify that we have examined the annexed and foregoing AMENDED PLAT OF LOT 3 AND 4, BLOCK 40, HARVEST SUBDIVISION 4th FILING and find that said plat conforms with the requirements of the laws of the State of Montana, and the requirements of The Yellowstone County Board of Planning. It is therefore approved and accepted.

IN WITNESS WHEREOF, we have set our hands and the seal of the CITY OF BILLINGS, MONTANA, this _____ day of _____, 20__.

CITY OF BILLINGS, MONTANA

By: _____ Mayor

Attest: _____ City Clerk

RESERVED FOR CLERK AND RECORDER

CERTIFICATE OF SURVEYOR

STATE OF MONTANA)
County of Yellowstone)

The undersigned, a Montana Registered Land Surveyor, being first duly sworn, deposes and says that during the month of September 2011, a survey was performed under his supervision of a tract of land situated in the SE1/4 of Section 11, T. 1 S., R. 25 E., P.M.M., in the City of Billings, Yellowstone County, Montana, said tract being more particularly described as follows, to wit:

Lots 3 and 4 in Block 40 of Harvest Subdivision 4th Filing according to the official plat thereof on file in the office of the Clerk and Recorder of Yellowstone County, Montana under Document No 1138101, containing a gross and net area of 75,675 square feet.

That the monuments found and set are of the character and occupy the positions shown hereon, that said survey and the plat hereof shows true and correct dimensions and that the plat conforms with the work on the ground.

SANDERSON STEWART

By: _____

Montana Registration No. _____

Subscribed and sworn to before me, a Notary Public in and for the State of Montana, this _____ day of _____, 20__.

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

PURPOSE OF SURVEY - REVISE "NO ACCESS STRIP"

The undersigned hereby certify that the purpose of this survey is to revise the "1' WIDE NO VEHICULAR ACCESS STRIP" as shown on the Plat of Harvest Subdivision 4th Filing, recorded under Document No 1138101, records of Yellowstone County, Montana, and no new or additional lots are being hereby created.

Therefore this amended plat does not create a division of land and is not subject to review as a subdivision. This amended plat has been prepared pursuant to Section 76-3-404(1)(c), M.C.A.

This amended plat is exempt from review by the Department of Environmental Quality pursuant to ARM 17.36.605(2)(b) since the lot "has no facilities for water supply, wastewater disposal or solid waste disposal other than those previously approved by the reviewing authority."

STEEL PROPERTIES, INC.

By: _____

STATE OF MONTANA)
County of Yellowstone)

On this _____ day of _____, 20__, before me, the undersigned Notary Public for the State of Montana, personally appeared _____, known to me to be the person who signed the foregoing instrument as _____ of Steel Properties, Inc., and who acknowledged to me that he executed the same. Witness my hand and seal the day and year herein above written.

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

Regular City Council Meeting

Meeting Date: 11/14/2011

TITLE: Final Plat of Amended Lots 8 & 9A-5, Block 1, Montana Sapphire Subdivision

PRESENTED BY: Candi Beaudry

Department: Planning & Community Services

PROBLEM/ISSUE STATEMENT

The final plat for Amended Lots 8 & 9A-5, Block 1, Montana Sapphire Subdivision is being presented to Council for approval. On August 8, 2011, City Council conditionally approved the preliminary plat for this 5-lot subdivision. The subject property is located on the west side of Shiloh Road, north and south of Montana Sapphire Drive. The property is zoned Entryway Light Industrial (ELI) and is planned for commercial development. The subdivider is Montana Sapphire, LLC, and the agent is Sanderson Stewart. 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 Amended Lots 8 & 9A-5, Block 1, Montana Sapphire Subdivision. If the City Council chooses to deny the final plat, it must base the denial on the criteria outlined in 76-3-611, MCA and Section 23-307, BMCC.

FINANCIAL IMPACT

Should the City Council approve the final plat, the creation of five additional commercial lots will result in an increase in property tax revenues.

RECOMMENDATION

Staff recommends that the City Council approve the final plat of Amended Lots 8 & 9A-5, Block 1, Montana Sapphire Subdivision.

APPROVED BY CITY ADMINISTRATOR

Attachments

Final plat

AMENDED PLAT OF LOT 8 AND LOT 9A-5, BLOCK 1 OF
MONTANA SAPPHIRE SUBDIVISION

BEING LOT 8, BLOCK 1 OF MONTANA SAPPHIRE SUBDIVISION AND LOT 9A-5 OF
AMENDED PLAT OF LOT 9A OF AMENDED PLAT OF LOTS 9 & 10, BLOCK 1 OF
MONTANA SAPPHIRE SUBDIVISION

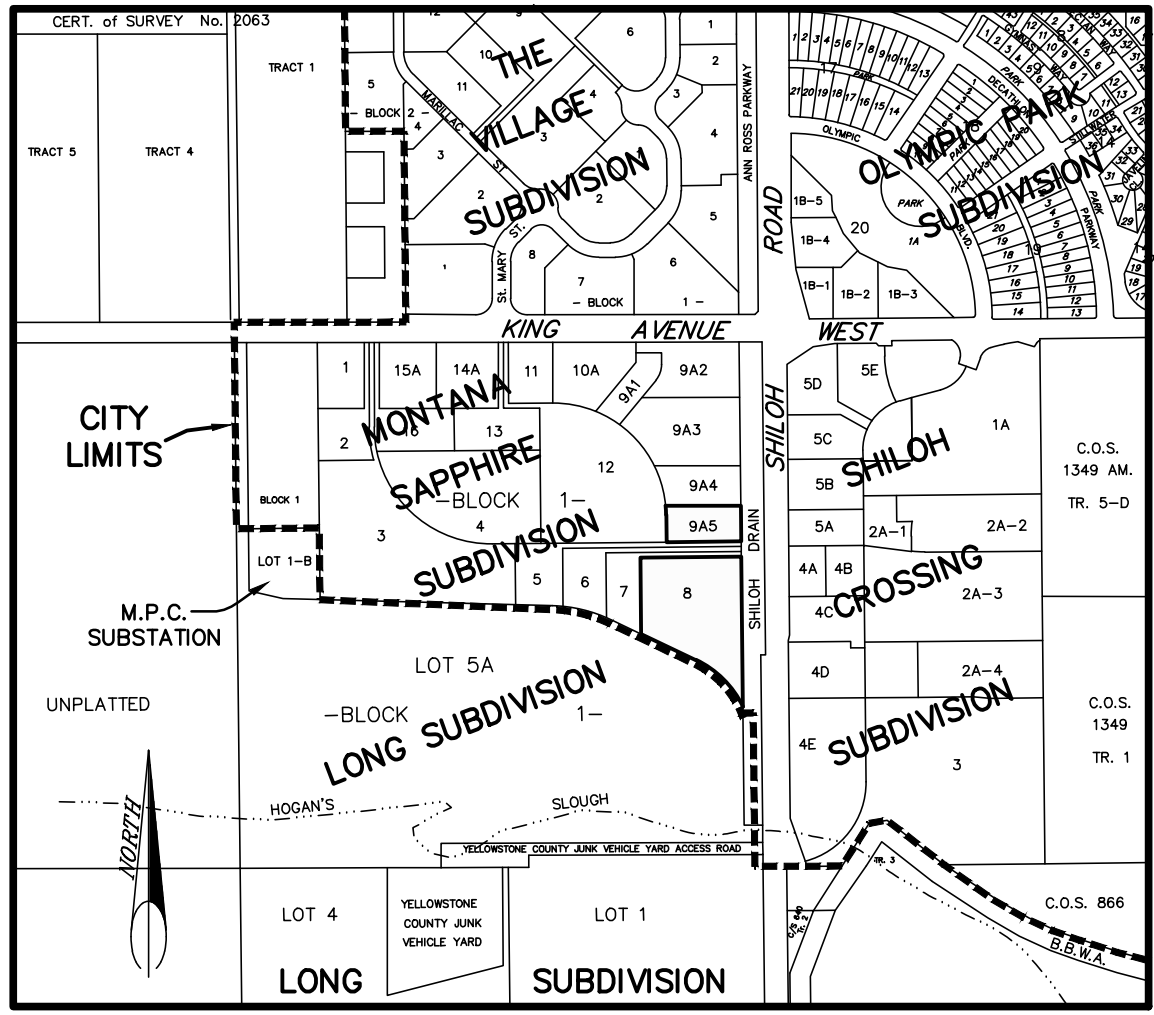
SITUATED IN THE NE1/4 OF SECTION 15, T. 1 S., R. 25 E., P.M.M.,
IN THE CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : MONTANA SAPPHIRE, LLC.

SEPTEMBER, 2011

PREPARED BY : SANDERSON STEWART

BILLINGS, MONTANA



VICINITY MAP

NOT TO SCALE

CERTIFICATE OF DEDICATION

STATE OF MONTANA)
County of Yellowstone)

KNOW ALL MEN BY THESE PRESENTS: That MONTANA SAPPHIRE, LLC., the undersigned owner of the following described tracts of land, does hereby certify that it has caused to be surveyed, subdivided and platted into lots, blocks and streets as shown on the annexed plat, said tract being situated in the NE1/4 of Section 15, T. 1 S., R. 25 E., P.M.M., in the City of Billings, Yellowstone County, Montana, said tract being more particularly described as follows, to-wit:

Lot 8, Block 1 of Montana Sapphire Subdivision, according to the official plat on file in the Office of the Clerk and Recorder of Yellowstone County, Montana, under Document No. 3173821.

and

Lot 9A-5 of Amended Plat of Lot 9A of Amended Plat of Lots 9 & 10, Block 1, Montana Sapphire Subdivision, according to the official plat on file in the Office of the Clerk and Recorder of Yellowstone County, Montana, under Document No. 3599457;

Pursuant to 76-3-621(3)(b) M.C.A., there is no park requirement for this non-residential subdivision.

The undersigned hereby grants unto all utility companies, as such are defined and established by Montana Law, and cable television companies, an easement for the location, maintenance, repair and removal of their lines over, under and across the areas designated on the plat as "UTILITY EASEMENT" to have and hold forever. Said tract to be known and designated as AMENDED PLAT OF LOT 8 AND LOT 9A-5, BLOCK 1 OF MONTANA SAPPHIRE SUBDIVISION.

MONTANA SAPPHIRE, LLC

By: _____

Title: _____

STATE OF MONTANA)
County of Yellowstone)

On this ____ day of _____, 20____, before me, the undersigned Notary Public for the State of Montana, personally appeared _____, known to me to be the person who signed the foregoing instrument as _____ of MONTANA SAPPHIRE, LLC, and acknowledged to me that said corporation executed the same. Witness my hand and seal the day and year herein above written.

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

CONSENT TO PLATTING

Document No. _____

SUBDIVISION IMPROVEMENTS AGREEMENT

Document No. _____

BASIS OF BEARING: AMENDED PLAT OF LOT 9A OF
AMENDED PLAT OF LOTS 9 & 10,
BLOCK 1, MONTANA SAPPHIRE
SUBDIVISION

- FOUND SURVEY MONUMENT, REBAR & CAP MARKED "SANDERSON STEWART 8377LS", OR AS NOTED
- SET 5/8" X 18" REBAR WITH CAP MARKED WITH THE LICENSE NUMBER OF THE UNDERSIGNED LAND SURVEYOR AND "SANDERSON STEWART"

CERTIFICATE OF SURVEYOR

STATE OF MONTANA)
County of Yellowstone)

The undersigned, a Montana Registered Land Surveyor being first duly sworn, deposes and says that during the month of September, 2011, a survey was performed under his supervision of a tract of land to be known as AMENDED PLAT OF LOT 8 AND LOT 9A-5, BLOCK 1 OF MONTANA SAPPHIRE SUBDIVISION, in accordance with the request of the owner thereof and in conformance with the Montana Subdivision and Platting Act; said subdivision, description of boundaries and dimensions being in accordance with the Certificate of Dedication and as shown on the annexed plat; that the monuments found and set are of the character and occupy the positions shown hereon and that the area is 7.343 acres.

SANDERSON STEWART

By: _____

Montana Registration No. _____

Subscribed and sworn to before me, a Notary Public in and for the State of Montana, this ____ day of _____, 20____.

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

NOTICE OF APPROVAL

STATE OF MONTANA)
County of Yellowstone)

This plat has been approved for filing by the Yellowstone County Board of Planning and conforms to the recommendations of this board.

Date _____ President _____

Executive Secretary _____

CERTIFICATE OF CITY COUNCIL APPROVAL

STATE OF MONTANA)
County of Yellowstone)

We hereby certify that we have examined the annexed and foregoing plat of AMENDED PLAT OF LOT 8 AND LOT 9A-5, BLOCK 1 OF MONTANA SAPPHIRE SUBDIVISION, and find that said plat conforms with the requirements of the laws of the State of Montana, and the requirements of The Yellowstone County Board of Planning. It is therefore approved and the dedication to public use of any and all lands shown on this plat as being dedicated to such use are accepted.

IN WITNESS WHEREOF, we have set our hands and the seal of the CITY OF BILLINGS, MONTANA, this ____ day of _____, 20____.

CITY OF BILLINGS, MONTANA

By: _____
Mayor

Attest: _____
City Clerk

CERTIFICATE OF CITY ENGINEER'S OFFICE

I hereby certify that annexed and foregoing plat conforms with Section 76-4-125(2)(d), M.C.A., for the removal of sanitary restrictions since the plat is inside a master planning area and said lots will be provided with municipal facilities for the supply of water and the disposal of sewage and solid waste.

IN WITNESS WHEREOF, I have executed this CERTIFICATE OF APPROVAL this ____ day of _____, 20____.

City Engineer's Office _____

ERRORS AND OMISSIONS REVIEW

I hereby certify that I have examined the annexed and foregoing plat for errors and omissions in computations and drafting and find that said plat conforms with the requirements of the laws of the State of Montana, and that said plat conforms to the adjoining additions and plats of the City of Billings already platted as nearly as circumstances will permit.

Examining Land Surveyor _____ Date _____

CERTIFICATE OF COUNTY TREASURER

I hereby certify that all real property taxes and special assessments have been paid per 76-3-611(1)(b)/76-3-207(3), M.C.A.

Date: _____

Yellowstone County Treasurer

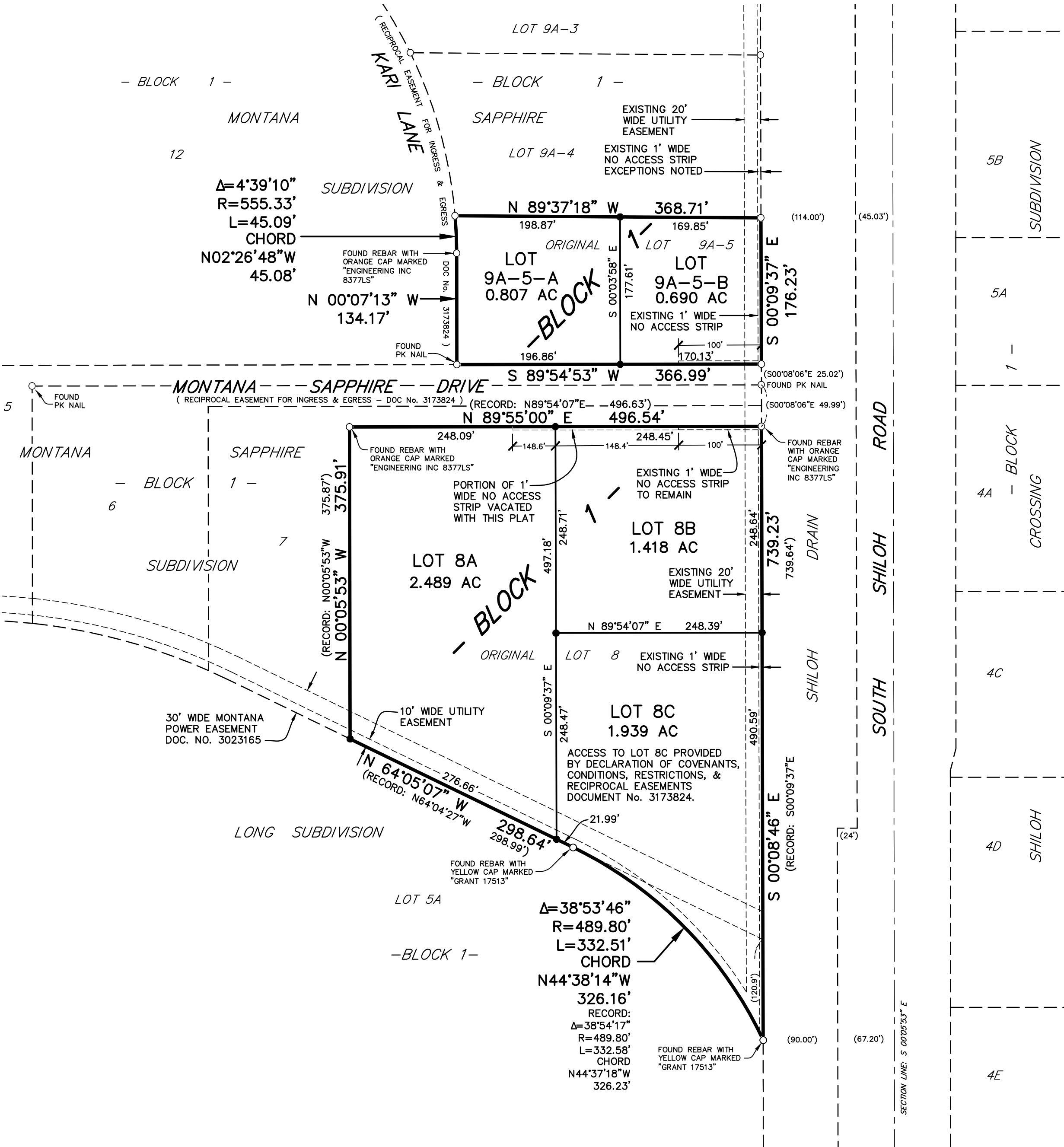
By: _____
Deputy

CERTIFICATE OF CITY ATTORNEY

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

Date: _____

Reviewed by: _____



Regular City Council Meeting

Meeting Date: 11/14/2011

TITLE: Payment of Claims October 11, 2011.

PRESENTED BY: Pat M. Weber, Financial Director

Department: City Hall Administration

PROBLEM/ISSUE STATEMENT

Claims in the amount of \$2,051,713.48 have been audited and are presented for your approval for payment. A complete listing of the claims dated October 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 Payment of Claims.

APPROVED BY CITY ADMINISTRATOR

Attachments

List of claims greater than \$2500.

Report

Check	Vendor	Amount	Date	Status Changed By	Payment Type
749509	A-1 Landscaping & Nursery	10,039.84	10/11/2011	bestm	Check
749514	Active Transportation Alternatives	5,667.00	10/11/2011	bestm	Check
749516	All Phase Builders	3,423.00	10/11/2011	bestm	Check
749527	Big Sky Linen Supply	2,548.95	10/11/2011	bestm	Check
749541	Brown And Caldwell	10,847.73	10/11/2011	bestm	Check
749544	Business Tax Section	10,722.66	10/11/2011	bestm	Check
749548	Cb & I Inc	114,552.90	10/11/2011	bestm	Check
749550	Civicplus	6,366.00	10/11/2011	bestm	Check
749551	Clark Safety/Loss Control Serv	5,208.26	10/11/2011	bestm	Check
749552	Connor's Garage Door Service	5,672.00	10/11/2011	bestm	Check
749553	Cop Construction Co	206,721.56	10/11/2011	bestm	Check
749555	County Water District Of Billings Heights	20,351.35	10/11/2011	bestm	Check
749567	Downtown Billings Partnership	56,250.00	10/11/2011	bestm	Check
749568	Dst Forms	2,667.05	10/11/2011	bestm	Check
749569	Dxp Enterprises, Inc.	6,187.67	10/11/2011	bestm	Check
749571	East West Venutre LLC	3,696.00	10/11/2011	bestm	Check
749581	Esco Corporation	17,906.83	10/11/2011	bestm	Check
749582	Farr Associates Architecture	4,140.00	10/11/2011	bestm	Check
749592	General Contractors Construction Company Inc	89,842.83	10/11/2011	bestm	Check
749597	Guardian Security Inc	6,121.00	10/11/2011	bestm	Check
749598	Hach Company	3,637.20	10/11/2011	bestm	Check
749611	Istate Truck Center	6,071.54	10/11/2011	bestm	Check
749613	J & J Concrete	92,419.67	10/11/2011	bestm	Check
749615	Jtl Group Inc DbA Knife River	660,419.45	10/11/2011	bestm	Check
749616	Junior Library Guild	5,973.60	10/11/2011	bestm	Check
749617	Kadrmass Lee & Jackson	104,451.24	10/11/2011	bestm	Check
749636	Midwest Tape	3,160.19	10/11/2011	bestm	Check
749639	Montana Dakota Utilities Co	6,024.63	10/11/2011	bestm	Check
749652	Nature's Green Llc	3,346.15	10/11/2011	bestm	Check
749654	Normont Equipment Company	29,895.00	10/11/2011	bestm	Check
749657	Northwestern Energy	79,412.88	10/11/2011	bestm	Check
749658	NPC Research	5,425.94	10/11/2011	bestm	Check
749662	Palm Tree Construction	5,835.00	10/11/2011	bestm	Check
749670	Protech Mechanical Inc	2,847.85	10/11/2011	bestm	Check
749671	Public Utilities	152,112.81	10/11/2011	bestm	Check
749680	Rimrock Foundation	10,779.26	10/11/2011	bestm	Check
749701	Town & Country Supply Association	47,771.69	10/11/2011	bestm	Check
749702	Tractor & Equipment	3,620.53	10/11/2011	bestm	Check
749708	U.S. Bank	158,110.62	10/11/2011	bestm	Check
		1,970,247.88			

Regular City Council Meeting

Meeting Date: 11/14/2011

TITLE: Payment of Claims October 17, 2011.

PRESENTED BY: Pat M. Weber, Finance Director

Department: City Hall Administration

PROBLEM/ISSUE STATEMENT

Claims in the amount of \$918,438.46 have been audited and are presented for your approval for payment. A complete listing of the claims dated October 17, 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.

Report

Check	Vendor	Amount	Date	Status Changed By	Payment Type
749733	Auto Additions Inc	3,065.00	10/17/2011	bestm	Check
749735	Balco Uniform Co Inc	4,375.00	10/17/2011	bestm	Check
749754	Business Tax Section	4,060.09	10/17/2011	bestm	Check
749761	County Water District Of Billings Heights	6,858.53	10/17/2011	bestm	Check
749766	Dowl Hkm	25,703.67	10/17/2011	bestm	Check
749774	Endress & Hauser Inc	2,721.39	10/17/2011	bestm	Check
749781	Fisher Construction	43,515.05	10/17/2011	bestm	Check
749783	Gallagher Benefit Services Inc	10,741.67	10/17/2011	bestm	Check
749786	Good Earth Works Co Inc The	61,680.72	10/17/2011	bestm	Check
749792	Hdr Inc	3,675.51	10/17/2011	bestm	Check
749795	Iaff	4,228.20	10/17/2011	bestm	Check
749797	Ingram Library Services	8,132.11	10/17/2011	bestm	Check
749802	Jtl Group Inc DbA Knife River	23,735.05	10/17/2011	bestm	Check
749807	Land Design Inc	4,038.75	10/17/2011	bestm	Check
749824	Montana Municipal Interlocal	49,876.66	10/17/2011	bestm	Check
749825	Montana State Fireman's Assoc	2,735.99	10/17/2011	bestm	Check
749827	Morrison Maierle Inc	74,243.75	10/17/2011	bestm	Check
749832	Napa Auto Parts	4,513.45	10/17/2011	bestm	Check
749833	Nature's Green Llc	2,676.92	10/17/2011	bestm	Check
749835	Northwestern Energy-Billing Dv	4,428.00	10/17/2011	bestm	Check
749838	Ostermiller Const	273,017.82	10/17/2011	bestm	Check
749846	Reporter Big Sky Office Inc	10,980.00	10/17/2011	bestm	Check
749849	Rimrock Foundation	4,070.95	10/17/2011	bestm	Check
749850	Riverstone Health	22,500.00	10/17/2011	bestm	Check
749856	Sanderson Stewart	50,622.96	10/17/2011	bestm	Check
749870	Stewart Title Of Billings	5,817.85	10/17/2011	bestm	Check
749872	Sunset Excavation	3,900.00	10/17/2011	bestm	Check
749880	Town & Country Supply Association	102,550.41	10/17/2011	bestm	Check
749882	Tractor & Equipment	8,344.65	10/17/2011	bestm	Check
749897	Yellowstone County Finance Dpt	22,610.00	10/17/2011	bestm	Check
		849,420.15			

Regular City Council Meeting

Meeting Date: 11/14/2011

TITLE: Payment of Claims October 24, 2011.

PRESENTED BY: Pat M. Weber, Finance Director

Department: City Hall Administration

PROBLEM/ISSUE STATEMENT

Claims in the amount of \$1,910,854.41 have been audited and are presented for your approval for payment. A complete listing of the claims dated October 24, 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.

Report

Check	Vendor	Amount	Date	Status Changed By	Payment Type
749901	Accent Air Conditioning	2,997.00	10/24/2011	bestm	Check
749905	AECOM Technical Services Inc	153,236.69	10/24/2011	bestm	Check
749907	Ahanu Construction Inc	157,312.27	10/24/2011	bestm	Check
749912	American Title & Escrow, American Title & Escrow	20,065.00	10/24/2011	bestm	Check
749913	Aquatic Renovation Systems Inc	52,513.66	10/24/2011	bestm	Check
749921	Billings Clinic (Police)	3,600.00	10/24/2011	bestm	Check
749923	Billings Gazette	5,266.12	10/24/2011	bestm	Check
749927	Billings Times	3,917.30	10/24/2011	bestm	Check
749936	Business Tax Section	7,481.36	10/24/2011	bestm	Check
749940	Charles and Janet Blakley	8,170.00	10/24/2011	bestm	Check
749941	Cobham Tracking & Locating Ltd	5,600.00	10/24/2011	bestm	Check
749943	Cop Construction Co	210,755.60	10/24/2011	bestm	Check
749945	Csg Systems Inc	15,480.72	10/24/2011	bestm	Check
749950	Dixie Petro-Chem	3,588.00	10/24/2011	bestm	Check
749951	Donnes Inc	8,500.00	10/24/2011	bestm	Check
749961	Ferguson Enterprises Inc	3,728.13	10/24/2011	bestm	Check
749964	Frank & Wetch Truck Body Inc	3,558.63	10/24/2011	bestm	Check
749968	General Electric Capital Corp	4,685.21	10/24/2011	bestm	Check
749970	Gillig Corporation	55,608.74	10/24/2011	bestm	Check
749973	Graphic-Imprints	4,995.00	10/24/2011	bestm	Check
749978	Hdr Inc	20,129.62	10/24/2011	bestm	Check
749979	Highmark Traffic Services Inc	9,847.20	10/24/2011	bestm	Check
749987	Interstate Powersystems	4,333.67	10/24/2011	bestm	Check
749991	Jims Electric Service	5,371.30	10/24/2011	bestm	Check
749993	Jtl Group Inc Db a Knife River	4,541.03	10/24/2011	bestm	Check
749997	Kemira Water Solutions, Inc	75,002.32	10/24/2011	bestm	Check
749998	Kennedy & Graven Chartered	6,800.00	10/24/2011	bestm	Check
750006	Langlas & Associates Inc	51,796.80	10/24/2011	bestm	Check
750008	Mahoney Associates Consulting	3,583.00	10/24/2011	bestm	Check
750010	Mailing Technical Services	6,390.26	10/24/2011	bestm	Check
750019	Morrison Maierle Inc	52,745.52	10/24/2011	bestm	Check
750020	Motor Power Equipment Co.	115,591.83	10/24/2011	bestm	Check
750028	Normont Equipment Company	2,712.00	10/24/2011	bestm	Check
750031	Northwestern Energy	143,912.67	10/24/2011	bestm	Check
750032	Northwestern Energy	207,949.95	10/24/2011	bestm	Check
750033	One Eighty Communications	5,166.01	10/24/2011	bestm	Check
750041	Power Service Inc	13,003.45	10/24/2011	bestm	Check
750044	Public Utilities	68,190.88	10/24/2011	bestm	Check
750056	Riverside Sand & Gravel Inc	124,939.79	10/24/2011	bestm	Check
750060	Routematch Software, Inc.	19,060.40	10/24/2011	bestm	Check
750062	Sanderson Stewart	43,113.37	10/24/2011	bestm	Check
750070	St Vincent Occupational Health	3,200.31	10/24/2011	bestm	Check
750072	Star Service Inc	31,497.35	10/24/2011	bestm	Check
750076	Sympro Inc	3,464.00	10/24/2011	bestm	Check
750080	Town & Country Supply Association	21,381.24	10/24/2011	bestm	Check
750093	Yellowstone Valley Animal Shelter	43,386.44	10/24/2011	bestm	Check
750094	Yellowstone Valley Elec	7,364.20	10/24/2011	bestm	Check
		1,825,534.04			

Regular City Council Meeting

Meeting Date: 11/14/2011

TITLE: Payment of Claims-July 2011 through September 2011

PRESENTED BY: Shannon Johnson

Department: Court

PROBLEM/ISSUE STATEMENT

Claims in the amount of \$621,226.02 have been audited and are presented for your approval for payment. A complete listing of the claims dated July 1, 2011 to September 30, 2011 is on file in the Municipal Court. Claims include payments to individual victims and businesses for restitution, disbursement of surcharges and revenues and return of bonds posted to ensure court appearance.

ALTERNATIVES ANALYZED

The Council may:

- Approve the payment of claims; or
- Deny payment of claims

FINANCIAL IMPACT

None.

RECOMMENDATION

Staff recommends that Council approve Payment of Claims.

APPROVED BY CITY ADMINISTRATOR

Attachments

Check Register

Check Register

Bank: US BANK - Account: 150095602101

Date Range: From 07/01/2011 to 09/30/2011

All Check Types

Sorted by Check Number

Check Number	Date	Payee	Amount	Status	Cleared
13488	07/08/2011	Billings Police Department	275.00	Cleared	07/31/2011
13489	07/08/2011	Billings Police Dept	275.00	Cleared	07/31/2011
13490	07/08/2011	First National Pawn	8.33	Cleared	07/31/2011
13491	07/08/2011	Holiday Station	42.02	Cleared	07/31/2011
13492	07/08/2011	Ponderosa Pawn	13.89	Cleared	07/31/2011
13493	07/08/2011	Target	19.38	Cleared	07/31/2011
13494	07/08/2011	Walmart	50.00	Cleared	07/31/2011
13495	07/08/2011	Alana Cornell	295.00	Cleared	07/31/2011
13496	07/08/2011	Anita Hartman	8.80	Cleared	08/31/2011
13497	07/08/2011	Army Navy Store	12.50	Cleared	07/31/2011
13498	07/08/2011	Assurant Health	38.75	Cleared	08/31/2011
13499	07/08/2011	Bethany Ammand	595.00	Cleared	07/31/2011
13500	07/08/2011	Blue Cross/Blue Shield of New Mexico	38.75	Cleared	07/31/2011
13501	07/08/2011	Bradley J Dugas	395.00	Cleared	07/31/2011
13502	07/08/2011	Brandon M Lakin	350.00	Cleared	07/31/2011
13503	07/08/2011	Brenda Emmett Ryan	920.00	Cleared	07/31/2011
13504	07/08/2011	Bruce Thomas	50.00	Cleared	07/31/2011
13505	07/08/2011	Catherine Jane Grott	100.00	Cleared	07/31/2011
13506	07/08/2011	Cindy Leenknecht	1095.00	Cleared	07/31/2011
13507	07/08/2011	City Of Billings	25.00	Cleared	07/31/2011
13508	07/08/2011	Clayton Blaine Zuelke	556.00	Cleared	07/31/2011
13509	07/08/2011	Connie Goodbear	50.00	Cleared	07/31/2011
13510	07/08/2011	Crime Victim Compensation Program	25.00	Cleared	08/31/2011
13511	07/08/2011	Crime Victim Compensation Program	43.00	Cleared	08/31/2011
13512	07/08/2011	Crime Victim Compensation Program	50.00	Cleared	08/31/2011
13513	07/08/2011	Curtis Gibbs	90.00	Cleared	07/31/2011
13514	07/08/2011	Derick Jean Garriott	50.00	Outstanding	
13515	07/08/2011	Earl Bergehahl	100.00	Cleared	07/31/2011
13516	07/08/2011	Earl L Lorash	50.00	Cleared	07/31/2011
13517	07/08/2011	Esteban Delgadillo	130.00	Cleared	07/31/2011
13518	07/08/2011	Holiday Store	25.00	Cleared	07/31/2011
13519	07/08/2011	James Campbell	50.00	Cleared	07/31/2011
13520	07/08/2011	James Carroll Caldwell	195.00	Cleared	07/31/2011
13521	07/08/2011	James Carroll Caldwell	500.00	Cleared	07/31/2011
13522	07/08/2011	Jamie Jawort	50.00	Cleared	07/31/2011
13523	07/08/2011	Jason Carrywater	25.00	Cleared	07/31/2011

Check Register

Bank: US BANK - Account: 150095602101

Date Range: From 07/01/2011 to 09/30/2011

All Check Types

Sorted by Check Number

Check Number	Date	Payee	Amount	Status	Cleared
13524	07/08/2011	John Ryan Stahla	46.00	Cleared	07/31/2011
13525	07/08/2011	Joseph Trinidad Reyna	145.00	Cleared	07/31/2011
13526	07/08/2011	Kara Elizabeth Nave	50.00	Cleared	07/31/2011
13527	07/08/2011	Kohl's Corporate Loss Prevention	25.00	Cleared	07/31/2011
13528	07/08/2011	Martha McDowell	395.00	Cleared	07/31/2011
13529	07/08/2011	Michael W Nitzel	30.00	Cleared	08/31/2011
13530	07/08/2011	Natalia N Tucker	375.00	Cleared	07/31/2011
13531	07/08/2011	Patricia Slauck	1000.00	Cleared	07/31/2011
13532	07/08/2011	Robert A Haman	25.00	Cleared	07/31/2011
13533	07/08/2011	Robert Guckeen	5000.00	Cleared	07/31/2011
13534	07/08/2011	Rod Hamman	445.00	Cleared	07/31/2011
13535	07/08/2011	Sara Marie Bradshaw	125.00	Cleared	07/31/2011
13536	07/08/2011	Theodore John Cerise	245.00	Cleared	07/31/2011
13537	07/08/2011	Theodore John Cerise	1045.00	Cleared	07/31/2011
13538	07/08/2011	Tom Mckenna	50.00	Cleared	07/31/2011
13539	07/08/2011	Wade Eric Pickering	291.50	Outstanding	
13540	07/08/2011	Westley Fuchs	200.00	Cleared	07/31/2011
13541	07/15/2011	1st National Pawn	10.00	Cleared	07/31/2011
13542	07/15/2011	Ashley Kirkpatrick	.02	Cleared	07/31/2011
13543	07/15/2011	Carly Jo Kennedy-guerra	290.32	Outstanding	
13544	07/15/2011	Casey Michael Hanson	25.00	Cleared	08/31/2011
13545	07/15/2011	Crime Victim Compensation	35.61	Cleared	08/31/2011
13546	07/15/2011	Daniell Zahn Salcido	25.00	Cleared	09/30/2011
13547	07/15/2011	Ellein Martwig	650.00	Cleared	07/31/2011
13548	07/15/2011	Ervin John Mettler Jr.	1000.00	Cleared	07/31/2011
13549	07/15/2011	Francisco Soto	50.00	Cleared	07/31/2011
13550	07/15/2011	Joanne Rock Above	50.00	Cleared	07/31/2011
13551	07/15/2011	Kevin Charles Lane	200.00	Voided	07/31/2011
13552	07/15/2011	Lacey Herbst	50.00	Voided	07/31/2011
13553	07/15/2011	Leland Louis Crawford	141.94	Voided	07/31/2011
13554	07/15/2011	Nicholas Hagel	20.00	Voided	07/31/2011
13555	07/15/2011	Rochelle Zaremski	50.00	Voided	07/31/2011
13556	07/15/2011	Saint Vincents Hospital	84.39	Voided	07/31/2011
13557	07/15/2011	Sherwin Williams	50.00	Voided	07/31/2011
13558	07/15/2011	Sommer Dawn Robison	40.00	Voided	07/31/2011
13559	07/15/2011	Teresa Marchant	25.00	Voided	07/31/2011

Check Register

Bank: US BANK - Account: 150095602101

Date Range: From 07/01/2011 to 09/30/2011

All Check Types

Sorted by Check Number

Check Number	Date	Payee	Amount	Status	Cleared
13560	07/15/2011	Veronica Gonzales	100.00	Voided	07/31/2011
13561	07/15/2011	Walmart	14.45	Voided	07/31/2011
13562	07/15/2011	Wendi Noelle Largent	100.00	Voided	07/31/2011
13568	07/15/2011	Kevin Charles Lane	200.00	Voided	07/31/2011
13569	07/15/2011	Kevin Charles Lane	200.00	Cleared	08/31/2011
13570	07/15/2011	Lacey Herbst	50.00	Cleared	08/31/2011
13571	07/15/2011	Leland Louis Crawford	141.94	Outstanding	
13572	07/15/2011	Nicholas Hagel	20.00	Cleared	07/31/2011
13573	07/15/2011	Rochelle Zaremski	50.00	Cleared	07/31/2011
13574	07/15/2011	Saint Vincents Hospital	84.39	Cleared	07/31/2011
13575	07/15/2011	Sherwin Williams	50.00	Cleared	07/31/2011
13576	07/15/2011	Sommer Dawn Robison	40.00	Cleared	07/31/2011
13577	07/15/2011	Teresa Marchant	25.00	Cleared	07/31/2011
13578	07/15/2011	Veronica Gonzales	100.00	Outstanding	
13579	07/15/2011	Walmart	14.45	Cleared	07/31/2011
13580	07/15/2011	Wendi Noelle Largent	100.00	Cleared	08/31/2011
13581	07/22/2011	Albertsons	50.00	Cleared	08/31/2011
13582	07/22/2011	Crystal Lounge	100.36	Cleared	08/31/2011
13583	07/22/2011	Walmart	25.00	Cleared	08/31/2011
13584	07/22/2011	Anthony Michael Hill	145.00	Cleared	07/31/2011
13585	07/22/2011	Audrey Cahill Strissel	245.00	Cleared	09/30/2011
13586	07/22/2011	Barry Wilson	50.00	Cleared	08/31/2011
13587	07/22/2011	Billings Parks, Recreation and Land	25.00	Cleared	08/31/2011
13588	07/22/2011	Catherine Culbertson	720.00	Cleared	07/31/2011
13589	07/22/2011	Cindy Mae Buckner	50.00	Cleared	07/31/2011
13590	07/22/2011	Coral Stief Creek	150.00	Cleared	08/31/2011
13591	07/22/2011	Crime Victim Comp Program	286.87	Cleared	08/31/2011
13592	07/22/2011	Crime Victim Compensation Program	25.00	Cleared	08/31/2011
13593	07/22/2011	Crime Victim Compensation Program	25.00	Cleared	08/31/2011
13594	07/22/2011	Crime Victim Compensation Program	100.00	Cleared	08/31/2011
13595	07/22/2011	Cullen Thomas Helmer	50.00	Cleared	08/31/2011
13596	07/22/2011	Cynthia Letender Dimich	100.00	Cleared	08/31/2011
13597	07/22/2011	Dylan Lindauer	50.00	Cleared	07/31/2011
13598	07/22/2011	Edward R Hawthorne	12.50	Cleared	08/31/2011
13599	07/22/2011	Ernest Devries	500.00	Cleared	08/31/2011
13600	07/22/2011	Ernest Devries	1660.00	Cleared	08/31/2011

Check Register

Bank: US BANK - Account: 150095602101

Date Range: From 07/01/2011 to 09/30/2011

All Check Types

Sorted by Check Number

Check Number	Date	Payee	Amount	Status	Cleared
13601	07/22/2011	Gerald Martinez	390.00	Cleared	07/31/2011
13602	07/22/2011	Jamie Lee Schoonover	13.13	Cleared	08/31/2011
13603	07/22/2011	Jennifer Avants	50.00	Cleared	07/31/2011
13604	07/22/2011	John Cunningham	115.00	Cleared	08/31/2011
13605	07/22/2011	Johnny Lindell	50.00	Outstanding	
13606	07/22/2011	Judy Alexander	1000.00	Cleared	07/31/2011
13607	07/22/2011	Judy Bacon	15.00	Cleared	08/31/2011
13608	07/22/2011	Karen Geraldine Zaso	20.00	Cleared	08/31/2011
13609	07/22/2011	Kerri Gerber	380.00	Cleared	07/31/2011
13610	07/22/2011	Kimberlee M Stump	50.00	Cleared	08/31/2011
13611	07/22/2011	Lauren Layne	155.00	Cleared	07/31/2011
13612	07/22/2011	Luwana Scheetz Besel	100.00	Cleared	07/31/2011
13613	07/22/2011	MSUB Housing And Residential Life	96.95	Cleared	08/31/2011
13614	07/22/2011	Magean Marie Hirschhorn	10.00	Outstanding	
13615	07/22/2011	Nicholas Gerald Pedersen	50.00	Outstanding	
13616	07/22/2011	Paul Michael Zahorodny	10.00	Outstanding	
13617	07/22/2011	Paul Thomas Hudak	12.00	Cleared	08/31/2011
13618	07/22/2011	Paula M Ryan	50.00	Outstanding	
13619	07/22/2011	Pete Portra	25.00	Cleared	07/31/2011
13620	07/22/2011	Roy Dean Connolly	15.00	Cleared	09/30/2011
13621	07/22/2011	Timothy Lloyd Hill	15.00	Cleared	08/31/2011
13622	07/22/2011	Travis David Zuroff	25.00	Cleared	08/31/2011
13623	07/22/2011	Travis Spencer	30.00	Outstanding	
13624	07/22/2011	Wilberta Reid	350.00	Cleared	08/31/2011
13625	08/01/2011	Target	19.38	Cleared	08/31/2011
13626	08/01/2011	Walmart	50.00	Cleared	08/31/2011
13627	08/01/2011	Assurant Health	38.75	Cleared	08/31/2011
13628	08/01/2011	Beverly Kennedy	720.00	Cleared	08/31/2011
13629	08/01/2011	Catherine Jane Grott	50.00	Cleared	08/31/2011
13630	08/01/2011	Cheri Milne	500.00	Cleared	08/31/2011
13631	08/01/2011	City Of Billings, c/o JoLynn Yerger	75.00	Cleared	08/31/2011
13632	08/01/2011	City Treasurer	149851.13	Cleared	08/31/2011
13633	08/01/2011	Connie Kreiter	1000.00	Cleared	08/31/2011
13634	08/01/2011	Country Inn & Suites	20.00	Cleared	08/31/2011
13635	08/01/2011	Crime Victim Compensation	50.00	Cleared	08/31/2011
13636	08/01/2011	Crime Victim Compensation Program	27.47	Cleared	08/31/2011

Check Register

Bank: US BANK - Account: 150095602101

Date Range: From 07/01/2011 to 09/30/2011

All Check Types

Sorted by Check Number

Check Number	Date	Payee	Amount	Status	Cleared
13637	08/01/2011	Harold Lang	135.00	Cleared	08/31/2011
13638	08/01/2011	Harold Lang	195.00	Cleared	08/31/2011
13639	08/01/2011	Holiday Store	34.36	Cleared	08/31/2011
13640	08/01/2011	Jamie Marie Fouts	620.00	Cleared	08/31/2011
13641	08/01/2011	Jennifer Keeland	22.53	Outstanding	
13642	08/01/2011	Leonard E Kenney	30.00	Cleared	08/31/2011
13643	08/01/2011	Municipal Services Bureau	6905.99	Cleared	08/31/2011
13644	08/01/2011	NAPA Distribution Center Attn: Loren Zo	50.00	Cleared	08/31/2011
13645	08/01/2011	Narnae Hedin	25.10	Cleared	09/30/2011
13646	08/01/2011	Natasha Freeman-batt	25.00	Cleared	08/31/2011
13647	08/01/2011	Tailwind Management	25.00	Cleared	09/30/2011
13648	08/01/2011	Tammy Palmer-Burson	545.00	Cleared	08/31/2011
13649	08/01/2011	The Cabelas	50.00	Cleared	08/31/2011
13650	08/01/2011	Tim O'Donnell	640.00	Cleared	08/31/2011
13651	08/01/2011	Vaclav Trnka	45.00	Cleared	08/31/2011
13652	08/01/2011	Whitney C Carlstrom	421.80	Cleared	08/31/2011
13653	08/01/2011	Yellowstone County Treasurer	11193.19	Cleared	08/31/2011
13654	08/08/2011	Albertsons	2.29	Cleared	08/31/2011
13655	08/08/2011	Aaron Ludwig	70.00	Cleared	08/31/2011
13656	08/08/2011	Arlene Lauer	195.00	Cleared	08/31/2011
13657	08/08/2011	Best Buy	45.00	Cleared	08/31/2011
13658	08/08/2011	Billela Hogemark Swallow	50.00	Cleared	08/31/2011
13659	08/08/2011	Bruce Thomas	50.00	Cleared	08/31/2011
13660	08/08/2011	Cameron Jacoby	195.00	Cleared	08/31/2011
13661	08/08/2011	Carrie Ann Frederick	50.00	Cleared	08/31/2011
13662	08/08/2011	Chris Klamert	270.00	Cleared	08/31/2011
13663	08/08/2011	Christine Synek	70.00	Cleared	08/31/2011
13664	08/08/2011	City Of Billings	25.00	Cleared	08/31/2011
13665	08/08/2011	City of Billings Animal Shelter	68.35	Cleared	08/31/2011
13666	08/08/2011	Connie Goodbear	50.00	Cleared	08/31/2011
13667	08/08/2011	Crime Victim Compensation Program	25.00	Cleared	08/31/2011
13668	08/08/2011	Crime Victim Compensation Program	50.00	Cleared	08/31/2011
13669	08/08/2011	Crystal Lounge	25.00	Cleared	08/31/2011
13670	08/08/2011	Curtis White	870.00	Cleared	08/31/2011
13671	08/08/2011	Donna Huffman	25.00	Cleared	09/30/2011
13672	08/08/2011	Douglas L Robinson	100.00	Cleared	08/31/2011

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13673	08/08/2011	Earl L Lorash	16.50	Cleared	08/31/2011
13674	08/08/2011	Gary Shatzer	750.00	Cleared	08/31/2011
13675	08/08/2011	Holiday	25.00	Cleared	08/31/2011
13676	08/08/2011	Jamie Jawort	25.00	Cleared	08/31/2011
13677	08/08/2011	Jana Cruz	100.00	Cleared	09/30/2011
13678	08/08/2011	Jason Carrywater	25.00	Cleared	08/31/2011
13679	08/08/2011	Jason Eugene Braley	9.12	Outstanding	
13680	08/08/2011	Joanne Rock Above	50.00	Cleared	08/31/2011
13681	08/08/2011	Johnny Lindell	50.00	Outstanding	
13682	08/08/2011	Katie Danette Dixon	50.00	Cleared	08/31/2011
13683	08/08/2011	Kimberlee M Stump	25.00	Outstanding	
13684	08/08/2011	Kmart	50.00	Outstanding	
13685	08/08/2011	Kohl's Corporate Loss Prevention	25.00	Cleared	08/31/2011
13686	08/08/2011	Mark Thomas Griffin	290.00	Cleared	08/31/2011
13687	08/08/2011	Olson Law Firm	25.00	Cleared	09/30/2011
13688	08/08/2011	Robert A Haman	20.00	Cleared	08/31/2011
13689	08/08/2011	Shauna Gay Kerr	31.65	Cleared	09/30/2011
13690	08/08/2011	Sheila Ross	1710.00	Cleared	08/31/2011
13691	08/08/2011	Shelley Pierce	15.00	Outstanding	
13692	08/08/2011	Steven Ryan Dorland	50.00	Cleared	08/31/2011
13693	08/08/2011	Tom Mckenna	50.00	Cleared	08/31/2011
13694	08/08/2011	Tracey Schuster	2000.00	Cleared	08/31/2011
13695	08/08/2011	Tyrone Kray Moe II	720.00	Cleared	08/31/2011
13696	08/08/2011	Victoria Westwood Zimmerman	700.00	Cleared	08/31/2011
13697	08/08/2011	Wendi Noelle Largent	100.00	Cleared	08/31/2011
13698	08/08/2011	Western Pawn	5000.00	Cleared	08/31/2011
13699	08/08/2011	Westley Fuchs	200.00	Cleared	08/31/2011
13700	08/08/2011	vic advocate City Of Billigs	350.00	Outstanding	
13701	08/15/2011	First Natinal Pawn	25.00	Cleared	08/31/2011
13702	08/15/2011	Alvin Braley	485.00	Cleared	08/31/2011
13703	08/15/2011	Casey Michael Hanson	20.00	Cleared	08/31/2011
13704	08/15/2011	Coral Stief Creek	150.00	Cleared	08/31/2011
13705	08/15/2011	Crime Victim Compensation	60.00	Cleared	08/31/2011
13706	08/15/2011	Dawayne Bainhill	390.00	Cleared	08/31/2011
13707	08/15/2011	Derek Orlando Green	58.05	Outstanding	
13708	08/15/2011	Earl Bergehahl	100.00	Cleared	08/31/2011

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13709	08/15/2011	First National Pawn	25.00	Cleared	08/31/2011
13710	08/15/2011	Francisco Soto	25.00	Cleared	08/31/2011
13711	08/15/2011	Holiday	8.28	Cleared	08/31/2011
13712	08/15/2011	Kathleen Breshears	154.84	Cleared	08/31/2011
13713	08/15/2011	Lavaughn Richard Whitesel	50.00	Cleared	08/31/2011
13714	08/15/2011	Leanne Yucha	50.00	Cleared	08/31/2011
13715	08/15/2011	Loretta Donez Wetch	45.16	Cleared	08/31/2011
13716	08/15/2011	Michael Iron	100.00	Outstanding	
13717	08/15/2011	Monika Gray	195.00	Cleared	08/31/2011
13718	08/15/2011	NAPA Distribution Center Attn: Loren Zoi	50.00	Cleared	08/31/2011
13719	08/15/2011	Pete Portra	25.00	Cleared	08/31/2011
13720	08/15/2011	Rebecca Fox	140.00	Cleared	08/31/2011
13721	08/15/2011	Rebecca Fox	360.00	Cleared	08/31/2011
13722	08/15/2011	Saint Vincents Hospital	60.00	Cleared	08/31/2011
13723	08/15/2011	Stacie M Warehime	50.00	Cleared	08/31/2011
13724	08/15/2011	Teresa Marchant	25.00	Cleared	09/30/2011
13725	08/15/2011	Trevor McFarren	1240.00	Cleared	08/31/2011
13726	08/19/2011	Albertsons	50.00	Cleared	09/30/2011
13727	08/19/2011	1st National Pawn	10.00	Cleared	08/31/2011
13728	08/19/2011	Alyssa Jones	295.00	Cleared	08/31/2011
13729	08/19/2011	Army Navy Store	12.50	Cleared	08/31/2011
13730	08/19/2011	Billings Parks, Recreation and Land	25.00	Cleared	09/30/2011
13731	08/19/2011	Crime Victim Compensation Program	25.00	Cleared	08/31/2011
13732	08/19/2011	Crime Victim Compensation Program	25.00	Cleared	08/31/2011
13733	08/19/2011	Crime Victim Compensation Program	500.00	Cleared	08/31/2011
13734	08/19/2011	David M Francis J	50.00	Cleared	09/30/2011
13735	08/19/2011	Dylan Lindauer	50.00	Cleared	08/31/2011
13736	08/19/2011	Edward R Hawthorne	12.50	Cleared	09/30/2011
13737	08/19/2011	First National Pawn	14.00	Cleared	08/31/2011
13738	08/19/2011	First National Pawn	25.00	Cleared	08/31/2011
13739	08/19/2011	First National Pawn	107.00	Cleared	08/31/2011
13740	08/19/2011	Gary Uffelman	720.00	Cleared	09/30/2011
13741	08/19/2011	JME Apartments	30.00	Cleared	09/30/2011
13742	08/19/2011	Jackie Womeldorf	445.00	Cleared	09/30/2011
13743	08/19/2011	Jana Cruz	101.31	Outstanding	
13744	08/19/2011	Jason Eugene Braley	9.12	Outstanding	

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13745	08/19/2011	Jodie Lynn Wilcox	50.00	Cleared	08/31/2011
13746	08/19/2011	Karen Geraldine Zaso	20.00	Outstanding	
13747	08/19/2011	Kimberly Lennick	500.00	Cleared	08/31/2011
13748	08/19/2011	Lacey Herbst	50.00	Cleared	09/30/2011
13749	08/19/2011	Malan Carol Odonnell	408.10	Cleared	08/31/2011
13750	08/19/2011	Mary Valley	50.00	Cleared	08/31/2011
13751	08/19/2011	Mcfiney's Convenience Store	6.99	Cleared	08/31/2011
13752	08/19/2011	Michael Eugene Proulx	350.00	Cleared	08/31/2011
13753	08/19/2011	Nicholas Gerald Pedersen	50.00	Outstanding	
13754	08/19/2011	Paul David Downey	21.79	Cleared	09/30/2011
13755	08/19/2011	Paula M Ryan	141.90	Outstanding	
13756	08/19/2011	Play Inn	125.00	Cleared	08/31/2011
13757	08/19/2011	Ralph Kostelecky	1085.00	Cleared	08/31/2011
13758	08/19/2011	Sara Jacobsen	195.00	Cleared	08/31/2011
13759	08/19/2011	Sherwin Williams	132.22	Cleared	08/31/2011
13760	08/19/2011	Wendy Eubank	25.00	Outstanding	
13761	08/19/2011	Whitney Morrison	1000.00	Cleared	08/31/2011
13762	08/19/2011	Yellowstone Pawn & Trade	5.00	Cleared	08/31/2011
13763	08/19/2011	kane Nile	500.00	Cleared	09/30/2011
13764	08/26/2011	Target	359.97	Outstanding	
13765	08/26/2011	Walmart	398.00	Cleared	08/31/2011
13766	08/26/2011	Amber Fink	1015.00	Cleared	08/31/2011
13767	08/26/2011	Assurant Health	38.75	Cleared	09/30/2011
13768	08/26/2011	Catherine Jane Grott	50.00	Cleared	09/30/2011
13769	08/26/2011	Christopher S Johnson	855.00	Cleared	08/31/2011
13770	08/26/2011	Cindy Dye	650.00	Cleared	09/30/2011
13771	08/26/2011	City Of Billings, c/o JoLynn Yerger	150.00	Cleared	09/30/2011
13772	08/26/2011	Crime Victim Comp Program	286.87	Cleared	08/31/2011
13773	08/26/2011	Darlene Bulltail	135.00	Cleared	08/31/2011
13774	08/26/2011	Eddie Schmidt	7.50	Cleared	08/31/2011
13775	08/26/2011	Evelyn Lantz	295.00	Cleared	08/31/2011
13776	08/26/2011	Express Pawn	25.00	Cleared	08/31/2011
13777	08/26/2011	Faro Ruffino	1660.00	Cleared	09/30/2011
13778	08/26/2011	First National Pawn	25.00	Cleared	08/31/2011
13779	08/26/2011	Jamie Lee Schoonover	13.13	Cleared	09/30/2011
13780	08/26/2011	Jennifer Avants	50.00	Cleared	09/30/2011

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13781	08/26/2011	Kara Elizabeth Nave	50.00	Cleared	08/31/2011
13782	08/26/2011	Leon Garcia	50.00	Cleared	09/30/2011
13783	08/26/2011	Louis Edward Samoville	15.00	Cleared	09/30/2011
13784	08/26/2011	Melissa Smith	1000.00	Cleared	08/31/2011
13785	08/26/2011	Paul Descheemaker	100.00	Cleared	09/30/2011
13786	08/26/2011	Rochelle Zaremski	50.00	Cleared	08/31/2011
13787	08/26/2011	Rose Lakel	295.00	Cleared	08/31/2011
13788	08/26/2011	Sylvia Quigg Gusick	2500.00	Cleared	09/30/2011
13789	08/26/2011	Terah Schuster	195.00	Cleared	08/31/2011
13790	08/26/2011	Teresa Rae Wood	1095.00	Cleared	08/31/2011
13791	08/26/2011	The Cabelas	50.00	Cleared	09/30/2011
13792	08/26/2011	Trish Leet	1000.00	Cleared	09/30/2011
13793	08/26/2011	Vaclav Trnka	50.00	Cleared	09/30/2011
13794	08/26/2011	William Stevenson	1000.00	Cleared	08/31/2011
13795	09/02/2011	State Farm Insurance	13.27	Outstanding	
13796	09/02/2011	Target	19.38	Cleared	09/30/2011
13797	09/02/2011	Assurant Health	38.75	Cleared	09/30/2011
13798	09/02/2011	Best Buy	138.95	Cleared	09/30/2011
13799	09/02/2011	Carrie Ann Frederick	50.00	Cleared	09/30/2011
13800	09/02/2011	Charles Robuck	295.00	Cleared	09/30/2011
13801	09/02/2011	Charles Robuck	1035.00	Cleared	09/30/2011
13802	09/02/2011	Chelsea Scanlan	193.75	Cleared	09/30/2011
13803	09/02/2011	City Treasurer	164469.85	Cleared	09/30/2011
13804	09/02/2011	Colleen Hamman	870.00	Cleared	09/30/2011
13805	09/02/2011	Connie Goodbear	50.00	Cleared	09/30/2011
13806	09/02/2011	Country Inn & Suites	25.00	Cleared	09/30/2011
13807	09/02/2011	Crime Victim Compensation	48.35	Cleared	09/30/2011
13808	09/02/2011	Crystal Lounge	25.00	Cleared	09/30/2011
13809	09/02/2011	Cynthia Letender Dimich	100.00	Cleared	09/30/2011
13810	09/02/2011	Darrell Brost	75.00	Outstanding	
13811	09/02/2011	Douglas William Bjorgen	155.00	Cleared	09/30/2011
13812	09/02/2011	Earl Bergehahl	200.00	Cleared	09/30/2011
13813	09/02/2011	Edward Stevenson	359.11	Cleared	09/30/2011
13814	09/02/2011	Erinn M Dresch	25.00	Cleared	09/30/2011
13815	09/02/2011	George Robson	500.00	Cleared	09/30/2011
13816	09/02/2011	Jacob Brosobich	25.00	Outstanding	

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13817	09/02/2011	James Novotny	11.73	Cleared	09/30/2011
13818	09/02/2011	Jason Eugene Braley	18.25	Cleared	09/30/2011
13819	09/02/2011	Jeffery C Cochrane	150.00	Cleared	09/30/2011
13820	09/02/2011	Katie Danette Dixon	25.00	Cleared	09/30/2011
13821	09/02/2011	Kimberlee M Stump	25.00	Cleared	09/30/2011
13822	09/02/2011	Kraig Williams	1063.70	Cleared	09/30/2011
13823	09/02/2011	Leonard E Kenney	30.00	Cleared	09/30/2011
13824	09/02/2011	Municipal Services Bureau	11397.10	Cleared	09/30/2011
13825	09/02/2011	Natasha Freeman-batt	25.00	Cleared	09/30/2011
13826	09/02/2011	Ramani Arnett	15.00	Outstanding	
13827	09/02/2011	Robert & George Montez	1270.00	Cleared	09/30/2011
13828	09/02/2011	Saint Vincents Hospital	71.65	Cleared	09/30/2011
13829	09/02/2011	Scott Hennager	195.00	Cleared	09/30/2011
13830	09/02/2011	Triston William Miller	375.00	Cleared	09/30/2011
13831	09/02/2011	Westley Fuchs	200.00	Cleared	09/30/2011
13832	09/02/2011	Wilbur James Mathews	45.00	Outstanding	
13833	09/02/2011	Winifred Lehner	15.00	Cleared	09/30/2011
13834	09/02/2011	Yellowstone County Treasurer	12328.01	Cleared	09/30/2011
13835	09/08/2011	Walmart	100.00	Cleared	09/30/2011
13836	09/08/2011	Barry Wilson	50.00	Outstanding	
13837	09/08/2011	Billela Hogemark Swallow	25.00	Cleared	09/30/2011
13838	09/08/2011	Bozeman Municipal Court	100.00	Cleared	09/30/2011
13839	09/08/2011	Bruce Thomas	50.00	Cleared	09/30/2011
13840	09/08/2011	Crime Victim Compensation Program	50.00	Cleared	09/30/2011
13841	09/08/2011	Donald Bedard	595.00	Cleared	09/30/2011
13842	09/08/2011	Donna Huffman	50.00	Cleared	09/30/2011
13843	09/08/2011	Francisco Soto	18.96	Cleared	09/30/2011
13844	09/08/2011	JME Apartments	15.00	Cleared	09/30/2011
13845	09/08/2011	Jamie Jawort	25.00	Cleared	09/30/2011
13846	09/08/2011	Kmart	50.00	Cleared	09/30/2011
13847	09/08/2011	Kohl's Corporate Loss Prevention	50.00	Cleared	09/30/2011
13848	09/08/2011	Leanne Yucha	50.00	Cleared	09/30/2011
13849	09/08/2011	Michael Meyer	1095.00	Outstanding	
13850	09/08/2011	Pizza Hut	119.00	Cleared	09/30/2011
13851	09/08/2011	Robert A Haman	12.50	Outstanding	
13852	09/08/2011	Steve Hoyer	1165.00	Cleared	09/30/2011

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13853	09/08/2011	Tailwind Management	25.00	Cleared	09/30/2011
13854	09/08/2011	Target	27.50	Cleared	09/30/2011
13855	09/08/2011	Tom Mckenna	50.00	Cleared	09/30/2011
13856	09/16/2011	Albertsons	40.00	Cleared	09/30/2011
13857	09/16/2011	First Natinal Pawn	25.00	Cleared	09/30/2011
13858	09/16/2011	Scheels	50.00	Cleared	09/30/2011
13859	09/16/2011	Walmart	220.00	Cleared	09/30/2011
13860	09/16/2011	Allen Propp	25.00	Outstanding	
13861	09/16/2011	Beth Marie Blain	50.00	Cleared	09/30/2011
13862	09/16/2011	Billings Animal Control	68.03	Cleared	09/30/2011
13863	09/16/2011	Billings Parks, Recreation and Land	25.00	Cleared	09/30/2011
13864	09/16/2011	Casey Michael Hanson	30.00	Outstanding	
13865	09/16/2011	Catherine Tuss	81.97	Outstanding	
13866	09/16/2011	Chris Lee	445.00	Cleared	09/30/2011
13867	09/16/2011	Chris Lee	720.00	Cleared	09/30/2011
13868	09/16/2011	Cindy Mae Buckner	100.00	Cleared	09/30/2011
13869	09/16/2011	Coral Stief Creek	50.00	Outstanding	
13870	09/16/2011	Crime Victim Compensation	50.00	Cleared	09/30/2011
13871	09/16/2011	Crime Victim Compensation Program	50.00	Cleared	09/30/2011
13872	09/16/2011	David Vinson	2000.00	Cleared	09/30/2011
13873	09/16/2011	Dwight Vigness	50.00	Cleared	09/30/2011
13874	09/16/2011	Dwight Vigness	195.00	Cleared	09/30/2011
13875	09/16/2011	Dwight Vigness	1685.00	Cleared	09/30/2011
13876	09/16/2011	Ed Grammens	195.00	Cleared	09/30/2011
13877	09/16/2011	First National Pawn	22.00	Cleared	09/30/2011
13878	09/16/2011	Gary John Kemp	1095.00	Cleared	09/30/2011
13879	09/16/2011	Greg Neill	445.00	Cleared	09/30/2011
13880	09/16/2011	Howard Linzy Eoff	100.00	Cleared	09/30/2011
13881	09/16/2011	Jennifer Elizabeth Tilzey	250.00	Cleared	09/30/2011
13882	09/16/2011	Jeremy Steven Boag	50.00	Outstanding	
13883	09/16/2011	Joanne Rock Above	50.00	Cleared	09/30/2011
13884	09/16/2011	John Knust	155.00	Outstanding	
13885	09/16/2011	John R Sutter	195.00	Outstanding	
13886	09/16/2011	Karen Geraldine Zaso	20.00	Outstanding	
13887	09/16/2011	Lacey Herbst	50.00	Cleared	09/30/2011
13888	09/16/2011	Mary Valley	50.00	Cleared	09/30/2011

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13889	09/16/2011	NAPA Distribution Center Attn: Loren Zo	50.00	Cleared	09/30/2011
13890	09/16/2011	Nicole Lane	50.00	Cleared	09/30/2011
13891	09/16/2011	Nicolette Stannebein	1000.00	Cleared	09/30/2011
13892	09/16/2011	Otis Nelson	1165.00	Cleared	09/30/2011
13893	09/16/2011	Ryan Ira Cunningham	15.00	Cleared	09/30/2011
13894	09/16/2011	Sommer Dawn Robison	50.00	Cleared	09/30/2011
13895	09/16/2011	Vivian Delisle	72.46	Cleared	09/30/2011
13896	09/16/2011	Wayne L Hanson	90.00	Cleared	09/30/2011
13897	09/16/2011	Wendi Noelle Largent	100.00	Cleared	09/30/2011
13898	09/16/2011	Western Pawn	27.54	Cleared	09/30/2011
13899	09/16/2011	Wynn Pippin	1000.00	Outstanding	
13900	09/23/2011	1st National Pawn	10.00	Cleared	09/30/2011
13901	09/23/2011	Alfred W Nightwalker S	15.00	Cleared	09/30/2011
13902	09/23/2011	Amy Lester	95.00	Outstanding	
13903	09/23/2011	Army Navy Store	37.50	Cleared	09/30/2011
13904	09/23/2011	Bryon Irigoin	720.00	Outstanding	
13905	09/23/2011	Christopher Iwen	595.00	Cleared	09/30/2011
13906	09/23/2011	Christy Aarnold	25.00	Outstanding	
13907	09/23/2011	City Of Billings, c/o JoLynn Yerger	75.00	Outstanding	
13908	09/23/2011	Crime Victim Comp Program	286.87	Cleared	09/30/2011
13909	09/23/2011	Crime Victim Compensation	25.00	Outstanding	
13910	09/23/2011	Crime Victim Compensation Program	25.00	Outstanding	
13911	09/23/2011	Crime Victim Compensation Program	25.00	Outstanding	
13912	09/23/2011	Crime Victim Compensation Program	100.00	Outstanding	
13913	09/23/2011	Crime Victim Compensation Program	125.00	Outstanding	
13914	09/23/2011	David Lee Fike	295.00	Cleared	09/30/2011
13915	09/23/2011	David Stone Church	15.00	Outstanding	
13916	09/23/2011	Drew Lorentz	200.00	Outstanding	
13917	09/23/2011	Dustyn Levi Todd	25.00	Cleared	09/30/2011
13918	09/23/2011	Dylan Lindauer	50.00	Outstanding	
13919	09/23/2011	Eddie Schmidt	7.50	Cleared	09/30/2011
13920	09/23/2011	Guy Clifford Romero	270.00	Cleared	09/30/2011
13921	09/23/2011	Jamie Lee Schoonover	13.13	Outstanding	
13922	09/23/2011	Jason Carrywater	50.00	Outstanding	
13923	09/23/2011	Jennifer Avants	50.00	Cleared	09/30/2011
13924	09/23/2011	Jerry Knobel	1000.00	Cleared	09/30/2011

Check Register

Bank: US BANK - Account: 150095602101

Date Range: From 07/01/2011 to 09/30/2011

All Check Types

Sorted by Check Number

Check Number	Date	Payee	Amount	Status	Cleared
13925	09/23/2011	Johnny Lindell	50.00	Outstanding	
13926	09/23/2011	Julie Ann Kennedy	350.00	Cleared	09/30/2011
13927	09/23/2011	Lance Wubbels	555.00	Outstanding	
13928	09/23/2011	Leon Garcia	50.00	Cleared	09/30/2011
13929	09/23/2011	Linda Liming	395.00	Cleared	09/30/2011
13930	09/23/2011	Linda Liming	690.00	Cleared	09/30/2011
13931	09/23/2011	Manuel Junior Camarillo	10.00	Outstanding	
13932	09/23/2011	Mario Delacruz	100.00	Outstanding	
13933	09/23/2011	Misty Mileir	135.00	Outstanding	
13934	09/23/2011	Misty Miller	890.00	Outstanding	
13935	09/23/2011	Misty Miller	1015.00	Outstanding	
13936	09/23/2011	Nathan Earl West	160.00	Cleared	09/30/2011
13937	09/23/2011	Randy Lee Rider	40.00	Outstanding	
13938	09/23/2011	Ronald Edwin Losee	5.00	Outstanding	
13939	09/23/2011	TSC Supply Company	305.40	Outstanding	
13940	09/23/2011	Teresa Marchant	25.00	Outstanding	
13941	09/23/2011	The Cabelas	50.00	Outstanding	
13942	09/23/2011	Virginia Ann Bryan	40.00	Outstanding	
13943	09/23/2011	Wynn Pippin	1000.00	Outstanding	
13944	09/30/2011	K-Mart	25.00	Outstanding	
13945	09/30/2011	State Farm Insurance	13.27	Outstanding	
13946	09/30/2011	Alexandra Bieber	245.00	Outstanding	
13947	09/30/2011	Allyson Gierke	2000.00	Outstanding	
13948	09/30/2011	Bartholomew James Humphries	15.00	Outstanding	
13949	09/30/2011	Benjamin James Barnhart	150.00	Outstanding	
13950	09/30/2011	Bonita Vickery	500.00	Outstanding	
13951	09/30/2011	Brett Thomas Simpson	5.00	Outstanding	
13952	09/30/2011	Catherine Jane Grott	50.00	Outstanding	
13953	09/30/2011	Christopher Wayne Robertson	350.00	Outstanding	
13954	09/30/2011	City Treasurer	132246.21	Outstanding	
13955	09/30/2011	City of Billings Animal Shelter	34.17	Outstanding	
13956	09/30/2011	Connie Goodbear	50.00	Outstanding	
13957	09/30/2011	Crystal Lounge	25.00	Outstanding	
13958	09/30/2011	Darrell Brost	75.00	Outstanding	
13959	09/30/2011	Edward R Hawthorne	12.50	Outstanding	
13960	09/30/2011	Frederick Wilburn	1000.00	Outstanding	

Check Register

Bank: US BANK - Account: 150095602101

Date Range: From 07/01/2011 to 09/30/2011

All Check Types

Sorted by Check Number

Check Number	Date	Payee	Amount	Status	Cleared
13961	09/30/2011	Galen Lee Blowers II	15.00	Outstanding	
13962	09/30/2011	Gary Lawrence Shayne	1000.00	Outstanding	
13963	09/30/2011	James Edward Crane S	15.00	Outstanding	
13964	09/30/2011	James Novotny	11.73	Outstanding	
13965	09/30/2011	Jennifer Keeland	100.00	Outstanding	
13966	09/30/2011	JoAnn Brewer	195.00	Outstanding	
13967	09/30/2011	Jorge Luis Torres	50.00	Outstanding	
13968	09/30/2011	Justin Bruce Lovato	195.00	Outstanding	
13969	09/30/2011	Justine Timmons	195.00	Outstanding	
13970	09/30/2011	Kara Elizabeth Nave	50.00	Outstanding	
13971	09/30/2011	Kelly Mark McCarthy	210.60	Outstanding	
13972	09/30/2011	Kourteney Jo Schell	45.00	Outstanding	
13973	09/30/2011	Laura Michelle Gabaldon	25.00	Outstanding	
13974	09/30/2011	Leonard E Kenney	30.00	Outstanding	
13975	09/30/2011	Lester Edward Litzsinger	595.00	Outstanding	
13976	09/30/2011	Linda Heiken	1015.00	Outstanding	
13977	09/30/2011	Municipal Services Bureau	4951.17	Outstanding	
13978	09/30/2011	Natasha Freeman-batt	50.00	Outstanding	
13979	09/30/2011	Pete Portra	25.00	Outstanding	
13980	09/30/2011	Rimrock Foundation	50.00	Outstanding	
13981	09/30/2011	Robert Pribyl	540.00	Outstanding	
13982	09/30/2011	Shauna Gay Kerr	15.83	Outstanding	
13983	09/30/2011	Sommer Dawn Robison	37.50	Outstanding	
13984	09/30/2011	Stephanie Lynn Spottedwolf	300.00	Outstanding	
13985	09/30/2011	Steven Marks	15.00	Outstanding	
13986	09/30/2011	Theodore John Cerise	1000.00	Outstanding	
13987	09/30/2011	Thomas Edward Ordorff	10.00	Outstanding	
13988	09/30/2011	Tony Lee Costin	15.00	Outstanding	
13989	09/30/2011	Travis Spencer	40.00	Outstanding	
13990	09/30/2011	Vaclav Trnka	50.00	Outstanding	
13991	09/30/2011	William Harvey Perreault	590.00	Outstanding	
13992	09/30/2011	Yellowstone County Treasurer	10827.00	Outstanding	

Number checks: 500

Total

621226.02

Regular City Council Meeting

Meeting Date: 11/14/2011

TITLE: Public Hearing and Resolution Creating SILMD 310 - Bench Boulevard, Main to 1,000 feet East of the Intersection

PRESENTED BY: David Mumford

Department: Public Works

PROBLEM/ISSUE STATEMENT

At the October 11, 2011, City Council meeting, Council passed the Resolution of Intent to Create SILMD 310. SILMD 310 is a street light district which will pay the energy and maintenance cost for the street lights along Bench Boulevard from Main Street to approximately 1,000 feet east of the intersection. The Resolution of Intent also established a public hearing for creation of the proposed district for the November 14, 2011, Council meeting. Legal notices and a letter explaining the district and all protest procedures were mailed to each of the landowners in the proposed new district on October 27, 2011. Information on the number and percentage of property owner protests received will be presented at the public hearing. SILMD 310 assessments are based on the linear footage of street lighting within the district. Yellowstone County is the only property owner within the district, and the average yearly assessment for the SILMD is \$3,327.91.

ALTERNATIVES ANALYZED

The Council may:

- Pass the Resolution Creating SILMD 310 - Bench Boulevard, Main Street to 1,000 feet East of the Intersection to provide a source of funding for operation and maintenance of the street lights; or
- Do not pass the Resolution Creating SILMD 310, leaving this section of Bench Boulevard without street lighting.

FINANCIAL IMPACT

All energy and maintenance costs for this proposed light district will be paid for by assessments on properties within the district. Installation of the street lights will be paid for under the 6th Avenue North to Bench Boulevard Connection project and not by assessments.

RECOMMENDATION

Staff recommends that Council pass this Resolution Creating SILMD 310.

APPROVED BY CITY ADMINISTRATOR

Attachments

SILMD 310 - Resolution Creating

SILMD 310 - Boundary Map

RESOLUTION NO. 11-_____

A RESOLUTION CREATING SPECIAL IMPROVEMENT LIGHTING MAINTENANCE DISTRICT NO. 310 OF THE CITY OF BILLINGS, MONTANA, FOR THE PURPOSE OF SECURING AND PROVIDING ENERGY AND MAINTENANCE FOR NEW STREETLIGHTING, SETTING THE BOUNDARIES THEREOF, STATING THE GENERAL CHARACTER OF THE IMPROVEMENTS TO BE MADE, ESTABLISHING THE ESTIMATED RATE FOR ENERGY AND MAINTENANCE THEREOF, AN APPROXIMATE ESTIMATE OF THE COST OF MAINTAINING SUCH LIGHTS AND SUPPLYING ELECTRICAL CURRENT THEREFORE FOR THE FIRST YEAR, AND THE PROPORTION OF THE COST TO BE ASSESSED AGAINST THE ABUTTING PROPERTY, AND THE METHOD OF ASSESSMENT OF SAID COSTS.

WHEREAS, the City Council of the City of Billings, Montana, on the 11th day of October, 2011, passed Resolution 11-19118, a Resolution of Intention to Create a Special Improvement Lighting Maintenance District designated as No. 310, setting the hearing on the creation of said District and hearing of protests against the extent and creation of said District, or any matter pertaining thereto, and thereafter gave notice by publication and mailing, all as required by law, and at said hearing which was held at the time and place specified in said Notice, all protests were heard and considered; and

WHEREAS, the City Council finds that the protests are insufficient to stop the creation of said district, and the protests are overruled and denied.

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

SECTION 1:

That the City Council of the City of Billings, Montana does hereby create a District, to be known and designated as Special Improvement Lighting Maintenance District No. 310, hereinafter called the District, for the purpose of securing and providing energy and maintenance for new street lights for lighting said District.

SECTION 2:

That the boundaries of the District are as set forth in Resolution of Intention No. 11-19118, hereinafter called the Resolution, on file in the office of the City Clerk of Billings, Montana, and by this reference is incorporated herein and made a part hereof.

SECTION 3:

That the City Council hereby finds and determines that each of the lots, blocks, pieces and parcels of land, situated within the boundaries of the District, are especially benefited and affected by said improvements, and each and all of the lots, blocks, pieces and parcels, more particularly described in the Resolution are hereby declared to be the property to be assessed for the cost and expense of the electrical energy for and maintenance of said District.

SECTION 4:

That the general character of the improvements to be made is hereby declared to be as described in the Resolution and is by this reference incorporated herein and made a part hereof.

SECTION 5:

The City of Billings intends to establish the contract rate for supplying electrical energy in accordance with the rate schedule approved by the Montana Public Service Commission. Said rate is currently estimated at \$11.25 per streetlight unit, per month, and \$2.63 per underpass luminaire unit, per month, and that NorthWestern Energy Company shall provide energy to the lighting fixtures. That the City of Billings shall provide normal maintenance to lighting fixtures, poles, cables and other incidental equipment, and shall at all times own said lighting fixtures, poles, cables and other incidental equipment.

SECTION 6:

That based upon the above figures, the estimate of the cost of the District for one year is the sum of \$3,327.91, and that the entire cost of said District shall be paid by the owners of property within said District. The estimated cost of the District per year for the property owners is on the basis of approximately \$2.37 per linear foot, per year, of property that abuts the District. All of such costs of said District shall be paid by the owners of the property within the District with each lot, parcel or piece of land within said District to be assessed for that portion of the whole cost which its assessable abutting property boundary bears to the assessable boundary of the entire District, exclusive of streets, avenues, alleys, and public places.

SECTION 7:

That the entire cost of the District shall be paid by an annual assessment against the property in the District. That all monies derived from the collection of such assessments shall be paid into a fund to be known as the "Special

Improvement Lighting Maintenance District No. 310 Maintenance Fund", and warrants shall be drawn on said fund for the payment of such cost of maintaining said lights and supplying electrical current therefore.

SECTION 8:

That reference is hereby made to the Resolution, the maps, specifications, boundaries, perimeter and data pertaining to the District, on file in the offices of the City Clerk and City Engineer, for further particulars, all of which are made a part hereof.

PASSED by the City Council of the City of Billings, Montana and approved this 14th day of November, 2011.

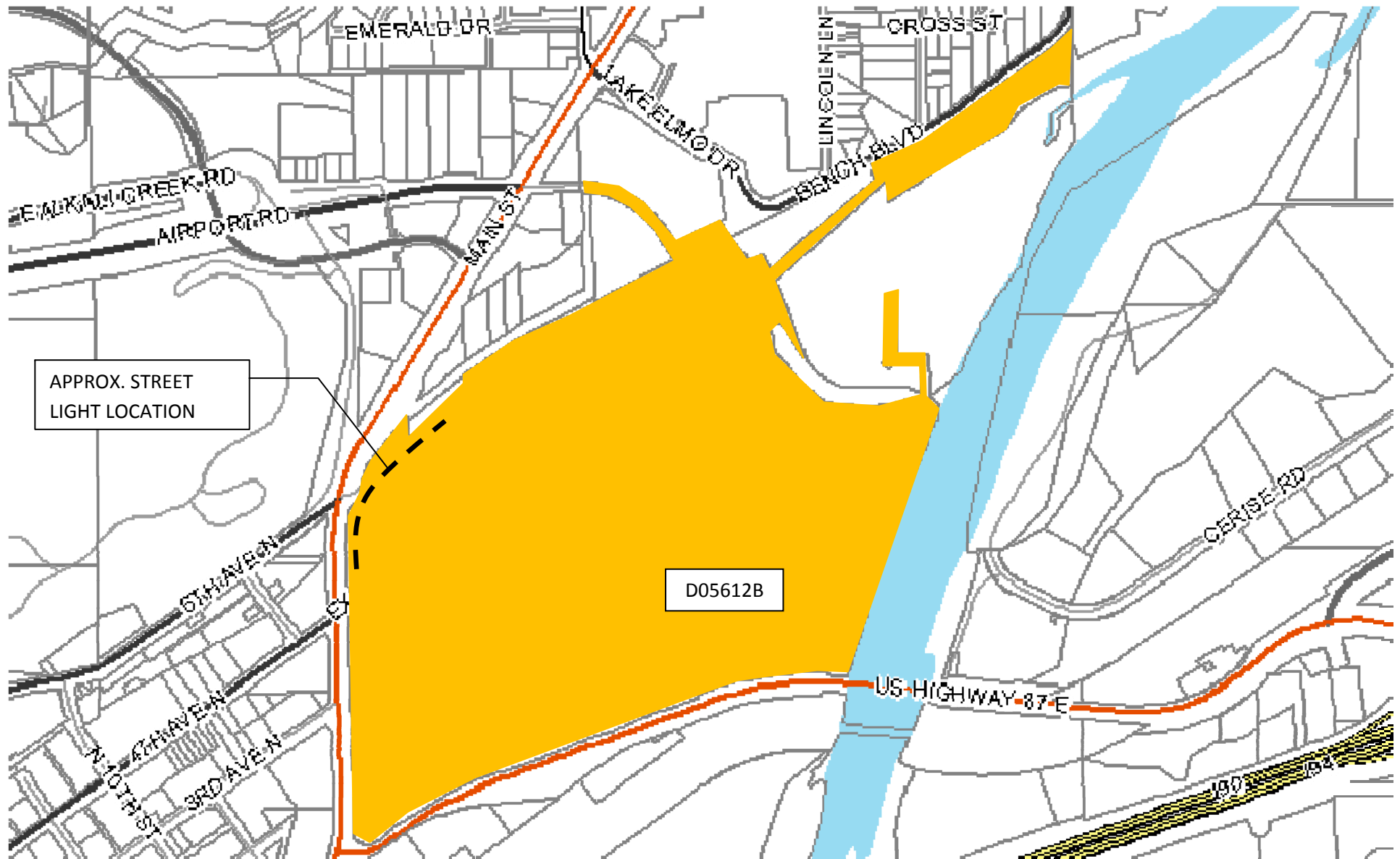
THE CITY OF BILLINGS:

BY: _____
Thomas W. Hanel MAYOR

ATTEST:

BY: _____
Cari Martin CITY CLERK

SILMD 310
EXHIBIT A



Regular City Council Meeting

Meeting Date: 11/14/2011

TITLE: Public Hearing For The Intent Of Creating A City-wide Park District

PRESENTED BY: Mike Whitaker

Department: Parks/Rec/Public Lands

PROBLEM/ISSUE STATEMENT

Due to lack of resources, the Parks, Recreation and Public Lands Department (PRPL) has closed or removed several facilities (gazebo and wading pool at South Park, tennis courts at Castle Rock Park, playground equipment at Pioneer Park, etc.) in parks over the past three years. Park facilities will continue to close unless additional revenue is raised. With little to no increases in the department operations and maintenance budget for the past 10 years, maintenance in the general fund parks (Pioneer Park, South Park, North Park, etc.) is continuing to decrease. It was calculated in 2010 that PRPL has over \$9 million in deferred maintenance in parks city-wide.

At the June 20, 2011 work session, the Parks, Recreation and Cemetery (PRC) board recommended that City Council establish a park district and an annual assessment to fund a wide variety of park improvements and maintenance. That recommendation was contingent on completing the Library bond election. Creating a district is a two step process, this one being the first. If Council approves the Resolution of Intent, all Billings property owners will receive notice of it and have 30 days to protest the district's creation. The second step is for the City Council to conduct another public hearing (12/19) and consider adopting a resolution that will actually create the district.

The PRC board and the Billings Chamber of Commerce/CVB recommend that three years after the creation of a city-wide park district the Parks, Recreation and Public Lands Department submit a plan to City Council on how to dissolve/reduce existing park maintenance districts that are not funding unique enhancements. The Board and Chamber also recommend that funds generated from the park district should not supplant existing parks funds received from the city's general fund.

The Parks, Recreation and Public Lands Department and the PRC Board developed a three-year spending plan (see attached) on how to start addressing the deferred maintenance and improve maintenance. The PRC Board recommends that property owners be assessed \$2 million annually. A person with a property valued at \$100,000 would pay an estimated \$16 annual assessment. If the district is approved December 19, 2011 the department would start receiving funds December, 2012.

ALTERNATIVES ANALYZED

Staff and the City of Billings Park, Recreation and Cemetery Board have analyzed the following alternatives.

- 1) Approve the Resolution of Intent to Create a city-wide park district and set a public hearing for December 19, 2011.
- 2.) Do not approve the Resolution of Intent to Create a city-wide park district. Maintenance will not improve and facilities that deteriorate will continue to be closed or removed from the parks.

FINANCIAL IMPACT

The proposed fiscal year 2013 assessment for the district is estimated to be 12.39 mills. A \$200,000 home owner would pay approximately \$32.00 and a \$100,000 home owner would pay approximately \$16.00 annually. The goal is for the assessments to produce \$2 million per year.

RECOMMENDATION

Staff and the Parks, Recreation and Cemetery Board recommend that Council approve the Resolution of Intent to Create a city-wide park district and set a public hearing date for December 19, 2011.

APPROVED BY CITY ADMINISTRATOR

Attachments

Spending Plan

Resolution of Intent

What does a \$100,000 homeowner get for \$16 a year?

(First year of assessments)

- **One time park improvements**

– Replace existing water slides at Rose Park	\$300,000
– Replace South Park playground equipment	\$180,000
– Rebuild Castle Rock tennis courts	\$275,000
– Replace batting cage equipment	\$50,000
– Emergency and general maintenance (roofs, pumps, irrigation systems, etc.)	\$248,500
– 9 three-season restrooms (renovations/replacements)	\$450,000

Sub Total **\$1,503,500**

- **Ongoing improvements**

– Trail maintenance (Includes Volunteer Coordinator)	\$94,000
– Improved park maintenance (Includes 2 maintenance staff)	\$90,000
– Keep park restrooms open 3 months longer a year (three seasonal employees)	\$15,000
– Weed management in general fund parks	\$245,000
– Annual picnic table replacement (75 tables)	<u>\$52,500</u>

Grand Total **\$2,000,000**

What does a \$100,000 homeowner get for \$16 a year? (Second year of assessments)

- **One-time park improvements**

– South Park Sprayground	\$500,000
– Rebuild Pioneer Park tennis courts	\$355,000
– Amend Park water service upgrades	\$250,000
– Upgrade playground fall protection (36 sites)	\$360,000
– Emergency and general maintenance (roofs, pumps, irrigation systems, etc.)	\$38,500

Sub Total \$1,503,500

- **Ongoing improvements**

– Trail maintenance (Includes Volunteer Coordinator)	\$94,000
– Improved park maintenance (Includes 2 maintenance staff)	\$90,000
– Keep park restrooms open 3 months longer a year (three seasonal employees)	\$15,000
– Weed management in general fund parks	\$245,000
– Annual picnic table replacement (75 tables)	<u>\$52,500</u>

Grand Total \$2,000,000

What does a \$100,000 homeowner get for \$16 a year? (Third year of assessments)

- **One-time improvements**

– A large event shelter at Pioneer Park	\$200,000
– Cemetery Restroom	\$50,000
– Emergency and general maintenance (roofs, pumps, irrigation systems, etc.)	\$53,500
– Stewart Park infrastructure improvements (roads, parking, etc.)	\$1,200,000

Sub Total \$1,503,500

- **Ongoing improvements**

– Trail maintenance (Includes Volunteer Coordinator)	\$94,000
– Improved park maintenance (Includes 2 maintenance staff)	\$90,000
– Keep park restrooms open 3 months longer a year (three seasonal employees)	\$15,000
– Weed management in general fund parks	\$245,000
– Annual picnic table replacement (75 tables)	<u>\$52,500</u>

Grand Total \$2,000,000

CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of the City of Billings, Montana (the "City"), hereby certify that the attached resolution is a true copy of a resolution entitled: "A RESOLUTION DECLARING IT TO BE THE INTENTION OF THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA, TO CREATE A SPECIAL DISTRICT AS AUTHORIZED BY TITLE 7, CHAPTER 11, PART 10 MCA, MORE SPECIFICALLY A CITY-WIDE PARK DISTRICT ENTITLED "CITY OF BILLINGS PARK DISTRICT NUMBER 1," TO ESTABLISH AN ANNUAL ASSESSMENT AND PROVIDE FOR A METHOD OF ASSESSMENTS FOR THE PURPOSES OF FUNDING AND/OR FINANCING COSTS ASSOCIATED WITH PROVIDING SERVICES INCLUDING BUT NOT LIMITED TO: (1) MAINTENANCE, REPAIR, REPLACEMENT, IMPROVEMENT, UPKEEP, INSTALLATION, OPERATIONAL ENHANCEMENT, CONSTRUCTION, RECONSTRUCTION, ACQUISITION OF LAND, AND/OR (2) IMPLEMENTATION OF MEASURES REQUIRED TO MAINTAIN PUBLIC HEALTH AND SAFETY OR MEET LEGAL OR REGULATORY REQUIREMENTS, AND/OR (3) PURCHASING, REPLACING, AND/OR MAINTAINING EQUIPMENT, TOOLS OR VEHICLES USED TO CARRY OUT THE FUNCTIONS, LABOR, SUPPLIES OR MATERIALS DESCRIBED HEREIN, AND/OR (4) ANY OTHER FUNCTIONS NECESSARY FOR MANAGEMENT OF CITY-OWNED FACILITIES, LANDS AND EQUIPMENT UNDER THE RESPONSIBILITY AND CARE OF THE CITY OF BILLINGS PARKS AND RECREATION DEPARTMENT INCLUDING BUT NOT LIMITED TO: PUBLIC PARKS, RECREATION FACILITIES, TRAILS, OPEN SPACE (AS DEFINED IN THE CITY OF BILLINGS URBAN AREA OPEN SPACE PLAN, URBAN FOREST, MEDIANS, BOULEVARDS, AND OTHER FACILITIES LOCATED IN THE CITY AND/OR OWNED BY THE CITY; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO." (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 _____, 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 such meeting, the following Council Members voted in favor thereof:_____ ; voted against the same _____ ; abstained from voting thereon; _____ ; or were absent _____ .

WITNESS my hand officially this _____ day of _____, 2011.

Cari Martin, City Clerk

(S E A L)

RESOLUTION NUMBER _____

A RESOLUTION DECLARING IT TO BE THE INTENTION OF THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA, TO CREATE A SPECIAL DISTRICT AS AUTHORIZED BY TITLE 7, CHAPTER 11, PART 10 MCA, MORE SPECIFICALLY A CITY-WIDE PARK DISTRICT ENTITLED “CITY OF BILLINGS PARK DISTRICT NUMBER 1,” TO ESTABLISH AN ANNUAL ASSESSMENT AND PROVIDE FOR A METHOD OF ASSESSMENTS FOR THE PURPOSES OF FUNDING AND/OR FINANCING COSTS ASSOCIATED WITH PROVIDING SERVICES INCLUDING BUT NOT LIMITED TO: (1) MAINTENANCE, REPAIR, REPLACEMENT, UPKEEP, INSTALLATION, IMPROVEMENT, OPERATIONAL ENHANCEMENT, CONSTRUCTION, RECONSTRUCTION, ACQUISITION OF LAND AND/OR (2) IMPLEMENTATION OF MEASURES REQUIRED TO MAINTAIN PUBLIC HEALTH AND SAFETY OR MEET LEGAL OR REGULATORY REQUIREMENTS, AND/OR (3) PURCHASING, REPLACING, AND/OR MAINTAINING EQUIPMENT, TOOLS OR VEHICLES USED TO CARRY OUT THE FUNCTIONS DESCRIBED HEREIN, AND/OR (4) ANY OTHER FUNCTIONS, LABOR, SUPPLIES AND/OR MATERIALS NECESSARY FOR MANAGEMENT AND MAINTENANCE OF CITY-OWNED FACILITIES, LANDS AND EQUIPMENT UNDER THE RESPONSIBILITY AND CARE OF THE CITY OF BILLINGS PARKS AND RECREATION DEPARTMENT INCLUDING BUT NOT LIMITED TO: PUBLIC PARKS AND PARK AREAS (AS DESCRIBED IN THE MASTER PARKS AND RECREATION PLAN FOR THE GREATER BILLINGS AREA), RECREATION FACILITIES, TRAILS, OPEN SPACE (AS DEFINED IN THE CITY OF BILLINGS URBAN AREA OPEN SPACE PLAN), URBAN FOREST, MEDIANS, BOULEVARDS, PATHWAYS, SIDEWALKS, PUBLIC EASEMENTS AND OTHER FACILITIES LOCATED IN THE CITY AND/OR OWNED BY THE CITY; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

**CITY OF BILLINGS
Yellowstone County, Montana**

CITY OF BILLINGS PARK DISTRICT NUMBER 1

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

WHEREAS, the City of Billings, Montana (the “City”) is a municipality duly organized and existing under and by virtue of the Constitution and laws of the State of Montana;

WHEREAS, the City Council of the City (the “Council”) is authorized by Montana Code Annotated (“MCA”), Part 7, Chapter 11, Part 10, to create special districts to serve the inhabitants of the special district; and

WHEREAS, the Council has made the determination to initiate the creation of a special district;

WHEREAS, in accordance with MCA Section 7-11-1007, the Council has conducted a public hearing on November 14, 2011, prior to the passage of this Resolution of Intention to create a special district in the form of a City-wide park district;

NOW, THEREFORE IT IS HEREBY FOUND, DETERMINED AND ORDERED, as follows:

Section 1. Proposed Services; Intention To Create District. It is the intention of the Council to create and establish in the City a special district pursuant to MCA, Title 7, Chapter 11, Part 10, specifically a park district called the City of Billings Park District Number 1 (the “District”) for the benefit of inhabitants of the District. The City proposes to establish the District for the purpose of providing services including but not limited to: (a) maintenance, repair, replacement, upkeep, installation, improvement, operational enhancement, construction, reconstruction, acquisition of land and/or (b) implementation of measures required to maintain public health and safety or meet legal or regulatory requirements; and/or (c) purchasing, replacing, and/or maintaining equipment, tools or vehicles used to carry out the functions described herein and/or (d) any other functions, labor, supplies and/or materials necessary for management and maintenance of City-owned facilities, lands and equipment under the responsibility and care of the City of Billings Parks and Recreation Department including but not limited to: public parks and park areas (as described in the Master Parks and Recreation Plan for the Greater Billings Area) recreation facilities, trails, open space (as defined in the City of Billings Urban Area Open Space Plan), urban forest, medians, boulevards, pathways, sidewalks, public easements, and other facilities which are located in the city limits and/or are owned by the City. The Council hereby determines that it is necessary to create the District in order to properly accomplish the purposes set forth in this Section 1.

Section 2. Number of District. The District, if created and established, shall be known and designated as the “City of Billings Park District Number 1.”

Section 3. Boundaries of District. It is hereby declared to be the judgment of the City that the boundaries of the District are the current incorporated limits of the City as well as all properties later annexed thereto. In accordance with MCA Section 7-11-1006 (1) and (3), the current boundaries of the City are depicted on a map attached hereto as Exhibit “A” (which is hereby incorporated herein and made a part hereof), which boundaries are designated and confirmed as the boundaries of the District. In accordance with MCA Section 7-11-1006 (2) and (3), the Council will cause a legal description of the boundaries of the proposed District to be prepared in consultation with a professional land surveyor prior to the approval of the District.

Section 4. Benefited Property. It is hereby declared to be the judgment of the Council that the territory included within the boundaries of the District described in Section 3 of this

Resolution and as shown on Exhibits “A” and “B” is hereby declared to be the territory which will benefit and be benefited by the maintenance of the existing improvements and future public area improvements proposed for the District and will be assessed for a portion of the costs of performing such services as described in Section 1 of this Resolution.

Section 5. General Character of the Items to be Maintained/Improved. The general character of the items to be maintained/improved includes but is not limited to: native and turf grasses, trees, shrubs, and other vegetation, lighting, restrooms, irrigation systems, irrigation system water services, drainage ways, groundwater drains, storm water facilities, weed and pest control, equipment, tools, vehicles, fences, recreation facilities and equipment, parking lots, support facilities, signage, trails, pathways, sidewalks, public amenities, public easements and/or other public improvements maintained and/or under the responsibility of the City Parks and Recreation Department.

Section 6. Method of Governing the District. The District shall be governed by the Mayor and Council pursuant to the general respective exercise of their duties, responsibilities and powers as respectively set forth in the City charter and the MCA.

Section 7. Assessment Methods: Property To Be Assessed. All eligible properties located in the District are to be assessed for a portion of the cost of services listed in Section 1. In accordance with MCA Section 7-11-1024, the costs to provide services in the District shall be assessed against each lot or parcel of land, including the improvements on the lot or parcel, for that part of the cost of the District that its taxable valuation bears to the total taxable valuation of the property in the District. Taxable value shall be determined by the Montana Department of Revenue. Such taxable valuation shall be based upon the last-completed assessment roll for state, city, county and school district taxes.

Section 8. Estimated Cost of District and Method of Financing. In fiscal year 2013, the Council estimates the cost of the services to be performed in the District to total \$2,000,000. In accordance with MCA Sections 7-11-1021 and 7-11-1025, prior to annually levying assessments necessary to carry out the services to be performed in the District, each year the City Administrator shall prepare, or cause to be prepared, a work plan, budget and estimate of expenses for the services to be performed in the District and the Council shall specify the method of assessment for the lots and parcels of land located in the District, provide for any methods of financing such services, publish notice, and conduct a public hearing on such assessments before finally adopting a resolution levying assessments against the lots and parcels of land in the District. The Council annually must adopt a resolution establishing the annual assessment for the District. The proposed 2013 assessment for the District is estimated to be 12.39 mills of each parcels taxable value. A \$200,000 home would pay approximately \$32.00 and a \$100,000 home would pay approximately \$16.00 annually for the District.

Section 9. Payment of Assessments. The special assessments for the costs of providing services in the District shall be payable as provided in MCA Sections 7-11-1024 through 7-11-1028.

Section 10. List of Properties Available. In accordance with MCA Section 7-11-1007(3)(b), the Council hereby declares the official list of those properties subject to potential

assessment, fees or taxation under the creation of the District is on file and available for public inspection in the City Clerk's Office, and further that such list is the last completed county assessment roll of the lots or parcels of land including improvements thereon, within the boundaries of the District provided in Section 3. The list may not be distributed or sold for use as a mailing list in accordance with MCA Section 2-6-109.

Section 11. Public Hearing; Protests. MCA Section 7-11-1008 provides for a 30-day period from the date of the first publication of the notice of passage and approval of this Resolution of Intention to make written protest against the proposed program or improvements. At any time prior to 5:00 p.m., Mountain Time, on December 15, 2011, any owner of real property within the District subject to assessment and taxation for the costs of the services proposed hereunder may make and file with the City Clerk written protest against the creation of the District. At its regular meeting on December 19, 2011, at 6:30 p.m., Mountain Time in the City Council Chambers, 220 North 27th Street, Billings, Montana, the Council will proceed to hear and determine all such protests so made and filed.

Section 12. Notice of Passage of Resolution of Intention. The City Clerk is hereby authorized and directed to publish or cause to be published a copy of a notice of the passage of this Resolution in the *Billings Gazette*, a newspaper of general circulation in Yellowstone County on November 15, 2011, and November 22, 2011, in the form and manner prescribed by MCA Section 7-1-4127, and to mail or cause to be mailed a copy of such notice to every person, firm, corporation or the agent of such person, firm or corporation having real property within the District listed in his or her name upon the last completed assessment roll for state, city, county and school district taxes, at his or her last-known address, on or before the same day such notice is first published, in the form and manner prescribed by MCA Section 7-1-4129. Such notice shall conform to the requirements of MCA Section 7-11-1007(3)(c) and shall be in substantially the same form as Exhibit "C" attached hereto.

PASSED AND ADOPTED by the City Council of the City of Billings, Montana, this ____ day of _____, 2011.

CITY OF BILLINGS
Yellowstone County, Montana

Thomas W. Hanel, Mayor

ATTEST:

Cari Martin, City Clerk

(S E A L)

EXHIBIT “B”

The Park District boundary is described as the incorporated boundary of the City of Billings in accordance with City Council municipal annexation resolutions and municipal annexation ordinances filed in the City of Billings City Clerk’s public records as well as all properties later annexed thereto. Parcels within the boundary are the current parcels subject to the City of Billings property taxes as shown in the tax rolls of the Montana Department of Revenue.

EXHIBIT “C”

NOTICE OF PUBLIC HEARING

The City Council of the City of Billings, Montana (the “Council”), will hold a public hearing and take action on a Resolution of Creation (the “Resolution”) to create a City-Wide Park District designated as the “City of Billings Park District Number 1” (the “District”).

The Council will hold a public hearing on the Resolution to create the District on Monday, December 19, 2011, at 6:30 p.m. in the City Council Chambers. Copies of the Resolution and more information are available at http://www.prpl.info/parks/park_district.html or at the City Clerk Office. The Resolution describes the District’s nature, boundaries, location, the improvements or maintenance that can be funded, and other particulars.

The proposed 2013 assessment for the District is estimated to be 12.39 mills of each parcels taxable value. A \$200,000 home would pay approximately \$32.00 and a \$100,000 home would pay approximately \$16.00 annually for the District.

Written protests against the District must be signed by all property owners and delivered to the City Clerk, 220 North 27th Street, Billings, MT 59101, by December 16, 2011, at 5:00 p.m. Please include your name and tax code (upper left hand corner of tax bill) and address of the property you own on any written protest.

For further information, contact Mike Whitaker at 406-657-8369.

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