

CITY OF BILLINGS

CITY OF BILLINGS VISION STATEMENT:

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

AGENDA

COUNCIL CHAMBERS

December 19, 2011

6:30 P.M.

CALL TO ORDER: Mayor Hanel

PLEDGE OF ALLEGIANCE: Mayor Hanel

INVOCATION: Councilmember Gaghen

ROLL CALL

MINUTES: December 12, 2011, pending

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. Bid Awards:

- 1. Hybrid Diesel-Electric Bookmobile.** (Opened 12/13/2011) Recommendation to be made at meeting.
- 2. Concessionaire to Operate a Public Parking Concession at Billings Logan International Airport.** (Opened 12/06/2011) (Delayed from 12/12/2011) Recommend Standard Parking for a five-year contract (1/2/2012 - 1/1/2017).

B. Change Order #2 - Naval Reserve Demolition, CTA Architects and Engineers, \$3,000.

- C. **Contract** with Center for Priority Based Budgeting to conduct a priority-based budgeting process for the City of Billings; \$38,000, plus travel expenses.
- D. **Agreement** with Billings Housing Authority to fund one Police Officer; 1/1/2012 through 6/30/2012.
- E. **Agreement** transferring ownership, maintenance, and operation of 12-inch water line located in Riverside Road from State Avenue to King Avenue East and in King Avenue East from Riverside Road to east of the Yellowstone County Detention Facility; 8-inch water line located in King Avenue East from Riverside Road west to near the Yegen Drain; and 10-inch sanitary sewer line along King Avenue East to the southeast corner of the Yellowstone County Detention Facility from Yellowstone County to the City of Billings. Transfer includes \$25,500 operation and maintenance fund from the County to the City.
- F. **Confirmation of Probationary Police Officers Clint Anglin and Benjamin Beck.**
- G. **Subordination of Housing Rehabilitation Loan** for Julie Ann Galles, \$20,000.
- H. **Subordination of Housing Rehabilitation Loan** for Linda K. Wetzel, \$20,000.
- I. **Approval** of extension of preliminary plat approval date for three years for Golden Acres Subdivision; setting a new expiration date of February 23, 2015.
- J. **Final Plat Approval**
 - 1. Sunny Cove Fruit Farms, Amended Lot 6A
 - 2. Sheldon Wolf Subdivision
- K. **Bills and Payroll:**
 - 1. November 28, 2011

REGULAR AGENDA:

- 2. **PUBLIC HEARING AND RESOLUTION** creating a city-wide park district. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

PUBLIC COMMENT on Non-Agenda Items -- Speaker Sign-in required. (*Restricted to ONLY items not on this printed agenda. Comments 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: 12/19/2011

TITLE: Purchase of Hybrid Bookmobile - Bid Award

PRESENTED BY: Bill Cochran

Department: Library

Information

PROBLEM/ISSUE STATEMENT

The current bookmobile is due for replacement, and has been increasingly showing signs of age with increased need for repairs. This vehicle was purchased in 1995 and its replacement was previously delayed, due to significant repairs extending its usable life. A planned new bookmobile will include a hybrid-diesel engine, which will provide considerable savings in fuel costs.

ALTERNATIVES ANALYZED

Council may:

- Approve purchase of a new bookmobile; or
- Delay purchase of a new bookmobile.

FINANCIAL IMPACT

Replacement funds are included in the ERP and the City has received Federal stimulus funding for eco-friendly enhancements. Not replacing the vehicle would forfeit the stimulus funding, and lead to increased loss of library services due to vehicle repair needs.

BACKGROUND

The Library's bookmobile serves schools, senior meal sites and neighborhoods around the community by direct provision of services onsite, and with a selection of all of the types of materials offered at the main library. The current vehicle was purchased as per the commitment to the community during the successful 1994 Library mill levy campaign and is now due for replacement.

The 1995 bookmobile was originally due for replacement in the Equipment Replacement Plan several years ago, but at that time, the engine had recently been replaced, and purchasing a new bookmobile was delayed at that time. It is now due for replacement, and has been increasingly showing signs of age with increased need for repairs.

The City was awarded Federal Energy Efficiency and Conservation Block Grant funding, and part of that was designated toward a replacement bookmobile in order to cover additional costs that would enhance a conventional diesel engine with diesel-hybrid technology. It is intended that the Library's vehicle serve as a pilot project for integrating this technology into the City's fleet.

Additionally, provisions have been made and accepted in the FY12 Equipment Replacement Plan for the Library to retain the current vehicle. The intent in retaining this vehicle is to use it as

a pilot branch library to test potential future locations in the Heights area of Billings.

CONSISTENCY WITH ADOPTED POLICIES OR PLANS

- Equipment Replacement Plan
- Federal Energy Efficiency and Conservation Block Grant approved by City Council

SUMMARY

Summary of bids received will be presented at the December 19, 2011 Council meeting.

RECOMMENDATION

Staff will make a bid/purchase recommendation at the Decemer 19, 2011 Council meeting.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Meeting Date: 12/19/2011

TITLE: New Airport Automobile Parking Concession Bid Award

PRESENTED BY: Tom Binford

Department: Airport

Information

PROBLEM/ISSUE STATEMENT

One of the Airport's larger revenue generating concessions is the Automobile Parking Concession. Staff advertised for qualified concessionaires to bid on operating the Parking Concession for a five (5) year term beginning January 2, 2012. Advertisements to bid the Automobile Parking Concession were placed in the *Billings Times* on November 10 and 17, 2011, the American Association of Airport Executives (AAAE) weekly *Airport Express*, and on the City's Website. This Concession oversees the operation of the Airport's paid parking, which consists of 195 short term parking stalls and 650 long term parking stalls located in front of the Airport Terminal Building. The concessionaire collects all parking revenues and remits the higher of a percentage of the gross revenues or a Minimum Annual Guarantee (MAG) to the City as the fee to run the concession (i.e., the concession fee).

The Invitation for Bids also requires the successful concessionaire to provide over \$200,000 of replacement revenue control equipment, including new fee computers, to meet the current Credit Card Industry Data Security Standards. This equipment will include a credit card self-pay system in one of the exit lanes to more quickly move the traffic out of the parking lots.

Additionally, since parking rates have not been adjusted at the Airport over the past four (4) years, the new Agreement reflects a \$0.25 per half hour increase in the short term parking rate, up to \$14.00 for a 24-hour period, and a \$0.25 per hour increase in the long term parking rate, up to \$8.50 for a 24-hour period (a \$1.00 increase) beginning in Year One of the Agreement. A similar increase will take place in Year Four of the Agreement. The bidders utilized these rates to calculate their bids. Sealed bids were opened on December 6, 2011. Diamond Parking, Republic Parking, and Standard Parking submitted bids, as tabulated below. Based on the specifications, Standard Parking's bid presents the highest revenue to the Airport. Attachment 1 shows the bid analysis.

A copy of the Concession Agreement is available for review in the City Clerk's office.

ALTERNATIVES ANALYZED

The City Council may:

- Accept the bid from Standard Parking and enter into a new five (5) year Agreement with Standard Parking;
- Reject the bid from Standard Parking and award the Agreement to one of the other bidders; or
- Direct staff to reject all bids and re-bid the Automobile Parking Concession.

FINANCIAL IMPACT

For each year of the term, the concessionaire will remit either the stated percentage of actual gross receipts, or the stated annual MAG, whichever is greater. The recommended bid from Standard Parking will generate approximately \$1,925,000 in revenues to the Airport operation in the first year, based on \$2,200,000 in annual gross receipts, and approximately \$10,572,000 over the entire five-year agreement term.

RECOMMENDATION

Staff recommends that City Council award the five (5) year Airport Automobile Parking Concession Agreement to Standard Parking, for the term beginning January 2, 2012 through January 1, 2017.

APPROVED BY CITY ADMINISTRATOR

Attachments

Attachment 1 - Bid Analysis

Parking Concession RFB - 2011

Bid Analysis

Note: Percentage calculation based on **\$2,200,000** Annual Gross Revenues

REPUBLIC PARKING SYSTEM

<u>Year 1</u>		
Percentage	%	
0-\$2,400,000	83.3	\$1,832,600
>\$2,400,000	90.0	
MAG	\$ 2,000,000	\$ 2,000,000

<u>Year 2</u>		
Percentage	%	
0-\$2,400,000	83.3	\$1,832,600
>\$2,400,000	90	
MAG	\$ 2,000,000	\$ 2,000,000

<u>Year 3</u>		
Percentage	%	
0-\$2,400,000	83.3	\$1,832,600
>\$2,400,000	90	
MAG	\$ 2,000,000	\$ 2,000,000

<u>Year 4</u>		
Percentage	%	
0-\$2,400,000	83.3	\$1,832,600
>\$2,400,000	90	
MAG	\$ 2,000,000	\$ 2,000,000

<u>Year 5</u>		
Percentage	%	
0-\$2,400,000	83.3	\$1,832,600
>\$2,400,000	90	
MAG	\$ 2,000,000	\$ 2,000,000

5-YR TOTAL \$ 10,000,000

STANDARD PARKING

<u>Year 1</u>		
Percentage	%	
0-\$2,200,000	87.5	\$ 1,925,000
>\$2,200,000	70	
MAG	\$ 1,400,000	\$ 1,400,000

<u>Year 2</u>		
Percentage	%	
0-\$2,200,000	88.5	\$ 1,947,000
>\$2,200,000	70	
MAG	\$ 1,400,000	\$ 1,400,000

<u>Year 3</u>		
Percentage	%	
0-\$2,200,000	70	\$ 1,540,000
>\$2,200,000	70	
MAG	\$ 2,015,000	\$ 2,015,000

<u>Year 4</u>		
Percentage	%	
0-\$2,200,000	70	\$ 1,540,000
>\$2,200,000	70	
MAG	\$ 2,342,500	\$ 2,342,500

<u>Year 5</u>		
Percentage	%	
0-\$2,200,000	70	\$ 1,540,000
>\$2,200,000	70	
MAG	\$ 2,342,500	\$ 2,342,500

5-YR TOTAL \$ 10,572,000

DIAMOND PARKING SERVICE

<u>Year 1</u>		
Percentage	%	
0-\$2,200,000	79.5	\$1,749,000
>\$2,200,000	79.5	
MAG	\$1,500,000	\$ 1,500,000

<u>Year 2</u>		
Percentage	%	
0-\$2,200,000	80.2	\$1,764,400
>\$2,200,000	80.2	
MAG	\$1,500,000	\$ 1,500,000

<u>Year 3</u>		
Percentage	%	
0-\$2,200,000	80.2	\$1,764,400
>\$2,200,000	80.2	
MAG	\$1,500,000	\$ 1,500,000

<u>Year 4</u>		
Percentage	%	
0-\$2,200,000	81.1	\$1,784,200
>\$2,200,000	81.1	
MAG	\$1,500,000	\$ 1,500,000

<u>Year 5</u>		
Percentage	%	
0-\$2,200,000	81.1	\$1,784,200
>\$2,200,000	81.1	
MAG	\$1,600,000	\$ 1,600,000

5-YR TOTAL \$8,846,200

Regular City Council Meeting

Meeting Date: 12/19/2011

TITLE: Change Order #2 for CTA Architects for Additional Services at Naval Reserve Demolition

PRESENTED BY: Bruce McCandless

Department: City Hall Administration

Information

PROBLEM/ISSUE STATEMENT

The City engaged CTA Architects and Engineers to develop demolition and site restoration specifications and to inspect the work for demolishing the former Naval Reserve Center, located at 717 N 22nd Street. During the demolition, PRPL staff recognized that a change to the planned underground irrigation system design would function better for this site and would better fit in with and improve the rest of the North Park irrigation system. Staff requested that CTA perform additional services to design and inspect this change. The original contract was within the City Administrator's signing authority but the change order creates a total contract amount that is greater than her authority and is in an amount that exceeds her authority to approve change orders up to 10% of a contract's total value.

ALTERNATIVES ANALYZED

Council may:

- Approve the change order; or
- Not approve the change order.

FINANCIAL IMPACT

This Change Order is for \$3,000 and the Original Contract was for \$19,995.00. There are adequate funds available in the Federal Appropriation for the project to cover the cost of this Change Order.

RECOMMENDATION

Staff recommends approval of Change Order #2 to the Contract with CTA Architects for an amount equal to \$3,000.

APPROVED BY CITY ADMINISTRATOR

Attachments

CTA CO#2 FOR NAVAL RESERVE



MEMORANDUM

TO: Saree Couture, Facilities Manager, City of Billings
FROM: Ronda Carlson, Project Manager
DATE: October 5, 2011
RE: Demolition of Old Naval Reserve Center, Change Order Request #2 for Additional Services

The purpose of this memo is to request a Change Order for the Construction Administration Phase of this project. Per the City's direction, we have provided additional services that are beyond the Scope of Services outlined in our original Contract.

With this memo we are requesting a Change Order for the following services:

- Additional Irrigation Design and Bidding Services– Irrigation plans, specifications, and details for underground sprinkler system were revised and reissued in order to rebid that package of work. Additionally, CTA met with parks department and other city staff to accommodate the rebidding of this work.

With this request, we have taken the additional cost of these services into account. Therefore, we request a Change Order in the amount of \$3,000.

Please review this proposal and feel free to contact me if you have any questions.

We thank you for the opportunity to offer our services to the City of Billings and we look forward to seeing the project completed.

Approved Signature

Date

Regular City Council Meeting

Meeting Date: 12/19/2011

TITLE: Priority-Based Budgeting Services

PRESENTED BY: Tina Volek

Department: City Hall Administration

Information

PROBLEM/ISSUE STATEMENT

In July 2011, City Council approved an initiative directing Administration to begin using priority-based budgeting in the next fiscal year. The priority-based budgeting process is designed to help the City define its priority objectives and create a budget based on achieving those objectives.

The Request for Proposals (RFP) for Priority-Based Budgeting Services was advertised in the Billings Times October 27th and November 3, 2011, and placed on the City's website. The RFP was also emailed directly to six companies. Two proposals were received by November 25, 2011:

1. The Business and Technology Resource Group (BTRG), Inc.
2. The Center for Priority Based Budgeting

A selection committee made up of City Administrator Tina Volek, Assistant City Administrator Bruce McCandless, Councilmember Dick Clark, Finance Director Pat Weber and Purchasing Agent Liz Kampa-Weatherwax, met on December 1, 2011, and reviewed both proposals.

ALTERNATIVES ANALYZED

1. Continue with the current budget process.
2. Enter into an agreement with the Center for Priority Based Budgeting to conduct a priority-based budgeting process for the City.
3. Enter into an agreement with BTRG. The company proposes a comprehensive program of performance measurement and management and tying budgets to high performing services. The proposal exceeds the scope of work desired by the City at this time.

FINANCIAL IMPACT

The proposal received by the Center for Priority Based Budgeting has an estimated cost of \$38,000, exclusive of travel-related expenses. At least two on-site visits are anticipated and the costs are estimated at \$1,500/visit. Additional visits may be arranged at the City's discretion. There should be enough money in the Non-Departmental budget to fund this expenditure but that will be assessed at the end of the fiscal year and if needed, staff will recommend a budget amendment to the City Council.

RECOMMENDATION

City staff recommends awarding a contract to the Center for Priority Based Budgeting for \$38,000 plus travel expenses to conduct the priority-based budgeting process for the City.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Meeting Date: 12/19/2011

TITLE: Billings Housing Authority Agreement to Fund One Officer from 1/1/2012 to 6/30/2012

PRESENTED BY: Rich St. John

Department: Police

Information

PROBLEM/ISSUE STATEMENT

Since 1991, the Billings Housing Authority has funded one police officer through an agreement with the City of Billings. The funding consists of salary, benefits, and maximum of four (4) hours of overtime per month. Due to the loss of a grant, the Housing Authority is now funding this position from its office budget for a six month period. Staff is recommending City Council approve this agreement for funding one officer from January 1, 2012, through June 30, 2012.

ALTERNATIVES ANALYZED

The City Council may either approve the Housing Authority Agreement to fund one officer or not approve the Housing Authority Agreement. If the agreement is not approved, the salary and benefits of \$41,839.00 is already budgeted for and the position will be absorbed through attrition.

FINANCIAL IMPACT

The City provides a vehicle and equipment for the officer. The Billings Housing Authority pays the salary and benefits for the officer, to a maximum amount of \$41,839.00, for the 6 month period of January 1 through June 30, 2012. This amount is budgeted in the current budget. If the Housing Authority is unable to fund the officer position after June 30, 2012, the position will be absorbed through attrition.

RECOMMENDATION

Staff recommends City Council approve the agreement with Billings Housing Authority to fund one Police Officer for the period of January 1, 2012, through June 30, 2012.

APPROVED BY CITY ADMINISTRATOR

Attachments

Agreement

**CITY OF BILLINGS POLICE DEPARTMENT
AND
HOUSING AUTHORITY OF BILLINGS**

This contract is to cover the period from January 1, 2012, to June 30, 2012, by and between the City of Billings, State of Montana, herein after referred to as "City", and the Housing Authority of Billings.

In receipt of the mutual covenants and agreements herein contained, the parties agree as follows:

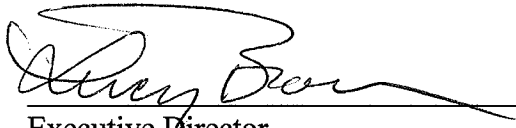
1. The City shall provide its personnel and other resources in a Drug Elimination Policing role at the Housing Authority of Billings' complexes. A dedicated Community Policing Officer shall be provided 40 hours a week, 26 weeks a year to perform the above baseline services for the Housing Authority of Billings. The designated officer will not be available for dispatched calls except in cases of emergency.
2. The Housing Authority of Billings shall pay the City the officer's salary that shall include the officer's salary and fringe benefits of \$47,313.62. This payment shall be made monthly starting on or before July 1, 2011. This amount allows for an average of 4 hours of overtime monthly for a six-month period.
3. The Housing Authority of Billings shall pay for business only cellular phone costs for assigned officer on a monthly basis. No overage from the Housing Authority selected plan will be paid.
4. The City will have available the necessary equipment for the Police Officer to conduct his job.
5. The City shall keep detailed records regarding the date and time of contacts exclusive of investigating records. The Housing Authority of Billings may inspect these records at all reasonable times and those records shall be available for photocopying at no additional fee.
6. Indemnification – The City assumes full responsibility for the officer's performance. The City shall indemnify the Housing Authority of Billings against, and hold the Housing Authority harmless from any liability costs, damages, claims or causes of action which may arise as a result of performance by the City of its responsibilities under the terms of this agreement' provided, however, that the City, it's officers and employees shall not assume any liability for acts of the Housing Authority of Billings, or any of its officers, employees or agents.
7. This agreement shall cover the period from January 1, 2012, until June 30, 2012.

In Witness Whereof, the parties hereto have caused this agreement to be executed the day and year first herein above written.

CITY OF BILLINGS, MONTANA "CITY"

HOUSING AUTHORITY OF BILLINGS

Mayor



Executive Director

City Clerk

Regular City Council Meeting

Meeting Date: 12/19/2011

TITLE: Agreement for Transfer of Water Main on Riverside Rd and King Ave E & Sanitary Sewer Main on King Ave. E. from Yellowstone Co. to City of Billings

PRESENTED BY: David Mumford

Department: Public Works

Information

PROBLEM/ISSUE STATEMENT

Yellowstone County desires to transfer the ownership, maintenance, and operation of the following utility mains to the City of Billings: a 12-inch diameter water main on Riverside Road from State Avenue to King Avenue East; a 12-inch diameter water main on King Avenue East from Riverside Road to the east side of the Yellowstone County Detention Facility; an 8-inch diameter water main on King Avenue East from Riverside Road to near the Yegen Drain and; a 10-inch diameter sanitary sewer main on King Avenue East in the area of the Detention Facility. These mains are in good repair and were constructed in the mid 1980's as part of RSID #41. The water mains replaced older, smaller mains to provide fire protection and water service to the county detention facility. The facility was newly constructed at that time and annexed to the city. The sewer line to be transferred to the city was new and is connected to the city sewer system with sewage flowing to the city's treatment facility.

ALTERNATIVES ANALYZED

The Council may:

- Approve the agreement transferring the water and sanitary sewer mains to the City of Billings; or,
- Do not approve the agreement and Yellowstone County will continue to own, operate and maintain the water and sanitary sewer mains.

FINANCIAL IMPACT

If the agreement is approved by Council, the Public Works Department for the City of Billings will operate and maintain the water and sanitary sewer mains listed in the agreement. Yellowstone County has a fund to operate and maintain these utility mains. This fund currently has a value of approximately \$25,500 that will be transferred to the City of Billings.

RECOMMENDATION

Staff recommends that Council approve the agreement to transfer the ownership, maintenance, and operation of the water and sanitary sewer mains described in the agreement from Yellowstone County to the City of Billings.

APPROVED BY CITY ADMINISTRATOR

Attachments

- RSID #41 Agreement
- RSID #41 County Letter

**AGREEMENT FOR THE TRANSFER OF THE OPERATION OF CERTAIN
RURAL SPECIAL IMPROVEMENT DISTRICTS**

This contract is entered into this 13 day of September, 2011, by and between the BOARD OF COUNTY COMMISSIONERS, Yellowstone County, Montana, (BOARD), and the City of Billings, Yellowstone County, Montana, (CITY). The parties agree as follows:

1. The BOARD created rural special improvement district number 41, Riverside Water District (the District).
2. THE DISTRICT is now located within the boundaries of the City of Billings, Yellowstone County, Montana. The portion of the District to be assumed in the City is designated on the attached map included with this agreement and is specifically described as follows:
 - a. A 12" water line, which consists of approximately 6,600 linear feet located in Riverside Road from State Avenue to King Avenue East and in King Avenue East from Riverside Road to the east of the Yellowstone County Detention Facility. Said 12" water line replaced an existing 4" water line and is constructed from the following materials:
 - 6,349 linear feet of 12" PVC water line
 - 234 linear feet of 12" restrained joint DI water line (inserted in steel casing)
 - 210 linear feet of 24" steel casing pipe
 - Ten 12" gate valves and boxes
 - Sixteen hydrant assemblies, including 6" gate valve and piping
 - Three 12" bends

- Six 12" X 12" X 8" Tee
- Sixteen 12" X 12" X 6" Tee
- One 12" Cross
- One 4" x 12" reducer

b. A 10" sanitary sewer line, which consists of approximately 400 linear feet installed along King Avenue East to the southeast corner of the Yellowstone County Detention Facility and which is constructed from the following materials:

- 400 Linear feet of 10" PVC sanitary sewer line and manholes

c. An 8" water line, which consists of approximately 1,000 linear feet located in King Avenue East from Riverside Road west to near the Yegen Drain.

3. Pursuant to §7-12-2126, MCA, the BOARD shall transfer and the CITY shall assume the operation, management, control of THE DISTRICT beginning two days after both parties have signed and executed the agreement. The lines to be assumed by the City as its responsibility are designated in green on the attached map. Four lines are designated in red, and shall be subject to continued County responsibility.
4. The BOARD has established a separate fund for the assessments and maintenance costs of THE DISTRICT. Upon execution of this agreement, the BOARD shall transfer the cash balance and any subsequent assessment collections in the fund to the CITY for the use in the operation, management, and control of THE DISTRICT. Currently, this fund has a balance of approximately \$25,500. The funds shall be paid to the City from the County within a reasonable time of the execution of this agreement by the parties.
5. The COUNTY guarantees and warrants to the CITY:

- a. Against any and all defects in materials, workmanship, and any and all defects in construction and design relating to said water line and sewer line.
 - b. Against any and all claims, demands, liens, mechanics liens, or encumbrances whatever attaching to or arising from said water line and sewer line and appurtenances.
6. a. The CITY utilizes two separate fees regarding water mains and connection to the existing CITY water system. The first is a construction fee that covers the actual costs of constructing the water main for a given property. The BOARD and the CITY understand that the properties within the district have already paid for the construction of the water and sanitary sewer mains within the RSID. These costs are considered the construction fees by the CITY and they have already been paid by the property owners. Therefore, properties in the district connecting to the water mains and sanitary sewer mains will not be charged a construction fee.
- b. The second fee is the system development fee (SDF). The SDF is a one-time fee imposed on new development or redevelopment to recover a fair share of the costs of existing and planned system facilities considered to be of general benefit to all new customers within the City. The CITY currently defines "general benefit" facilities as treatment plants, reservoirs, pump/lift stations, some larger mains and interceptors. The CITY recovers these costs through the SDF. The SDF covers the cost for the expansion of water and wastewater system capacity to serve growth and they are in addition to any RSID assessments may have

levied. For this reason, they are not reimbursed upon the transfer of BOARD cash balances to the CITY as described in Paragraph 4 above. While SDFs may only be assessed against properties which are located within the City limits at the time they are hooked up, the CITY will not waive normal fees established by water and sanitary sewer rates in effect as of the date of this Agreement.

Therefore, some property owners in the District will be required to make SDF payments to the CITY and some will not, depending on (a) the date their property was connected to the Riverside Water District and (b) whether their property is inside the City limits on that day. Owners of properties that were connected to the water and sewer mains on the effective the date of this Agreement will not be required to make an SDF payment. Owners of properties located inside the City limits that were not connected to the water and sewer mains on date of this agreement will be required to make an SDF payment before they will be hooked up to the mains. This may be summarized as:

<u>Scenario</u>	<u>SDF Payment</u>
Properties connected to the water main as of the date of this agreement	No
Properties located in the County that desire to connect to the water main	No
Properties located in the City limits that desire to connect to the water main	Yes

7. As partial consideration for acceptance by the CITY of this transfer, the BOARD agrees to release, indemnify and hold harmless the CITY, it Mayor, City Council, city officers and agents against any lien, lawsuit, claim, liability, cost, expense or

obligation of any type including reasonable attorneys' fees, which are asserted or filed against the City arising from the negligent acts or omissions of the BOARD in the previous creation, administration and operation of any and all of the transferred RSID.


8. This agreement constitutes the full and complete agreement between the BOARD and CITY. The provisions relating to the terms and conditions of this agreement supersede all prior agreements, both oral and written, between the parties regarding transfer of the operations of THE DISTRICT.
9. This contract shall be governed by the laws of the State of Montana, and venue shall be the Thirteenth Judicial District Court, Billings, and Yellowstone County, Montana.

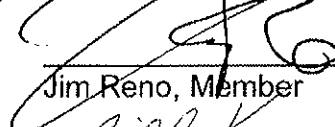
SIGNED this _____ day of _____, 2011.

BILLINGS CITY COUNCIL
BILLINGS, MONTANA

BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA

Thomas W. Hanel
MAYOR, CITY of BILLINGS


John Ostlund, Chair


Jim Reno, Member


Bill Kennedy, Member

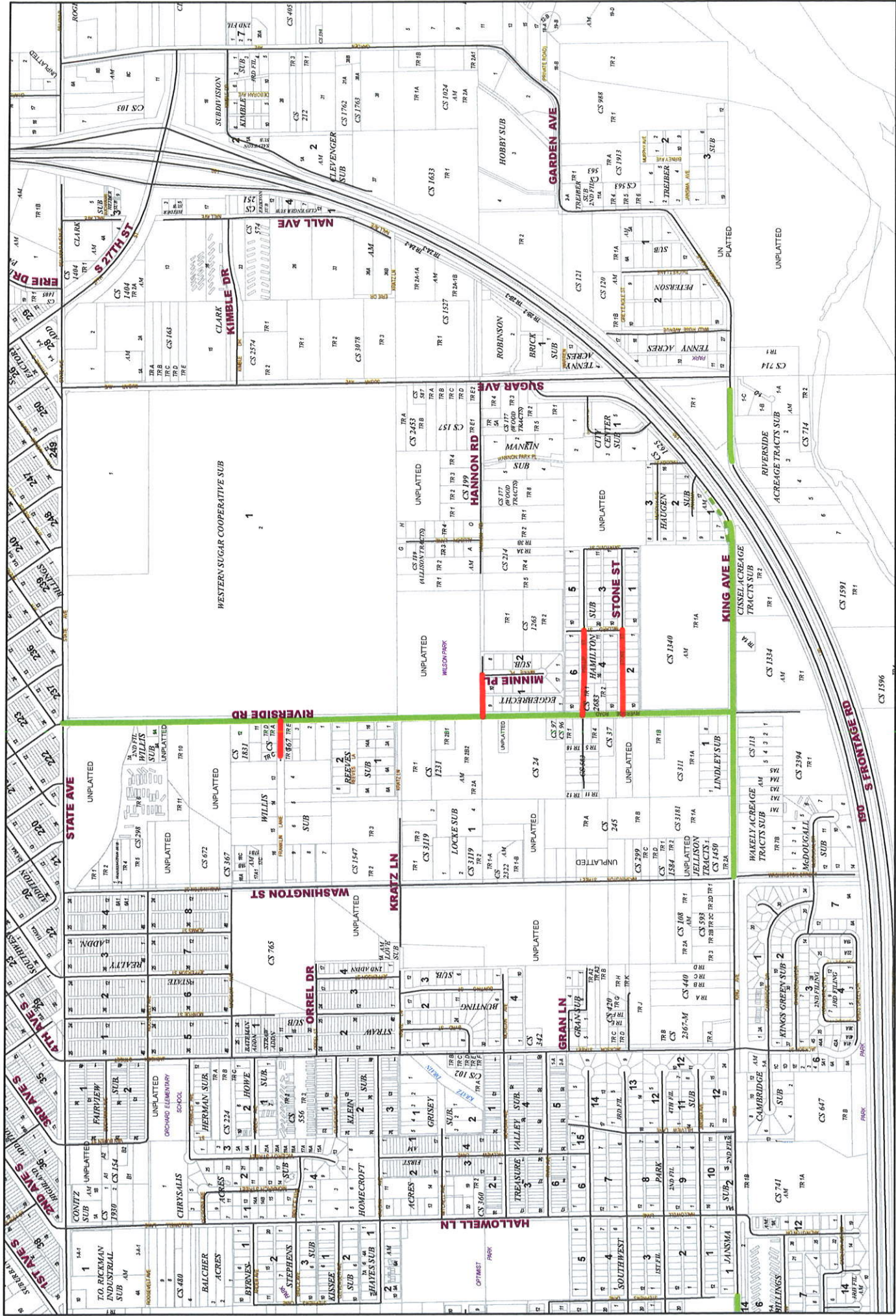
ATTEST:

ATTEST:

City Clerk


Clerk and Recorder


Deputy Clerk + Recorder



- Proposed city sanitary sewer
- County water line
- Proposed City water line

This document is intended for informational purposes only and is not guaranteed to be accurate nor current.

Date: 11/09/2011
 YELLOWSTONE COUNTY GIS
 M:\subworks\river\sideof\river\sideof.mxd

Yellowstone County



COMMISSIONERS
(406) 256-2701
(406) 256-2777 (FAX)

P.O. Box 35000
Billings, MT 59107-5000
commission@co.yellowstone.mt.gov

November 22, 2011

RECEIVED

NOV 25 2011

City Administrator

Bruce McCandless, Asst. City Administrator
City of Billings
P.O. Box 1178
Billings, Montana 59103-1178

Re: RSID #41

Dear Mr. McCandless:

Pursuant to the City's request made to Deputy County Attorney Dan Schwarz on November 17, 2011, we are sending this letter to the City indicating that all of the water lines in RSID #41 that are outlined in the September 18, 2011 transfer agreement will belong to the City of Billings as of the date of transfer. Through this agreement, the County will not retain any ownership interest in the lines that are transferred. The County believes the intent of the Agreement is clear to this effect, but this letter shall serve as supplemental clarification.


Thank you for your attention to this matter.

Sincerely yours,

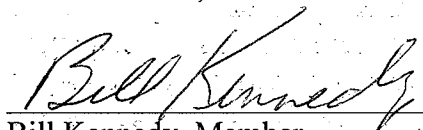
BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA



John Ostlund, Chairman



James E. Reno, Member



Bill Kennedy, Member

cc: Tim Miller, Yellowstone County Public Works Director
Scott Turner, Yellowstone County Finance Director
Jeff Martin, Yellowstone County Clerk and Recorder

Regular City Council Meeting

Meeting Date: 12/19/2011

TITLE: Confirmation of Probationary Police Officers

PRESENTED BY: Rich St. John

Department: Police

Information

PROBLEM/ISSUE STATEMENT

On December 27, 2010, officers Clint Anglin and Benjamin Beck were hired by the Billings Police Department as probationary police officers. According to MCA 7-32-4113, the probationary period is for one year from date of hire. At this time the officers have completed their one year probation and, according to state statute, their names are to be submitted to City Council for confirmation. All of the supervisor comments concerning the officers' performance are positive, indicate that they are doing a good job and recommend confirmation.

ALTERNATIVES ANALYZED

Council may:

- Approve confirmation of probationary police officers; or
- Do not approve confirmation of probationary police officers.

FINANCIAL IMPACT

None.

RECOMMENDATION

Staff recommends that Officers Clint Anglin and Benjamin Beck be confirmed as Billings Police Officers.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Meeting Date: 12/19/2011

TITLE: Subordination of Housing Rehab Loan - Galles

PRESENTED BY: Candi Beaudry

Department: Planning & Community Services

Information

PROBLEM/ISSUE STATEMENT

Julie Ann Galles qualified for and received a Housing Rehabilitation Deferred Loan for \$20,000 in December 2005. The loan does not have to be repaid as long as Ms. Galles remains the owner/occupant of the property. The loan is to be 100% repaid when the property is sold or when the owner no longer occupies the property. Ms. Galles has requested the City subordinate its lien to a new first mortgage with a lower current interest rate and will follow the City's subordination policy, which requires a 0% payback of the Rehabilitation Loan. The City's position will not be affected by this action.

Ms. Galles will not roll over additional debt into the first mortgage, except the repayment of a \$5,000 First Time Homebuyer lien which requires repayment in the event of sale or refinance.

ALTERNATIVES ANALYZED

1) Approve the subordination request to subordinate \$20,000 interest in the property in a second position to a new first mortgage; 2) Do not approve the subordination request which could result in the homeowner not being able to refinance in order to benefit from the current low interest rates.

FINANCIAL IMPACT

Staff recommends that the City subordinate \$20,000 of its interest to a new first mortgage from Stockman Bank not to exceed \$77,000 that will refinance existing debt on the property. The property was appraised 11/9/2011 with a value of \$111,000. The City will retain its \$20,000 interest in the property in second position, and the City is still protected by the current value of the home.

RECOMMENDATION

Staff recommends that Council subordinate the City's lien securing a \$20,000 CDBG Housing Rehabilitation Deferred Loan to Julie Ann Galles, 4511 Mitchell Avenue, Billings, 59101.

APPROVED BY CITY ADMINISTRATOR

Attachments

Subordination Agreement - Galles

Regular City Council Meeting

Meeting Date: 12/19/2011

TITLE: Subordination - Housing Rehab Loan - Linda K. Wetzel

PRESENTED BY: Candi Beaudry

Department: Planning & Community Services

Information

PROBLEM/ISSUE STATEMENT

Linda K. Wetzel qualified for and received a Housing Rehabilitation Deferred Loan for \$20,000 in March 2009. The loan does not have to be repaid as long as Ms. Wetzel remains the owner/occupant of the property. The loan is to be 100% repaid when the property is sold or when the owner no longer occupies the property. In order to refinance and take advantage of the current low interest rates, Ms. Wetzel has requested the City subordinate its lien to a new first mortgage and will follow the City's subordination policy, which requires a 33% payback of the Rehabilitation Loan due to the inclusion of \$8,682 of consumer debt in the new first mortgage. The City will take a subordinate, second position to the new first mortgage.

ALTERNATIVES ANALYZED

1) Approve the subordination request to subordinate \$13,400 interest in the property in a second position to a new first mortgage; 2) Do not approve the subordination request which could result in the homeowner not being able to refinance in order to benefit from the current low interest rates.

FINANCIAL IMPACT

Staff recommends that the City subordinate \$13,400 of its interest to a new first mortgage from Billings Federal Credit Union not to exceed \$75,000. This new first mortgage will refinance existing debt on the property including 33% repayment of the Housing Rehab Loan in the amount of \$6,600 and will partially pay-off consumer debt. The property was appraised 11/30/11 with a value of \$145,000. The City will retain \$13,400 interest in the property in second position, and the City is still protected by the current value of the home.

RECOMMENDATION

Staff recommends that Council subordinate the City's lien securing a \$13,000 CDBG Housing Rehabilitation Deferred Loan to Linda K Wetzel, 2024 Clark Ave, Billings, 59101.

APPROVED BY CITY ADMINISTRATOR

Attachments

Subordination Agreement - Linda K. Wetzel

Regular City Council Meeting

Meeting Date: 12/19/2011

TITLE: Golden Acres Subdivision: Preliminary Plat Approval Extension Request

PRESENTED BY: Candi Beaudry

Department: Planning & Community Services

Information

PROBLEM/ISSUE STATEMENT

Golden Acres Subdivision is a proposed subdivision that would create 4 lots on approximately 39.4 acres of land for commercial and multi-family residential uses. The property is located on the northwest corner of 62nd Street West/Molt Road and Rimrock Road. City Council granted conditional approval of the preliminary plat of Golden Acres Subdivision on February 23, 2009. Section 23-303.I. of the City Subdivision Regulations stipulates that the conditional approval of minor preliminary plats shall be in force for not more than three years unless extended by City Council to a period of time mutually agreed-upon by Council and the subdivider. The three year preliminary plat approval period will expire on February 23, 2012, and the subdivider has requested an extension to that approval period for 36 additional months (three years).

ALTERNATIVES ANALYZED

The City Council may:

- Approve the request to extend the preliminary plat approval for 36 months; or
- Deny the request.

Section 23-303.I. lists seven criteria for City Council to consider when evaluating a request for a preliminary plat approval extension request. They are as follows:

1. Changes to the subdivision regulations since the original approval and whether the subdivision as originally approved is essentially compliant with the new regulations.
2. Progress to date in completing the subdivision as a whole and any phases.
3. Phasing of the subdivision and the ability for the existing development to operate without the delayed development.
4. Dependence of infrastructure development on the subdivision.
5. Duration of the requested extension.
6. Demonstrated ability of the subdivider to complete the subdivision.
7. Such other factors or criteria as deemed material in the discretion of the governing body.

Planning staff's evaluation of these criteria is included in Attachment 2.

FINANCIAL IMPACT

Platting and subsequent development of four lots for commercial and multi-family residential development would increase the tax revenues for the City. Allowing the subdivider additional time to market the property and prepare the final plat documents for approval and recording should not have any direct financial impact to the City.

RECOMMENDATION

Planning staff recommends that the City Council approve the request for an extension of the preliminary plat approval date for Golden Acres Subdivision for three years, and set the new expiration date to February 23, 2015.

APPROVED BY CITY ADMINISTRATOR

Attachments

Request letter

Extension Review Criteria Analysis

Preliminary Plat

Golden Acres Partners, LLP

P.O. BOX 23165 • BILLINGS, MONTANA 59104 • PHONE 656-~~9397~~⁵⁷⁷⁵ OR 656-7013



November 20, 2011

Juliet Spaulding
City of Billings Planning Department
510 North Broadway, 4th Floor
Billings, Montana 59101

Reference: Golden Acres Subdivision

Dear Juliet;

On February 23, 2009, the Billings City Council granted conditional approval to Golden Acres Subdivision. City subdivision regulations stipulate that the conditional approval of the preliminary plat shall be in force for not more than three years, unless a request for extension is received and approved by the City Council.

Due to the current market conditions in the Billings area, we hereby request an extension of the preliminary plat approval for an additional 36 months to February 23, 2015. Since February 24, 2009 we have listed these plats for sale with Coldwell Banker but have received no serious inquiries from potential buyers. We will continue to actively seek buyers/developers for these plats.

Sincerely,

Jim Barker, Co-Managing Partner
Golden Acres Subdivision
3020 Farnam St.
Billings, Montana 59102

Jerry Hanson, Co-Managing Partner
Golden Acres Subdivision
2711 Goodman Rd.
Billings, Montana 59101

Preliminary Plat Approval Extension Request—Review Criteria

Golden Acres Subdivision

When considering a request for an extension of the preliminary plat approval period, the City Council may use the following criteria to evaluate the request. Below each criterion, staff has provided some information for Council to consider.

1. *Changes to the subdivision regulations since the original approval and whether the subdivision as originally approved is essentially compliant with the new regulations;*

The preliminary plat for Golden Acres Subdivision was conditionally approved in 2009. Since that time, only minor changes to the City Subdivision Regulations have been made, and none of the amendments will cause this proposal to be out of compliance.

2. *Progress to date in completing the subdivision as a whole and any phases;*

The proposed subdivision is planned as a phased development with each large lot being a phase. No improvements have been made at this time, as most of the improvements will be dependent on the specific use proposed. Site design and improvements will be reviewed and installed once uses are identified for each lot.

3. *Phasing of the subdivision and the ability for the existing development to operate without the delayed development;*

As noted above, each of the four large lots will be its own phase. The City Subdivision Regulations do not allow a final plat to be recorded until improvements and/or guarantees are made for at least one phase of the subdivision. The subdividers would like to wait to make improvements to Phase I until they know what use is planned for the first phase lot.

4. *Dependence of infrastructure development on the subdivision;*

The subdivision fronts existing roads and utility lines. There is no infrastructure dependent on the development of the subdivision.

5. *Duration of the requested extension;*

The subdivider has requested an additional three years. It is likely that the economic climate will change within the next three years, and the subdivision will become more marketable as a result.

6. *Demonstrated ability of the subdivider to complete the subdivision.*

The subdivider should be able to complete the subdivision once buyers are pending.

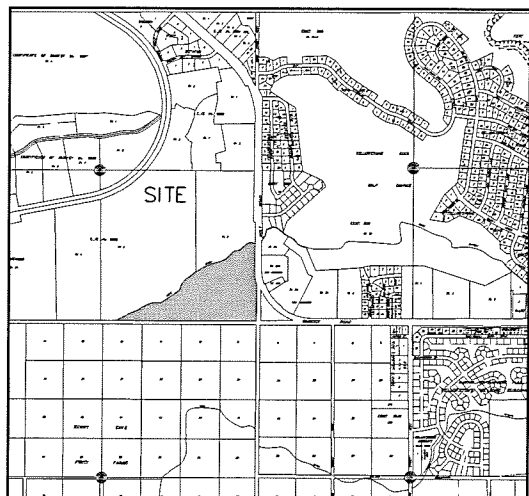
7. *Such other factors or criteria as deemed material in the discretion of the governing body.*

PRELIMINARY PLAT OF GOLDEN ACRES SUBDIVISION

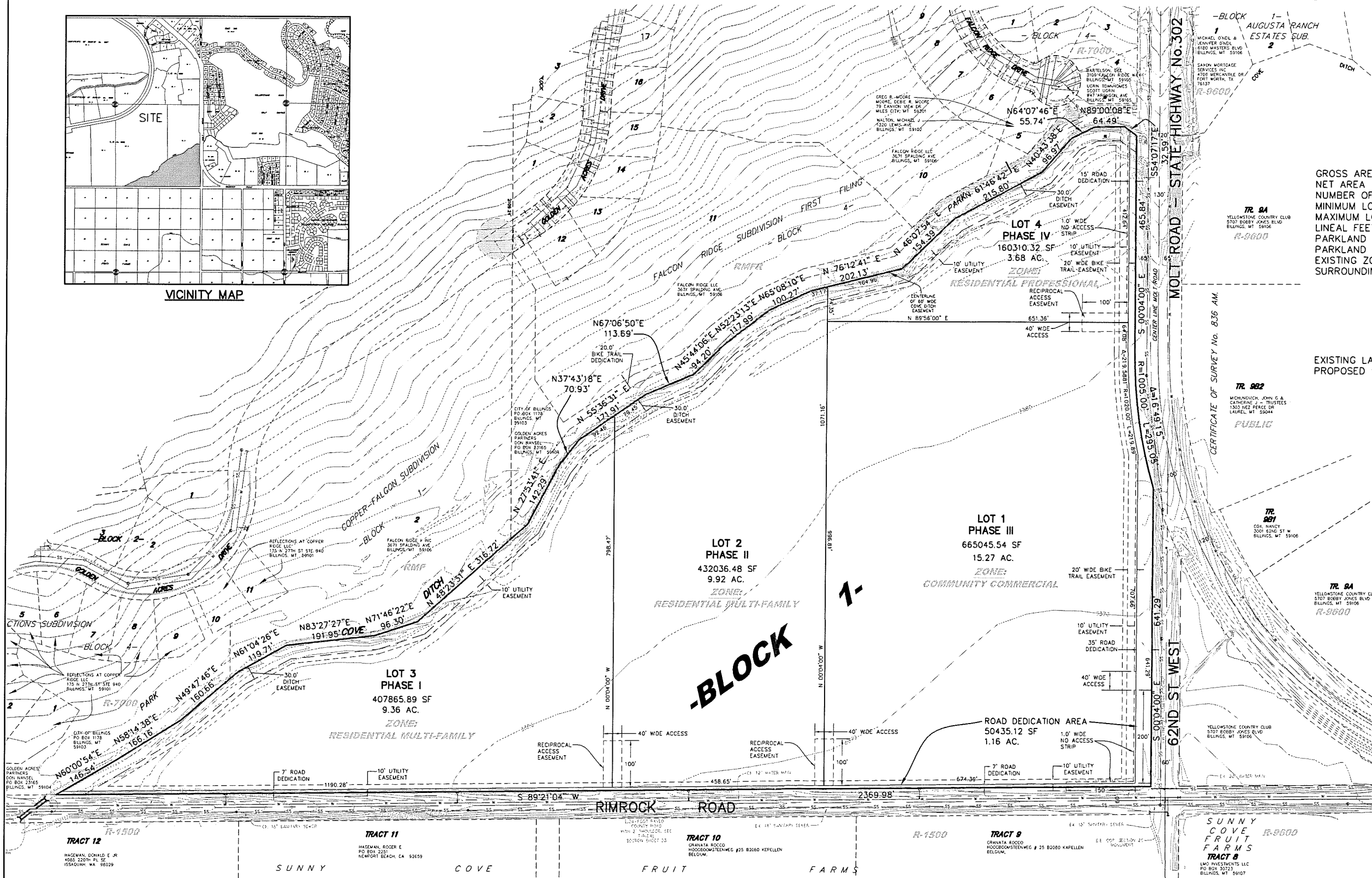
LOCATED IN TRACT 6A OF AMENDED TRACTS 5, 6, 7 & 8 OF CERTIFICATE OF SURVEY No.2465
SITUATED IN THE S.E. 1/4 OF SECTION 25, T. 1 N., R. 24 E., P.M.M.
YELLOWSTONE COUNTY, MONTANA

PREPARED FOR: GOLDEN ACRES PARTNERS
PREPARED BY: ENGINEERING, INC.
SCALE: 1"=100'

OCTOBER, 2008
BILLINGS, MONTANA



VICINITY MAP



PLAT DATA

GROSS AREA	=	39.40 AC.
NET AREA	=	38.24 AC.
NUMBER OF LOTS	=	4
MINIMUM LOT SIZE	=	3.68 AC.
MAXIMUM LOT SIZE	=	15.27 AC.
LINEAL FEET OF STREETS	=	0
PARKLAND REQUIREMENT	=	2.12 AC./OR CASH
PARKLAND DEDICATION	=	0
EXISTING ZONING	=	RP, CC, RMF
SURROUNDING ZONING:		
NORTH/WEST	=	R-9600, RMFR, RMF
SOUTH EAST	=	R-7000 R-15000
EXISTING LAND USE	=	AGRICULTURAL
PROPOSED LAND USE	=	MIXED USE

Regular City Council Meeting

Meeting Date: 12/19/2011

TITLE: Final Plat of Sunny Cove Fruit Farms, Amended Lot 6A

PRESENTED BY: Candi Beaudry

Department: Planning & Community Services

Information

PROBLEM/ISSUE STATEMENT

The final plat for the Amended Lot 6A, Sunny Cove Fruit Farms is being presented to Council for approval. On October 20, 2011, City staff held a pre-application meeting with the applicant to discuss the creation of a two-lot subdivision of 14.2 acres of land. It was determined at that time that the subdivision qualifies for the expedited plat review process, which allows, under certain conditions, subdivisions creating just two lots to proceed straight to final plat review. The subject property is located on the south side of Rimrock Road, east of 60th Street West. It is zoned Residential 9600 (R-96). There is an existing single-family residence with outbuildings on the property. The subdivision will create a 0.36-acre lot for the farmhouse and buildings, and a 13.3-acre lot for the remaining agricultural land. The property owner is Thomas Romine, and the agent is Blueline Engineering. 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 Lot 6A, Sunny Cove Fruit Farms. If the City Council chooses to deny the final plat, it must base the denial on the criteria outlined in MCA 76-3-611 and BMCC Section 23-305(F).

FINANCIAL IMPACT

Should the City Council approve the final plat, the City special assessment taxes on the subject property will be reconfigured. The large lot will be reclassified as vacant agricultural land which may reduce the tax and assessment burden for the owner, and decrease revenues for the City.

RECOMMENDATION

Staff recommends that the City Council approve the final plat of Amended Lot 6A, Sunny Cove Fruit Farms.

APPROVED BY CITY ADMINISTRATOR

Attachments

Final plat

AMENDED LOT 6A OF THE
AMENDED PLAT OF SUNNY COVE FRUIT FARMS
Being located in the NW 1/4 of Section 31, T1N, R25E, PMM, Billings, Yellowstone County, Montana.
Amending Lots 6A Sunny Cove Fruit Farms

Prepared for: Thomas E. Romine
North Star Land Services, P.C.
By: Bludine Engineering LLC
December 2011

LEGAL DESCRIPTION
PROPERTY OWNERS CERTIFICATIONS AND DEDICATION

We, the undersigned property owners, hereby certify that we have caused to be surveyed a tract of land, Amending Lot 6A, as shown on the Amended Plat of Sunny Cove Fruit Farms, being located in the northwest 1/4 of Section 31, T1N, R25E, PMM, City of Billings, Yellowstone County, Montana, more particularly described as follows: Commencing at the North 1/4 corner of section 31, T1N, R25E, PMM, Yellowstone County, Montana thence S89°35'05"W for 332.41 feet; thence S00°07'20"E for 30 feet; to the true point of beginning thence S00°07'20"E for 636.33 feet; thence S89°37'30"W for 972.27 feet; thence N0°07'51"W for 635.65 feet; thence N89°35'05"E for 972.37 feet to the point of beginning containing a Gross area of 14,196 acres and a Net area of 13,707 acres.

The above described tract of land is to be known as "Amended Plat of Lot 6A of the Amended Plat of Sunny Cove Fruit Farms". The undersigned hereby grants into each and every person, firm, corporation, whether public or private, providing or offering to provide telephone, telegraph, electric power, gas, television, water or sewer service to the public, the right to joint use of any easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under and across designated on this Plat as "Utility Easement" to have and to hold forever. The lines indicated in all streets, avenues as shown on the amended plat are hereby granted and dedicated to the use of the public forever.

Thomas E. Romine _____ Date _____

STATE OF MONTANA)
County of _____) ss

On this _____ day of _____, 2011, before me a Notary Public for the State of Montana, personally appeared, Thomas E. Romine whose name is subscribed to the within instrument and acknowledges to me that he executed the same.

Print _____
Sign _____
Notary Public in and for the State of Montana
Residing at _____
My commission expires _____

CERTIFICATION OF COUNTY TREASURERS
I hereby certify, pursuant to section 76-3-61(1)(b), M.C.A., that all real property taxes and special assessments assessed and levied on the land described below and encompassed by this survey have been paid.
Yellowstone County Treasurer _____ Date _____

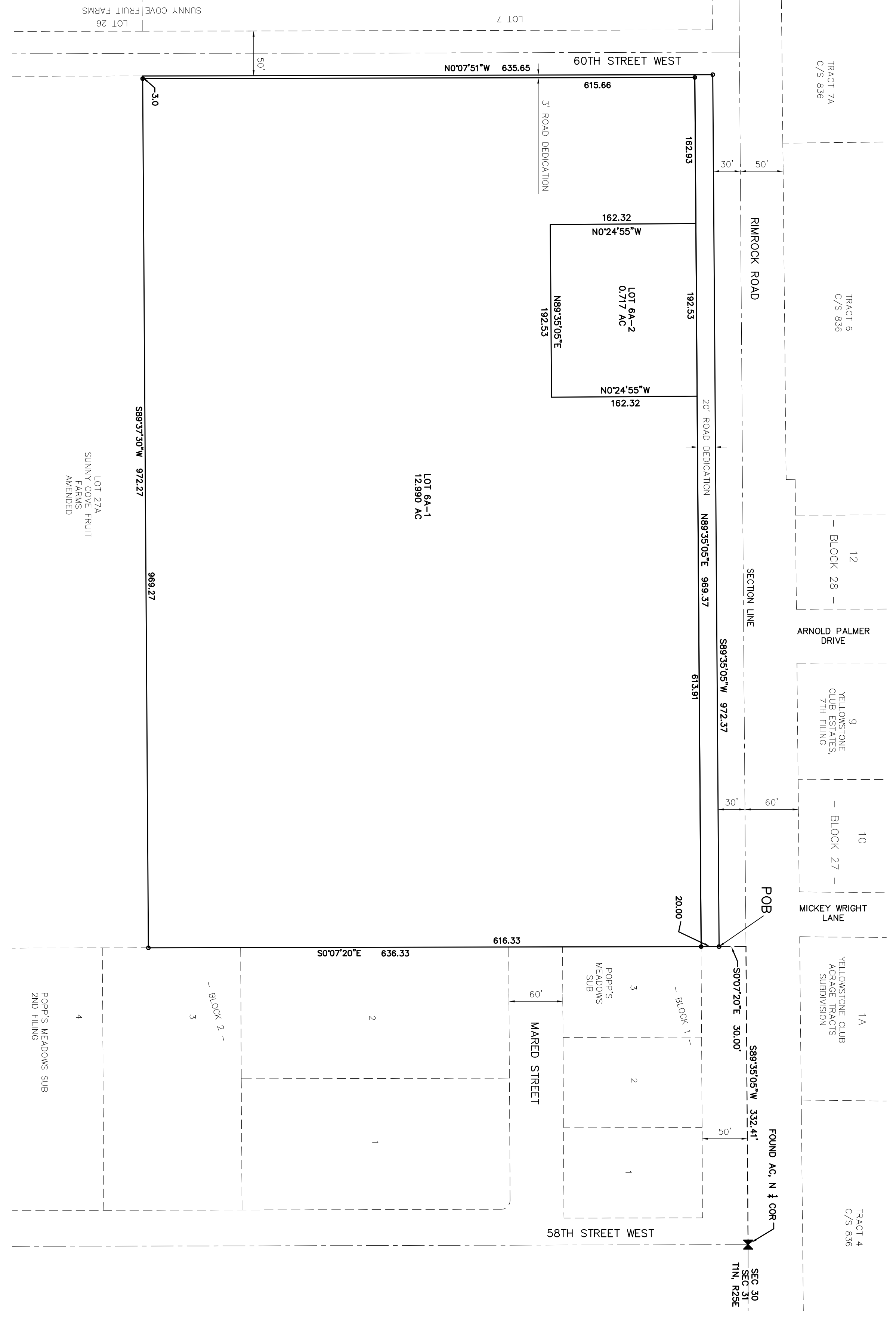
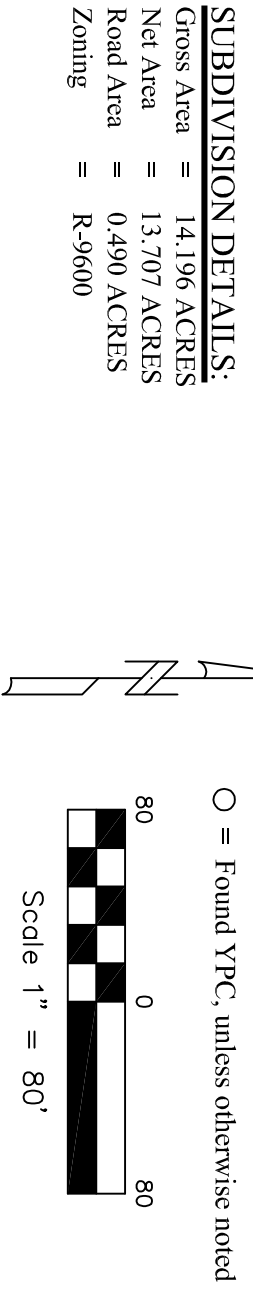
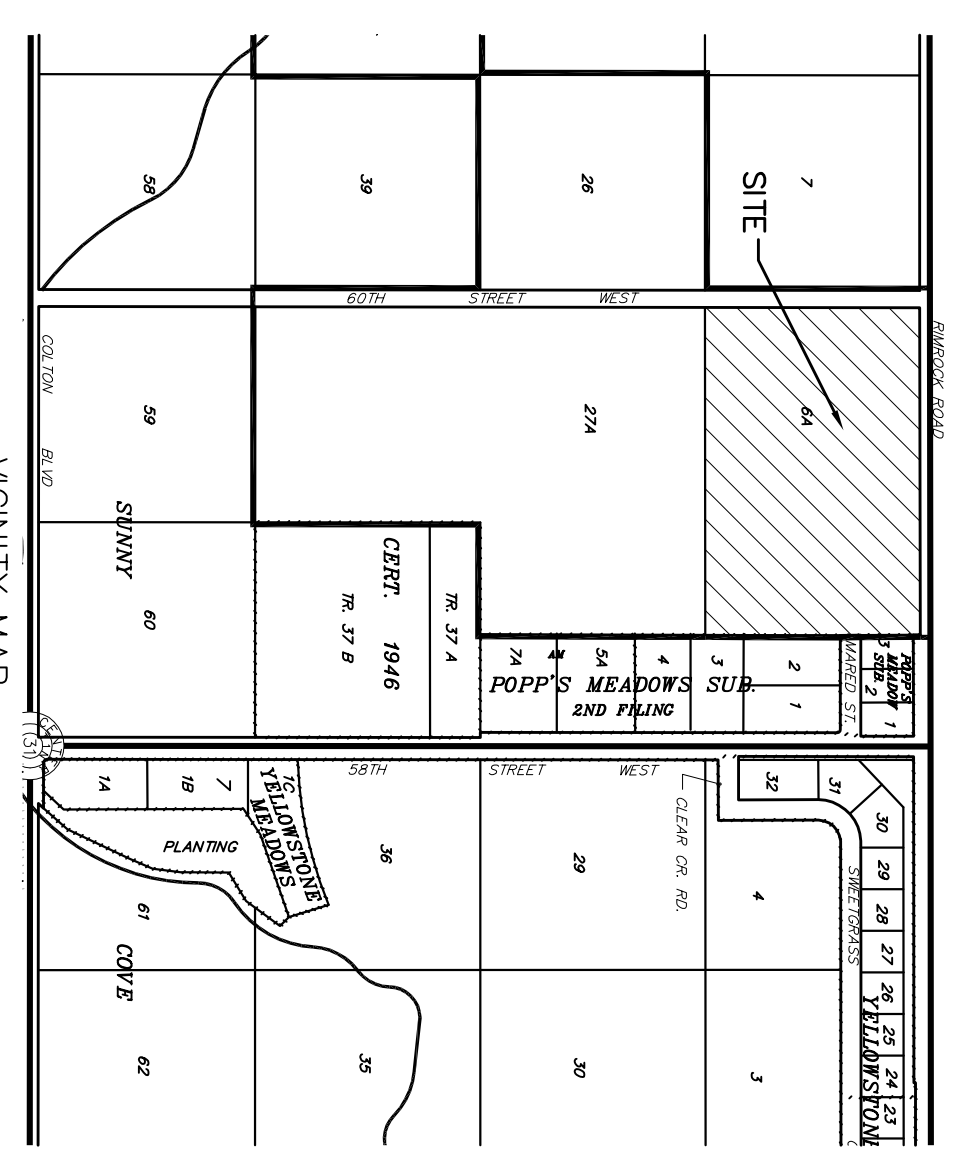
CITY ATTORNEY'S STATEMENT
This document has been reviewed by the City Attorney's office and is acceptable as to form. Dated this _____ day of _____, 2011.
Reviewed by: _____ City Attorney

CERTIFICATE OF APPROVAL BY CITY ENGINEER'S OFFICE FOR ERRORS AND OMISSIONS
STATE OF MONTANA)
County of Yellowstone) ss

I hereby certify that I have examined the here to amended Amended Lot 6A of the Amended Plat of Sunny Cove Fruit Farms, to the City of Billings and find that said plat conforms with the requirements of the laws of the State of Montana and said plat conforms to the adjoining additions and plats of the City of Billings already platted as nearly as circumstances will permit, and I have reviewed said plat for errors and/or omissions in calculation and drafting.
IN WITNESS WHEREOF, I have executed this Certificate of Approval by the City Engineer's Office this _____ day of _____, 2011.
Examining Land Surveyor for the City of Billings _____

CERTIFICATE OF APPROVAL BY CITY ENGINEER'S OFFICE
STATE OF MONTANA)
County of Yellowstone) ss

I hereby certify that the amended and foregoing subdivision plat conforms with Section 76-4-126(2)(d), MCA "divisions located within jurisdictional areas that have adopted growth policies pursuant to chapter 11 or within first-class or second-class municipalities for which the governing body certifies, pursuant to 76-4-127, that adequate storm water drainage and adequate municipal facilities will be provided."
IN WITNESS WHEREOF, I have executed this Certificate of Approval.
this _____ day of _____, 2011
City Engineer's Office _____



CERTIFICATE OF CITY COUNCIL APPROVAL

STATE OF MONTANA)
County of Yellowstone) ss

We hereby certify that we have examined the amended and foregoing Amended Lot 6A of the Amended Plat of Sunny Cove Fruit Farms, to the City of Billings and find that said amended Plat conforms with the requirements of the laws of the State of Montana and the requirements from the Yellowstone County Planning Board. It is therefore approved and the dedication of the public use of any and all shown as dedicated to such uses is accepted.

By: _____ Mayor
_____ City Clerk

NOTICE OF PLANNING BOARD APPROVAL

STATE OF MONTANA)
County of Yellowstone) ss

This amended plat has been approved by the Yellowstone County Board of Planning and conforms to the requirements of that board.
Dated this _____ day of _____, 2011

President _____
Executive Secretary _____

CERTIFICATE OF SURVEYOR

STATE OF MONTANA)
County of Yellowstone) ss

Thomas G. Kelly, a Registered Land Surveyor in the State of Montana, do hereby certify that I have performed the survey shown on this Plat (Certificate of Survey) and that such survey was made in December 2011; that said survey is true and complete as shown and the monuments found and set are of the character and occupy the positions shown thereon.
Dated this _____ day of _____, 2011

Thomas G. Kelly
Registration Number 11289 LS
324 Columbia Street
Columbus, MT 59019

STATE OF MONTANA)
County of Yellowstone) ss

On this _____ day of _____, 2011, before me a Notary Public for the State of Montana, personally appeared Thomas G. Kelly, whose name is subscribed to the within instrument and acknowledges to me that he executed the same.

Print _____
Sign _____
Notary Public in and for the State of Montana
Residing at _____
My commission expires _____

Regular City Council Meeting

Meeting Date: 12/19/2011

TITLE: Final Plat of Sheldon Wolf Subdivision

PRESENTED BY: Candi Beaudry

Department: Planning & Community Services

Information

PROBLEM/ISSUE STATEMENT

The final plat for Sheldon Wolf Subdivision is being presented to Council for approval. On July 25, 2011, City Council conditionally approved the preliminary plat for this 2-lot subdivision. The subject property is located on the south side of Pemberton Lane, just east of Lake Elmo Drive in the Heights. The lot is zoned Residential-6000 and is currently vacant. Two duplex residences are proposed. The owners are Sheldon and Nickala Wolf. The representing 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 Sheldon Wolf 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 two lots for duplex residences and future development of the lots will result in an increase in property tax revenues.

RECOMMENDATION

Staff recommends that the City Council approve the final plat of Sheldon Wolf Subdivision.

APPROVED BY CITY ADMINISTRATOR

Attachments

Final Plat

PLAT OF SHELDON WOLF SUBDIVISION

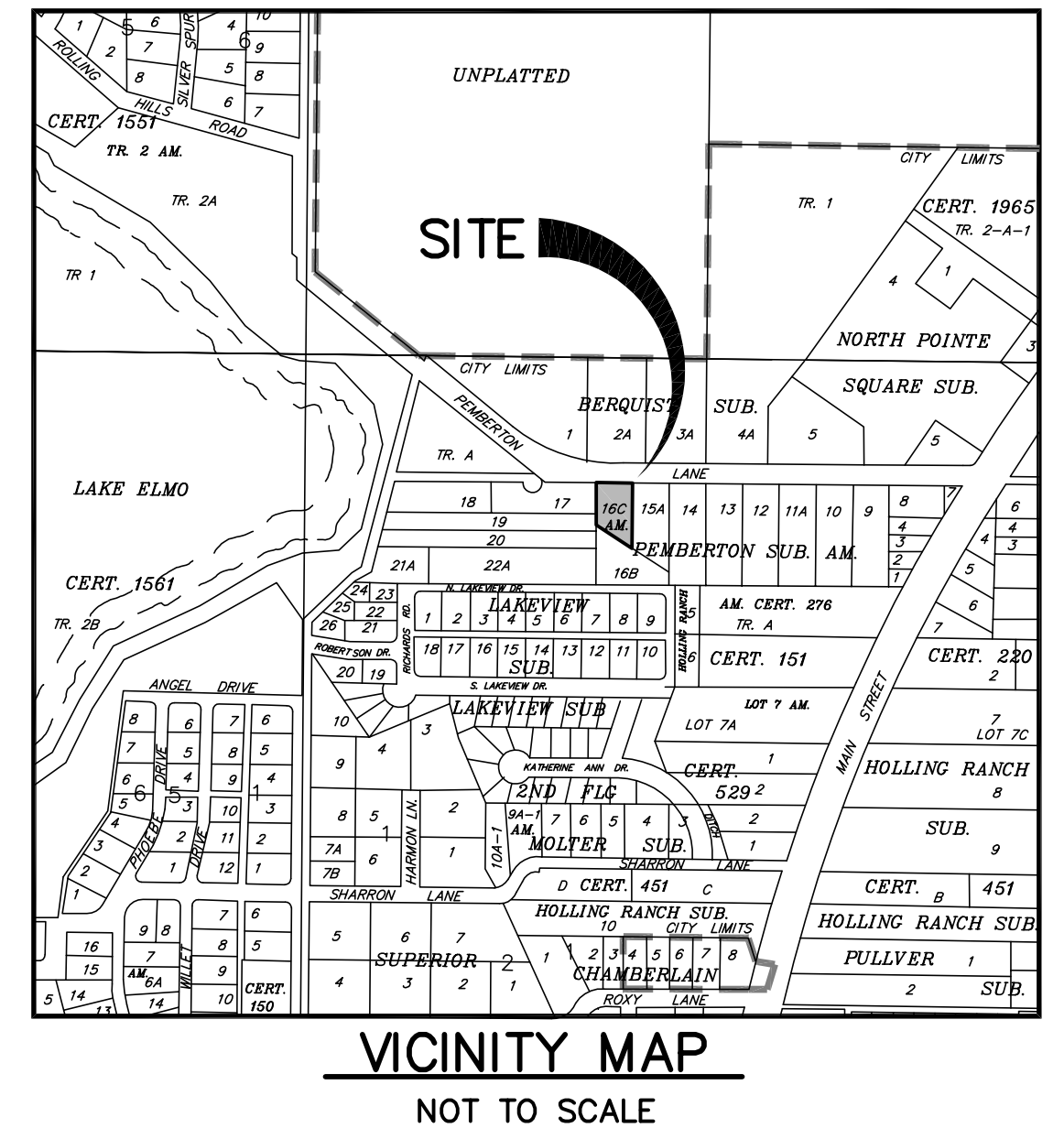
BEING LOT 16C, BLOCK 1 OF AMENDED PLAT OF LOT 16A, BLOCK 1 OF AMENDED PLAT OF LOTS 15 & 16, BLOCK 1, PEMBERTON SUBDIVISION SITUATED IN THE NE1/4 OF SECTION 15, T. 1 N., R. 26 E., P.M.M., IN THE CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : SHELDON WOLF

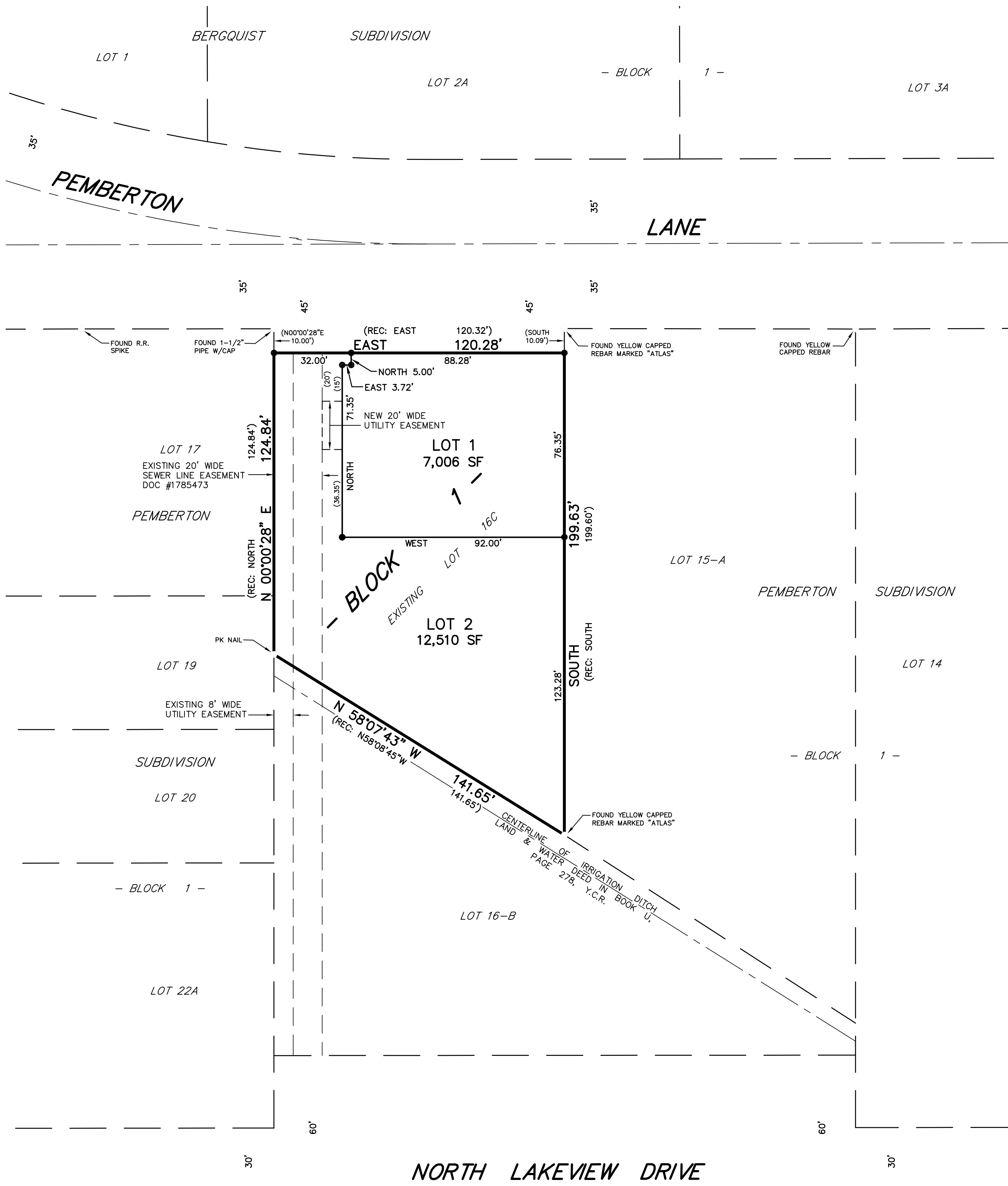
SEPTEMBER, 2011

PREPARED BY : SANDERSON STEWART

BILLINGS, MONTANA

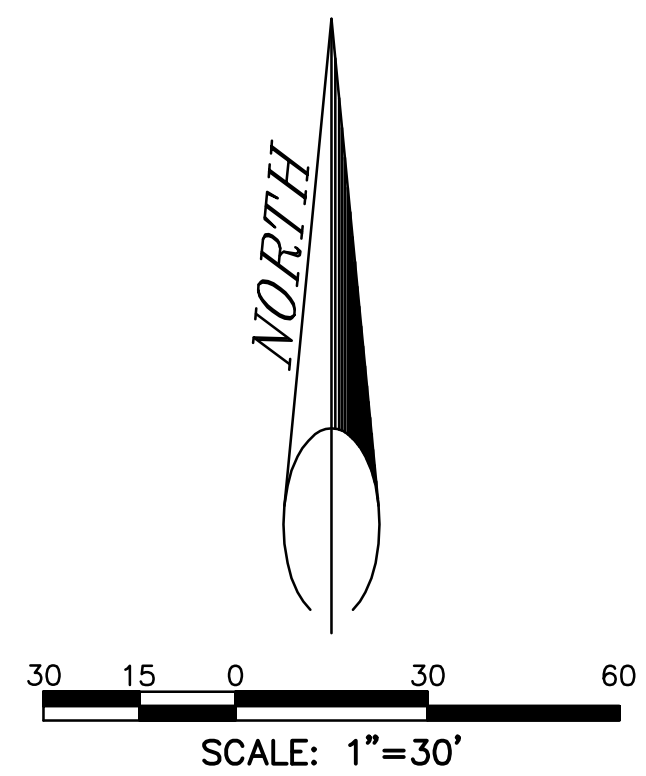


VICINITY MAP
NOT TO SCALE



BASIS OF BEARING: AMENDED PLAT OF LOT 16A, BLOCK 1 OF AMENDED PLAT OF LOTS 15 & 16, BLOCK 1 OF PEMBERTON SUBDIVISION

- FOUND SURVEY MONUMENT, 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 DEDICATION

STATE OF MONTANA)
County of Yellowstone)

KNOW ALL MEN BY THESE PRESENTS: That the undersigned owners of the following described tract of land, do hereby certify that they have 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 N., R. 26 E., P.M.M., in the City of Billings, Yellowstone County, Montana, said tract being more particularly described as follows, to-wit:

Lot 16C, Block 1 of Amended Plat of Lot 16A, Block 1 of Amended Plat of Lots 15 & 16, Block 1, Pemberton Subdivision, according to the official plat on file in the Office of the Clerk and Recorder of Yellowstone County, Montana, under Document No. 1817046.

There is no park requirement for this subdivision pursuant to Section 76-3-621(3)(d), M.C.A. and local subdivision regulations.

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 SHELDON WOLF SUBDIVISION; there is no public land dedication with this plat.

Sheldon Wolf)
Nickala Wolf)

STATE OF MONTANA)
County of Yellowstone)

On this ____ day of _____, 20____, before me, the undersigned Notary Public for the State of Montana, personally appeared Sheldon Wolf and Nickala Wolf, known to me to be the persons who signed the foregoing instrument and who acknowledged to me that they 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 _____

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

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 _____

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 CITY ATTORNEY

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

Date: _____

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 PLAT OF SHELDON WOLF 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 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 SHELDON WOLF 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 gross and the net area is 19,516 square feet.

SANDERSON STEWART

By: _____

Montana Registration No. _____

STATE OF MONTANA)
County of Yellowstone)

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 _____

SUBDIVISION IMPROVEMENT AGREEMENT

Document No. _____

RESERVED FOR CLERK AND RECORDER

Regular City Council Meeting

Meeting Date: 12/19/2011

TITLE: Payment of Claims November 28, 2011.

PRESENTED BY: Pat M. Weber, Finance Director

Department: City Hall Administration

Information

PROBLEM/ISSUE STATEMENT

Claims in the amount of \$725,742.93 have been audited and are presented for your approval for payment. A complete listing of the claims dated November 28, 2011, is available in the Finance Department.

ALTERNATIVES ANALYZED

The Council may:

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

FINANCIAL IMPACT

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

RECOMMENDATION

Staff recommends that Council approve the Payment of Claims.

APPROVED BY CITY ADMINISTRATOR

Attachments

List of claims greater than \$2500.

Report

Check	Vendor	Amount	Date	Status Changed By	Payment Type
750994	A & I Distributors	14,807.66	11/28/2011	bestm	Check
750996	Ace Electric Inc	2,711.26	11/28/2011	bestm	Check
751003	American Title & Escrow, American Title & Escrow	25,064.00	11/28/2011	bestm	Check
751005	American Water Works Associati	4,996.00	11/28/2011	bestm	Check
751014	Border States Electric	9,571.05	11/28/2011	bestm	Check
751016	Brenntag Pacific Inc	47,834.05	11/28/2011	bestm	Check
751024	Carquest Auto Parts	2,956.13	11/28/2011	bestm	Check
751030	Container Components Inc	2,905.79	11/28/2011	bestm	Check
751032	Decatur Electronics Inc	4,910.00	11/28/2011	bestm	Check
751033	Dell Computer L P	10,906.86	11/28/2011	bestm	Check
751035	Dna Labs International	5,265.00	11/28/2011	bestm	Check
751037	Ductmasters Inc	11,265.30	11/28/2011	bestm	Check
751043	Esri Inc	18,200.00	11/28/2011	bestm	Check
751047	Ferguson Enterprises Inc	11,210.96	11/28/2011	bestm	Check
751048	First Interstate Bank	5,602.80	11/28/2011	bestm	Check
751050	Galles Filter Service	5,021.20	11/28/2011	bestm	Check
751055	Graybar Electric Co	5,585.00	11/28/2011	bestm	Check
751066	J & J Concrete	11,368.66	11/28/2011	bestm	Check
751067	Jacobs Consultancy Inc	6,762.10	11/28/2011	bestm	Check
751068	Jims Electric Service	4,441.47	11/28/2011	bestm	Check
751069	Jtl Group Inc DbA Knife River	227,311.56	11/28/2011	bestm	Check
751072	Kusters Zima Corporation	28,074.30	11/28/2011	bestm	Check
751073	Land Design Inc	2,805.00	11/28/2011	bestm	Check
751079	Midwest Tape	3,416.63	11/28/2011	bestm	Check
751082	Moonlight Construction	8,195.04	11/28/2011	bestm	Check
751090	Northwest Pipe Fittings	19,045.71	11/28/2011	bestm	Check
751091	Northwestern Energy	30,177.24	11/28/2011	bestm	Check
751096	Power Service Inc	6,936.76	11/28/2011	bestm	Check
751099	Rebuilding Together	3,135.00	11/28/2011	bestm	Check
751103	Ruddock John	4,282.50	11/28/2011	bestm	Check
751109	Stockman Bank	5,602.80	11/28/2011	bestm	Check
751111	Tire-Rama	24,933.41	11/28/2011	bestm	Check
751113	Town & Country Supply Association	35,890.97	11/28/2011	bestm	Check
751114	Tractor & Equipment	18,588.77	11/28/2011	bestm	Check
751118	Us Bank-Revolving Loan Fund	5,602.80	11/28/2011	bestm	Check
751119	Van Arsdale Construction	4,795.00	11/28/2011	bestm	Check
751121	Wells Fargo Bank-Loan Payment	5,602.80	11/28/2011	bestm	Check
751122	Western Security Bank	5,602.80	11/28/2011	bestm	Check
751124	Wingfoot Commercial Tire	3,643.20	11/28/2011	bestm	Check
751128	Yellowstone County Treasurer	4,297.62	11/28/2011	bestm	Check
751129	Yellowstone Electric Co	4,900.34	11/28/2011	bestm	Check
751131	Yellowstone Valley Elec	5,361.33	11/28/2011	bestm	Check
		669,586.87			

Regular City Council Meeting

Meeting Date: 12/19/2011

TITLE: Public Hearing and Resolution approving the creation of a city-wide park district

PRESENTED BY: Mike Whitaker

Department: Parks/Rec/Public Lands

Information

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 City-wide 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.

The PRC board and the Billings Chamber of Commerce/CVB recommend that within 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) that starts to address the deferred maintenance and to 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.

The City Council approved a Resolution of Intent to create the district at its November 14 meeting. Notices were mailed to all property owners in the district (city). State law provides that if owners of property that will be assessed for over 50% of the total assessment submit written protests to the district's creation, the City Council may not create it and may not reconsider the issue for 12 months. Staff will report at this meeting about the protests and their effect on the Council's actions. If the City receives an insufficient protest, the Council will be asked to approve the attached Resolution that creates the district.

ALTERNATIVES ANALYZED

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

- 1) Approve the Resolution to Create a city-wide park district.
- 2.) Do not approve the Resolution 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.
- 3) Do not approve the Resolution to create a city-wide park district and direct staff to prepare a proposal for Council review that would establish a referendum/public vote on whether to create the park district.

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. The assessment is intended to supplement and not to replace the present funding for parks.

RECOMMENDATION

Staff and the Parks, Recreation and Cemetery Board recommend that Council approve the Resolution to Create a city-wide park district.

APPROVED BY CITY ADMINISTRATOR

Attachments

3-year Spending Plan

Resolution of Creation

Proposed 3-year Spending Plan

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	<u>\$1,503,500</u>

- **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 OF THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA, CREATING THE CITY OF BILLINGS PARK DISTRICT NUMBER 1 FOR THE PURPOSE OF PROVIDING CERTAIN MAINTENANCE, PURCHASING AND IMPROVEMENT SERVICES FOR CITY-OWNED FACILITIES, LAND AND EQUIPMENT UNDER THE RESPONSIBILITY AND CARE OF THE CITY OF BILLINGS PARKS AND RECREATION DEPARTMENT; 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 December 19, 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 19th day of December, 2011.

Cari Martin, City Clerk

(S E A L)

RESOLUTION NO. 11-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA, CREATING THE CITY OF BILLINGS PARK DISTRICT NUMBER 1 FOR THE PURPOSE OF PROVIDING CERTAIN MAINTENANCE, PURCHASING AND IMPROVEMENT SERVICES FOR CITY-OWNED FACILITIES, LAND AND EQUIPMENT UNDER THE RESPONSIBILITY AND CARE OF THE CITY OF BILLINGS PARKS AND RECREATION DEPARTMENT; 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;

WHEREAS, pursuant to MCA Section 7-11-1007, the Council conducted a public hearing on November 14, 2011, regarding the intent of the City to create a special district in the form of a City-wide park district;

WHEREAS, pursuant to MCA Section 7-11-1007, the City adopted Resolution No. 11-19125 on November 14, 2011, (the “Resolution of Intention”) declaring its intention to create a special district to be known as the “City of Billings Park District Number 1” (the “District”) for the purpose of 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 which are located in the City limits and/or are owned by the City (collectively, the “Services and Improvements”);

WHEREAS, pursuant to the Resolution of Intention, the Council declared the estimated costs of the Services and Improvements and declared its intention to finance the costs of the Services and Improvements with assessments against each lot or parcel of land within the District, 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;

WHEREAS, a copy of the notice of passage of the Resolution of Intention was published in the *Billings Gazette*, a newspaper of general circulation in Yellowstone County, on November 16, 2011, and November 23, 2011, in the form and manner prescribed by MCA Section 7-1-4127;

WHEREAS, a copy of the notice of passage of the Resolution of Intention was mailed to every person, firm, corporation or the agent of such person, firm or corporation having real property with 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 was first published. A copy of the notice of passage of the Resolution of Intention was also mailed to those owners of property where the Montana Department of Revenue has not assigned a taxable value. Such notice conformed to the requirements of MCA Section 7-11-1007(3)(c);

WHEREAS, pursuant to MCA Section 7-11-1008, the City must provide to an owner of property that is liable to be assessed for the improvements in the District within a 30-day period from the date of the first publication of the notice of passage of the Resolution of Intent to make a written protest against the proposed improvements;

WHEREAS, the protests must be in writing, identify the property in the District owned by the protestor, and be delivered to the City Clerk, who shall endorse on the protest the date of receipt;

WHEREAS, _____ protests were filed within the protest period as determined pursuant to MCA Section 7-11-1008. The protests filed represented _____ percent of the total estimated costs of the District and the Services and Improvements to be financed, in accordance with the methods of assessment in the Resolution of Intention;

WHEREAS, a public hearing was held on December 19, 2011, during a regular meeting of the Council; and

WHEREAS, at such hearing the Council considered all such written protests regarding the creation of the District;

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

Section 1. Insufficiency of Protests. The Council hereby finds that protests against the creation of the District filed during the protest period are insufficient to prevent the creation of the District.

Section 2. Creation of the District. The District is hereby established and created within the City in accordance with the terms of the Resolution of Intention. The findings and determinations made in the Resolution of Intention are hereby ratified and confirmed. A map and description of the boundaries of the District are attached hereto as Exhibits “A” and “B.”

Section 3. Certificate of Establishment. Pursuant to MCA Section 7-11-1013, the City Clerk, or her designee, is hereby authorized to prepare and deliver certified copies of this Resolution to both the Secretary of State of the State of Montana and the Clerk and Recorder of Yellowstone County and to take any and all other actions necessary in order to receive a Certificate of Establishment for the District.

Section 4. Ratifier. All actions not inconsistent with the provisions of this Resolution heretofore taken by the City and its employees with respect to the creation of the District are hereby in all respects ratified, approved and confirmed.

Section 5. Repealer. All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed, and shall have no further force or effect.

Section 6. No Personal Recourse. No recourse shall be had for any claim based on this Resolution against any Council member or the City, nor any officer or employee, past, present or future, of the City or of any successor body as such, either directly or through the City or any such successor body, under any constitutional provision, statute or rule of law or by the enforcement of any assessment or penalty or otherwise.

Section 7. Effective Date. This Resolution shall be in full force and effect from and after its date of adoption.

PASSED AND ADOPTED by the City Council of the City of Billings, Montana, this 19th day of December, 2011.

CITY OF BILLINGS
Yellowstone County, Montana

Thomas W. Hanel, Mayor

ATTEST:

Cari Martin, City Clerk

(S E A L)