

CITY OF BILLINGS

CITY OF BILLINGS VISION STATEMENT:

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

AGENDA

COUNCIL CHAMBERS

January 23, 2012

6:30 P.M.

CALL TO ORDER: Mayor Hanel

PLEDGE OF ALLEGIANCE: Mayor Hanel

INVOCATION: Councilmember Cimmino

ROLL CALL: Councilmembers present on roll call were:

MINUTES: January 9, 2012

COURTESIES:

PROCLAMATIONS:

ADMINISTRATOR REPORTS - TINA VOLEK

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: #1 & #6 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. Mayor Hanel recommends that Council confirm the following appointments:

1.

	Name	Board/Commission	Term	
			Begins	Ends
1	Sandra McKee	Mayor's Committee on Homelessness - Health Care	01/23/12	12/31/12

1. Unexpired term of Judy Stewart

B. Bid Awards:

1. **Airport Operations Paging System Replacement.** (Opened 1/10/2012)
Recommend Industrial Communications and Electronics; \$69,816.30.
- C. **Bus/Bench Advertising Concession Agreement** with Blair Unlimited, 40% annual gross sales revenue or a minimum annual guarantee of \$50,000 (whichever is greater), term: 5 years.
- D. **Amendment #18,** Preliminary Engineering Services for Runway 10L/28R Overlay and Contract Extension through November 2013; Morrison-Maierle; \$336,014.
- E. **Street Closures:**
 1. **Magic City Blues Festival.** August 10, 11 & 12, 2012; 9:00 am Friday, August 10, to 1:00 am Sunday, August 12; Montana Ave from N. 23rd to N. 25th Streets.
- F. **Memorandums of Understanding** between the City of Billings and the Montana State Library for (1) expanded broadband access for Parmly Billings Library patrons; and (2) network infrastructure equipment and installation; funded through federal Broadband Technologies Opportunities Program Grant.
- G. **Second/Final Reading Ordinance** amending the boundaries of Ward IV to exclude the portion of recently de-annexed property in De-Annexation #11-04 described as Lots 26, 27, the west half of Lot 28 and Lot 38, and Lot 40 of the Sunny Cove Fruit Farms.
- H. **Final Plat Approval** of Amended Lot 2, Block 1, Midland Subdivision, 1st Filing.
- I. **Bills and Payroll:**
 1. December 28, 2011
 2. January 3, 2012

REGULAR AGENDA:

2. **PUBLIC HEARING AND SPECIAL REVIEW #896:** a special review to allow a beer and wine license with gaming in a Community Commercial (CC) zone on a 4.73 acre parcel of land described as Lots 1-10, Block 13, and Tract A1, B, and B1 less the west 10 feet for street, Gorham Park Subdivision, generally located at 525 24th Street West. Theresa Jenkins, owner; Jill Lindell of Won \$800 Casino and Sports Pub, applicant; Attorney Peter Stanley, agent. Zoning Commission makes no recommendation due to lack of quorum. (Action: approval or disapproval of Special Review.)

3. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #879:** a zone change from Residential 9,600 (R-96) to Residential 7,000 (R-70) on property legally described as Lot 8, Block 1, Meadowood Subdivision, generally located on the northwest corner of the intersection of Meadowood Street and Lyman Avenue and addressed as 2302 Meadowood Street. Mark Dawson, owner; BlueLine Engineering, agent. Zoning Commission recommends approval of the zone change and adoption of the 12 criteria. (Action: approval or disapproval of Zoning Commission recommendation.)
4. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #880:** a zone change from Residential 9,600 (R-96) to Residential 7,000 (R-70) on an 11,600 square foot parcel of land legally described as Lot 16, Block 6, Suncrest Acres Subdivision, generally located on the southeast corner of the intersection of Parkhill Drive and 12th Street West; Patrick Naglich, applicant. Zoning Commission recommends approval of the zone change and adoption of the 12 criteria. (Action: approval or disapproval of Zoning Commission recommendation.)
5. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE #881:** a zone change from Residential 6,000 (R-60) to Community Commercial (CC) on a 27,101 square foot parcel of land legally described as Lot 1, Block 4 and all of Block 1, Central Avenue Addition, 2nd Filing, generally located at 640 St. Johns Avenue; AG Holdings, Inc., owner; Allen Greene, representative. Zoning Commission recommends approval of the zone change and adoption of the 12 criteria. (Action: approval or disapproval of Zoning Commission recommendation.)
6. **DEVELOPMENT AGREEMENT** with Stockman Bank for reimbursement of up to \$630,000 from the Downtown Tax Increment District for certain public improvements. Downtown Billings Partnership Board of Directors recommends approval. (Action: approval or disapproval of Downtown Billings Partnership Board of Directors' 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: 01/23/2012

TITLE: Boards & Commissions Appointment

PRESENTED BY: Tina Volek

Department: City Hall Administration

Information

PROBLEM/ISSUE STATEMENT

The Mayor is requesting that the City Council confirm the appointment of Sandra McKee to the Mayor's Committee on Homelessness.

ALTERNATIVES ANALYZED

Council may:

- Confirm the proposed appointment; or
- Not confirm the appointment.

FINANCIAL IMPACT

The proposed action has no financial impact.

RECOMMENDATION

Mayor Hanel recommends that Council confirm the following appointment:

	Name	Board/Commission	Term	
			Begins	Ends
1	Sandra McKee	Mayor's Committee on Homelessness - Health Care	01/23/12	12/31/12

1. Unexpired term of Judy Stewart

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Meeting Date: 01/23/2012

TITLE: New Digital Paging System for Billings Logan International Airport

PRESENTED BY: Tom Binford

Department: Airport

Information

PROBLEM/ISSUE STATEMENT

Included in the Airport's FY 2012 budget is the Airport Operations Paging System Replacement project. This paging system is needed to provide immediate notification to employees required to respond to the Airport in the event of an aircraft emergency, snow removal, and other circumstances that require additional staff. The existing paging system is over twenty years old, unreliable, obsolete, and replacement parts are no longer available. This project will remove the existing paging system and replace it with new digital components, hardware, cabinetry, cables, software and licensing required for the installation of a new digital paging system. The project was advertised in the *Billings Times* on December 22 and 29 and on the City's Website. In spite of these efforts only one bid was received on January 10, 2012, from Industrial Communications and Electronics in the amount of \$69,816.30. Staff has reviewed this bid and finds it acceptable for the scope of the work specified.

ALTERNATIVES ANALYZED

The City Council may:

- Approve the award of the New Digital Paging System for Billings Logan International Airport with Industrial Communications and Electronics; or
- Decline to approve the project, reject the bid from Industrial Communications and Electronics, and not complete the project at this time.

FINANCIAL IMPACT

The total cost of this project is \$69,816.30. The source of the funding for this project is the Airport's Capital Improvement Program budget.

RECOMMENDATION

Staff recommends that the City Council approve the award of the new Digital Paging System project to the low bidder, Industrial Communications and Electronics, for the amount of \$69,816.30.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Meeting Date: 01/23/2012

TITLE: Transit Bus/Bench Advertising Concession Agreement Renewal

PRESENTED BY: Thomas H. Binford

Department: Transit

Information

PROBLEM/ISSUE STATEMENT

Staff recently advertised a Request for Proposals (RFP), seeking qualified concessionaires to operate the Bus/Bench Advertising Concession for the City. The advertising opportunities with MET Transit consist of 26 buses with various side and back sign panels, as well as buses available for vinyl advertising wraps. The concession also includes 15 paratransit vans, each with one back advertising panel, or as needed, made available for a back wrap. Also, MET Transit has 225 bus bench sites that display advertising at various locations throughout the City.

The RFP was advertised in the *Billings Times* on December 1 and 8, 2011, and a notice extending the closing date to January 5, 2012 was also published in the *Billings Times* on December 22 and 29. Notice was also posted on the City's Website.

Blair Unlimited, the current concessionaire, and Creative Outdoor Advertising of Jupiter, Florida responded to the RFP. The proposal from Creative Outdoor Advertising is considered non-responsive because its offer was for the bench advertising and did not include the bus advertising and it did not meet the Minimum Annual Guarantee (MAG) % or dollars. The proposal from Blair Unlimited is the only response that is considered to be responsive to the RFP.

ALTERNATIVES ANALYZED

The City Council may:

- Approve staff's recommendation to accept the proposal from Blair Unlimited and enter into a new five-year agreement.
- Not approve staff's recommendation to accept the proposal from Blair Unlimited and proceed according to City Council direction.

FINANCIAL IMPACT

The Bus/Bench Advertising Concessionaire Agreement calls for the City of Billings Aviation and Transit Department to receive a Minimum Annual Guarantee (MAG) of 40% of the annual gross sales revenue or \$50,000, whichever is greater. For this past fiscal year the Transit Division received \$111,750 in revenue through this Agreement. It is anticipated that this level of annual revenue will continue during the new Agreement term.

RECOMMENDATION

Staff recommends that Council accept the proposal from Blair Unlimited and authorize the Mayor to execute the Agreement between the City and Blair Unlimited.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Meeting Date: 01/23/2012

TITLE: Approval of Amendment 18 with Morrison-Maierle, Inc. for Preliminary Engineering Services for Runway 10L/28R Overlay and Contract Extension

PRESENTED BY: Tom Binford

Department: Airport

Information

PROBLEM/ISSUE STATEMENT

Due to the specialized nature of engineering services required for airfield infrastructure design, including knowledge of the Federal Aviation Administration (FAA) design and grant funding process, the City has historically entered into a five-year term contract to provide engineering services at the Airport. On November 13, 2006, the City approved a five-year contract with Morrison-Maierle, Inc. to provide project design surveys, plans, specifications and bidding documents and contract administration, to include coordination meetings, pay requests, etc. The contract also includes full time on-site inspection, construction surveys, and development and submittal of the final project closeout documents, as required for all Federal Airport Improvement Program (AIP) projects. The base five-year contract is amended each time a new project is undertaken, and Amendment 18, for \$336,014, includes all of the services indicated above for the 2013 AIP 42 Project Overlay of Runway 10L/28R. The scope of work and associated engineering fees have been reviewed and negotiated by Airport staff and have also been approved by the FAA. The complexity associated with the Overlay of Runway 10L/28R, the Airport's only air carrier runway, requires the preliminary engineering to begin well in advance of the project's construction, which is scheduled for the Summer of 2013. Precoordination efforts are required between the airlines, potential contractors, bid schedules, and project phasing, all to ensure this project can be completed during the Summer of 2013. In August 2011, the Airport received an FAA AIP grant to begin the preliminary engineering for this project. Additionally, the five year Engineering Term Contract expired November 13, 2011, and both parties desire to extend the contract to ensure the continuity of services required for this project, including final design, plans and specifications, and contract administration. If approved by Council, the contract term will be extended through November 2013. This Amendment 18 will produce approximately \$9,000,000 in Airport improvements.

ALTERNATIVES ANALYZED

The City Council may:

- Approve Amendment 18 with Morrison-Maierle, Inc., for Engineering Services for the Overlay/Reconditioning of Runway 10L/28R and two year contract extension with Morrison-Maierle; or
- Decline to approve Amendment 18 and contract extension, possibly delaying the Overlay/Reconditioning project for Runway 10L/28R.

FINANCIAL IMPACT

The total cost of Amendment 18 for the Overlay of Runway 10L/28R with Morrison-Maierle, Inc is \$336,014, and will be funded 95% with an AIP entitlement grant and 5% local funds. The FAA's portion will be \$319,213.30 and the City's match will be \$16,800.70. This project is included in the current budget and local match funds are budgeted and available in the Airport's Capital account.

RECOMMENDATION

Staff recommends the the City Council approve Amendment 18 with Morrison-Maierle, Inc., extending the existing contract term through November 2013 and authorizing the engineering work in the amount of \$336,014.00 for the preliminary engineering services required for the Runway 10L/28R Overlay.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Meeting Date: 01/23/2012

TITLE: Magic City Blues Festival 2012

PRESENTED BY: David Mumford

Department: Public Works

Information

PROBLEM/ISSUE STATEMENT

A street closure has been requested for the following event:

Who: City Blue Productions LLP

Event: Magic City Blues Festival

Date and Time: August 10th, 11th & 12th; 9:00 am Friday August 10th to 1:00 am Sunday August 12th

Where: Montana Ave from N. 25th to N. 23rd

Recommended conditions of approval include City Blue Productions LLP:

1. Coordinate event with city water replacement project
2. Provide the certificates of insurance with required liquor liability and commercial general liability amounts naming the City of Billings as additional insured
3. Streets may not be closed until 9:00 am on Friday, August 10th
4. Provide and install adequate traffic barricades directing motorists around closure
5. Provide a ten foot wide unobstructed lane on the closed streets with gates/fencing arranged so that they can easily be removed to allow for emergency vehicle access
6. Contact all businesses/residents affected and make them aware of the event
7. Provide security for the event
8. Obtain the proper permit for open container in the public right of way

ALTERNATIVES ANALYZED

The Council may:

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

FINANCIAL IMPACT

Administrative time to process the permit is offset by the application fee. Any police assistance, traffic control, and litter removal are the responsibility of the City Blue Productions LLP.

RECOMMENDATION

Staff recommends that Council approve the street closure named above for the annual Magic City Blues event.

APPROVED BY CITY ADMINISTRATOR

Attachments

Magic City Blues Fest 2012

November 11, 2011

Magic City Blues (MCB) is a three-day annual music festival planned for the second weekend in August each year. The event takes place in the Billings, Montana "Historic District" and in South Park. This year, 2012, will be the eleventh annual.

It will be a combination of local, national and international musical acts appearing on two outdoor stages downtown and one stage in South Park.

To accommodate the outdoor stages and provide a safe gathering place for the people attending MCB, Montana Avenue will need to be closed to all vehicle traffic. Affected blocks will be 2500-2300 block of Montana Avenue. Closures will be from 9am Friday, August 10 to 12 noon Sunday, August 12, 2012. These are the same festival closure times approved by council for the past eight years.

Billings Construction Supply will handle traffic closure and diversion.

Our marketing and advertising is very strong and will make people aware of the event on Montana Ave., the dates, and the resulting street closure. In addition to our marketing campaign, major media outlets in Billings will cover the festival as a story to further the awareness. It is the intention of the organizers to make the 2012 festival as smooth and complaint free as years past to ensure continued city support for future festivals.

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

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

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

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

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

Our intention, in addition to presenting more Live Music, is to draw people downtown and develop a broad festival atmosphere over the weekend. Magic City Blues at South Park was a big success last year and we intend to do it again this year. It is our goal to make Magic City Blues a national destination event and attract thousands of music fans from out of town each year. The resulting commerce provides a big boost to city hotels, restaurants and merchants and further builds the live music culture in Billings.

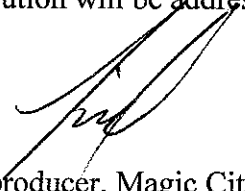
We are very proud of our involvement in providing community entertainment and donating \$40,000 to Public School music programs over the years, both through the festival and also through Perfect Pitch, a 501(c)3 non-profit. This relationship with the public schools is a foundation of our business practices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

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

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

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

Respectfully submitted by:


Tim Goodridge – Executive producer, Magic City Blues
Mike Schaer – partner, Magic City Blues
Gene Burgad – partner, Magic City Blues

tgoodridge3@bresnan.net

670-2329

2990 Lohof Dr. Billings, MT 59102



City of Billings
RIGHT - OF - WAY ACTIVITY
PERMIT

Please check the type of activity you are applying for:

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

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

PERSON MAKING APPLICATION Tim Goodridge
ORGANIZATION MAKING APPLICATION City Blue Productions LLP
ADDRESS 2990 Lokot Dr. City Billings State MT Zip 59102
EMAIL ADDRESS tgoodridge3@brcsna.net

APPROXIMATE TIME EVENT WILL:

Assemble _____ Start 6pm Disband 1am

DATE OF EVENT 8/10, 11, 12

PURPOSE OF EVENT: (Description and detail of plans)

Music Festival - 11th Annual blues festival
2 nights of music on Montana Ave with 2 stages
and 12 bands.

EVENT ROUTE DESIRED (IF APPLICABLE) - Please attach map

2300-2500 block of Montana Ave.

BLOCK PARTY STREET LOCATION (IF APPLICABLE)

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

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

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

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

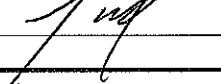
IF USING THE ESTABLISHED EVEN ROUTE (PARADE), THE CITY WILL PROVIDE TWO POLICE OFFICERS WITH VEHICLES TO START THE3 EVENT, AND A STREET SWEEPER (IF NECESSARY AND WEATHER PERMITTING) TO FOLLOW THE EVENT.

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

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

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

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

APPLICANT SIGNATURE  DATE 11/14/11

APPLICANT APPROVED _____ DATE _____

APPLICANT DENIED _____ DATE _____

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

FOR CITY USE ONLY

FEE: \$100

APPLICANT NOTIFIED BY: _____

DATE: _____

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



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
08/08/2011

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

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

PRODUCER L.A. Xcess Insurance Brokers, Inc. 10474 Santa Monica Blvd #306 Los Angeles, CA 90025 Phone No. (310) 405-0001 Fax No. (310) 405-0002		CONTACT NAME: Aaron Ma PHONE (A/C, No, Ext): (818) 623-5415 FAX (A/C, No): (818) 623-5515 E-MAIL ADDRESS: ama@laxcess.com PRODUCER CUSTOMER ID #:	
INSURED City Blue Productions, LLP 2990 Lohof Drive Billings, MT 59102 Phone No. (406) 670-2329 Fax No. (406) 252-5279		INSURER(S) AFFORDING COVERAGE NAIC # INSURER A: STP - St. Paul Fire and Marine Ins. Co. 24767 INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

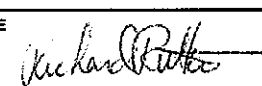
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE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

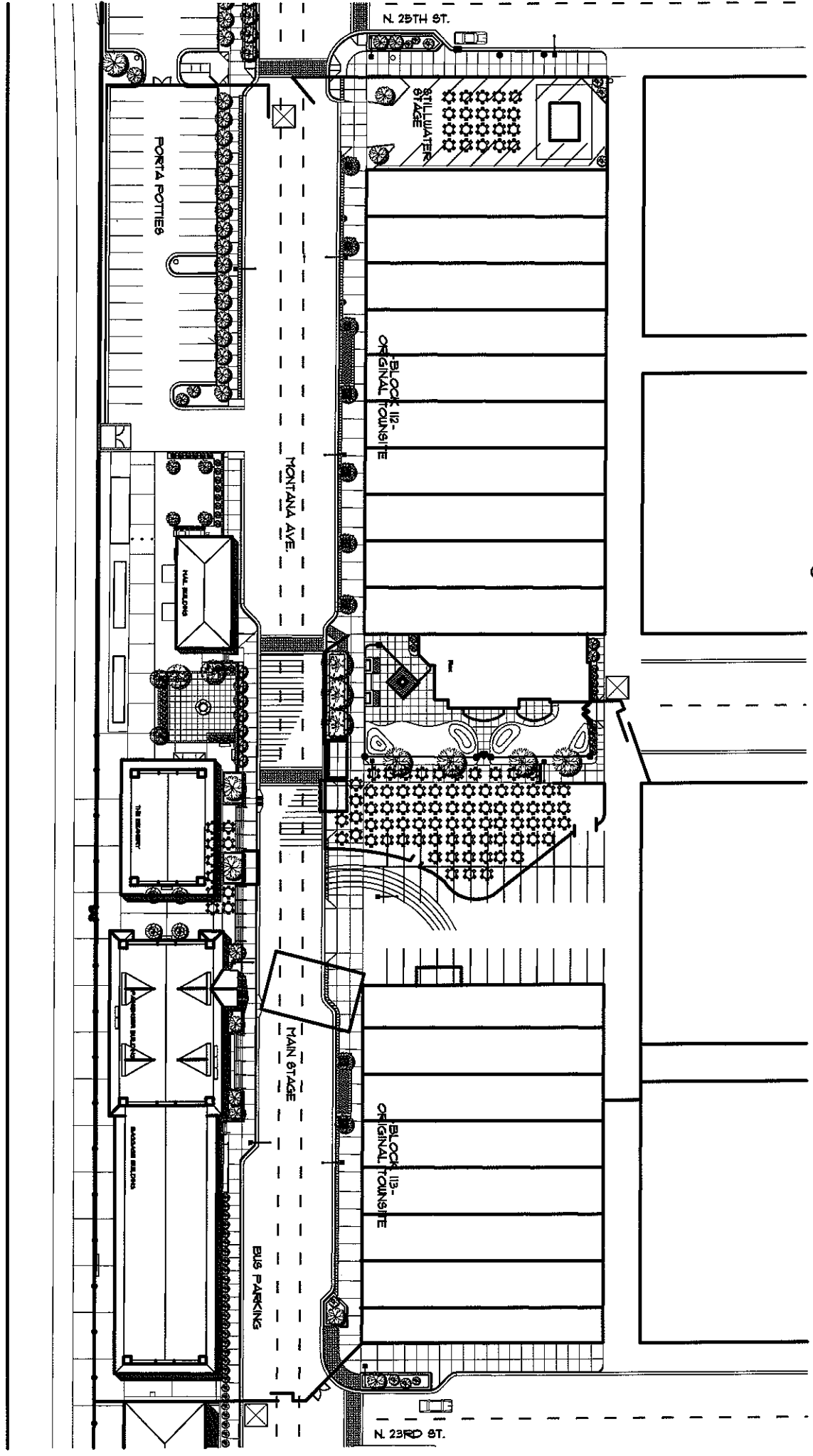
INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR / W/D	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
STP	GENERAL LIABILITY		EW06121398	08/12/2011	08/14/2011	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50,000 MED EXP (Any one person) \$ Excluded PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 1,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY					
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR					
	<input type="checkbox"/> LIQUOR LIABILITY EXCLUDED					
	GEN'L AGGREGATE LIMIT APPLIES PER:					
	<input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC					
	AUTOMOBILE LIABILITY					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	<input type="checkbox"/> ANY AUTO					
	<input type="checkbox"/> ALL OWNED AUTOS					
	<input type="checkbox"/> SCHEDULED AUTOS					
	<input type="checkbox"/> HIRED AUTOS					
	<input type="checkbox"/> NON-OWNED AUTOS					
STP	UMBRELLA LIAB	<input checked="" type="checkbox"/> OCCUR	EX06103650	08/12/2011	08/14/2011	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ 1,000,000
	<input checked="" type="checkbox"/> EXCESS LIAB	<input type="checkbox"/> CLAIMS-MADE				
	<input type="checkbox"/> DEDUCTIBLE					
	RETENTION \$					
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	<input type="checkbox"/> Y/N				WC STATU-TORY LIMITS OTH-ER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	<input type="checkbox"/> N/A				E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
	If yes, describe under DESCRIPTION OF OPERATIONS below					

Sample
2011 Insurance
2012 will be the same

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required) Coverage Location: United States & Canada
Event:

The Certificate holder is included as Additional Insured, but only as respects to claims arising out of the negligence of the Named Insured. All coverages expire at 12:01 a.m. Standard Time.

CERTIFICATE HOLDER City of Billings ATTN: Engineering Dept. 2224 Montana Avenue Billings, MT 59101 United States Of America Phone No. Fax No. (406) 237-6291	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
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*Magic City Blues 2012.
August 10, 11, 12.*

The eleventh annual Magic City Blues festival will be held in the 2500-2300 block of Montana Ave. on Friday and Saturday August 10 & 11, 2012. The street will be closed to vehicle traffic during those two days and part of Sunday to allow site set up and clean up. Pedestrian access to the two blocks will only be affected from 3 pm to 1 am on Friday and Saturday. At those times access will be restricted to ticket holders with admission only through the gates. During the rest of the day, people on foot can come and go as they please with no restrictions.

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

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

Address	Property Owner	Business Name	Signature
2317 Montana Ave.	ROBERT WOOD	VENTURE THEATRE	Robert Wood
2310 } 2314 } 2404 } Montana Ave.	Computers Unlimited	Billings Depot	James Brown
2407 Montana Ave.	"	Capitola	Melba Scher
2417 Montana Ave.	"	McCormick Cafe	Melba Scher
2419 Montana Ave.	"	Carlisle	Melba Scher
2501 Montana Ave.	"	Q Cuisine	Melba Scher
2503 Montana Ave.	"	Ray Carlisle Building	Melba Scher
2511-2519	"		

The eleventh annual Magic City Blues festival will be held in the 2500-2300 block of Montana Ave. on Friday and Saturday August 10 & 11, 2012. The street will be closed to vehicle traffic during those two days and part of Sunday to allow site set up and clean up. Pedestrian access to the two blocks will only be affected from 3 pm to 1am on Friday and Saturday. At those times access will be restricted to ticket holders with admission only through the gates. During the rest of the day, people on foot can come and go as they please with no restrictions.

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

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

Address	Property Owner	Business Name	Signature
2600 Montana Ave.	CV	Carters	Mulo Selva
2600 Montana Ave.	CV	Railyard	Mulo Selva
2401 Montana Ave.	The Rex	The Rex	Gene Burgoyne
2411 Montana Ave.	OXFORD	ARTICLES	Michael Henry
2403 Montana Ave.	Rainbow Bar	Rainbow Bar	Frank Jackson
2413 Montana Ave.	Yellowstone Aster	Amy Nelson	[Signature]
2301-2303 Montana Ave.	DB Squared LLC	Leo Mando	[Signature]

Regular City Council Meeting

Meeting Date: 01/23/2012

TITLE: Memorandums of Understanding with Montana State Library for Expanded Broadband Access and Equipment for Parmly Billings Library

PRESENTED BY: Bill Cochran

Department: Library

Information

PROBLEM/ISSUE STATEMENT

The Parmly Billings Library is requesting approval to accept a grant from the Montana State Library funded by the federal Broadband Technologies Opportunities Program (BTOP). The purposes of the grant are:

- Expanded broadband access for patrons
- Network infrastructure improvements capable of migrating to the new Library building upon its completion

Funding from the BTOP grant for expanded broadband speed will begin as soon as the attached Memorandum of Understanding is signed and will end June 30, 2013. Broadband speed will increase from the current 10 Mbps to 70 Mbps with no change of vendor. BTOP will pay for the expanded portion of the monthly charges through June 30, 2013.

The network infrastructure improvement portion of the grant will provide four new switches, licensing and transceivers that will be dedicated for patron internet access. At present, there are two networks at the Library – one for staff and one for patrons – and the network switches at the Library are configured to provide internet access to both networks. Current switches are at or near capacity in terms of allowing internet-able devices on the network. The new switches will physically separate the staff network from the public network and provide increased capacity as the number of patrons requiring internet access increases.

The Library is working with City IT and the grantor to purchase switches compatible with current equipment. All items funded through this portion of the grant will be moved to the new Library building upon its completion. The Montana State Library is working through State procurement guidelines to issue an Invitation to Bid for the network equipment. When that is complete, a Memorandum of Understanding between the Montana State Library and the Parmly Billings Library will be formulated, describing the Montana State Library's agreement to pay for the equipment and the City's agreement to install the equipment for public access to the internet.

ALTERNATIVES ANALYZED

The City Council may:

- Accept the grant
- Decline the grant

FINANCIAL IMPACT

The MOU between the City and the Montana State Library requires that the City continue to provide internet access at the same level or higher for twelve months after June 30, 2013, when the project ends. The yearly charge for 70 Mbps bandwidth is currently \$11,760. The Library will incorporate the increased costs in its operating budget.

There is no financial impact for purchasing the new network infrastructure equipment. However, as this new equipment ages it will need to be replaced through the City's Technology Replacement Program (TRP).

RECOMMENDATION

Staff recommends that the City Council approve the Montana State Library's Broadband Technologies Opportunities Program grant and authorize the Mayor to sign the attached MOU for increased broadband speed and the MOU for network infrastructure equipment upon its receipt.

APPROVED BY CITY ADMINISTRATOR

Attachments

Memorandum of Understanding

**ADDENDUM B
MEMORANDUM OF UNDERSTANDING
BTOP PARTICIPATION AND WORKSTATION EXPANSION**

This Memorandum of Understanding (MOU) is entered into this December 21, 2011, by and between Montana State Library (MSL), PO Box 201800, 1515 East 6th Avenue, Helena, MT 59620-1800, and the **Parmly Billings Library (PBL)**, 510 North Broadway, Billings, MT 59101.

Purpose

MSL has received a grant to improve and expand public computer centers at 43 Montana public libraries. In order to increase the statewide average broadband speed to 21 Mbps, MSL will provide financial assistance to high-needs libraries that will supplement their monthly broadband costs after a speed upgrade. The goal is to not increase PBL's out-of-pocket broadband expenses during the term of this MOU. The purpose of this MOU is to establish the terms and conditions of this monthly financial support.

Term

The period of this MOU is from the date of signing to the project end date, June 30, 2013. MSL must receive all monthly broadband invoices prior to June 30, 2013.

MSL agrees to:

- A) Coordinate with PBL's broadband service provider to custom bill MSL for a portion of PBL's monthly broadband costs equivalent to the total costs minus any discounts and the current out-of-pocket monthly expenditures for PBL's broadband services **up to 100 Mbps and no less than 50 Mbps**. An estimate of each payment source can be found in Attachment A.
- B) Validate and pay all approved monthly broadband bills custom billed to MSL.
- C) Coordinate with PBL's broadband service provider to custom bill MSL for any one-time installation costs, network equipment, and customer-premises equipment (CPE) necessary to upgrade PBL's broadband speed.

PBL agrees to:

- A) Provide MSL with a copy of a current invoice for PBL's broadband services for their public computer center.
- B) Provide MSL with all E-rate forms filed and official responses from the Schools and Libraries Division of the Federal Communication Commission at MSL's request.
- C) Upgrade the broadband speed for their public computer center **up to 100 Mbps and no less than 50 Mbps** according to local policies and procedure on procurement.
- D) Validate and pay all approved monthly broadband bills custom billed to PBL.
- E) Coordinate with PBL's broadband service provider to determine any one-time installation costs, network equipment, and customer-premises equipment (CPE) necessary to upgrade PBL's broadband speed and provide such information to MSL.
- F) Sustain or improve PBL's broadband speed for their public computer center for no less than 12 months after the term of this MOU (June 30, 2014).
- G) Ensure that the primary use of PBL's broadband services provided under this MOU is intended for public use.
- H) Provide statistical and financial information to MSL upon MSL's request.

Either party may terminate this MOU, in whole or in part, by a 30 day written notice to the other. In the case of termination, MSL's financial commitment to PBL and its broadband service provider will cease.

This MOU is automatically canceled if federal funds under the American Recovery and Reinvestment Act of 2009, Public Law 111-5, are not appropriated or otherwise made available to support the contract's commencement or continuation of performance.

Any changes to this MOU must be in writing and signed by both MSL and PBL, including addenda necessary for future public computer center related purchases.

This MOU may not be assigned, transferred, or conveyed by PBL, by operation of law, through a transfer of equity in Library or otherwise, without MSL's prior written consent, which consent may be withheld by MSL in MSL's sole discretion.

If any of these requirements are not met, MSL will provide technical assistance to the PBL to meet the requirements by way of a corrective action plan (CAP). Any unresolved compliance issues may result in MSL cancelling all financial commitments to PBL and its broadband service provider.

In performing the responsibilities under this MOU, PBL hereby certifies and assures that it will fully comply with all applicable local, state, and federal laws, rules, regulations, and ordinances.

Points of Contact:

BTOP Project Director, Donci Bardash, shall act as the MOU liaison and point-of-contact on behalf on the Montana State Library. Donci Bardash, Montana State Library, PO Box 201800, 1515 East 6th Avenue, Helena, MT 59601 (406) 444-0223, dbardash@mt.gov.

Parmly Billings Library Director, Bill Cochran, shall act as the MOU liaison and point-of-contact on behalf on the Parmly Billings Library. Parmly Billings Library Director, Bill Cochran, 510 North Broadway, Billings, MT 59101, (406) 657-8258, cochranb@ci.billings.mt.us.

Authorized Signatures: By signing and executing this MOU the signatory warrants that s/he has the authority to bind the parties hereto and any claims to the contrary are waived.

IN WITNESS WHEREOF, the parties hereto have executed this MOU as of the date first above written.

Montana State Library



By: Donci Bardash
BTOP Project Director

10/21/11
Date

Parmly Billings Library

By: Bill Cochran
Parmly Billings Library Director

Date

ATTACHMENT A

2011-2012	Current Monthly Cost	Upgrade Monthly Cost	MSL Portion	Library Portion (100% of Current Cost)
January	\$ 259.00	\$ 980.00	\$ 721.00	\$ 259.00
February	\$ 259.00	\$ 980.00	\$ 721.00	\$ 259.00
March	\$ 259.00	\$ 980.00	\$ 721.00	\$ 259.00
April	\$ 259.00	\$ 980.00	\$ 721.00	\$ 259.00
May	\$ 259.00	\$ 980.00	\$ 721.00	\$ 259.00
June	\$ 259.00	\$ 980.00	\$ 721.00	\$ 259.00
2012-2013				
July	\$ 259.00	\$ 980.00	\$ 721.00	\$ 259.00
August	\$ 259.00	\$ 980.00	\$ 721.00	\$ 259.00
September	\$ 259.00	\$ 980.00	\$ 721.00	\$ 259.00
October	\$ 259.00	\$ 980.00	\$ 721.00	\$ 259.00
November	\$ 259.00	\$ 980.00	\$ 721.00	\$ 259.00
December	\$ 259.00	\$ 980.00	\$ 721.00	\$ 259.00
January	\$ 259.00	\$ 980.00	\$ 721.00	\$ 259.00
February	\$ 259.00	\$ 980.00	\$ 721.00	\$ 259.00
March	\$ 259.00	\$ 980.00	\$ 721.00	\$ 259.00
April	\$ 259.00	\$ 980.00	\$ 721.00	\$ 259.00
May	\$ 259.00	\$ 980.00	\$ 721.00	\$ 259.00
June	\$ 259.00	\$ 980.00	\$ 721.00	\$ 259.00
2013-2014				
July	\$ 259.00	\$ 980.00	\$ 0.00	\$ 980.00
August	\$ 259.00	\$ 980.00	\$ 0.00	\$ 980.00
September	\$ 259.00	\$ 980.00	\$ 0.00	\$ 980.00
October	\$ 259.00	\$ 980.00	\$ 0.00	\$ 980.00
November	\$ 259.00	\$ 980.00	\$ 0.00	\$ 980.00
December	\$ 259.00	\$ 980.00	\$ 0.00	\$ 980.00
January	\$ 259.00	\$ 980.00	\$ 0.00	\$ 980.00
February	\$ 259.00	\$ 980.00	\$ 0.00	\$ 980.00
March	\$ 259.00	\$ 980.00	\$ 0.00	\$ 980.00
April	\$ 259.00	\$ 980.00	\$ 0.00	\$ 980.00
May	\$ 259.00	\$ 980.00	\$ 0.00	\$ 980.00
June	\$ 259.00	\$ 980.00	\$ 0.00	\$ 980.00

Regular City Council Meeting

Meeting Date: 01/23/2012

TITLE: Second Reading of Ordinance Amending Ward IV Boundary

PRESENTED BY: Candi Beaudry

Department: Planning & Community Services

Information

PROBLEM/ISSUE STATEMENT

City election ward boundaries must be adjusted to conform to city limit amendments resulting from annexation or exclusion of property from the city. The City Council approved the exclusion of property described as Lots 26, 27, the west half of Lot 28 and Lot 38, and Lot 40 of the Sunny Cove Fruit Farms, (Deannexation #11-04) on December 12, 2011 by Resolution #11-19129. This requires a change in the boundaries of Ward IV. Two readings are required for this action. The first reading of the ordinance and a public hearing was conducted on January 9, 2012. The second reading and final action is scheduled for this meeting.

ALTERNATIVES ANALYZED

City Council may approve or not approve the ordinance to amend the boundary of Ward IV on second reading. The Council approved the ordinance to amend the boundary of Ward IV on first reading on January 9.

- Approving the ordinance will modify the boundaries of Ward IV to exclude the property described as Lots 26, 27, the west half of Lot 28 and Lot 38, and Lot 40 of the Sunny Cove Fruit Farms.
- Denying the ordinance will not modify the boundaries of Ward IV and create an problem where property outside the City Limits is within one of the City Ward Boundaries.

FINANCIAL IMPACT

There is no budget/financial impact from this action.

RECOMMENDATION

Staff recommends that Council approve this ordinance on second reading removing recently excluded property from Ward IV.

APPROVED BY CITY ADMINISTRATOR

Attachments

Ward Boundary Amendment Ordinance

ORDINANCE NO. 12-_____

AN ORDINANCE OF THE CITY OF BILLINGS, AMENDING BILLINGS MUNICIPAL CODE, CHAPTER 11, ELECTIONS, IN PARTICULAR, SECTION 11-102(c), WARD BOUNDARIES; AND CHANGING THE WARD BOUNDARIES ESTABLISHED THEREIN BY REMOVING CERTAIN NEWLY EXCLUDED REAL PROPERTY FROM WARD IV PROVIDING FOR CERTIFICATION AND REPEALING OF ALL ORDINANCES AND RESOLUTIONS INCONSISTENT THEREWITH.

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

1. AMENDMENT. Pursuant to Billings Municipal Code, Section 1.16.030 and the State Law, Billings Municipal Code, Section 1.16.030 Ward Boundaries is hereby amended by removing from the following designated Ward the following described real property:

Ward IV: Portions of the Sunny Cove Fruit Farms, annexed under Resolution No. 06-18392, Recorded March 08, 2006, Under Document No. 3369380, Records of Yellowstone County, Montana;

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;

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

2. CERTIFICATION. Pursuant to M.C.A. Section 13-3-103, the above change and alteration is hereby certified to the election administrator by the City Council, and the City Administrator or his designee is hereby directed to certify the changes and alterations and to deliver a map showing the boundaries of the ward, the streets, avenues and alleys by name and the ward by number, to the election administrator not more than ten (10) days after the effective date of this ordinance.
3. REPEALER. All other ordinances, sections of the Billings Municipal Code and ordinances inconsistent herewith are hereby repealed.

PASSED by the City Council on the first reading this 9th day of January, 2012.

PASSED by the City Council on the second reading this 23rd day of January, 2012.

THE CITY OF BILLINGS

BY: _____

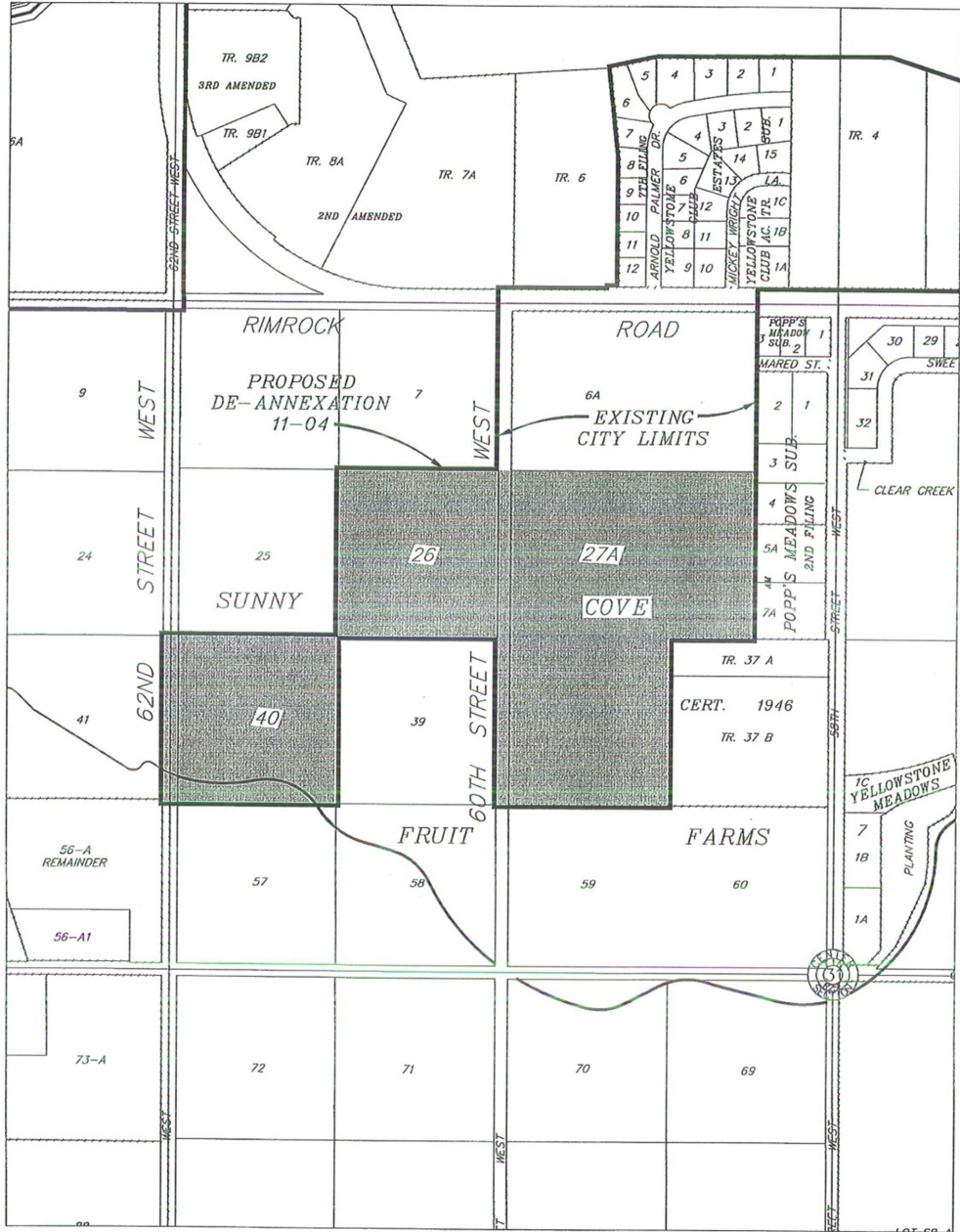
Thomas W. Hanel, MAYOR

ATTEST:

BY: _____

Cari Martin, CITY CLERK

EXHIBIT A



Regular City Council Meeting

Meeting Date: 01/23/2012

TITLE: Final Plat of Amended Lot 2, Block 1, Midland Subdivision, 1st Filing

PRESENTED BY: Candi Beaudry

Department: Planning & Community Services

Information

PROBLEM/ISSUE STATEMENT

The final plat for the Amended Lot 2, Block 1, Midland Subdivision, 1st Filing is being presented to Council for approval. On October 24, 2011, City Council granted conditional approval to the preliminary plat of this subdivision of 19.5 acres of land. The subject property is located on the north side of King Avenue West, west of 24th Street West, and is currently the site of the westend Wal-Mart store. It is zoned Controlled Industrial (CI) and the subdivision will create one additional lot for commercial use. The property owner is Wal-Mart Real Estate Business Trust, the buyer under contract for the new lot is Premier Food Service, Inc., 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 Lot 2, Block 1, Midland Subdivision, 1st Filing. 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 23-307.

FINANCIAL IMPACT

Should the City Council approve the final plat, the newly created lot will be available for commercial development which will increase tax revenues for the City.

RECOMMENDATION

Staff recommends that the City Council approve the final plat of Amended Lot 2, Block 1, Midland Subdivision, 1st Filing.

APPROVED BY CITY ADMINISTRATOR

Attachments

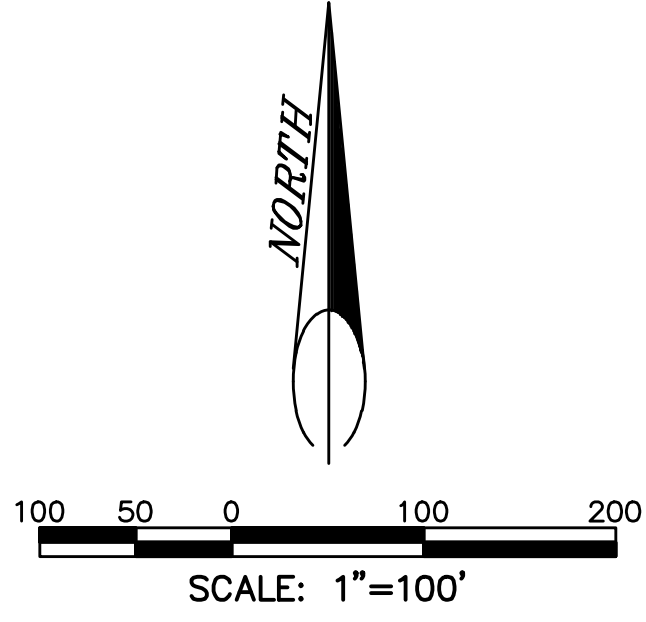
Final Plat

AMENDED PLAT OF LOT 2, BLOCK 1
MIDLAND SUBDIVISION FIRST FILING
 SITUATED IN THE SE1/4 OF SECTION 12, T. 1 S., R. 25 E., P.M.M.
 IN THE CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : PREMIER FOOD SERVICE, INCORPORATED

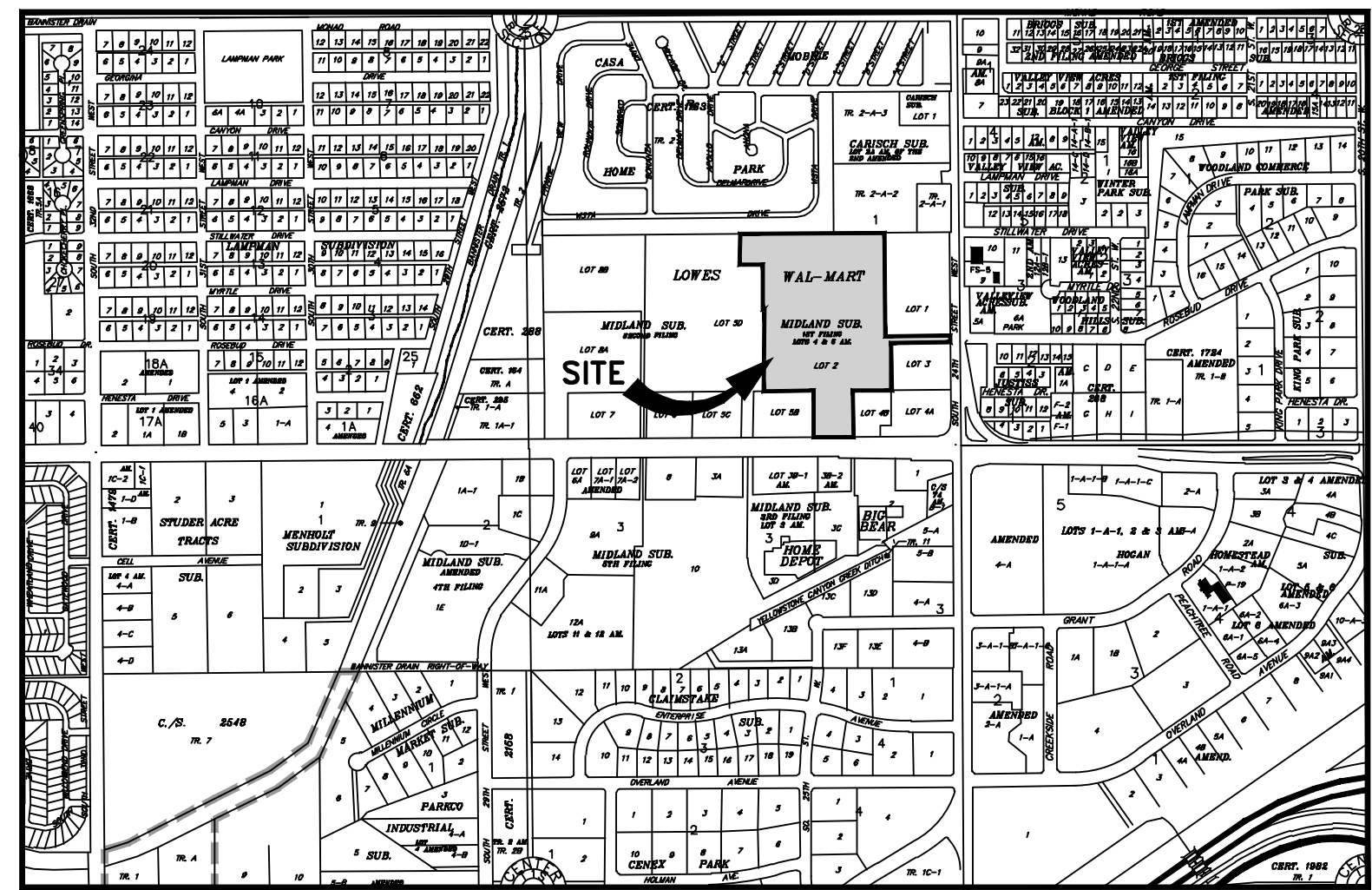
OCTOBER, 2011
 BILLINGS, MONTANA

PREPARED BY : SANDERSON STEWART

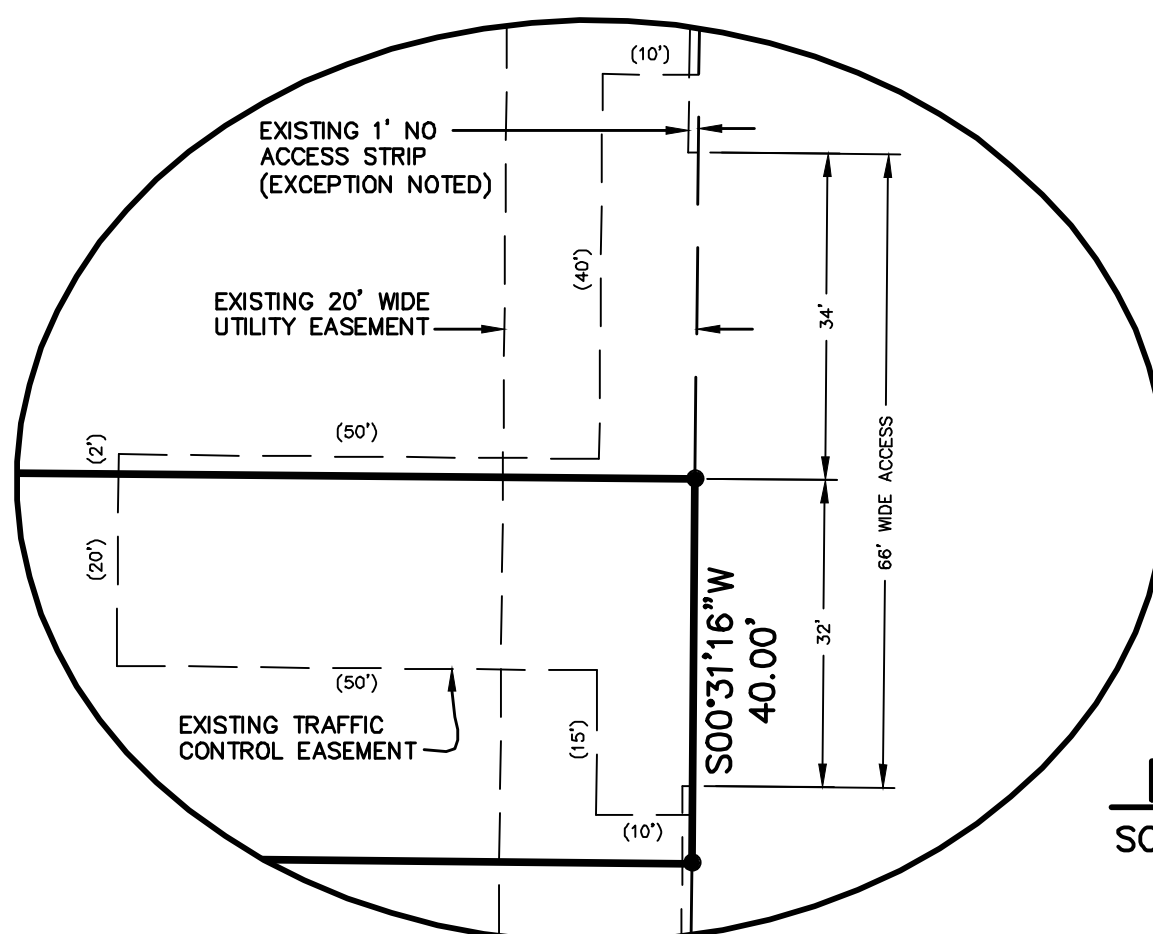
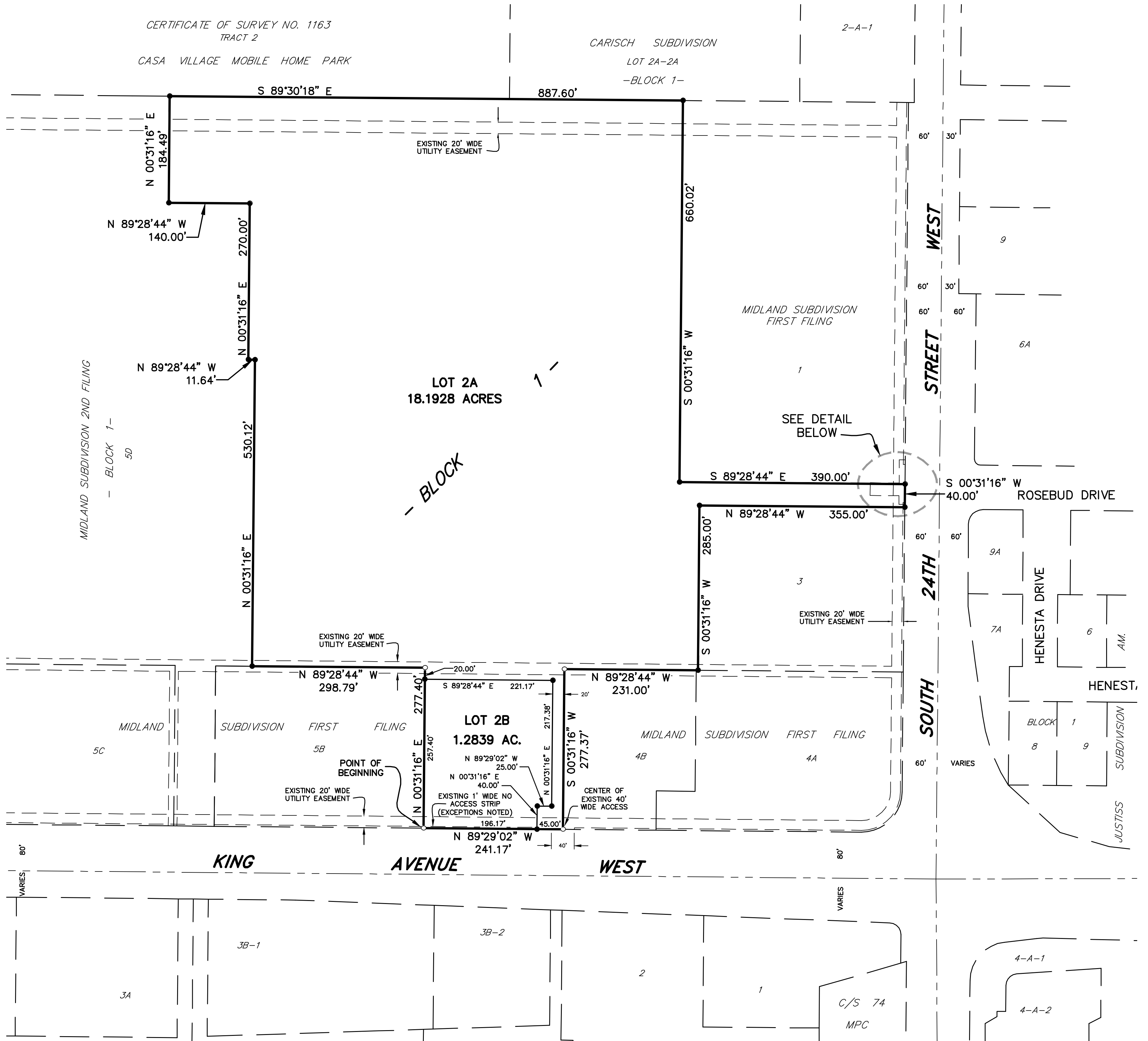


BASIS OF BEARING: MIDLAND SUBDIVISION, FIRST FILING

- FOUND SURVEY MONUMENT, REBAR WITH YELLOW CAP MARKED "ENG. INC. BLGS. MT."
- SET 5/8" X 18" REBAR AND CAP MARKED WITH THE LICENSE NUMBER OF THE UNDERSIGNED LAND SURVEYOR AND "SANDERSON STEWART".



VICINITY MAP
 NOT TO SCALE



DETAIL
 SCALE: 1"=20'

MIDLAND SUBDIVISION FIRST FILING
SITUATED IN THE SE1/4 OF SECTION 12, T. 1 S., R. 25 E., P.M.M.
IN THE CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : PREMIER FOOD SERVICE, INCORPORATED

OCTOBER, 2011
BILLINGS, MONTANA

PREPARED BY : SANDERSON STEWART

CERTIFICATE OF DEDICATION

STATE OF MONTANA)
: ss
County of Yellowstone)

KNOW ALL MEN BY THESE PRESENTS: That the undersigned 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 SE1/4 of Section 12, 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 2 in Block 1 of Midland Subdivision First Filing, according to the official plat on file in the Office of the Clerk and Recorder of Yellowstone County, Montana, under Document No. 1643292.

Pursuant to 76-3-621(3)(b) M.C.A. there is no parkland dedication 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 2, BLOCK 1, MIDLAND SUBDIVISION FIRST FILING; there is no public land dedication associated with this plat.

WAL-MART REAL ESTATE BUSINESS TRUST, a Delaware statutory trust

By: _____

Title: _____

William J. Wade,

not in his individual capacity, but solely as Individual Owner Trustee under the Owner Trust Agreement (1994-3) dated as of December 15, 1994

WILMINGTON TRUST COMPANY, a Delaware trust company,

not in its individual capacity, but solely as Corporate Owner Trustee under the Owner Trust Agreement (1994-3) dated as of December 15, 1994

By: _____

Title: _____

STATE OF _____)
: ss
County of _____)

On this ____ day of _____, 20____, before me, the undersigned Notary Public for the State of _____, personally appeared _____, known to me to be the person who signed the foregoing instrument as _____ of WAL-MART REAL ESTATE BUSINESS TRUST, a Delaware statutory trust, 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 _____
Printed Name _____
Residing at _____
My commission expires _____

STATE OF _____)
: ss
County of _____)

On this ____ day of _____, 20____, before me, the undersigned Notary Public for the State of _____, personally appeared WILLIAM J. WADE, known to me to be the person who signed the foregoing instrument not in his individual capacity, but solely as Individual Owner Trustee under the Owner Trust Agreement (1994-3) dated as of December 15, 1994, and 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 _____
Printed Name _____
Residing at _____
My commission expires _____

STATE OF _____)
: ss
County of _____)

On this ____ day of _____, 20____, before me, the undersigned Notary Public for the State of _____, personally appeared _____, known to me to be the person who signed the foregoing instrument as _____ of WILMINGTON TRUST COMPANY, a Delaware trust company, not in its individual capacity, but solely as Corporate Owner Trustee under the Owner Trust Agreement (1994-3) dated as of December 15, 1994, 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 _____
Printed Name _____
Residing at _____
My commission expires _____

CONSENT TO PLATTING

Document No. _____

SUBDIVISION IMPROVEMENTS AGREEMENT

Document No. _____

LOT DESCRIPTIONS

ORIGINAL LOT 2

Beginning at a point which is the southeast corner of Lot 5B, Block 1, Midland Subdivision First Filing, as shown and described on the official plat thereof on file in the office of the Clerk and Recorder of Yellowstone County, Montana, under Document No 1703977; thence, from said point of beginning, N 00°31'16" E a distance of 277.40 feet; thence N 89°28'44" W a distance of 298.79 feet; thence N 00°31'16" E a distance of 530.12 feet; thence N 89°28'44" W a distance of 11.64 feet; thence N 00°31'16" E a distance of 270.00 feet; thence N 89°28'44" W a distance of 140.00 feet; thence N 00°31'16" E a distance of 184.49 feet; thence S 89°30'18" E a distance of 887.60 feet; thence S 00°31'16" W a distance of 660.02 feet; thence S 89°28'44" E a distance of 390.00 feet; thence S 00°31'16" W a distance of 40.00 feet; thence N 89°28'44" W a distance of 355.00 feet; thence S 00°31'16" W a distance of 285.00 feet; thence N 89°28'44" W a distance of 231.00 feet; thence S 00°31'16" W a distance of 277.37 feet; thence N 89°29'02" W a distance of 241.17 feet to the point of beginning; containing an area of 19.4767 acres.

LOT 2A

Beginning at a point which is the northeast corner of Lot 5B, Block 1, Midland Subdivision First Filing, as shown and described on the official plat thereof on file in the office of the Clerk and Recorder of Yellowstone County, Montana, under Document No 1703977; thence, from said point of beginning, N 89°28'44" W a distance of 298.79 feet; thence N 00°31'16" E a distance of 530.12 feet; thence N 89°28'44" W a distance of 11.64 feet; thence N 00°31'16" E a distance of 270.00 feet; thence N 89°28'44" W a distance of 140.00 feet; thence N 00°31'16" E a distance of 184.49 feet; thence S 89°30'18" E a distance of 887.60 feet; thence S 00°31'16" W a distance of 660.02 feet; thence S 89°28'44" E a distance of 390.00 feet; thence S 00°31'16" W a distance of 40.00 feet; thence N 89°28'44" W a distance of 355.00 feet; thence S 00°31'16" W a distance of 285.00 feet; thence N 89°28'44" W a distance of 231.00 feet; thence S 00°31'16" W a distance of 277.37 feet; thence N 89°29'02" W a distance of 45.00 feet; thence N 00°31'16" E a distance of 40.00 feet; thence S 89°29'02" E a distance of 25.00 feet; thence N 00°31'16" E a distance of 217.38 feet; thence N 89°28'44" W a distance of 221.17 feet; thence N 00°31'16" E a distance of 20.00 feet to the point of beginning; containing an area of 18.1928 acres.

LOT 2B

Beginning at a point which is the southeast corner of Lot 5B, Block 1, Midland Subdivision First Filing, as shown and described on the official plat thereof on file in the office of the Clerk and Recorder of Yellowstone County, Montana, under Document No 1703977; thence, from said point of beginning, N 00°31'16" E a distance of 257.40 feet; thence S 89°28'44" E a distance of 221.17 feet; thence N 00°31'16" W a distance of 217.38 feet; thence N 89°29'02" W a distance of 25 feet; thence S 00°31'16" W a distance of 40.00 feet; thence N 89°29'02" W a distance of 196.17 feet to the point of beginning; containing an area of 1.2839 acres.

NOTICE OF APPROVAL

STATE OF MONTANA)
: ss
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 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 CITY ATTORNEY

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

Date: _____

Reviewed by: _____

CERTIFICATE OF SURVEYOR

STATE OF MONTANA)
: ss
County of Yellowstone)

The undersigned, a Montana Registered Land Surveyor being first duly sworn, deposes and says that during the month of October, 2011, a survey was performed under his supervision of a tract of land to be known as AMENDED PLAT OF LOT 2, BLOCK 1, MIDLAND SUBDIVISION FIRST FILING, 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 area is 19.4767 acres and the net area is 19.4767 acres.

SANDERSON STEWART

By: _____

Montana Registration No. _____

STATE OF MONTANA)
: ss
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 _____

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)
: ss
County of Yellowstone)

We hereby certify that we have examined the annexed and foregoing plat of AMENDED PLAT OF LOT 2, BLOCK 1, MIDLAND SUBDIVISION FIRST 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 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

Regular City Council Meeting

Meeting Date: 01/23/2012

TITLE: Payment of Claims December 28, 2011.

PRESENTED BY: Pat M. Weber, Finance Director

Department: City Hall Administration

Information

PROBLEM/ISSUE STATEMENT

Claims in the amount of \$1,943,957.51 have been audited and are presented for your approval for payment. A complete listing of the claims dated December 28, 2011, is available in the Finance Department.

ALTERNATIVES ANALYZED

No other alternatives were analyzed.

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.

AP Report for 12/28/2011 >\$2,500

Check Date	Check	Name	Amount	Account	Item Desc
12/28/2011	751752	A & I Distributors	0.23	6010-15530-402650	MP
12/28/2011	751752	A & I Distributors	77.04	5410-31220-402320	MP
12/28/2011	751752	A & I Distributors	317.90	5410-31220-402320	MP
12/28/2011	751752	A & I Distributors	158.95	6010-00000-141000	MP PO NUM 287818
12/28/2011	751752	A & I Distributors	2,778.83	6010-00000-141000	MP PO NUM 287818
12/28/2011	751752	A & I Distributors	3,098.23	6010-00000-141000	MP PO NUM 287818
12/28/2011	751752	A & I Distributors	1,499.30	5410-31230-402310	oil
12/28/2011	751752	A & I Distributors	494.45	5410-31220-402310	oill and antifreeze for landfill inv# 2110337
12/28/2011	751752	A & I Distributors	72.00	2110-31320-402320	rotary pump
12/28/2011	751752	A & I Distributors	193.95	2110-31320-402320	55 gal air shield
12/28/2011	751752	A & I Distributors	0.34	6010-15530-402650	MP
12/28/2011	751752	A & I Distributors	58.17	6010-00000-141000	MP PO NUM 287818
12/28/2011	751752	A & I Distributors	72.16	6010-00000-141000	MP PO NUM 287818
12/28/2011	751754	Ace Electric Inc	59,306.23	8450-31860-409310	WO 10-31 29TH & CENTRAL S IGNAL
12/28/2011	751756	Ahanu Construction Inc	136,994.22	5030-75910-409340	WO 11-05 CHAPPLE AREA WAT ER MAIN
12/28/2011	751756	Ahanu Construction Inc	851.67	5030-00000-201100	WO1105 CHAPPLE AREA WATER MAIN
12/28/2011	751756	Ahanu Construction Inc	13,317.31	5030-00000-201100	WO1105 CHAPPLE AREA WATER MAIN RETAINAGE RELEASE
12/28/2011	751766	BAM Construction of Billings Inc	2,879.05	2960-65540-407275	MHR, Kaye Suhr, 5 Lariat Cir.
12/28/2011	751766	BAM Construction of Billings Inc	366.95	2970-65540-407275	MHR, Kaye Suhr, 5 Lariat Cir.
12/28/2011	751774	Billings Depot Inc	15,500.00	6600-31100-405311	rent
12/28/2011	751774	Billings Depot Inc	23,250.01	6700-31410-405311	rent
12/28/2011	751780	Border States Electric	67.71	2110-00000-141318	Street Lights P.O. Num 287820
12/28/2011	751780	Border States Electric	37.89	2110-00000-141318	STREET LIGHTS PO NUM 287820
12/28/2011	751780	Border States Electric	344.60	2110-00000-141318	STREET LIGHTS PO NUM 287820
12/28/2011	751780	Border States Electric	1,249.00	2110-00000-141318	Street Lights PO number 287820
12/28/2011	751780	Border States Electric	1,197.00	5020-00000-141000	ELECTRICAL FOR WTP & WWTP PO NUM 287951
12/28/2011	751780	Border States Electric	119.80	5020-00000-141000	ELECTRICAL FOR WTP & WWTP PO NUM 288074
12/28/2011	751780	Border States Electric	34.05	2110-31320-402290	freight on previous shipment
12/28/2011	751780	Border States Electric	53.82	2110-31320-402290	freight on previous shipment
12/28/2011	751780	Border States Electric	104.08	2110-31320-402430	1 3/8 stp drill
12/28/2011	751780	Border States Electric	172.37	2110-31320-402430	cable for signals

12/28/2011	751780	Border States Electric	89.80	2110-31320-402430	connectors/scotchkote/terminals
12/28/2011	751780	Border States Electric	295.00	2110-31320-402920	crimp tool
12/28/2011	751780	Border States Electric	260.02	5020-74000-402360	903151295
12/28/2011	751780	Border States Electric	176.91	5020-74000-402360	903158515
12/28/2011	751780	Border States Electric	181.28	5120-85000-402360	903160015
12/28/2011	751780	Border States Electric	66.01	5120-84000-402360	903165412
12/28/2011	751780	Border States Electric	482.85	5120-84000-402360	903185067
12/28/2011	751780	Border States Electric	254.82	5120-84000-402360	903186930
12/28/2011	751780	Border States Electric	6,354.48	5120-84000-402360	903201110
12/28/2011	751780	Border States Electric	334.06	5120-85000-402360	903219604
12/28/2011	751780	Border States Electric	439.12	5120-84000-402360	903227093
12/28/2011	751780	Border States Electric	78.00	5120-84000-402360	903228278
12/28/2011	751780	Border States Electric	67.96	5020-74000-402360	903239657
12/28/2011	751780	Border States Electric	37.62	5120-85000-402360	903239702
12/28/2011	751780	Border States Electric	309.20	5120-84000-402360	903239718
12/28/2011	751780	Border States Electric	1,980.00	5020-74000-402360	903240942
12/28/2011	751780	Border States Electric	123.60	5120-84000-402360	903247703
12/28/2011	751780	Border States Electric	72.99	5020-74000-402360	903260906
12/28/2011	751780	Border States Electric	539.40	5120-84000-402360	903262859
12/28/2011	751780	Border States Electric	113.00	5120-84000-402360	903273817
12/28/2011	751780	Border States Electric	275.91	5020-74000-402360	903158527
12/28/2011	751780	Border States Electric	261.03	5120-84000-402360	903188022
12/28/2011	751780	Border States Electric	104.10	5020-00000-141000	ELECTRICAL FOR WTP & WWTP PO NUM 287998
12/28/2011	751780	Border States Electric	134.40	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM 287998
12/28/2011	751780	Border States Electric	147.40	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM 288002
12/28/2011	751780	Border States Electric	76.33	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM 287881
12/28/2011	751780	Border States Electric	117.10	2110-00000-141318	STREET LIGHTS PO NUM 287820
12/28/2011	751780	Border States Electric	154.57	2110-00000-141318	STREET LIGHTS PO NUM 287820
12/28/2011	751780	Border States Electric	350.00	5120-83140-402450	903158829
12/28/2011	751780	Border States Electric	214.29	5120-84000-402360	903180948
12/28/2011	751780	Border States Electric	12.06	2110-00000-141318	STREET LIGHTS PO NUM 287820
12/28/2011	751780	Border States Electric	101.63	2110-00000-141318	STREET LIGHTS PO NUM 287820
12/28/2011	751780	Border States Electric	290.90	2110-00000-141318	STREET LIGHTS PO NUM 287820

12/28/2011	751784	Business Tax Section	34.80	8400-31840-409310	WO 11-02 Misc. Developer Fund Correction 26.60/.10 cents not imported; CO#2 34.80
12/28/2011	751784	Business Tax Section	242.94	2050-31310-409310	WO 10-16 32ND ST WEST KIN G TO BROADWATER (205); CO#1 71.56
12/28/2011	751784	Business Tax Section	70.89	2050-31310-409310	WO 11-02 MISC DEVELOPER (205) Fund Correction 11/7/11 Fund Correction \$235.80 from 4390 to 2050; CO#2 269.45
12/28/2011	751784	Business Tax Section	1,841.37	5030-75910-409340	WO1101 2011 WATER REPLACM EENT PROJECTS SCHEDULE 2C
12/28/2011	751784	Business Tax Section	599.05	8450-31860-409310	WO 10-31 29TH & CENTRAL SIGNAL
12/28/2011	751784	Business Tax Section	553.87	8450-31860-409310	WO 10-16 32ND ST WEST KIN G TO BROADWATER (845)
12/28/2011	751784	Business Tax Section	87.60	2050-00000-201100	WO 11-02 2011 Misc Developer Ret Release
12/28/2011	751784	Business Tax Section	69.29	4390-00000-201100	WO 11-02 2011 Misc Developer Ret Release
12/28/2011	751784	Business Tax Section	21.99	8400-00000-201100	WO 11-02 2011 Misc Developer Ret Release
12/28/2011	751784	Business Tax Section	12.78	2050-00000-201100	WO 11-02 2011 MISC DEVELOPER RETAINAGE RELEASE
12/28/2011	751784	Business Tax Section	11.66	4390-00000-201100	WO 11-02 2011 MISC DEVELOPER RETAINAGE RELEASE
12/28/2011	751784	Business Tax Section	44.87	8450-00000-201100	WO 11-04 2011 ADA RAMPS
12/28/2011	751784	Business Tax Section	129.69	8450-00000-201100	WO 11-04 2011 ADA RAMPS
12/28/2011	751784	Business Tax Section	166.51	4390-31650-409311	WO 11-02 MISC DEVELOPER (439) 11/7/11 Fund Correction \$235.80 from 4390 to 2050; CO#2 123.74
12/28/2011	751784	Business Tax Section	1,383.78	5030-75910-409340	WO 11-05 CHAPPLE AREA WAT ER MAIN
12/28/2011	751784	Business Tax Section	1,344.49	5030-75910-409340	WO1101 2011 WATER REPLACM EENT PROJECTS SCHEDULE 2B;CO#3 (827.85; Test Failure Deduction \$(69.52)
12/28/2011	751784	Business Tax Section	8.60	5030-00000-201100	WO1105 CHAPPLE AREA WATER MAIN
12/28/2011	751784	Business Tax Section	134.52	5030-00000-201100	WO1105 CHAPPLE AREA WATER MAIN
12/28/2011	751787	Carquest Auto Parts	-51.96	5020-73140-402450	1935227561
12/28/2011	751787	Carquest Auto Parts	-67.14	5120-85000-402320	1935228242
12/28/2011	751787	Carquest Auto Parts	168.17	1500-22260-402320	230718
12/28/2011	751787	Carquest Auto Parts	6.33	6010-15530-402320	MP parts
12/28/2011	751787	Carquest Auto Parts	22.86	6010-15530-402650	MP

12/28/2011	751787	Carquest Auto Parts	40.01	2110-31320-402320	MP
12/28/2011	751787	Carquest Auto Parts	4.60	5410-31220-402320	MP
12/28/2011	751787	Carquest Auto Parts	6.06	1500-22260-402320	MP
12/28/2011	751787	Carquest Auto Parts	7.08	1500-22260-402320	MP
12/28/2011	751787	Carquest Auto Parts	8.30	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM 287885
12/28/2011	751787	Carquest Auto Parts	21.95	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM 287934
12/28/2011	751787	Carquest Auto Parts	333.51	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM 288077
12/28/2011	751787	Carquest Auto Parts	-60.26	5020-73140-402450	1935227696
12/28/2011	751787	Carquest Auto Parts	701.34	5020-00000-141000	WATER PARTS AND SUPPLIES PO NUM 287935
12/28/2011	751787	Carquest Auto Parts	131.40	6010-00000-141000	MP PO NUM 287821
12/28/2011	751787	Carquest Auto Parts	-168.17	1500-22260-402320	718BB
12/28/2011	751787	Carquest Auto Parts	2.75	1500-21120-402320	MP
12/28/2011	751787	Carquest Auto Parts	93.18	0100-51120-402320	718A
12/28/2011	751787	Carquest Auto Parts	142.79	5120-84000-402320	MP parts
12/28/2011	751787	Carquest Auto Parts	12.92	1500-22260-402320	MP
12/28/2011	751787	Carquest Auto Parts	15.15	1500-22260-402320	MP
12/28/2011	751787	Carquest Auto Parts	68.47	1500-21120-402320	MP
12/28/2011	751787	Carquest Auto Parts	167.98	1500-22260-402320	MP
12/28/2011	751787	Carquest Auto Parts	67.14	5120-85000-402320	1935227559
12/28/2011	751787	Carquest Auto Parts	51.96	5020-73140-402450	1935227694
12/28/2011	751787	Carquest Auto Parts	6.18	5020-74000-402360	1935229584
12/28/2011	751787	Carquest Auto Parts	13.42	5020-75000-402310	1935229838
12/28/2011	751787	Carquest Auto Parts	15.18	1500-21120-402320	230549
12/28/2011	751787	Carquest Auto Parts	15.08	6010-00000-141000	MP PO NUM 287821
12/28/2011	751787	Carquest Auto Parts	32.50	6010-00000-141000	MP PO NUM 287821
12/28/2011	751787	Carquest Auto Parts	70.00	6010-00000-141000	MP PO NUM 287821
12/28/2011	751787	Carquest Auto Parts	136.70	6010-00000-141000	MP PO NUM 287821
12/28/2011	751787	Carquest Auto Parts	20.98	5020-75000-402320	NONSTOCKING ITEMS-P.U.D.
12/28/2011	751787	Carquest Auto Parts	22.38	5120-85000-402320	NONSTOCKING ITEMS-P.U.D.
12/28/2011	751787	Carquest Auto Parts	23.07	5020-74000-402320	NONSTOCKING ITEMS-P.U.D.
12/28/2011	751787	Carquest Auto Parts	24.14	5020-75000-402320	NONSTOCKING ITEMS-P.U.D.
12/28/2011	751787	Carquest Auto Parts	27.71	5120-84000-402320	NONSTOCKING ITEMS-P.U.D.
12/28/2011	751787	Carquest Auto Parts	60.34	5120-84000-402320	NONSTOCKING ITEMS-P.U.D.

12/28/2011	751787	Carquest Auto Parts	69.87	5020-74000-402320	NONSTOCKING ITEMS-P.U.D.
12/28/2011	751787	Carquest Auto Parts	181.98	5020-75000-402320	NONSTOCKING ITEMS-P.U.D.
12/28/2011	751787	Carquest Auto Parts	8.75	1500-21120-402320	MP parts
12/28/2011	751787	Carquest Auto Parts	38.40	6010-00000-141000	MP PO 287821
12/28/2011	751787	Carquest Auto Parts	96.38	6700-31410-402320	MP
12/28/2011	751787	Carquest Auto Parts	9.67	6010-15530-402650	MP
12/28/2011	751787	Carquest Auto Parts	16.00	5410-31220-402320	MP
12/28/2011	751787	Carquest Auto Parts	29.00	6010-15530-402650	MP
12/28/2011	751787	Carquest Auto Parts	67.19	6500-15650-402320	MP
12/28/2011	751787	Carquest Auto Parts	67.92	5410-31230-402320	MP
12/28/2011	751787	Carquest Auto Parts	68.25	1500-21120-402320	MP
12/28/2011	751787	Carquest Auto Parts	74.99	1500-22260-402320	718C
12/28/2011	751787	Carquest Auto Parts	1.83	2110-31320-402320	MP
12/28/2011	751787	Carquest Auto Parts	14.70	6010-15530-402650	MP
12/28/2011	751790	Cmg Construction, Inc.	12,839.24	8450-00000-201100	WO 11-04 2011 ADA RAMPS
12/28/2011	751790	Cmg Construction, Inc.	4,441.71	8450-00000-201100	WO 11-04 2011 ADA RAMPS RETAINAGE RELEASE
12/28/2011	751793	Cop Construction Co	133,104.78	5030-75910-409340	WO1101 2011 WATER REPLACE MENT PROJECTS SCHEDULE 2B;CO#2 (81,958.88);Test Failure deduction \$(6,880.48)
12/28/2011	751793	Cop Construction Co	182,295.63	5030-75910-409340	WO1101 2011 WATER REPLACE MENT PROJECTS SCHEDULE 2C
12/28/2011	751808	Federal Signal Corp	303.20	2110-31320-402320	MP
12/28/2011	751808	Federal Signal Corp	303.75	2110-31320-402320	MP
12/28/2011	751808	Federal Signal Corp	600.39	2110-31320-402320	MP
12/28/2011	751808	Federal Signal Corp	607.44	5410-31230-402320	MP
12/28/2011	751808	Federal Signal Corp	51.45	1500-21120-402320	MP
12/28/2011	751808	Federal Signal Corp	79.37	1500-21120-402320	MP
12/28/2011	751808	Federal Signal Corp	52.00	1500-21120-402320	MP
12/28/2011	751808	Federal Signal Corp	193.68	1500-21120-402320	MP
12/28/2011	751808	Federal Signal Corp	4,066.38	1500-21120-402390	LIGHT BAR AND CONTROLLER FOR F150 PATROL TRUCKS
12/28/2011	751808	Federal Signal Corp	686.02	2110-31320-402320	MP
12/28/2011	751808	Federal Signal Corp	303.72	6700-31410-402320	MP
12/28/2011	751808	Federal Signal Corp	10.00	2110-31320-402320	MP
12/28/2011	751808	Federal Signal Corp	79.37	1500-21120-402320	MP
12/28/2011	751808	Federal Signal Corp	13.86	1500-21120-402320	MP

12/28/2011	751808	Federal Signal Corp	154.00	1500-21120-402320	MP
12/28/2011	751808	Federal Signal Corp	303.18	2110-31320-402320	MP
12/28/2011	751808	Federal Signal Corp	303.20	2110-31320-402320	MP
12/28/2011	751808	Federal Signal Corp	277.82	1500-21120-402320	MP
12/28/2011	751808	Federal Signal Corp	303.20	2110-31320-402320	MP
12/28/2011	751809	First Interstate Bank	4,443.60	7230-65950-406200	DRLF payment Dec. 2011
12/28/2011	751813	Gillig Corporation	1,658.45	6010-00000-141714	MP PO NUM 288253
12/28/2011	751813	Gillig Corporation	525.24	6010-00000-141714	MP PO NUM 288291
12/28/2011	751813	Gillig Corporation	296.90	6010-00000-141714	MP PO NUM 288291
12/28/2011	751813	Gillig Corporation	623.33	6010-00000-141714	MP PO NUM 288291
12/28/2011	751813	Gillig Corporation	1,262.52	6010-00000-141714	MP PO NUM 288291
12/28/2011	751813	Gillig Corporation	149.70	6010-00000-141714	MP PO NUM 288291
12/28/2011	751820	Hdr Inc	631.51	5030-74910-409390	WO 11-08 WTP 2011 TRANSFER PUMP
12/28/2011	751820	Hdr Inc	12,751.02	5030-75910-409340	WO 10-12 WTP LOW SRVC PUMP STATION #1
12/28/2011	751820	Hdr Inc	255.77	5020-72110-403540	DRINKING WATER SOURCE STUDY
12/28/2011	751820	Hdr Inc	2,707.18	5020-72110-403540	DRINKING WATER SOURCE STUDY
12/28/2011	751824	Highmark Traffic Services Inc	54,833.13	8450-31860-409310	WO 10-16 32ND ST WEST KING TO BROADWATER (845)
12/28/2011	751824	Highmark Traffic Services Inc	24,051.81	2050-31310-409310	WO 10-16 32ND ST WEST KING TO BROADWATER (205);CO#1 \$7,084.94
12/28/2011	751833	Interstate Powersystems	24,154.69	5710-71440-402320	AUTO &TRUCK MAINT.ITEMS
12/28/2011	751835	J & J Concrete	3,445.20	8400-31840-409310	WO 11-02 MISC DEVELOPER (840);10/05/11 Fund Correction; CO#2 3,445.20
12/28/2011	751835	J & J Concrete	7,018.12	2050-31310-409310	WO 11-02 MISC DEVELOPER (205);10/05/11 Fund Correction;11/7/11 Fund Correct \$23344.42 from 4390 to 2050;CO#2 \$26675.56
12/28/2011	751835	J & J Concrete	1,265.66	2050-00000-201100	WO 11-02 2011 Misc. Developer Ret. Release
12/28/2011	751835	J & J Concrete	1,153.57	4390-00000-201100	WO 11-02 2011 Misc. Developer Ret. Release
12/28/2011	751835	J & J Concrete	8,673.19	2050-00000-201100	WO1102 2011 MISC DEVELOPER RET RELEASE
12/28/2011	751835	J & J Concrete	6,860.41	4390-00000-201100	WO1102 2011 MISC DEVELOPER RET RELEASE
12/28/2011	751835	J & J Concrete	2,177.03	8400-00000-201100	WO1102 2011 MISC DEVELOPER RET RELEASE

12/28/2011	751835	J & J Concrete	16,484.48	4390-31650-409311	WO 11-02 MISC DEVELOPER (439;10/05/11 Fund Correction;11/7/11 Fund Correct \$23344.42 from 4390 to 2050; CO#2 \$12250.58
12/28/2011	751836	Jims Electric Service	4,730.00	5120-84000-402450	motor repair
12/28/2011	751836	Jims Electric Service	4,944.00	5120-84000-402450	labor and materials
12/28/2011	751837	Jtl Group Inc Dba Knife River	290.52	2110-31320-404520	3/4" crushed base
12/28/2011	751837	Jtl Group Inc Dba Knife River	127.26	2110-31320-404520	3/8" chips
12/28/2011	751837	Jtl Group Inc Dba Knife River	63.88	2110-31320-404520	1 1/2" crushed base
12/28/2011	751837	Jtl Group Inc Dba Knife River	5,544.59	2110-31320-404520	salt sand material
12/28/2011	751837	Jtl Group Inc Dba Knife River	2,340.01	2110-31320-404520	sand/salt material
12/28/2011	751837	Jtl Group Inc Dba Knife River	3,754.76	2110-31320-404520	sand/salt material
12/28/2011	751837	Jtl Group Inc Dba Knife River	32.84	2110-31320-404520	1 1/2" crushed base
12/28/2011	751838	Kadrmass Lee & Jackson	7,449.15	8450-31860-409310	WO0412 ALKALI CREEK ROAD (845)
12/28/2011	751838	Kadrmass Lee & Jackson	28,636.27	8450-31860-409310	WO 04-12 ALKALI CREEK ROAD AMENDMENT \$60,758.50 APPROVED BY CC 9/26/2011
12/28/2011	751838	Kadrmass Lee & Jackson	1,624.44	5030-75910-409340	WO 09-11 RIMROCK ROAD (5030)
12/28/2011	751838	Kadrmass Lee & Jackson	13,910.40	5030-75910-409340	WO 09-11 RIMROCK ROAD (5030);Inv's 129765,129768,131292,131293,134183,135001 & 137608
12/28/2011	751838	Kadrmass Lee & Jackson	60,288.20	8450-31860-409310	WO 09-11 RIMROCK ROAD 17TH TO REHBERG (845)
12/28/2011	751838	Kadrmass Lee & Jackson	6,752.26	5130-85910-409340	WO0911 RIMROCK RD-17TH/RE HBERG (5130)
12/28/2011	751838	Kadrmass Lee & Jackson	4,247.74	5130-85910-409340	WO0911 RIMROCK RD-17TH/RE HBERG (5130);Inv's 129765,129768,131292,131293,134183,135001 & 137608
12/28/2011	751838	Kadrmass Lee & Jackson	40,000.00	5030-75910-409340	WO0911 RIMROCK-17TH/REHBERG (5030);Inv's 129765,129768,131292,131293,134183,135001 & 137608
12/28/2011	751838	Kadrmass Lee & Jackson	457.79	8400-31840-409310	WO 09-11 RIMROCK RD 17TH TO REHBERG (8400)

12/28/2011	751838	Kadrmass Lee & Jackson	24,051.13	8400-31840-409310	WO 09-11 RIMROCK RD 17TH TO REHBERG (8400);Inv's 129765,129768,131292,131293,134183,135001 & 137608
12/28/2011	751838	Kadrmass Lee & Jackson	2,455.37	4410-31650-409311	WO0911 RIMROCK RD-17TH/RE HBERG (4410)
12/28/2011	751838	Kadrmass Lee & Jackson	1,971.49	8400-31840-409310	WO0911 RIMROCK RD-17TH/RE HBERG (8400); Inv's 129765,129768,131292,131293,134183,135001 & 137608
12/28/2011	751838	Kadrmass Lee & Jackson	1,544.63	4410-31650-409311	WO0911 RIMROCK RD-17TH/RE HBERG (4410);Inv's 129765,129768,131292,131293,134183,135001 & 137608
12/28/2011	751838	Kadrmass Lee & Jackson	15,757.00	8450-31860-409310	WO0911 RIMROCK RD-17TH/RE HBERG (845)
12/28/2011	751838	Kadrmass Lee & Jackson	20,858.89	2050-31310-409310	WO0911 RIMROCK RD-17TH/RE HBERG (205)
12/28/2011	751838	Kadrmass Lee & Jackson	108,208.11	2050-31310-409310	WO0911 RIMROCK RD-17TH/RE HBERG (205);Inv's 129765,129768,131292,131293,134183,135001 & 137608
12/28/2011	751844	MADISON COUNTY SHERIFF'S OFFICE	4,363.88	2510-21870-403822	Reimbursement for ICAC Qtr ended 9/30/11.
12/28/2011	751844	MADISON COUNTY SHERIFF'S OFFICE	450.00	2510-21870-403450	Reimbursement for ICAC Qtr ended 9/30/11.
12/28/2011	751844	MADISON COUNTY SHERIFF'S OFFICE	1,144.38	2510-21870-403560	Reimbursement for ICAC Qtr ended 9/30/11.
12/28/2011	751853	Montana Dakota Utilities Co	54.01	5020-74000-403440	07365822
12/28/2011	751853	Montana Dakota Utilities Co	54.01	5020-74000-403440	07365822
12/28/2011	751853	Montana Dakota Utilities Co	485.73	1500-22210-403440	06637925
12/28/2011	751853	Montana Dakota Utilities Co	560.61	5610-71130-403440	31454601
12/28/2011	751853	Montana Dakota Utilities Co	27.35	5120-85000-403440	32739201
12/28/2011	751853	Montana Dakota Utilities Co	55.68	0100-51120-403410	37741801
12/28/2011	751853	Montana Dakota Utilities Co	22.05	5020-74000-403440	07342023
12/28/2011	751853	Montana Dakota Utilities Co	1,338.22	5610-71170-403440	07388722
12/28/2011	751853	Montana Dakota Utilities Co	84.25	5020-74000-403440	07162021
12/28/2011	751853	Montana Dakota Utilities Co	8,895.96	5610-71120-403440	7387221
12/28/2011	751853	Montana Dakota Utilities Co	24.70	5120-85000-403440	33154101
12/28/2011	751859	Morrison Maierle Inc	4,108.88	5030-75910-409340	WO 10-08 WTP CLEARWELL BA FFLE

12/28/2011	751859	Morrison Maierle Inc	15,078.12	2100-51510-409390	WO 11-10 25th Street Pedestrian Bridge Contract \$156,500.00 approved by CC 10/11/2011 Fund Amt Corr 2100-\$135,930.60 & 2360- \$21,069.40
12/28/2011	751859	Morrison Maierle Inc	2,337.13	2360-43700-409370	WO 11-10 25th Street Pedestrian Bridge Contract \$156,500.00 approved by CC 10/11/2011 Fund Amt Corr 2100-\$135,930.60 & 2360- \$21,069.40
12/28/2011	751859	Morrison Maierle Inc	12,446.12	5030-75910-409340	WO 10-08 WTP CLEARWELL CT
12/28/2011	751859	Morrison Maierle Inc	2,215.00	2600-55180-403690	Renewal for web filter maintenance
12/28/2011	751861	Mr C's Chimney Air Duct	4,200.00	1500-21710-402450	air duct maintenance
12/28/2011	751864	Napa Auto Parts	43,387.64	4120-71550-409250	4-Post Portable Lift for Shop
12/28/2011	751864	Napa Auto Parts	56.19	5020-74000-402360	tank heater
12/28/2011	751864	Napa Auto Parts	61.22	5710-71440-402320	MP
12/28/2011	751864	Napa Auto Parts	11.10	5410-31220-402320	MP
12/28/2011	751864	Napa Auto Parts	10.27	6010-00000-141000	MP PO NUM 288222
12/28/2011	751864	Napa Auto Parts	54.54	6010-00000-141000	MP PO NUM 288222
12/28/2011	751864	Napa Auto Parts	45.00	6010-00000-141000	MP PO NUM 288223
12/28/2011	751864	Napa Auto Parts	4.96	1500-22310-402320	MP
12/28/2011	751864	Napa Auto Parts	13.64	5710-71440-402320	MP
12/28/2011	751864	Napa Auto Parts	18.36	5410-31230-402320	MP
12/28/2011	751864	Napa Auto Parts	15.54	1500-22260-402320	MP
12/28/2011	751864	Napa Auto Parts	107.13	1500-22260-402320	MP
12/28/2011	751864	Napa Auto Parts	16.66	5410-31220-402320	MP
12/28/2011	751864	Napa Auto Parts	13.60	6010-15530-402650	MP
12/28/2011	751864	Napa Auto Parts	196.99	5410-31220-402320	MP
12/28/2011	751864	Napa Auto Parts	14.09	5410-31230-402320	MP
12/28/2011	751864	Napa Auto Parts	14.42	6010-15530-402650	MP
12/28/2011	751864	Napa Auto Parts	186.00	5410-31220-402320	MP
12/28/2011	751864	Napa Auto Parts	24.59	1500-21120-402320	MP
12/28/2011	751864	Napa Auto Parts	8.18	1500-21120-402320	MP
12/28/2011	751864	Napa Auto Parts	23.34	5410-31220-402320	MP
12/28/2011	751864	Napa Auto Parts	22.99	1500-22260-402320	MP
12/28/2011	751864	Napa Auto Parts	24.43	1500-22260-402320	MP
12/28/2011	751864	Napa Auto Parts	13.64	6010-15530-402650	MP

12/28/2011	751864	Napa Auto Parts	15.80	6010-15530-402410 MP
12/28/2011	751864	Napa Auto Parts	91.81	5410-31220-402320 MP
12/28/2011	751864	Napa Auto Parts	56.44	5020-75000-402320 MP
12/28/2011	751864	Napa Auto Parts	99.88	1500-21120-402320 MP
12/28/2011	751864	Napa Auto Parts	9.57	5410-31230-402320 MP
12/28/2011	751864	Napa Auto Parts	25.76	5410-31220-402320 MP
12/28/2011	751864	Napa Auto Parts	54.95	5410-31220-402320 MP
12/28/2011	751866	Normont Equipment Company	1,117.35	2110-31320-402320 sweeper brooms
12/28/2011	751866	Normont Equipment Company	3,875.71	5610-71130-402320 Airfield mower parts for 2 tractors/mower decks
12/28/2011	751867	Northwest Scientific Inc	386.01	5020-74000-402220 5020647
12/28/2011	751867	Northwest Scientific Inc	387.00	5120-84000-402220 5020856
12/28/2011	751867	Northwest Scientific Inc	22.95	5020-74000-402220 5020650
12/28/2011	751867	Northwest Scientific Inc	361.90	5120-84000-402220 5020855
12/28/2011	751867	Northwest Scientific Inc	80.77	5020-74000-402220 5020646
12/28/2011	751867	Northwest Scientific Inc	44.25	5020-74000-402220 5020649
12/28/2011	751867	Northwest Scientific Inc	272.38	5120-84000-402220 5020854
12/28/2011	751867	Northwest Scientific Inc	132.24	5020-74000-402220 5020642
12/28/2011	751867	Northwest Scientific Inc	854.00	5020-74000-402220 5020829
12/28/2011	751867	Northwest Scientific Inc	380.00	5020-74000-402220 5020643
12/28/2011	751867	Northwest Scientific Inc	247.19	5020-74000-402220 5020644
12/28/2011	751868	Northwestern Energy	3,822.85	8100-31830-403410 SILMD 013 ACCT# 0721276-4
12/28/2011	751868	Northwestern Energy	1,883.28	8100-31830-403410 SILMD 014 ACCT# 0721277-2
12/28/2011	751868	Northwestern Energy	1,162.03	8100-31830-403410 SILMD 017 ACCT# 0712553-7
12/28/2011	751868	Northwestern Energy	88.34	8100-31830-403410 SILMD 018 ACCT# 0712554-5
12/28/2011	751868	Northwestern Energy	436.08	8100-31830-403410 SILMD 095 ACCT# 0712556-0
12/28/2011	751868	Northwestern Energy	13,596.59	8100-31830-403410 SILMD 097 ACCT# 0712557-8
12/28/2011	751868	Northwestern Energy	1,298.38	8100-31830-403410 SILMD 099 ACCT# 0712558-6
12/28/2011	751868	Northwestern Energy	2,482.62	8100-31830-403410 SILMD 100 ACCT# 0712559-4
12/28/2011	751868	Northwestern Energy	3,053.25	8100-31830-403410 SILMD 117 ACCT# 0712566-9
12/28/2011	751868	Northwestern Energy	553.39	8100-31830-403410 SILMD 116 ACCT# 0712565-1
12/28/2011	751868	Northwestern Energy	210.82	8100-31830-403410 SILMD 115 ACCT# 0712564-4
12/28/2011	751868	Northwestern Energy	895.96	8100-31830-403410 SILMD 114 ACCT# 0712563-6
12/28/2011	751868	Northwestern Energy	1,660.17	8100-31830-403410 SILMD 107 ACCT# 0712560-2
12/28/2011	751868	Northwestern Energy	167.13	8100-31830-403410 SILMD 113 ACCT# 0712562-8
12/28/2011	751868	Northwestern Energy	4,163.59	8100-31830-403410 SILMD 109 ACCT# 0712561-0
12/28/2011	751868	Northwestern Energy	180.18	8100-31830-403410 SILMD 122 ACCT# 0712571-9

12/28/2011	751868	Northwestern Energy	2,371.68	8100-31830-403410	SILMD 121	ACCT# 0712570-1
12/28/2011	751868	Northwestern Energy	144.15	8100-31830-403410	SILMD 119	ACCT# 0712568-5
12/28/2011	751868	Northwestern Energy	219.49	8100-31830-403410	SILMD 118	ACCT# 0712567-7
12/28/2011	751868	Northwestern Energy	316.22	8100-31830-403410	SILMD 123	ACCT# 0712572-7
12/28/2011	751868	Northwestern Energy	922.30	8100-31830-403410	SILMD 124	ACCT# 0712573-5
12/28/2011	751868	Northwestern Energy	368.91	8100-31830-403410	SILMD 125	ACCT# 0712574-3
12/28/2011	751868	Northwestern Energy	184.47	8100-31830-403410	SILMD 126	ACCT# 0712575-0
12/28/2011	751868	Northwestern Energy	675.66	8100-31830-403410	SILMD 127	ACCT# 0712576-8
12/28/2011	751868	Northwestern Energy	472.96	8100-31830-403410	SILMD 128	ACCT# 0712577-6
12/28/2011	751868	Northwestern Energy	316.22	8100-31830-403410	SILMD 129	ACCT# 0712578-4
12/28/2011	751868	Northwestern Energy	136.50	8100-31830-403410	SILMD 130	ACCT# 0712579-2
12/28/2011	751868	Northwestern Energy	816.92	8100-31830-403410	SILMD 131	ACCT# 0712580-0
12/28/2011	751868	Northwestern Energy	221.79	8100-31830-403410	SILMD 133	ACCT# 0712581-8
12/28/2011	751868	Northwestern Energy	511.86	8100-31830-403410	SILMD 134	ACCT# 0712582-6
12/28/2011	751868	Northwestern Energy	495.48	8100-31830-403410	SILMD 135	ACCT# 0712583-4
12/28/2011	751868	Northwestern Energy	438.68	8100-31830-403410	SILMD 136	ACCT# 0712584-2
12/28/2011	751868	Northwestern Energy	352.51	8100-31830-403410	SILMD 137	ACCT# 0712585-9
12/28/2011	751868	Northwestern Energy	711.51	8100-31830-403410	SILMD 138	ACCT# 0712586-7
12/28/2011	751868	Northwestern Energy	237.16	8100-31830-403410	SILMD 139	ACCT# 0712587-5
12/28/2011	751868	Northwestern Energy	551.54	8100-31830-403410	SILMD 143	ACCT# 0712588-3
12/28/2011	751868	Northwestern Energy	26.26	8100-31830-403410	SILMD 144	ACCT# 0712589-1
12/28/2011	751868	Northwestern Energy	450.44	8100-31830-403410	SILMD 145	ACCT# 0712590-9
12/28/2011	751868	Northwestern Energy	342.56	8100-31830-403410	SILMD 146	ACCT# 0712591-7
12/28/2011	751868	Northwestern Energy	442.50	8100-31830-403410	SILMD 147	ACCT# 0712592-5
12/28/2011	751868	Northwestern Energy	1,364.59	8100-31830-403410	SILMD 149	ACCT# 0712593-3
12/28/2011	751868	Northwestern Energy	720.70	8100-31830-403410	SILMD 150	ACCT# 0712594-1
12/28/2011	751868	Northwestern Energy	606.09	8100-31830-403410	SILMD 151	ACCT# 0712595-8
12/28/2011	751868	Northwestern Energy	4,125.33	8100-31830-403410	SILMD 152	ACCT# 0712596-6
12/28/2011	751868	Northwestern Energy	518.00	8100-31830-403410	SILMD 153	ACCT# 0712597-4
12/28/2011	751868	Northwestern Energy	1,171.15	8100-31830-403410	SILMD 154	ACCT# 0712598-2
12/28/2011	751868	Northwestern Energy	474.34	8100-31830-403410	SILMD 155	ACCT# 0712599-0
12/28/2011	751868	Northwestern Energy	878.35	8100-31830-403410	SILMD 157	ACCT# 0712600-6
12/28/2011	751868	Northwestern Energy	764.21	8100-31830-403410	SILMD 158	ACCT# 0712601-4
12/28/2011	751868	Northwestern Energy	1,033.97	8100-31830-403410	SILMD 159	ACCT# 0712602-2
12/28/2011	751868	Northwestern Energy	685.16	8100-31830-403410	SILMD 160	ACCT# 0712603-0
12/28/2011	751868	Northwestern Energy	1,013.49	8100-31830-403410	SILMD 161	ACCT# 0712604-8
12/28/2011	751868	Northwestern Energy	57.14	8100-31830-403410	SILMD 162	ACCT# 0712605-5

12/28/2011	751868	Northwestern Energy	608.63	8100-31830-403410 SILMD 163 ACCT# 0712606-3
12/28/2011	751868	Northwestern Energy	360.34	8100-31830-403410 SILMD 164 ACCT# 0712607-1
12/28/2011	751868	Northwestern Energy	843.26	8100-31830-403410 SILMD 165 ACCT# 0712608-9
12/28/2011	751868	Northwestern Energy	225.24	8100-31830-403410 SILMD 167 ACCT# 0712609-7
12/28/2011	751868	Northwestern Energy	540.52	8100-31830-403410 SILMD 171 ACCT# 0712610-5
12/28/2011	751868	Northwestern Energy	511.86	8100-31830-403410 SILMD 172 ACCT# 0712611-3
12/28/2011	751868	Northwestern Energy	1,126.10	8100-31830-403410 SILMD 173 ACCT# 0712612-1
12/28/2011	751868	Northwestern Energy	945.91	8100-31830-403410 SILMD 174 ACCT# 0712613-9
12/28/2011	751868	Northwestern Energy	315.29	8100-31830-403410 SILMD 175 ACCT# 0712614-7
12/28/2011	751868	Northwestern Energy	40.81	8100-31830-403410 SILMD 176 ACCT# 0712615-4
12/28/2011	751868	Northwestern Energy	247.74	8100-31830-403410 SILMD 178 ACCT# 0712616-2
12/28/2011	751868	Northwestern Energy	495.48	8100-31830-403410 SILMD 179 ACCT# 0712617-0
12/28/2011	751868	Northwestern Energy	337.82	8100-31830-403410 SILMD 180 ACCT# 0712618-8
12/28/2011	751868	Northwestern Energy	1,607.46	8100-31830-403410 SILMD 181 ACCT# 0712619-6
12/28/2011	751868	Northwestern Energy	563.04	8100-31830-403410 SILMD 182 ACCT# 0712620-4
12/28/2011	751868	Northwestern Energy	1,126.09	8100-31830-403410 SILMD 183 ACCT# 0712621-2
12/28/2011	751868	Northwestern Energy	360.34	8100-31830-403410 SILMD 184 ACCT# 0712622-0
12/28/2011	751868	Northwestern Energy	135.14	8100-31830-403410 SILMD 185 ACCT# 0712623-8
12/28/2011	751868	Northwestern Energy	569.35	8100-31830-403410 SILMD 186 ACCT# 0712624-6
12/28/2011	751868	Northwestern Energy	225.24	8100-31830-403410 SILMD 187 ACCT# 0712625-3
12/28/2011	751868	Northwestern Energy	270.26	8100-31830-403410 SILMD 188 ACCT# 0712626-1
12/28/2011	751868	Northwestern Energy	225.24	8100-31830-403410 SILMD 189 ACCT# 0712627-9
12/28/2011	751868	Northwestern Energy	1,171.15	8100-31830-403410 SILMD 190 ACCT# 0712628-7
12/28/2011	751868	Northwestern Energy	402.35	8100-31830-403410 SILMD 191 ACCT# 0712629-5
12/28/2011	751868	Northwestern Energy	292.77	8100-31830-403410 SILMD 192 ACCT# 0712630-3
12/28/2011	751868	Northwestern Energy	720.70	8100-31830-403410 SILMD 193 ACCT# 0712631-1
12/28/2011	751868	Northwestern Energy	235.60	8100-31830-403410 SILMD 194 ACCT# 0712632-9
12/28/2011	751868	Northwestern Energy	196.33	8100-31830-403410 SILMD 195 ACCT# 0712633-7
12/28/2011	751868	Northwestern Energy	63.17	8100-31830-403410 SILMD 196 ACCT# 0712634-5
12/28/2011	751868	Northwestern Energy	63.17	8100-31830-403410 SILMD 197 ACCT# 0712635-2
12/28/2011	751868	Northwestern Energy	112.61	8100-31830-403410 SILMD 198 ACCT# 0712636-0
12/28/2011	751868	Northwestern Energy	67.38	8100-31830-403410 SILMD 200 ACCT# 0712637-8
12/28/2011	751868	Northwestern Energy	472.96	8100-31830-403410 SILMD 201 ACCT# 0712638-6
12/28/2011	751868	Northwestern Energy	724.50	8100-31830-403410 SILMD 202 INV# 0712639-4
12/28/2011	751868	Northwestern Energy	16.85	8100-31830-403410 SILMD 203 ACCT# 0712640-2
12/28/2011	751868	Northwestern Energy	357.68	8100-31830-403410 SILMD 204 ACCT# 0712641-0
12/28/2011	751868	Northwestern Energy	32.65	8100-31830-403410 SILMD 205 ACCT# 0712642-8

12/28/2011	751868	Northwestern Energy	315.29	8100-31830-403410 SILMD 206 ACCT# 0712643-6
12/28/2011	751868	Northwestern Energy	360.34	8100-31830-403410 SILMD 207 ACCT# 0712644-4
12/28/2011	751868	Northwestern Energy	246.41	8100-31830-403410 SILMD 208 ACCT# 0712645-1
12/28/2011	751868	Northwestern Energy	518.00	8100-31830-403410 SILMD 209 ACCT# 0712646-9
12/28/2011	751868	Northwestern Energy	75.82	8100-31830-403410 SILMD 210 ACCT# 0712647-7
12/28/2011	751868	Northwestern Energy	42.14	8100-31830-403410 SILMD 211 ACCT# 0712648-5
12/28/2011	751868	Northwestern Energy	42.14	8100-31830-403410 SILMD 212 ACCT# 0712649-3
12/28/2011	751868	Northwestern Energy	25.28	8100-31830-403410 SILMD 213 ACCT# 0712650-1
12/28/2011	751868	Northwestern Energy	450.02	8100-31830-403410 SILMD 214 ACCT# 0712651-9
12/28/2011	751868	Northwestern Energy	135.14	8100-31830-403410 SILMD 216 ACCT# 0712652-7
12/28/2011	751868	Northwestern Energy	349.90	8100-31830-403410 SILMD 217 ACCT# 0712653-5
12/28/2011	751868	Northwestern Energy	234.34	8100-31830-403410 SILMD 220 ACCT# 0712654-3
12/28/2011	751868	Northwestern Energy	8.16	8100-31830-403410 SILMD 221 ACCT# 0712655-0
12/28/2011	751868	Northwestern Energy	66.54	8100-31830-403410 SILMD 222 ACCT# 0712656-8
12/28/2011	751868	Northwestern Energy	101.08	8100-31830-403410 SILMD 223 ACCT# 0712657-6
12/28/2011	751868	Northwestern Energy	1,714.58	8100-31830-403410 SILMD 224 ACCT# 0712658-4
12/28/2011	751868	Northwestern Energy	335.39	8100-31830-403410 SILMD 225 ACCT# 0712659-2
12/28/2011	751868	Northwestern Energy	270.37	8100-31830-403410 SILMD 226 ACCT# 0712660-0
12/28/2011	751868	Northwestern Energy	547.01	8100-31830-403410 SILMD 227 ACCT# 0712661-8
12/28/2011	751868	Northwestern Energy	764.21	8100-31830-403410 SILMD 228 ACCT# 0712662-6
12/28/2011	751868	Northwestern Energy	395.27	8100-31830-403410 SILMD 229 ACCT# 0712663-4
12/28/2011	751868	Northwestern Energy	922.31	8100-31830-403410 SILMD 230 ACCT# 0712664-2
12/28/2011	751868	Northwestern Energy	553.39	8100-31830-403410 SILMD 231 ACCT# 0712665-9
12/28/2011	751868	Northwestern Energy	2,398.02	8100-31830-403410 SILMD 232 ACCT# 0712666-7
12/28/2011	751868	Northwestern Energy	735.62	8100-31830-403410 SILMD 233 ACCT# 0712667-5
12/28/2011	751868	Northwestern Energy	433.14	8100-31830-403410 SILMD 234 ACCT# 0712668-3
12/28/2011	751868	Northwestern Energy	462.60	8100-31830-403410 SILMD 235 ACCT# 0712669-1
12/28/2011	751868	Northwestern Energy	147.25	8100-31830-403410 SILMD 236 ACCT# 0712670-9
12/28/2011	751868	Northwestern Energy	382.87	8100-31830-403410 SILMD 237 ACCT# 0712671-7
12/28/2011	751868	Northwestern Energy	14.00	8100-31830-403410 SILMD 238 ACCT# 0712672-5
12/28/2011	751868	Northwestern Energy	90.09	8100-31830-403410 SILMD 239 ACCT# 0712673-3
12/28/2011	751868	Northwestern Energy	353.39	8100-31830-403410 SILMD 240 ACCT# 0712674-1
12/28/2011	751868	Northwestern Energy	588.47	8100-31830-403410 SILMD 241 ACCT# 0712675-8
12/28/2011	751868	Northwestern Energy	79.05	8100-31830-403410 SILMD 242 ACCT# 0712676-6
12/28/2011	751868	Northwestern Energy	105.41	8100-31830-403410 SILMD 244 ACCT# 0712677-4
12/28/2011	751868	Northwestern Energy	81.40	8100-31830-403410 SILMD 245 ACCT# 0712678-2
12/28/2011	751868	Northwestern Energy	316.22	8100-31830-403410 SILMD 246 ACCT# 0712679-0

12/28/2011	751868	Northwestern Energy	1,093.85	8100-31830-403410 SILMD 247 ACCT# 0712680-8
12/28/2011	751868	Northwestern Energy	2,320.14	8100-31830-403410 SILMD 248 ACCT# 0712681-6
12/28/2011	751868	Northwestern Energy	2,608.83	8100-31830-403410 SILMD 249 ACCT# 0718734-7
12/28/2011	751868	Northwestern Energy	10.24	8100-31830-403410 SILMD 250 ACCT# 1301786-8
12/28/2011	751868	Northwestern Energy	179.05	8100-31830-403410 SILMD 250 ACCT# 0719001-00
12/28/2011	751868	Northwestern Energy	3,742.07	8100-31830-403410 SILMD 251 ACCT# 0718801-4
12/28/2011	751868	Northwestern Energy	527.04	8100-31830-403410 SILMD 252 ACCT# 0719162-0
12/28/2011	751868	Northwestern Energy	1,837.35	8100-31830-403410 SILMD 253 ACCT# 0719644-7
12/28/2011	751868	Northwestern Energy	133.05	8100-31830-403410 SILMD 254 ACCT# 0719763-5
12/28/2011	751868	Northwestern Energy	134.96	8100-31830-403410 SILMD 255 ACCT# 0720813-5
12/28/2011	751868	Northwestern Energy	774.97	8100-31830-403410 SILMD 257 ACCT# 0720360-7
12/28/2011	751868	Northwestern Energy	2,482.23	8100-31830-403410 SILMD 258 ACCT# 0720606-3
12/28/2011	751868	Northwestern Energy	9.46	8100-31830-403410 SILMD 259 ACCT# 1301786-8
12/28/2011	751868	Northwestern Energy	1,185.24	8100-31830-403410 SILMD 259 ACCT# 0720810-1
12/28/2011	751868	Northwestern Energy	474.34	8100-31830-403410 SILMD 261 ACCT# 0720705-3
12/28/2011	751868	Northwestern Energy	2,989.15	8100-31830-403410 SILMD 262 ACCT# 0720937-2
12/28/2011	751868	Northwestern Energy	835.48	8100-31830-403410 SILMD 263 ACCT# 0720716-0
12/28/2011	751868	Northwestern Energy	145.15	8100-31830-403410 SILMD 264 ACCT# 0721427-3
12/28/2011	751868	Northwestern Energy	334.23	8100-31830-403410 SILMD 265 ACCT# 0721556-9
12/28/2011	751868	Northwestern Energy	47.27	8100-31830-403410 SILMD 266 ACCT# 0721684-9
12/28/2011	751868	Northwestern Energy	68.72	8100-31830-403410 SILMD 269 ACCT# 0833098-7
12/28/2011	751868	Northwestern Energy	386.97	8100-31830-403410 SILMD 270 ACCT# 0906944-4
12/28/2011	751868	Northwestern Energy	948.88	8100-31830-403410 SILMD 271 ACCT# 0995095-7
12/28/2011	751868	Northwestern Energy	2,680.63	8100-31830-403410 SILMD 272 ACCT# 0905005-5
12/28/2011	751868	Northwestern Energy	192.26	8100-31830-403410 SILMD 273 ACCT# 0926386-4
12/28/2011	751868	Northwestern Energy	58.89	8100-31830-403410 SILMD 274 ACCT# 0907926-0
12/28/2011	751868	Northwestern Energy	419.99	8100-31830-403410 SILMD 276 ACCT# 0961926-3
12/28/2011	751868	Northwestern Energy	788.04	8100-31830-403410 SILMD 277 ACCT# 1058710-3
12/28/2011	751868	Northwestern Energy	206.16	8100-31830-403410 SILMD 278 ACCT# 1087619-1
12/28/2011	751868	Northwestern Energy	58.44	8100-31830-403410 SILMD 279 ACCT# 1124127-0
12/28/2011	751868	Northwestern Energy	638.10	8100-31830-403410 SILMD 280 ACCT# 1045653-1
12/28/2011	751868	Northwestern Energy	327.91	8100-31830-403410 SILMD 281 ACCT# 1079722-3
12/28/2011	751868	Northwestern Energy	333.40	8100-31830-403410 SILMD 283 ACCT# 1172743-5
12/28/2011	751868	Northwestern Energy	322.12	8100-31830-403410 SILMD 285 ACCT# 1206985-2
12/28/2011	751868	Northwestern Energy	226.73	8100-31830-403410 SILMD 286 ACCT# 1296582-8
12/28/2011	751868	Northwestern Energy	114.40	8100-31830-403410 SILMD 287 ACCT# 1246537-3
12/28/2011	751868	Northwestern Energy	1,704.08	8100-31830-403410 SILMD 288 ACCT# 1303978-9

12/28/2011	751868	Northwestern Energy	309.63	8100-31830-403410 SILMD 289 ACCT# 1685375-6
12/28/2011	751868	Northwestern Energy	121.17	8100-31830-403410 SILMD 290 ACCT# 1433921-2
12/28/2011	751868	Northwestern Energy	579.74	8100-31830-403410 SILMD 292 ACCT# 1481532-8
12/28/2011	751868	Northwestern Energy	225.24	8100-31830-403410 SILMD 293 ACCT# 1481534-4
12/28/2011	751868	Northwestern Energy	450.44	8100-31830-403410 SILMD 294 ACCT# 1481535-1
12/28/2011	751868	Northwestern Energy	105.41	8100-31830-403410 SILMD 295 ACCT# 1481536-9
12/28/2011	751868	Northwestern Energy	1,210.82	8100-31830-403410 SILMD 296 ACCT# 1481537-7
12/28/2011	751868	Northwestern Energy	202.69	8100-31830-403410 SILMD 297 ACCT# 1481539-3
12/28/2011	751868	Northwestern Energy	180.18	8100-31830-403410 SILMD 298 ACCT# 1481540-1
12/28/2011	751868	Northwestern Energy	384.26	8100-31830-403410 SILMD 300 ACCT# 1662840-6
12/28/2011	751868	Northwestern Energy	1,700.37	8100-31830-403410 SILMD 301 ACCT# 1687005-7
12/28/2011	751868	Northwestern Energy	285.23	8100-31830-403410 SILMD 302 ACCT# 1607534-3
12/28/2011	751868	Northwestern Energy	814.18	8100-31830-403410 SILMD 305 ACCT# 1695873-8
12/28/2011	751868	Northwestern Energy	207.41	8100-31830-403410 SILMD 306 ACCT# 1740353-6
12/28/2011	751868	Northwestern Energy	229.95	8100-31830-403410 SILMD 309 ACCT#0712569-3
12/28/2011	751868	Northwestern Energy	48.84	8100-31830-403410 SILMD 320 ACCT# 0712569-3
12/28/2011	751868	Northwestern Energy	467.83	8100-31830-403410 SILMD 008 ACCT# 0712544-6
12/28/2011	751868	Northwestern Energy	1,278.71	8100-31830-403410 SILMD 010 ACCT# 0712546-1
12/28/2011	751868	Northwestern Energy	480.54	8100-31830-403410 SILMD 009 ACCT# 0712545-3
12/28/2011	751868	Northwestern Energy	11,442.05	2110-31320-403410 NWE SIGNALS
12/28/2011	751869	Northwestern Energy	3,135.05	6500-15660-403410 11608049
12/28/2011	751869	Northwestern Energy	10.04	0100-51120-403410 07222375
12/28/2011	751869	Northwestern Energy	7.30	0100-51120-403410 07231624
12/28/2011	751869	Northwestern Energy	2,393.39	5610-71130-403410 0100484-5. Airport ARFF Facility December 2011
12/28/2011	751869	Northwestern Energy	18.90	5610-71170-403410 0712799-6. IP-8 December 2011 utilities
12/28/2011	751869	Northwestern Energy	110.56	5610-71170-403410 0712817-6. IP House December 2011 utilities
12/28/2011	751869	Northwestern Energy	8.89	0100-51120-403410 07222664
12/28/2011	751869	Northwestern Energy	19.72	0100-51120-403410 07894371
12/28/2011	751869	Northwestern Energy	99.33	5610-71170-403410 1551 Aviation Pl #1 (Hertz old) December 2011
12/28/2011	751869	Northwestern Energy	7.30	5610-71170-403410 0712809-3. IP-11 December 2011 Utilities
12/28/2011	751869	Northwestern Energy	90.36	0100-51120-403410 07222557
12/28/2011	751869	Northwestern Energy	7.72	0100-51120-403410 07236458
12/28/2011	751869	Northwestern Energy	652.66	5610-71170-403410 1669567-8. 1737 Highway 3 W December 2011
12/28/2011	751869	Northwestern Energy	1,565.75	5610-71170-403410 0712800-2. IP-9 December 2011 utilities
12/28/2011	751869	Northwestern Energy	7.30	0100-51120-403410 07222474

12/28/2011	751869	Northwestern Energy	7.30	0100-51120-403410	07236441	
12/28/2011	751869	Northwestern Energy	3,496.30	6500-15660-403410	12693917	
12/28/2011	751869	Northwestern Energy	29.15	5610-71130-403410	1647695-4.	2271 Overlook Dr. De-Icer December 2011
12/28/2011	751869	Northwestern Energy	721.88	6500-15660-403410	11608023	
12/28/2011	751869	Northwestern Energy	61.56	5020-74000-403410	13466735	
12/28/2011	751869	Northwestern Energy	50.51	5210-15240-403410	15696313	
12/28/2011	751869	Northwestern Energy	425.58	5610-71170-403410	0712792-1.	IP-7 December 2011 Utilities
12/28/2011	751869	Northwestern Energy	224.14	6070-22350-403410	07215809	
12/28/2011	751869	Northwestern Energy	9.15	0100-51120-403410	07230907	
12/28/2011	751869	Northwestern Energy	2,706.95	5610-71130-403410	0100483-7.	Airport Runway Lights December 2011
12/28/2011	751869	Northwestern Energy	7.30	0100-51120-403410	07230550	
12/28/2011	751869	Northwestern Energy	7.30	0100-51120-403410	07230568	
12/28/2011	751869	Northwestern Energy	17.58	0100-51120-403410	07230543	
12/28/2011	751869	Northwestern Energy	7.30	0100-51120-403410	07230576	
12/28/2011	751869	Northwestern Energy	7.30	0100-51120-403410	07230584	
12/28/2011	751869	Northwestern Energy	60.51	0100-51120-403410	07229339	
12/28/2011	751869	Northwestern Energy	27.54	0100-51120-403410	07230428	
12/28/2011	751869	Northwestern Energy	174.44	0100-51120-403410	07230378	
12/28/2011	751869	Northwestern Energy	7.30	0100-51120-403410	07230360	
12/28/2011	751869	Northwestern Energy	580.15	5610-71190-403410	2001846-1.	3301 Overlook Dr. QTA Mudwash December 2011
12/28/2011	751869	Northwestern Energy	98.96	0100-51120-403410	07230352	
12/28/2011	751869	Northwestern Energy	1,767.10	5610-71190-403410	1993430-6.	3307 Overlook Dr. QTA Carwash December 2011
12/28/2011	751869	Northwestern Energy	7.41	0100-51120-403410	07229057	
12/28/2011	751869	Northwestern Energy	506.99	5610-71170-403410	1341295-2.	1563 Aviation Pl. December 2011
12/28/2011	751869	Northwestern Energy	18.84	0100-51120-403410	07222938	
12/28/2011	751869	Northwestern Energy	414.90	6500-15660-403410	09758087	
12/28/2011	751869	Northwestern Energy	240.25	5610-71170-403410	1341291-1.	1559 Aviation Pl. (Enterprise old) December 2011
12/28/2011	751869	Northwestern Energy	11.54	0100-51120-403410	07222920	
12/28/2011	751869	Northwestern Energy	171.96	0100-51120-403410	09254962	
12/28/2011	751869	Northwestern Energy	7.30	5610-71170-403410	1341289-5.	1555 Aviation Pl. (Thrifty old) December 2011

12/28/2011	751869	Northwestern Energy	57.46	5610-71130-403410	0719616-5. ARFF Building December 2011 utilities
12/28/2011	751869	Northwestern Energy	7.30	0100-51120-403410	07222698
12/28/2011	751869	Northwestern Energy	9.15	2110-31320-403410	08554040
12/28/2011	751869	Northwestern Energy	67.89	5610-71170-403410	1341288-7. 1553 Aviation Pl. (National old) December 2011
12/28/2011	751877	Pierce Rv Sales	3,361.00	5020-74000-402360	171439
12/28/2011	751880	Public Utilities	1,516.06	5120-84000-403420	187212152
12/28/2011	751880	Public Utilities	150,488.49	8050-15700-405350	6712510003200
12/28/2011	751880	Public Utilities	106.14	2110-31320-403420	671294847
12/28/2011	751880	Public Utilities	411.29	5120-85000-403420	671274846
12/28/2011	751883	Riverstone Health	11,250.00	0100-14110-403931	Air pollution Control Program January - March 2012
12/28/2011	751888	Sanderson Stewart	14,010.95	2330-43700-409390	SWORDS PARK TRAIL STPE 10 99 (60)
12/28/2011	751888	Sanderson Stewart	27,306.83	2120-43700-409390	SWORDS PARK TRAIL STPE 10 99 (60)
12/28/2011	751888	Sanderson Stewart	3,356.07	5030-75910-409340	WO 11-01 WATER REPLACEMENT PROJECTS
12/28/2011	751888	Sanderson Stewart	46,551.78	5030-75910-409340	WO 12-01 2012 Water & Sewer Replacement Sch 1 CONTRACT \$766,533.00 APPROVED BY CC 10/24/11
12/28/2011	751888	Sanderson Stewart	13,061.25	2330-43700-409390	to correct for too much retainage added against PO. See Word attachment for full detail
12/28/2011	751892	Security By Kenco	2,700.00	6500-15660-403990	Inv. 929042
12/28/2011	751898	Skyline Services Inc	1,120.00	5610-71120-403660	Invoice #30986. Clean glass & frames on four revolving doors to remove black resin from door brushed. Clean revolving door ceiling & the glass & frames inside the glass triangle.
12/28/2011	751898	Skyline Services Inc	1,627.50	5610-71120-403660	FY 12 Window Cleaning Contract. December 2011
12/28/2011	751904	Stockman Bank	4,443.60	7230-65950-406200	DRLF payment Dec. 2011
12/28/2011	751910	Tetra Tech, Inc.	2,569.26	5410-31230-403590	GAS AND WATER MONITORING FOR THE LANDFILL
12/28/2011	751910	Tetra Tech, Inc.	245.00	5410-31230-403590	Billings landfill Semi-Annual Groundwater Monitoring
12/28/2011	751912	Tire-Rama	3,831.00	2110-31320-402390	MP

12/28/2011	751912	Tire-Rama	30.00	2110-31320-402390	MP
12/28/2011	751912	Tire-Rama	-1,235.70	5020-73120-402390	remove invoices 1050189642, 1050189733, 1050189612.
12/28/2011	751912	Tire-Rama	20.00	2110-31320-402390	MP
12/28/2011	751912	Tire-Rama	30.00	2110-31320-402390	MP
12/28/2011	751912	Tire-Rama	80.00	2110-31320-402390	MP
12/28/2011	751912	Tire-Rama	-158.82	5410-31220-402390	credit
12/28/2011	751912	Tire-Rama	2,135.76	5410-31230-402390	landfill tire repairs inv# 1050189457
12/28/2011	751912	Tire-Rama	1,500.72	5410-31220-402390	4 tires new tag inv#1050187856
12/28/2011	751912	Tire-Rama	544.73	5410-31220-402390	tire repair and wiper blades lumina sw
12/28/2011	751912	Tire-Rama	211.78	5410-31230-402390	tire repaired at landfill inv# 1050189292
12/28/2011	751912	Tire-Rama	1,761.56	5410-31230-402390	tire repairs for lf inv#1050187864 \$342.00 Inv# 1050187860 \$1419.56 total of \$1761.56
12/28/2011	751912	Tire-Rama	7,145.00	5410-31220-402390	tires and repairs inv 1050187816
12/28/2011	751912	Tire-Rama	2,467.75	5410-31220-402390	tires and repairs inv# 1050187842
12/28/2011	751912	Tire-Rama	4,738.00	5410-31220-402390	tires and repairs inv# 1050189264 sw
12/28/2011	751912	Tire-Rama	1,543.55	5410-31220-402390	tires and repairs inv# 1051089266 sw
12/28/2011	751912	Tire-Rama	1,371.96	5410-31220-402390	recap tires for stock inv# 1050185758
12/28/2011	751912	Tire-Rama	5,719.00	5410-31220-402390	recaps for stock sw inv# 1050189396
12/28/2011	751912	Tire-Rama	3,930.92	5020-73120-402390	NONSTOCKING ITEMS-P.U.D.
12/28/2011	751912	Tire-Rama	30.00	2110-31320-402390	MP
12/28/2011	751912	Tire-Rama	211.78	5410-31230-402320	MP
12/28/2011	751912	Tire-Rama	112.00	2110-31320-402390	MP
12/28/2011	751912	Tire-Rama	390.00	2110-31320-402390	MP
12/28/2011	751915	Town & Country Supply Association	5,456.80	6010-00000-141714	MP PO NUM 288306
12/28/2011	751915	Town & Country Supply Association	6,049.42	6010-00000-141714	MP PO NUM 288257
12/28/2011	751915	Town & Country Supply Association	22,031.60	6010-00000-141000	MP PO NUM 288276
12/28/2011	751915	Town & Country Supply Association	21,227.41	6010-00000-141714	MP PO NUM 288278
12/28/2011	751915	Town & Country Supply Association	10,932.70	6010-00000-141000	MP PO NUM 288306
12/28/2011	751915	Town & Country Supply Association	12,935.51	6010-00000-141000	MP PO NUM 288258
12/28/2011	751915	Town & Country Supply Association	14,403.51	6010-00000-141000	MP PO NUM 288277
12/28/2011	751922	Us Bank-Revolving Loan Fund	4,443.60	7230-65950-406200	DRLF payment Dec. 2011
12/28/2011	751923	Valmont Industries Inc	2,781.00	2110-00000-141318	STREET LIGHTS PO NUM 288307
12/28/2011	751925	Wells Fargo Bank-Loan Payment	4,443.60	7230-65950-406200	DRLF payment Dec. 2011
12/28/2011	751927	Western Security Bank	4,443.60	7230-65950-406200	DRLF payment Dec. 2011
12/28/2011	751932	Yellowstone Co Implement	31,645.00	4060-71190-409290	John Deere 320D skid steer w/72" utility bucket & pro 48" rail pallet fork attachment

12/28/2011 751934 Yellowstone Valley Animal Shelter

20,666.67 1500-21700-403990 contract 11-22-11 thru 12-21-11

Regular City Council Meeting

Meeting Date: 01/23/2012

TITLE: Payment of Claims January 3, 2012.

PRESENTED BY: Pat M. Weber, Finance Director

Department: City Hall Administration

Information

PROBLEM/ISSUE STATEMENT

Claims in the amount of \$926,524.67 have been audited and are presented for your approval for payment. A complete listing of the claims dated January 3, 2012, is available in the Finance Department.

ALTERNATIVES ANALYZED

No other alternatives were analyzed.

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.

AP Report for 01/03/2012>\$2,500

Check Date	Check	Name	Amount	Account	Item Desc
01/03/2012	751937	Ace Electric Inc	72.00	6500-15660-402450	Inv. 25851 Trouble Shoot Garage Door Opener
01/03/2012	751937	Ace Electric Inc	77.05	6500-15670-403690	Inv. 25852 Hook up air compressor
01/03/2012	751937	Ace Electric Inc	1,519.71	6500-15670-403690	Inv. 25925 Wall being removed in rest room across from Maintenance office in city hall, light moved, outlet installed.
01/03/2012	751937	Ace Electric Inc	581.93	6500-15660-403990	Inv. 25926 outlet changed out in parking basement
01/03/2012	751937	Ace Electric Inc	177.83	6500-15660-402450	Inv. 25927 PD2 change 3 ballasts
01/03/2012	751937	Ace Electric Inc	144.64	6500-15660-402450	Inv. 25928 Install tamper resistant thermostate covers
01/03/2012	751940	Advanced Traffic Products Inc	11,491.25	8450-31860-409310	WO 10-31 29th & Central Signal
01/03/2012	751942	Archie Cochrane	5,741.37	6300-17530-407310	Inv. 812440?1 BPD Car #1481 Hail damage #2010-109
01/03/2012	751953	Billings Tourism	373,875.00	7790-15760-407679	paid November, distributed December
01/03/2012	751954	Black Box Network Services	1,799.26	6060-19310-403582	Service Contract Maintenance □ 1/1/12-6/30/12 Fire Station #1 10514310
01/03/2012	751954	Black Box Network Services	1,732.96	6060-19310-403582	Service Contract Maintenance □ 1/1/12-6/30/12 Library 10403414
01/03/2012	751954	Black Box Network Services	1,068.22	6060-19310-403582	Service Contract Maintenance □ 1/1/12-6/30/12 Airport 10475644
01/03/2012	751954	Black Box Network Services	1,671.12	6060-19310-403582	Service Contract Maintenance □ 1/1/12-6/30/12 Belknap 10513826
01/03/2012	751954	Black Box Network Services	1,555.82	6060-19310-403582	Service Contract Maintenance □ 1/1/16/30/12 BOC Midland Rd 10365785
01/03/2012	751954	Black Box Network Services	6,009.16	6060-19310-403582	Service Contract Maintenance □ 1/1/12-6/30/12 City Hall 10404216
01/03/2012	751965	Cta Architects	3,000.00	2340-13400-407291	Inv. 92822 Naval Reserve Building Demo
01/03/2012	751967	Dell Computer L P	2,023.91	0100-16110-402925	Dell Latitude E6320 Laptop
01/03/2012	751967	Dell Computer L P	2,028.73	2400-43010-402925	Dell Latitude E6520
01/03/2012	751968	Downtown Billings Bid, Inc.	120,370.90	7800-15750-407680	paid November, distributed December
01/03/2012	751973	Federal Signal Corp	3,241.52	1500-21120-402390	2 light bars for patrol cars.
01/03/2012	751978	Hach Company	1,319.26	5120-84000-402220	lab supplies
01/03/2012	751978	Hach Company	724.00	5020-74000-402360	sensor
01/03/2012	751978	Hach Company	724.00	5020-74000-402360	repair turbidimeter

01/03/2012	751980	Hdr Inc	489.19	5120-82110-403540	WWTP MPDES PERMIT ASSISTANCE (DISCHARGE)
01/03/2012	751980	Hdr Inc	192.07	4160-00000-201100	WO 09-28 Water Treatment Plant Backup Phase II; Ret Release HTE
01/03/2012	751980	Hdr Inc	2,913.99	4160-00000-201100	PL0049 Water System Emergency Power
01/03/2012	751980	Hdr Inc	5,813.84	4160-00000-201100	PL0049 Water System Emergency Power; Retainage Release HTE
01/03/2012	751982	Innovyze Inc	2,700.00	5020-74000-403553	MODELING SOFTWARE
01/03/2012	751982	Innovyze Inc	1,800.00	5120-84000-403553	MODELING SOFTWARE
01/03/2012	751985	Jtl Group Inc Db	2,316.28	2110-31320-404520	sand/salt material
01/03/2012	751985	Jtl Group Inc Db	993.29	2110-31320-404520	3/4" and 1 1/2" crushed base
01/03/2012	751986	Junkermier, Clark, Campanella,	29,000.00	0100-15120-403530	audit field work through 11/30/2011
01/03/2012	751987	Kadrmass Lee & Jackson	3,246.52	5030-00000-201100	WO 09-11 Rimrock Road 17th ST W to Rehberg; Retainage Release HTE (5030)
01/03/2012	751987	Kadrmass Lee & Jackson	5,553.48	5030-00000-201100	WO 09-11 Rimrock Road 17th ST W to Rehberg; Retainage Release Innoprise Fund (5030)
01/03/2012	751987	Kadrmass Lee & Jackson	5,049.10	8400-00000-201100	WO 09-11 Rimrock Road 17th ST W to Rehberg; Retainage Release HTE Fund (8400)
01/03/2012	751987	Kadrmass Lee & Jackson	2,648.04	8400-00000-201100	WO 09-11 Rimrock Road 17th ST W to Rehberg; Retainage Release Innoprise Fund (8400)
01/03/2012	751987	Kadrmass Lee & Jackson	12,906.70	2050-00000-201100	WO 09-11 Rimrock Road 17th ST W to Rehberg; Retainage Release Innoprise Fund (2050)
01/03/2012	751987	Kadrmass Lee & Jackson	400.00	4410-00000-201100	WO 09-11 Rimrock Road 17th ST W to Rehberg; Retainage Release Innoprise Fund (4410)
01/03/2012	751987	Kadrmass Lee & Jackson	1,100.00	5130-00000-201100	WO 09-11 Rimrock Road 17th ST W to Rehberg; Retainage Release Innoprise Fund (5130)
01/03/2012	751987	Kadrmass Lee & Jackson	12,671.18	8450-00000-201100	WO 09-11 Rimrock Road 17th ST W to Rehberg; Retainage Release Fund (8450)
01/03/2012	751987	Kadrmass Lee & Jackson	6,604.52	8450-00000-201100	WO 09-11 Rimrock Road 17th ST W to Rehberg; Retainage Release Innoprise Fund (8450)

01/03/2012	751990	Midland Implement Co Inc	6,130.15	2340-13400-407291	Inv. 646988002 Sole Source Rainbird MaxiCom Control System compatible with PRPL's System and Programs.
01/03/2012	751995	Montana Dakota Utilities Co	10.40	5610-71130-403440	31454301
01/03/2012	751995	Montana Dakota Utilities Co	26.87	5020-74000-403440	07369223
01/03/2012	751995	Montana Dakota Utilities Co	1,793.13	5610-71130-403440	07385922
01/03/2012	751995	Montana Dakota Utilities Co	193.68	5610-71170-403440	073869 28. Row 1 Hangar #2
01/03/2012	751995	Montana Dakota Utilities Co	4,069.60	5120-84000-403440	07555321
01/03/2012	751995	Montana Dakota Utilities Co	8,139.20	5120-84000-403440	07555321
01/03/2012	751995	Montana Dakota Utilities Co	4,069.60	5120-84000-403440	07555321
01/03/2012	751995	Montana Dakota Utilities Co	10.40	5610-71130-403440	31454401
01/03/2012	751995	Montana Dakota Utilities Co	419.45	5610-71170-403440	073858 25. 1737 W Hwy 3. TSA Building
01/03/2012	751995	Montana Dakota Utilities Co	10.40	5610-71170-403440	07388824
01/03/2012	751995	Montana Dakota Utilities Co	33.66	5610-71130-403440	31454801
01/03/2012	751995	Montana Dakota Utilities Co	84.77	5610-71190-403440	379130 01. QTA Detail Bay #5 Thrifty
01/03/2012	751995	Montana Dakota Utilities Co	22.05	5610-71130-403440	31454902
01/03/2012	751995	Montana Dakota Utilities Co	137.24	5610-71190-403440	379129 01.. QTA Detail Bay #4 Avis
01/03/2012	751995	Montana Dakota Utilities Co	516.56	0100-51270-403440	07586821
01/03/2012	751995	Montana Dakota Utilities Co	2,629.83	6500-15670-403440	07610421
01/03/2012	751995	Montana Dakota Utilities Co	849.47	5610-71190-403440	379125 01. QTA Mud Wash
01/03/2012	751995	Montana Dakota Utilities Co	2,935.01	2600-55120-403440	07617521
01/03/2012	751995	Montana Dakota Utilities Co	1,918.63	5610-71190-403440	377185 02. December 2011 QTA CAR Wash
01/03/2012	751995	Montana Dakota Utilities Co	127.16	5210-15950-403440	07624629
01/03/2012	751995	Montana Dakota Utilities Co	225.55	5610-71190-403440	379127 01. December 2011 Hertz Detail Bay
01/03/2012	751995	Montana Dakota Utilities Co	102.61	5210-15950-403440	07624725
01/03/2012	751995	Montana Dakota Utilities Co	181.74	5610-71190-403440	379131 01. December 2011 National/Alamo Detail Bay #2
01/03/2012	751995	Montana Dakota Utilities Co	18.36	5210-15950-403440	07624823
01/03/2012	751995	Montana Dakota Utilities Co	105.37	5610-71190-403440	379128 01. December 2011 Enterprise Detail Bay #3
01/03/2012	751995	Montana Dakota Utilities Co	2,740.61	5710-71430-403440	07647023
01/03/2012	751995	Montana Dakota Utilities Co	1,250.65	1500-22210-403440	07676421
01/03/2012	751995	Montana Dakota Utilities Co	503.59	1500-22210-403440	07935121
01/03/2012	751995	Montana Dakota Utilities Co	141.23	6600-31100-403440	37667401
01/03/2012	751995	Montana Dakota Utilities Co	211.85	6700-31410-403440	37667401
01/03/2012	751995	Montana Dakota Utilities Co	899.39	5410-31230-403440	08073321
01/03/2012	751995	Montana Dakota Utilities Co	30.24	5020-74000-403440	31753602

01/03/2012	751995	Montana Dakota Utilities Co	991.25	1500-21710-403440	32062801
01/03/2012	751995	Montana Dakota Utilities Co	3,169.28	6500-15660-403440	32577402
01/03/2012	751995	Montana Dakota Utilities Co	382.80	6500-15660-403440	32629302
01/03/2012	751995	Montana Dakota Utilities Co	916.34	6500-15660-403440	32708002
01/03/2012	751995	Montana Dakota Utilities Co	13.06	5210-15920-403440	34941902
01/03/2012	751995	Montana Dakota Utilities Co	23.37	5120-85000-403440	35059801
01/03/2012	751995	Montana Dakota Utilities Co	672.89	1500-22210-403440	35322001
01/03/2012	751995	Montana Dakota Utilities Co	24.69	5120-85000-403440	36738301
01/03/2012	751999	Montana State Fireman's Assoc	2,735.64	9000-00000-209924	PAYROLL SUMMARY
01/03/2012	752003	Northwestern Energy	191.28	8720-51980-403410	10590933
01/03/2012	752003	Northwestern Energy	328.95	5710-71480-403410	17847567
01/03/2012	752003	Northwestern Energy	6,905.49	6500-15670-403410	01005073
01/03/2012	752003	Northwestern Energy	10,992.61	5020-74000-403410	01006063
01/03/2012	752003	Northwestern Energy	89.99	2600-55120-403410	07244643
01/03/2012	752003	Northwestern Energy	7.30	0100-51120-403410	08317026
01/03/2012	752003	Northwestern Energy	129.94	5210-15950-403410	13815279
01/03/2012	752003	Northwestern Energy	147.46	1500-21150-403410	19841501
01/03/2012	752003	Northwestern Energy	41,223.00	5020-74000-403410	01006063
01/03/2012	752003	Northwestern Energy	666.72	1500-22210-403410	07125370
01/03/2012	752003	Northwestern Energy	2,099.31	0100-51120-403410	15942824
01/03/2012	752003	Northwestern Energy	194.10	1500-21150-403410	19841550
01/03/2012	752003	Northwestern Energy	2,061.09	5020-73140-403410	01006063
01/03/2012	752003	Northwestern Energy	93.01	0100-51220-403410	07126832
01/03/2012	752003	Northwestern Energy	2,416.16	5020-74000-403410	07230436
01/03/2012	752003	Northwestern Energy	51,728.54	5120-84000-403410	01005917
01/03/2012	752003	Northwestern Energy	226.22	5020-74000-403410	07222524
01/03/2012	752003	Northwestern Energy	692.42	5020-74000-403410	01004852
01/03/2012	752003	Northwestern Energy	317.37	1500-22210-403410	07208408
01/03/2012	752003	Northwestern Energy	7.84	5020-74000-403410	19059435
01/03/2012	752003	Northwestern Energy	4,837.48	5210-15920-403410	07208341
01/03/2012	752003	Northwestern Energy	149.67	5120-85000-403410	17568932
01/03/2012	752003	Northwestern Energy	471.20	5210-15950-403410	07208291
01/03/2012	752003	Northwestern Energy	688.07	5120-83140-403410	01006063
01/03/2012	752003	Northwestern Energy	23.02	5710-71480-403410	07127640
01/03/2012	752010	Qwest Communications	86.40	5610-71100-403450	Qwest 406-252-9412 Airport
01/03/2012	752010	Qwest Communications	44.70	6010-15500-403450	Qwest 406-256-5047 Motor Pool
01/03/2012	752010	Qwest Communications	44.18	5610-71100-403450	Qwest 406-256-7070 Airport

01/03/2012	752010	Qwest Communications	43.20	2250-22320-403450	Qwest 406-651-0282 Fire 5 911 Line
01/03/2012	752010	Qwest Communications	43.20	0100-51400-403450	Qwest 406-652-0269 Cemetery FAX Line
01/03/2012	752010	Qwest Communications	44.18	0100-51120-403450	Qwest 406-652-5507 Parks
01/03/2012	752010	Qwest Communications	29.38	2110-31320-403450	Qwest 406-652-8104 PW Traffice Signal 24 Central
01/03/2012	752010	Qwest Communications	33.05	0100-51210-403450	Qwest 406-652-8403 Stewart Park Batting Cages
01/03/2012	752010	Qwest Communications	43.20	5210-15920-403450	Qwest 406-252-2041 Park 2 Elevator Phone
01/03/2012	752010	Qwest Communications	7,037.17	2250-22320-403450	Qwest 406-252-1190 911 Qwest
01/03/2012	752010	Qwest Communications	28.58	2400-43010-407214	Qwest December 2011 2nd pay
01/03/2012	752010	Qwest Communications	28.58	0100-51120-403450	Qwest 406-657-3014 Parks 3890 Stillwater
01/03/2012	752010	Qwest Communications	3,522.92	6060-19310-403450	Qwest Main System Centrex
01/03/2012	752010	Qwest Communications	43.20	1500-21110-403450	Qwest 406-656-1046 PD3 FAX Line
01/03/2012	752010	Qwest Communications	28.58	2400-43010-407214	Qwest 406-656-9604 Planning Traffic Central 9th
01/03/2012	752013	Sanderson Stewart	8,655.54	5030-00000-201100	WO 11-01 2011 Water Replacement Projects; Retainage Release from Innoprise
01/03/2012	752013	Sanderson Stewart	25,600.10	5030-00000-201100	WO 11-01 2011 Water Replacement Projects; Retainage Release HTE
01/03/2012	752019	Sundown Security	1,387.25	5610-71100-403581	Skycap services 12/9/11-12/15/11
01/03/2012	752019	Sundown Security	363.00	0100-15120-403590	pick up and deliver mail boxes 1819 & 1178
01/03/2012	752019	Sundown Security	363.00	0100-15120-403590	pick up and deliver mail boxes 1819 & 1178
01/03/2012	752019	Sundown Security	184.00	0100-15120-403590	pick up from depot and pud, deliver to city hall
01/03/2012	752019	Sundown Security	114.00	5020-73110-403962	pick up from depot and pud, deliver to city hall
01/03/2012	752019	Sundown Security	114.00	5120-83110-403962	pick up from depot and pud, deliver to city hall
01/03/2012	752019	Sundown Security	213.50	6600-31100-403590	pick up from depot and pud, deliver to city hall
01/03/2012	752019	Sundown Security	184.00	0100-15120-403590	pick up from depot and pud, deliver to city hall
01/03/2012	752019	Sundown Security	114.00	5020-73110-403962	pick up from depot and pud, deliver to city hall
01/03/2012	752019	Sundown Security	114.00	5120-83110-403962	pick up from depot and pud, deliver to city hall
01/03/2012	752019	Sundown Security	213.50	6600-31100-403590	pick up from depot and pud, deliver to city hall
01/03/2012	752024	Verizon Wireless	431.03	5610-71100-403450	Airport
01/03/2012	752024	Verizon Wireless	215.05	1500-21700-403450	Animal Shelter MDT
01/03/2012	752024	Verizon Wireless	144.92	1500-21700-403450	Animal Shelter
01/03/2012	752024	Verizon Wireless	493.86	7170-21660-403450	CCSIU Cell/PTT
01/03/2012	752024	Verizon Wireless	58.65	0100-17500-403450	Human Resources
01/03/2012	752024	Verizon Wireless	44.42	1500-21110-403450	Police ICAC
01/03/2012	752024	Verizon Wireless	26.61	6200-19110-403450	ITD

01/03/2012	752024	Verizon Wireless	43.01	0100-51120-403450	Parks PMD Air Card
01/03/2012	752024	Verizon Wireless	13.02	6200-19130-403450	ITD GIS
01/03/2012	752024	Verizon Wireless	165.98	1500-21110-403450	Police US Marshall MDT
01/03/2012	752024	Verizon Wireless	3,539.36	1500-21110-403450	Police MDT Toughbook
01/03/2012	752024	Verizon Wireless	609.12	1500-22210-403450	Fire Department
01/03/2012	752024	Verizon Wireless	72.70	0100-15120-403450	Finance Pat Weber
01/03/2012	752024	Verizon Wireless	129.03	2600-55170-403450	Library Outreach Air Cards
01/03/2012	752024	Verizon Wireless	83.92	6500-15670-403450	Facilities City Hall□ Plus 30% of 406-672-3027
01/03/2012	752024	Verizon Wireless	129.11	6200-19110-403450	ITD Air Card & MIFI
01/03/2012	752024	Verizon Wireless	54.81	1500-22250-403450	Comm Center 911
01/03/2012	752024	Verizon Wireless	43.01	1500-22210-403450	Fire MIFI
01/03/2012	752024	Verizon Wireless	64.23	6500-15650-403450	Facilities BOC□ Plus 70% of 406-672-3027
01/03/2012	752024	Verizon Wireless	688.18	1500-22210-403450	Fire MDT
01/03/2012	752024	Verizon Wireless	86.02	7170-21660-403450	CCSIU RAVEN
01/03/2012	752024	Verizon Wireless	255.49	0100-16110-403450	Legal
01/03/2012	752024	Verizon Wireless	85.56	7170-21660-403450	CCSIU
01/03/2012	752024	Verizon Wireless	43.01	7170-21660-403450	CCSIU Air Card
01/03/2012	752024	Verizon Wireless	258.14	2090-44510-403450	Building Air Cards
01/03/2012	752024	Verizon Wireless	26.08	2600-55170-403450	Library Outreach
01/03/2012	752024	Verizon Wireless	43.01	6700-31410-403450	Engineering Air Card
01/03/2012	752024	Verizon Wireless	150.82	2600-55120-403450	Library
01/03/2012	752024	Verizon Wireless	67.95	0100-12200-403450	Drug Court
01/03/2012	752024	Verizon Wireless	86.02	0100-43210-403450	Code Enforcement Air Cards
01/03/2012	752024	Verizon Wireless	51.27	6010-15500-403450	Motor Pool
01/03/2012	752024	Verizon Wireless	42.69	0100-11000-403450	Mayor
01/03/2012	752024	Verizon Wireless	25.81	5020-75000-403450	PUD Air Csrds 60% 5020 75000 403450□ PUD Air Card 40% 5120 85000 403450
01/03/2012	752024	Verizon Wireless	17.20	5120-85000-403450	PUD Air Csrds 60% 5020 75000 403450□ PUD Air Card 40% 5120 85000 403450
01/03/2012	752024	Verizon Wireless	404.78	1500-21110-403450	Police Resource Officers
01/03/2012	752024	Verizon Wireless	90.16	2510-21870-403450	Police Forensic 406-794-6880□ Spare 406-698-7323
01/03/2012	752024	Verizon Wireless	2,955.59	1500-21110-403450	Police
01/03/2012	752024	Verizon Wireless	13.02	2400-43010-403450	Planning
01/03/2012	752024	Verizon Wireless	156.67	0100-12120-403450	Municipal Court Judge

01/03/2012	752024	Verizon Wireless	23.66	2490-21960-403450	Police DV 406-698-1391
01/03/2012	752024	Verizon Wireless	47.24	5210-15210-403450	Parking
01/03/2012	752024	Verizon Wireless	299.98	0100-51100-403450	PRPL Admin
01/03/2012	752024	Verizon Wireless	128.64	0100-51210-403450	PRPL Recreation
01/03/2012	752024	Verizon Wireless	45.30	0100-51400-403450	Cemetery
01/03/2012	752024	Verizon Wireless	43.60	0100-51120-403450	Parks PMD
01/03/2012	752024	Verizon Wireless	1,543.73	0100-51120-403450	Parks
01/03/2012	752024	Verizon Wireless	217.83	0100-51120-403450	Parks Irrigation
01/03/2012	752024	Verizon Wireless	83.95	0100-15430-403450	Purchasing
01/03/2012	752024	Verizon Wireless	113.09	6600-31100-403450	Public Works Admin
01/03/2012	752024	Verizon Wireless	138.90	2090-44510-403450	Building
01/03/2012	752024	Verizon Wireless	543.40	6700-31410-403450	Engineering
01/03/2012	752024	Verizon Wireless	57.59	5410-31210-403450	Solid Waste
01/03/2012	752024	Verizon Wireless	304.99	2110-31320-403450	Streets
01/03/2012	752024	Verizon Wireless	83.86	5410-31230-403450	Solid Waste On Call
01/03/2012	752024	Verizon Wireless	671.40	5020-75000-403450	Distribution & Collection 60% 5020-75000-403450
					Distribution & Collection 40\$ 5120-85000-403450
01/03/2012	752024	Verizon Wireless	447.60	5120-85000-403450	Distribution & Collection 60% 5020-75000-403450
					Distribution & Collection 40\$ 5120-85000-403450
01/03/2012	752024	Verizon Wireless	19.21	5020-77000-403450	PUD Environmental 50% 5020-77000-403450
					PUD Environmental 50% 5120-87000-403450
01/03/2012	752024	Verizon Wireless	19.20	5120-87000-403450	PUD Environmental 50% 5020-77000-403450
					PUD Environmental 50% 5120-87000-403450
01/03/2012	752024	Verizon Wireless	795.89	5020-74000-403450	Water Treatment
					PWBelknap-WT
01/03/2012	752024	Verizon Wireless	440.56	5020-73120-403450	PWBLKNP MTRSHOP
01/03/2012	752024	Verizon Wireless	69.14	5020-73110-403450	Belknap Office 60% 5020-73110-403450
					Belknap Office 40\$ 5120-83110-403450
01/03/2012	752024	Verizon Wireless	46.09	5120-83110-403450	Belknap Office 60% 5020-73110-403450
					Belknap Office 40\$ 5120-83110-403450
01/03/2012	752024	Verizon Wireless	86.44	5020-73140-403450	PWBLKNP STORES 75% 5020-73140-403450
					PWBLKNP STORES 25% 5120-83140-403450

01/03/2012	752024	Verizon Wireless	28.81	5120-83140-403450 PWBLKNP STORES 75% 5020-73140-403450
				PWBLKNP STORES 25% 5120-83140-403450
01/03/2012	752024	Verizon Wireless	1,089.58	5120-84000-403450 Wastewater Treatment Plant
01/03/2012	752024	Verizon Wireless	31.40	6060-19310-403450 TeleComm Manager
01/03/2012	752024	Verizon Wireless	91.57	5710-71420-403160 On Call MET
01/03/2012	752024	Verizon Wireless	36.26	5710-71410-403450 MET Transit
01/03/2012	752024	Verizon Wireless	149.39	0100-43210-403450 Code Enforcement
01/03/2012	752024	Verizon Wireless	171.66	5710-71470-403160 MET AVL Account 770599076-001
01/03/2012	752030	Yellowstone Valley Elec	34.16	5120-84000-403410 n pond
01/03/2012	752030	Yellowstone Valley Elec	256.93	5120-85000-403410 2229 blue cr
01/03/2012	752030	Yellowstone Valley Elec	161.26	5120-85000-403410 dovetail
01/03/2012	752030	Yellowstone Valley Elec	19.00	5120-85000-403410 rod & gun
01/03/2012	752030	Yellowstone Valley Elec	59.00	5120-84000-403410 o shea cir
01/03/2012	752030	Yellowstone Valley Elec	14.61	5020-74000-403410 past due santiago
01/03/2012	752030	Yellowstone Valley Elec	1,165.75	5020-74000-403410 santiago
01/03/2012	752030	Yellowstone Valley Elec	171.55	5120-85000-403410 iron horse trl
01/03/2012	752030	Yellowstone Valley Elec	1,200.59	5120-84000-403410 cattle dr

Regular City Council Meeting

Meeting Date: 01/23/2012

TITLE: Public Hearing and Special Review #896 - 525 N 24th Street West - Won \$800 Casino & Sports Pub

PRESENTED BY: Candi Beaudry

Department: Planning & Community Services

Information

PROBLEM/ISSUE STATEMENT

This is a request for a special review to allow the location of a beer and wine license with gaming in a Community Commercial (CC) zone on Lots 1-10, Block 13, and Tract A1, B, and B1 less the west 10 feet for street, Gorham Park Subdivision, a 4.73 acre parcel of land. The suite will be about 3,490 square feet within an existing 58,285 square-foot multi-tenant building. The Won \$800 Casino and Sports Pub is currently located in Rimrock Mall and is moving. The location will not require a waiver of the 600 foot separation from this location as there are no churches, schools or public parks with playground equipment within 600 feet of this property. The Zoning Commission conducted a public hearing on January 3, 2012, and is forwarding no recommendation to the City Council due to the lack of qualified members to vote on the application.

ALTERNATIVES ANALYZED

The Planning Division reviewed the application and recommended conditional approval to the Zoning Commission. The Zoning Commission conducted the public hearing but could not forward a recommendation due to the lack of qualified voting members. Commission Member Bill Ryan could not deliberate or vote on the application because he represents the applicant, M & K, Inc. Only 3 members of the Zoning Commission attended the meeting on January 3, 2012. Two qualified members of the Zoning Commission do not form a quorum for the purposes of voting on a recommendation.

Before a recommendation of approval or conditional approval can be made, each special review request must demonstrate conformance with three primary criteria: 1) the application complies with all parts of the Unified Zoning Regulations, 2) the application is consistent with the objectives and purposes of the Unified Zoning Regulations and the 2008 Growth Policy, and 3) is compatible with surrounding land uses and is otherwise screened and separated from adjacent land to minimize adverse impacts. The Planning Division advised the Zoning Commission the application conforms to the first criteria, and conforms to all parts of the Unified Zoning Regulations. The location is in one of the zoning districts that allows a beer and wine license with gaming by special review approval. The application is conforming to the purposes of the regulations and the 2008 Growth Policy. The location of a beer and wine license with gaming in a small 3,490 square foot tenant space will allow an existing business to remain in the area and increase occupancy of this multi-tenant building.

The Planning Division advised the Zoning Commission the application also conforms to the second and third criteria. The submitted drawing shows the existing conditions and no substantial changes to the exterior except for changes in signage are contemplated. This is an opportunity to re-use an existing vacant tenant space and allow expansion of a long term business. Planning staff is recommending conditions for this special review based on the approval criteria for special review uses.

The Planning Division forwarded the following conditions of approval to the Zoning Commission:

1. The special review approval shall be limited to Lots 1-10, Block 13 and Tract A1, B and B1 less the west 10 feet for street, Gorham Park Subdivision
2. Any expansion of the proposed interior space greater than 400 square feet will require an additional special review approval.
3. There shall be no outdoor public address system or outside announcement system of any kind.
4. These conditions of special review approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.
5. The proposed development shall comply with all other limitations of Section 27-613 of the Unified Zoning Regulations concerning special review uses, and all other City of Billings regulations and ordinances that apply.

FINANCIAL IMPACT

There should be no significant impact on city finances. When the building is remodeled, additional property taxes may be collected when the value increases.

BACKGROUND

This is a request for a special review to allow the location of a beer and wine license with gaming in a 3,490 square foot suite in the multi-tenant building located at 525 24th Street West. The Won \$800 Casino and Sports Pub is moving from its current location in the Rimrock Mall. This location has a vacant tenant space the applicant intends to renovate. This property received a zone change from NC to CC in 1990. The CC zone allows the location of a liquor license with gaming by special review approval. There is an existing cabaret beer and wine license for a restaurant tenant already on the property. A cabaret license does not require a special review since no gaming is allowed with this type of license. There is a long history of special review approvals, denials, and withdrawn applications in this area of 24th Street West. This is the first application for this property. The location is not within 600 feet of any church, school, or public park with a playground. Most of the commercial property near this site has been developed for retail services or offices. The Gorham Park neighborhood is directly east of this parcel.

STAKEHOLDERS

The Zoning Commission conducted a public hearing on January 3, 2012, and received the Planning staff recommendation and testimony from the owner, Theresa Jenkins, the applicant, Jill Lindell of Won \$800 Casino and Sports Pub, and the agent, attorney Peter Stanley. The Planning Division received a letter of opposition to the application from Betty Reid of 2311 Custer Avenue and this was put on the record. No other testimony was received. The Zoning Commission could not forward a recommendation because Commission member Bill Ryan was disqualified from voting since he represents the owner of the property, M & K, Inc. Three qualified members of the Zoning Commission are required to form a quorum for voting purposes.

CONSISTENCY WITH ADOPTED POLICIES OR PLANS

The consistency with adopted plans and policies is discussed in the Alternatives Analyzed section above.

RECOMMENDATION

The Zoning Commission forwards no recommend for Special Review #896.

APPROVED BY CITY ADMINISTRATOR

Attachments

[Zoning Map](#)

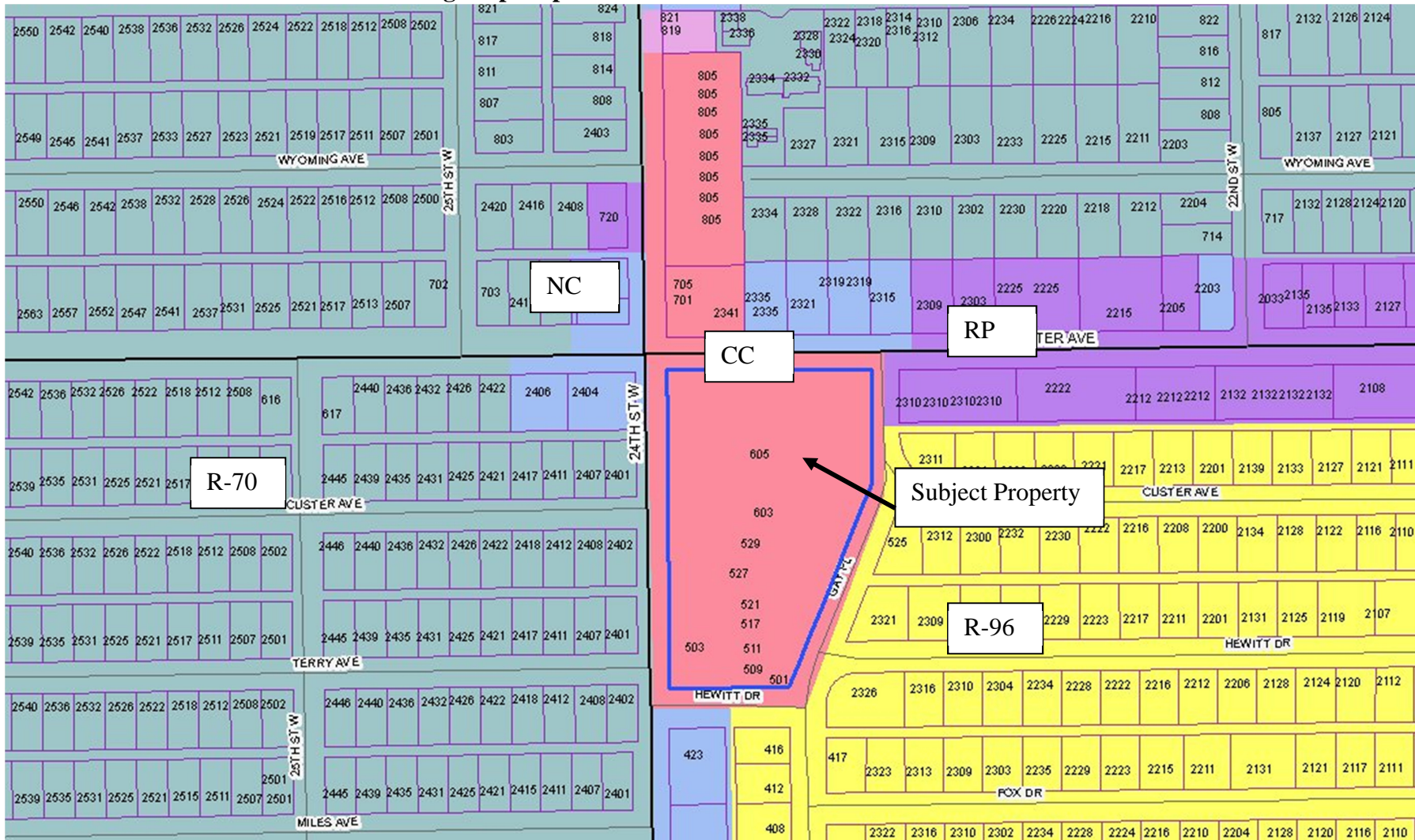
[Site Photos and map](#)

[Site plan](#)

[Applicant Letter](#)

[Letter of Opposition](#)

Attachment A
Zoning Map – Special Review #896 – 525 24th Street West



Attachment B
Site photos – Special Review #896 – 525 24th St West



Subject property



View north

Attachment B, continued
Site photos – Special Review #896 – 525 24th St West



View south and east along existing building

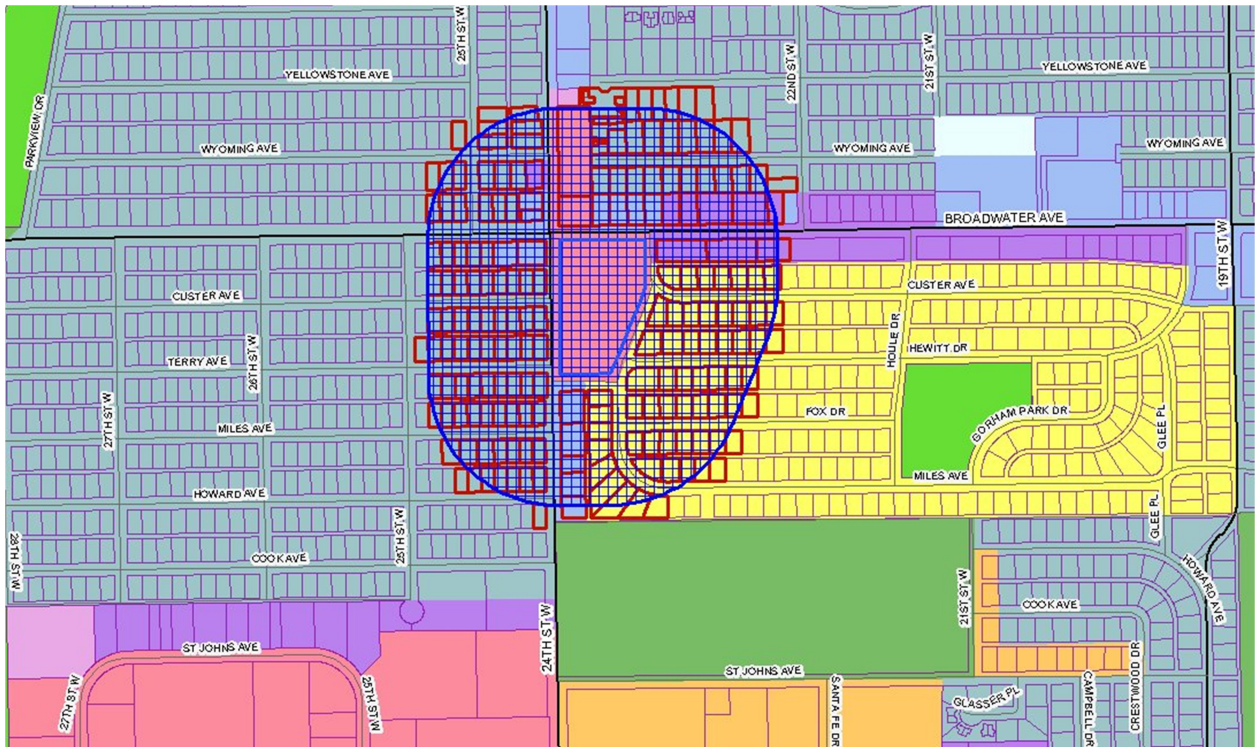


View west across parking lot – 24th Street West

Attachment B, continued
Site photos – Special Review #896 – 525 24th St West



Aerial View

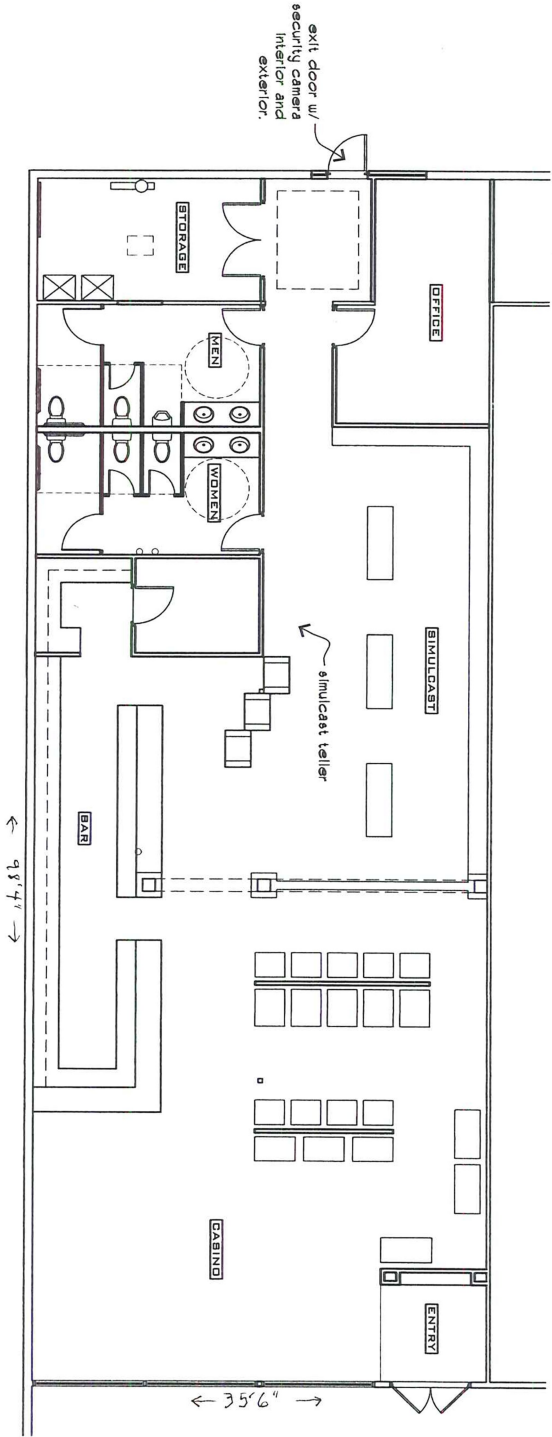


600 radius map

Attachment C

Site Plan – Special Review #896 – 525 24th Street West

SECURITY NOTES:
 TENANT SPACE TO BE EQUIPPED THROUGHOUT WITH VIDEO SURVEILLANCE SYSTEM.
 MONITORS TO BE LOCATED IN THE OFFICE AND BAR AREA.
 ALL PORTIONS OF CASINO, SIMULCAST, BAR AND ENTRIES ALONG WITH REAR EXTERIOR
 TO BE UNDER CAMERA SCOPE OF VIEW.



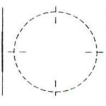
PLAN
 SCALE: NTS

A
 1.
 PLA

PROJECT NO. JLN
 DRAWN BY JLN
 CHECKED BY JLN
 DATES:
 PLS
 CDR
 CDR
 REV
 REV
 SHEET: 1
 PLA

WON 800 CASINO
 24TH STREET WEST
 BILLINGS, MT

PROJECT:
 1400 COUNTRY WANDER
 BILLINGS, MT 59102
 PH 406.668.5714
 FX 406.668.5713
 WWW.WON800.COM



STUDIO 41
 ARCHITECTS



Attachment D
Applicant Letter – Special Review #896 – 525 24th Street West

Attachment Special Review Application: 525 24th Street West.

This special review is to move an existing business from Rimrock Mall to the proposed location. It will not result in additional gaming licenses or beer and wine licenses used in the City. The business has been located in Rimrock Mall for approximately 20 years and has made a business decision to relocate. The license will not remain in Rimrock Mall.

A. In what ways is your proposal consistent with the goals and policies of the adopted Growth Policy?

Use of the property located at 24th and Broadwater is consistent and compatible with other uses in the neighborhood. Located in part of the shopping center is a pizza restaurant and an oriental food restaurant.

Re-use of existing space rather than new construction will contribute to infill and avoid urban sprawl and expanding city services to new areas. The building used is in an area that historically been commercially used. A large part of the shopping center was a former food store.

This use of the shopping center will provide more business choices to the neighborhood within walking distance or short car ride to the premises.

This use of the shopping center will allow the retention of a successful business in the City of Billings that is managed by responsible, long term residents and provides steady employment to its workers.

Empty or vacant storefronts are unattractive to customers of adjacent businesses and to those purchasing or improving adjacent property. Having occupied space with an attractive and active storefront will improve the image of the neighborhood.

By building close to existing traffic patterns and within walking distance for some customers the use of the shopping center should reduce emissions from vehicles and maintain healthy air quality levels.

This business provides an adaptive reuse of an existing structure. It make better use of property to conserve resources.

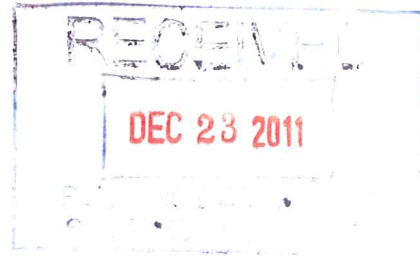
B. Why is there a need for the intended use of the property at this location?

The business has been located at Rimrock Mall for approximately 20 years. It is necessary that the business relocate to an area that is accessible to its existing customers. The new use of the property will increase the economic viability of the shopping center, improving its ability to attract and retain tenants.

C. How will the public interest be served if this application is approved?

The business can be located in a safe and accessible location without disrupting other businesses or causing parking problems. By meeting the growth goals as set forth above the relocation of the business is in the public interest.

December 21, 2011



Planning & Community Services Department
510 N. Broadway 4th Floor
Billings, MT. 59101

Dear Committee Members:

My husband, Bob, and I live at 2311 Custer behind the location you have chosen for a casino and bar. We moved into our house in Sept. of 1984. At that time, Kon's Grocery Store occupied the area where One Source Lighting has their business now. There was a lot of truck traffic unloading in the back of the store all hours of the night. We knew the store was there when we moved in and knew there would be things happening around the area. But, there was one thing we didn't expect. For several years there were a number of people that congregated behind the building for various reasons including it becoming a public bathroom area and a place to hang out with friends. We called the police several time, but of course they would leave right after we would call. There were a few times the police did catch up with them and the problem eventually got better. Also, living just off of 24th St. West & Broadwater, there is a lot of traffic in the area most of the night. The addition of this casino would only add to the noise and people traffic in the area. The fact that they will only have a beer and wine license doesn't make the situation any better. When you are at the grocery store some time, look at people's carts as they head home after work. You see lots of beer going home in containers larger than a six-pack.

The neighborhood has mellowed out over the last few year and we would like to keep it that way. We strongly oppose you allowing this business to open next to One Source Lighting.

Sincerely,

Betty J. Reid

Regular City Council Meeting

Meeting Date: 01/23/2012

TITLE: Zone Change #879 - Public Hearing and 1st reading - 2302 Meadowood Street

PRESENTED BY: Candi Beaudry

Department: Planning & Community Services

Information

PROBLEM/ISSUE STATEMENT

This is a zone change request from Residential 9,600 (R-96) to Residential 7,000 (R-70) on Lot 8, Block 1 of Meadowood Subdivision located at 2302 Meadowood Street. The property is owned by Mark Dawson and BlueLine Engineering, represented by Marshall Phil, is the agent. The owner and agent conducted a pre-application neighborhood meeting on May 31, 2011, at 6:00 pm at the Century 21 office at 1605 Shiloh Road. The Zoning Commission conducted a public hearing on December 6, 2011, and is forwarding a recommendation of approval on a 5-0 vote.

ALTERNATIVES ANALYZED

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

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

FINANCIAL IMPACT

The property will increase in property value if the zone change is granted. This may increase the tax revenue to the city.

BACKGROUND

The applicant is requesting to rezone this property on the northwest corner of the intersection of Meadowood Street and Lyman Avenue. Lyman Avenue dead ends at the west property line in an alley that runs north and south between Poly Drive and Colton Boulevard. The applicant conducted a pre-application neighborhood meeting on May 31, 2011, and no surrounding property owners attended. Several surrounding property owners submitted letters of support subsequent to the meeting. These letters are in Attachment D. The Planning Division notified the surrounding property owners on November 18, 2011 and no public comment has been received.

The applicant attempted an identical zone change for this property in March 2010, and this application was denied by the City Council. The previous application raised several concerns related to illegal spot zoning. Although this is an identical application, it appears the neighborhood has been sufficiently informed of the intent and has no concerns with the proposed zoning. Additional research conducted by Planning staff since the 2010 application has revealed similar zone changes in the R-96 zoning districts and a more recent

court case clarifying illegal spot zoning related to residential zones.

Planning staff has found and reviewed similar zoning changes in R-96 neighborhoods that indicate the compatibility of the proposed R-70 zoning. In 1981, 1983 and 1990, the City Council approved zone changes in single family (R-96) zoning districts to allow 2-family dwellings and multi-family dwellings. These zone changes have not had a detrimental effect on surrounding properties and are compatible with the R-96 zoning. A review of property within 600 feet of the property indicates at least 3 similarly developed parcels. Two of those 3 properties appear to be up-down duplex or triplex dwellings and the third property is built as a side-by-side duplex as the subject property was constructed. All three similar parcels were developed in the early 1950s prior to the current zoning. The side-by-side duplex dwelling at 2302 Meadowood was constructed in 1956. It has been continuously used as a two-family dwelling since that time. Most lots in this subdivision and surrounding subdivisions were developed with single-family homes. Two-family dwellings are not an allowed use in the R-96 zone, however it is considered a legal nonconforming use and may continue so long as the use is not abandoned for more than 1 year, or damaged or destroyed by more than 50% of its replacement value at the time of the damage. Improvements to the structure can be done as long as those improvements do not exceed 50% of its replacement value. For example, the owner can replace the roof, add on to the garage, or build a deck so long as those improvements do not exceed 50% of the structure replacement cost.

The owner and agent have proposed the zone change so the 2-family dwelling can be replaced in the future if it damaged or destroyed. In addition, the owner is contemplating creating two unit ownerships (a condominium or townhome) so each dwelling unit could be separately owned. Under the current zoning of R-96, only a single family dwelling could replace the 2-family dwelling. To create a unit ownership, the Planning Division must certify the property complies with zoning and the property does not comply with the current zoning. The proposed zoning of R-70 allows single family dwellings on lots of at least 7,000 square feet and 2-family dwellings on lots of at least 9,600 square feet. The lot is 9,836 square feet. The proposed zoning of R-70 would make the 2-family dwelling compliant with zoning.

The proposed R-70 zone is dissimilar in so far that it allows 2-family dwelling units and the R-96 zone does not allow attached dwellings. From 17th Street West to Rehberg Lane and between Colton Boulevard and Rimrock Road, is a solid section of R-96 zoning which only allows single family dwellings. Of 105 properties within 600 feet of this location, 3 lots have a legal nonconforming duplex or triplex dwelling. Although this is not significant percentage of the total number of properties within 600 feet, it does indicate these properties may diminish in value through lack of investment in maintenance and upgrades due to the risk of loss – through accidental fire, natural disasters and other unpredictable calamities. This property has the lowest building value as compared to others this street and the land value exceeds the building value by 57 percent. The other side-by-side duplex on Meadowood at 2435 Meadowood also has an “upside down” land to building value of approximately 42 percent. This indicates current and past owners have not invested in required maintenance or improvements for these two-family dwellings. This dis-investment may affect surrounding property and building values in the future.

Due to the size and location of the parcel, the proposed zoning must be evaluated to determine if it meets the criteria for the creation of an illegal spot zoning. Spot zoning - as defined by the Montana Supreme Court - is a three-prong test and each prong should be evaluated separately but weighed as a whole. A "yes" answer to each of the three tests is usually required before determining that a spot zoning has occurred. The precedent case is Little v Board of County

determining that a spot zoning has occurred. The precedent case is Little v Board of County Commissioners of Flathead County in 1981. The first test or criteria used by the courts to determine a spot zoning is whether the requested use is significantly different than the prevailing use in the area. The requested use is different than the prevailing single family use in the area, however the Planning staff does not believe it is significantly different than the prevailing use. More recent court cases on illegal spot zoning have not made a fine distinction between the allowable development densities of residential zoning districts (Boland et al v City of Great Falls, 1995). In the Boland case, the City of Great Falls rezoned property from a single family zone to a multi-family zone and the neighbor's appealed this as an illegal spot zoning. The Supreme Court held that the proposed zoning was not significantly different based on the differences in development density and found the proposed zone was therefore not significantly different from the surrounding single-family zoning.

The second criterion from the Little v Board of County Commissioners of Flathead County is whether the area for the requested use is small. This factor is more concerned with the number of benefited landowners rather than physical size of the property. The requested use only applies to the owner's property of less than 1/4 acre and the physical area affected is rather small. However, given the decrease in building value, and the "upside down" land to building ratio, a re-zoning may benefit more than the individual owner of this property. The re-zoning would remove the risk to investment in the building and would likely improve regular maintenance and improvements to the property.

The third criterion is whether the zoning is designed to benefit only one landowner at the expense of the surrounding property owners or the general public. The re-zoning does benefit one land owner however, as noted above, the land to building ratio should be improved once the investment risk is reduced. The surrounding market values may be beneficially affected by the new zoning.

STAKEHOLDERS

The Zoning Commission conducted a public hearing on December 6, 2011, and received the Planning staff recommendation and testimony from the applicant, Mark Dawson, and the agent, Marshall Phil of Blueline Engineering. No other testimony was received. The Planning staff did not receive any written testimony, with the exception of the letters of support received and included in Attachment D, or phone calls from surrounding property owners.

Mr. Phil stated the applicant reached out to the surrounding owners this year to explain the need for the zone change and several of those owners sent in letters of support. Mr. Phil stated the applicant will not change the existing use but if the zoning is changed, he will invest in the property and eventually live in one side of the duplex and may sell or rent the other unit. Mr. Dawson testified he anticipates bringing the property up to townhome standards so each unit could have separate ownership. He stated the only way for his purchase to be financed now is with his own capital through a contract for deed. He stated if the zoning is approved he could get conventional financing and make improvements to the property. He stated the existing zoning prevents him from making more improvements to the property - it is too risky at this time. He stated if the zoning is approved he would put his current home on the market and move in to one of the units when his home sells.

Commission member Edward Workman moved to forward a recommendation of approval to the City Council. The motion was seconded by Commission member Dan Wagner and the Commission voted 5-0 in favor of the motion.

CONSISTENCY WITH ADOPTED POLICIES OR PLANS

The Planning Division reviewed the application and recommended approval to the Zoning Commission based on the attached twelve (12) criteria for zone changes. The Zoning Commission concurred with this recommendation. Illegal spot zoning is not one of the twelve review criteria for zone changes required by Montana law and local zoning regulations. A court may determine whether an illegal spot zoning has occurred and reverse a zoning decision based on this determination. The subject property is surrounded by R-96 and the proposed zoning is compatible with the surrounding zoning and neighborhood character. Several letters of support have been submitted by the surrounding property owners. The existing 2-family dwelling pre-dates the May 1972 zoning and if continued in its current legal nonconforming status may erode surrounding property values due to dis-investment in maintaining or improving the dwelling. The surrounding properties are primarily single family dwelling although there are 3 two-family dwellings within the immediate area. The 2008 Growth Policy encourages predictable land use decisions that are consistent with neighborhood character and land use patterns. The existing use and proposed zoning are consistent with this neighborhood and land use pattern. Prior to any action to approve or disapprove, the City Council will consider the recommendation of the Zoning Commission and shall consider the following:

1. Is the new zoning designed in accordance with the Growth Policy?

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

- Predictable land use decisions that are consistent with neighborhood character and land use patterns. (Land Use Element Goal, page 6)

The proposed zoning would permit an existing nonconforming use to continue in a single family residential neighborhood. The proposed zoning is not significantly different from the proposed zoning. The neighborhood was fully developed prior to the 1972 zoning. Removing the risk of the legal nonconforming use will allow the property to improve.

The proposed zoning is consistent with the surrounding character of the neighborhood. Three other properties in the immediate area have been developed with attached dwelling units.

- The proposed zone does not meet the three tests for creation of an illegal spot zone.

1. The requested use is not significantly different than the prevailing use in the area.

2. The area requested for the use is small in area.

3. The requested zoning benefits this owner but also provides benefit to the surrounding owners by allowing regular maintenance of the building and improvements.

2. Is the new zoning designed to lessen congestion in the streets?

There should be no effect of traffic congestion. The 2-family dwelling is an existing structure and no increase in dwelling unit density is proposed.

3. Will the new zoning secure safety from fire, panic and other dangers?

The subject property is currently serviced by City Fire and Police. No change to the existing use is proposed that would affect public safety.

4. Will the new zoning promote health and general welfare?

The proposed zoning would permit a 2-family dwelling to continue in perpetuity in a single family neighborhood. The surrounding property values may be positively affected by zone change. The Unified Zoning Regulations do specify minimum setbacks and lot coverage requirements for the proposed zoning district in order to promote health and safety.

5. Will the new zoning provide adequate light and air?

The proposed zoning provides for sufficient setbacks to allow for adequate separation between structures and adequate light and air.

6. Will the new zoning prevent overcrowding of land?

The proposed zoning, like all zoning districts, contain limitations on the maximum percentage of the lot area that can be covered with structures. The R-96 and the proposed R-70 zone allow 30% lot coverage. The proposed site plan does not increase the foot print of the existing building.

7. Will the new zoning avoid undue concentration of population?

The new zoning does avoid undue concentration of population. The R-96 zoning only allows single family homes on a minimum lot size of 9,600 square feet. The proposed zoning would allow 2-family dwellings on a lot of at least 9,600 square feet. The 2-family dwelling exists and there is no proposed increase in dwelling unit density.

8. Will the new zoning facilitate the adequate provisions of transportation, water, sewerage, schools, parks, fire, police, and other public requirements?

Transportation: The proposed zoning will not impact the surrounding streets.

Water and Sewer: The City will provide water and sewer to the property through existing lines.

Schools and Parks: School District #2 will provide education to students that may live on this parcel. There should be no impact to school census from the proposed zone change.

Fire and Police: The subject property is currently served by the City of Billings fire and police departments.

9. Does the new zoning give reasonable consideration to the character of the district?

The proposed zoning will permit a legal nonconforming use – a 2-family dwelling, to continue within an existing single family residential neighborhood. Three of 105 surrounding properties within 600 feet have also developed as a 2-family or triplex dwellings. All of the surrounding zoning is R-96 with the exception of the Poly Drive Elementary school (zoned Public). The character of the neighborhood is single family and two-family dwellings. The proposed zoning does give reasonable consideration to the character of the district.

10. Does the new zoning give consideration to peculiar suitability of the property for particular uses?

The subject property is suitable for the requested zoning district. While most surrounding property is developed for single detached dwelling the property has supported the two-family dwelling for 55 years and the lot is over 9,800 square feet in area.

11. Was the new zoning adopted with a view to conserving the value of buildings?

Surrounding residential property to the north, south and east have much higher taxable value for buildings than this property. The taxable value of the land at 2302 Meadowood Street is 58 percent greater than the building value (2009 reappraisal) It appears from the exterior photographs of the dwelling that regular maintenance has been deferred on the structure. This is likely due to the inherent risk associated with a legal nonconforming use. At any time, the investment may be damaged or destroyed without the possibility of rebuilding under the current zoning. The proposed zoning of R-70 would preserve the right of the owner to re-build a 2-family dwelling so the investment on the part of this owner could be preserved. The value of surrounding property may be positively affected by the proposed zoning.

12. Will the new zoning encourage the most appropriate use of land throughout such county or municipal area?

The proposed zoning will permit the current two-family dwelling to continue and allow

improvements to the building.

RECOMMENDATION

The Zoning Commission is forwarding a recommendation of approval and adoption of the 12 criteria for Zone Change #879 on a 5-0 vote.

APPROVED BY CITY ADMINISTRATOR

Attachments

Zoning Map

Site Photos

Applicant Letter

Surrounding owner support letters

Ordinance

Attachment B
Site Photographs, Zone Change #879- 2302 Meadowood Street



Subject Property 2003



Subject Property November 2011

Attachment B, continued
Site Photographs, Zone Change #879 – 2302 Meadowood Street



View north and west from Meadowood Street

★ = other two-family and multifamily dwellings



View south across Lyman Avenue

Attachment B, continued
Site Photographs, Zone Change #879 – 2302 Meadowood Street



View north to 2310 Meadowood



View of west (rear) of property at 2302 Meadowood

Attachment C Applicant's Letter

Nicole Cromwell
City County Planning
510 North Broadway
4th Floor, Parmly Library
Billings, MT 59101

October 31, 2011

RE: Zone Change Application, Lot 1, Block 1, Meadowood Subdivision

Nicole:

I am applying for a Zone Change from R-9600 to R-7000 for the above referenced lot. This will allow the existing duplex to be sold as owner occupied condominiums instead of the current rental use. The area of the parcel within the Zone Change is 9,836 square feet (75' Wide, 131' Long).

A mailing list was obtained from the Planning Office for the individuals within 300 feet of the referenced property. On May 23, 2011 those individuals were sent letters from the owner and engineer inviting them to the meeting which was held at the Century 21 office located at 1605 Shiloh Road on Tuesday, May 31, 2011 at 6:00 PM.

No meeting minutes are available as none of the individuals invited attended the meeting. We waited until 6:20 and determined that no one was going to show. There was one phone call from a woman who could not attend the meeting but wanted to let the owner and engineer know that she was in favor of this zone change. Based on the attendance of the meeting, the neighbors appear to be in favor of the Zone Change.

Attached is a letter dated Sept. 18, of 2011, that was sent to the individuals as listed on the attached certified mailing list asking for their comments on this proposed zone change.

As of this date I have not received any opposition and the City Planning Department has received letters with comments in favor of this zone change request.

The City's concern over the spot zone change should no longer be a concern, since the neighbors do not feel that the zone change will have a negative impact on them.

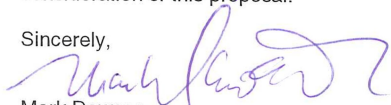
Issue 1 of the Land Use Element is covered by the Zone Change to have predictable land use that is consistent with neighborhood. By allowing this Zone Change, the land use becomes more consistent with the single family neighborhood. The property is currently used as a rental duplex and the proposed use will prepare condo documents and sell the two sides as owner occupied residences.

Issue 11 of the Economic Development Element is met by this application. The preservation of neighborhood character and quality of life will be maintained through the fact that the new owners of the condos will be living at this location.

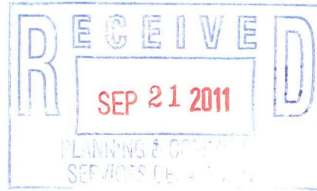
Issue 5 of the Community Health Element will be satisfied. The owner occupied duplex will help to provide the neighborhood with a sense of community. An owner in a neighborhood is more likely to be responsive to the needs of an area, make more efforts to care for their property and be an active part of the neighborhood as compared to renters.

I am available to answer any questions regarding the requested Zone Change. Thank you for your consideration of this proposal.

Sincerely,



Mark Dawson
1605 Shiloh Road
Billings MT 59106



September 8, 2011

Dear Neighbor:

I am representing Mark and Angie Dawson as they apply for a zone change for the property at 2302 Meadowood Street. The current zoning is R-9600 and the proposed zoning is R-7000. R-7000 zoning will allow the existing rented duplex to become two individually owner-occupied townhomes. One of the renters wants to buy one side.

We feel that this will benefit the neighborhood because owner occupied properties tend to have less transient occupants who are more likely to invest in property improvements, and be an active part of the neighborhood as compared to renters. A neighborhood meeting was held on May 31, 2011 to allow neighbors to address any concerns they had about the zone change and for us to have a chance to explain and answer any questions. None of the neighbors attended this meeting, which led us to believe that there is no opposition to this zone change.

If that is the case, we would appreciate your signature on a letter to the City Council stating that you are not opposed to the zone change for Lot 8, Block 1 of Meadowood Subdivision. A sample letter is enclosed along with a stamped envelope. You may either sign the provided template letter or draft your own letter.

If you have any questions, please feel free to contact either Mark Dawson at 591-0021 or myself, Marshall Phil at 294-2294. Your help is greatly appreciated.

Sincerely,

Marshall Phil

 **Yellowstone County Interactive Mapping Site**



Lon:-108.573 Lat:45.795

Legend

Results

Copyright 2009 Yellowstone County, Montana GIS Billings, MT 59101

DISCLAIMER : This is a product of the Yellowstone County, Montana GIS Department. This document is intended for informational purposes only and is not guaranteed to be accurate nor current. Yellowstone County expressly disclaims responsibility for damages or liability that may arise from the use of this map. **PROPRIETARY INFORMATION: Any resale of this information is prohibited.**

*2302 Meadowood St.
 Zone Change R-96 to R-76
 Existing Use = duplex
 Proposed Use = same with unit
 ownership*

Attachment D
Surrounding Property owner Letters

Betty Jean Lamb

Sept 10 _____, 2011

Dear City Council:

My name is Betty Jean Lamb and I reside at 2315 Meadowood St.

I am writing regarding the proposed zone change for Lot 8, Block 1 in Meadowood Subdivision. I do not believe that this zone change will be a detriment to my neighborhood, because the property already exists in its current form as a duplex rental property. The owner has stated the intent to convert the property into two townhomes.

The zone change would make it much more likely that the property will be owner-occupied, which is more consistent with the neighborhood, and if anything, better for property values.

Please accept this letter as an indication that I have no opposition to the zone change for the property at 2302 Meadowood Street.

Sincerely,

Betty Jean Lamb





September 9, 2011

Dear City Council:

My name is Mary E. Duncan and I reside at 2401 Meadowood Street

I am writing regarding the proposed zone change for Lot 8, Block 1 in Meadowood Subdivision. I do not believe that this zone change will be a detriment to my neighborhood, because the property already exists in its current form as a duplex rental property. The owner has stated the intent to convert the property into two townhomes.

The zone change would make it much more likely that the property will be owner-occupied, which is more consistent with the neighborhood, and if anything, better for property values.

Please accept this letter as an indication that I have no opposition to the zone change for the property at 2302 Meadowood Street.

Sincerely,



Sept 9, 2011

Dear City Council:

My name is Shad Fancher and I reside at 2220 24th St W

I am writing regarding the proposed zone change for Lot 8, Block 1 in Meadowood Subdivision. I do not believe that this zone change will be a detriment to my neighborhood, because the property already exists in its current form as a duplex rental property. The owner has stated the intent to convert the property into two townhomes.

The zone change would make it much more likely that the property will be owner-occupied, which is more consistent with the neighborhood, and if anything, better for property values.

Please accept this letter as an indication that I have no opposition to the zone change for the property at 2302 Meadowood Street.

Sincerely,

Shad Fancher



_____, 2011

Dear City Council:

My name is Joe Zarda and I reside at 2625 Birch Dr

I am writing regarding the proposed zone change for Lot 8, Block 1 in Meadowood Subdivision. I do not believe that this zone change will be a detriment to my neighborhood, because the property already exists in its current form as a duplex rental property. The owner has stated the intent to convert the property into two townhomes.

The zone change would make it much more likely that the property will be owner-occupied, which is more consistent with the neighborhood, and if anything, better for property values.

Please accept this letter as an indication that I have no opposition to the zone change for the property at 2302 Meadowood Street.

Sincerely,



Sept. 9, 2011

Dear City Council:

My name is Gerilyn Funk and I reside at 2320 Meadowood

I am writing regarding the proposed zone change for Lot 8, Block 1 in Meadowood Subdivision. I do not believe that this zone change will be a detriment to my neighborhood, because the property already exists in its current form as a duplex rental property. The owner has stated the intent to convert the property into two townhomes.

The zone change would make it much more likely that the property will be owner-occupied, which is more consistent with the neighborhood, and if anything, better for property values.

Please accept this letter as an indication that I have no opposition to the zone change for the property at 2302 Meadowood Street.

Sincerely,

Gerilyn J. Funk



Sept. 13th, 2011

Dear City Council:

My name is Greg Vick and I reside at 2222 Woody Dr.

I am writing regarding the proposed zone change for Lot 8, Block 1 in Meadowood Subdivision. I do not believe that this zone change will be a detriment to my neighborhood, because the property already exists in its current form as a duplex rental property. The owner has stated the intent to convert the property into two townhomes.

The zone change would make it much more likely that the property will be owner-occupied, which is more consistent with the neighborhood, and if anything, better for property values.

Please accept this letter as an indication that I have no opposition to the zone change for the property at 2302 Meadowood Street.

Sincerely,

Greg Vick



September 10, 2011

Dear City Council:

My name is Michelle Hombeck and I reside at 2223 24th St W.

I am writing regarding the proposed zone change for Lot 8, Block 1 in Meadowood Subdivision. I do not believe that this zone change will be a detriment to my neighborhood, because the property already exists in its current form as a duplex rental property. The owner has stated the intent to convert the property into two townhomes.

The zone change would make it much more likely that the property will be owner-occupied, which is more consistent with the neighborhood, and if anything, better for property values.

Please accept this letter as an indication that I have no opposition to the zone change for the property at 2302 Meadowood Street.

Sincerely,

Michelle Hombeck



September 14, 2011

Dear City Council:

My name is ^{our} ~~is~~ ~~Carolyn Hunter~~ ^{we} and ~~I~~ ^{we} reside at 2215 24th St W

^{we} ~~I~~ am writing regarding the proposed zone change for Lot 8, Block 1 in Meadowood Subdivision. ~~I~~ do not believe that this zone change will be a detriment to ~~my~~ ^{our} neighborhood, because the property already exists in its current form as a duplex rental property. The owner has stated the intent to convert the property into two townhomes.

The zone change would make it much more likely that the property will be owner-occupied, which is more consistent with the neighborhood, and if anything, better for property values.

Please accept this letter as an indication that ^{we} ~~I~~ have no opposition to the zone change for the property at 2302 Meadowood Street. *

Sincerely,


Carolyn Hunter

* Conditioned on the use as stated, i.e., for replacement of the rental duplex with owner-occupied townhomes. If any other use is permitted under R-7000, then we would appreciate being ~~made~~ ^{made} about such other uses before deciding whether or not to support the proposed zoning question. If the only other allowed use is a single home, however, we would still support the zoning change.



Sept. 16th, 2011

Dear City Council:

My name is TANYA DAHLBERG and I reside at 2213 MEADOWWOOD ST

I am writing regarding the proposed zone change for Lot 8, Block 1 in Meadowood Subdivision. I do not believe that this zone change will be a detriment to my neighborhood, because the property already exists in its current form as a duplex rental property. The owner has stated the intent to convert the property into two townhomes.

The zone change would make it much more likely that the property will be owner-occupied, which is more consistent with the neighborhood, and if anything, better for property values.

Please accept this letter as an indication that I have no opposition to the zone change for the property at 2302 Meadowood Street.

Sincerely,



_____ 9-19, 2011

Dear City Council:

My name is DOLores A. DONNELLY and I reside at 2210 WOODY DR.

I am writing regarding the proposed zone change for Lot 8, Block 1 in Meadowood Subdivision. I do not believe that this zone change will be a detriment to my neighborhood, because the property already exists in its current form as a duplex rental property. The owner has stated the intent to convert the property into two townhomes.

The zone change would make it much more likely that the property will be owner-occupied, which is more consistent with the neighborhood, and if anything, better for property values.

Please accept this letter as an indication that I have no opposition to the zone change for the property at 2302 Meadowood Street.

Sincerely,

Dolores A. Donnelly



9 Sept, 2011

Dear City Council:

My name is Boyd J. McCabe and I ~~reside~~ ^{have rental at} 2402 Woody Drive

I am writing regarding the proposed zone change for Lot 8, Block 1 in Meadowood Subdivision. I do not believe that this zone change will be a detriment to my neighborhood, because the property already exists in its current form as a duplex rental property. The owner has stated the intent to convert the property into two townhomes.

The zone change would make it much more likely that the property will be owner-occupied, which is more consistent with the neighborhood, and if anything, better for property values.

Please accept this letter as an indication that I have no opposition to the zone change for the property at 2302 Meadowood Street.

Sincerely,

Boyd J. McCabe



Sept 23, 2011

Dear City Council:

My name is Doyce Hutson and I reside at 2205 Meadowood St

I am writing regarding the proposed zone change for Lot 8, Block 1 in Meadowood Subdivision. I do not believe that this zone change will be a detriment to my neighborhood, because the property already exists in its current form as a duplex rental property. The owner has stated the intent to convert the property into two townhomes.

The zone change would make it much more likely that the property will be owner-occupied, which is more consistent with the neighborhood, and if anything, better for property values.

Please accept this letter as an indication that I have no opposition to the zone change for the property at 2302 Meadowood Street.

Sincerely,

SEPT. 19, 2011

Dear City Council:

My name is GARY AHLGREN and I reside at 2211 MEADOWOOD.

I am writing regarding the proposed zone change for Lot 8, Block 1 in Meadowood Subdivision. I do not believe that this zone change will be a detriment to my neighborhood, because the property already exists in its current form as a duplex rental property. The owner has stated the intent to convert the property into two townhomes.

The zone change would make it much more likely that the property will be owner-occupied, which is more consistent with the neighborhood, and if anything, better for property values.

Please accept this letter as an indication that I have no opposition to the zone change for the property at 2302 Meadowood Street.

Sincerely,

Gary Ahlgren





_____, 2011

Dear City Council:

My name is Lauralee Marchant and I reside at 309 Umla Park Drive.
I own 2316 Meadowood, a residence that is currently rented.
I am writing regarding the proposed zone change for Lot 8, Block 1 in Meadowood
Subdivision. I do not believe that this zone change will be a detriment to my
neighborhood, because the property already exists in its current form as a duplex rental
property. The owner has stated the intent to convert the property into two townhomes.

The zone change would make it much more likely that the property will be owner-
occupied, which is more consistent with the neighborhood, and if anything, better for
property values.

Please accept this letter as an indication that I have no opposition to the zone change for
the property at 2302 Meadowood Street.

Sincerely,

Lauralee Marchant



9/12/2011, 2011

2208
Meadowood

Dear City Council:

My name is Kraig Kincaid and I reside

I am writing regarding the proposed zone change for Lot 8, Subdivision. I do not believe that this zone change will be a good neighborhood, because the property already exists in its current zoning property. The owner has stated the intent to convert the property into

The zone change would make it much more likely that the property will be owner occupied, which is more consistent with the neighborhood, and if anything, better for property values.

Please accept this letter as an indication that I have no opposition to the zone change for the property at 2302 Meadowood Street.

Sincerely,

ORDINANCE NO. 12-_____

AN ORDINANCE AMENDING THE ZONE CLASSIFICATION FOR Lot 8, Block 1, Meadowood Subdivision, a 9,836 square foot parcel of land and generally located at 2302 Meadowood Street

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

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

2. DESCRIPTION. Lot 8, Block 1 of Meadowood Subdivision is presently zoned **Residential 9,600 (R-96)** and is shown on the official zoning maps within this zone.

3. ZONE AMENDMENT. The official zoning map is hereby amended and the zoning for **the above described parcel** is hereby changed from **Residential 9,600 (R-96) to Residential 7,000 (R-70)** on Lot 8, Block 1 of Meadowood Subdivision and from the effective date of this ordinance, shall be subject to all the rules and regulations pertaining to **Residential 7,000 (R-70)** as set out in the Billings, Montana City Code.

4. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

5. EFFECTIVE DATE. This ordinance shall be effective from and after final passage and as provided by law.

PASSED by the City Council on first reading January 23, 2012.

PASSED, ADOPTED AND APPROVED on second reading February 13, 2012.

CITY OF BILLINGS:

BY: _____
Thomas W. Hanel, Mayor

ATTEST:

BY: Cari Martin, City Clerk
Zone Change #879 – 2302 Meadowood Street

Regular City Council Meeting

Meeting Date: 01/23/2012

TITLE: Zone Change #880 - Public Hearing and 1st reading - 1146 Parkhill Drive

PRESENTED BY: Candi Beaudry

Department: Planning & Community Services

Information

PROBLEM/ISSUE STATEMENT

This is a zone change request from Residential 9,600 (R-96) to Residential 7,000 (R-70) on Lot 16, Block 6, Suncrest Acres Subdivision, an 11,600 square foot parcel of land. The existing parcel has a side-by-side duplex constructed prior to the current zoning and is a nonconforming use in the R-96 zoning district. The owner conducted a pre-application neighborhood meeting on November 27, 2011, at 1:00 pm at the Granary at 1500 Poly Drive. The Zoning Commission conducted a public hearing on January 3, 2012, and is forwarding a recommendation of approval on a 3-0 vote.

ALTERNATIVES ANALYZED

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

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

FINANCIAL IMPACT

Approval of the zone change should not have a financial impact on the city's tax base. The zone change may stabilize the taxable and market value of the property and therefore stabilize the city's tax base.

BACKGROUND

The applicant is requesting to rezone this property on the southeast corner of the intersection of Parkhill Drive and 12th Street West. Parkhill Drive is a collector street and carries about 4,000 vehicle trips per day. 12th Street West runs south from O'Malley Drive and is a local street. The applicant conducted a pre-application neighborhood meeting on November 27, 2011, and one surrounding property owner attended, Mr. Gaylen Klein of 1145 Parkhill Drive. The Planning Division notified the surrounding property owners on December 16, 2011, and no public comment has been received.

The Planning Division forwarded a recommendation of approval on a similar zone change for 2302 Meadowood Street (Zone Change #879). The Planning Division also forwarded a recommendation of approval to the Zoning Commission for this application based on the same criteria. The Zoning Commission concurred with the recommendation. In the past year, the Planning staff has found and reviewed similar zoning changes in R-96 neighborhoods that indicate the compatibility of the proposed R-70 zoning. A review of property within a few blocks of the property indicates at least 15 similarly developed parcels. Some were constructed as

side-by-side duplexes or up-down duplexes. Many of the homes in the area were built in the early 1950s prior to zoning. The side-by-side duplex dwelling at 1146 Parkhill Drive was constructed in 1955. It has been continuously used as a two-family dwelling since that time. Most lots in this subdivision and surrounding subdivisions were developed with single-family homes. Two-family dwellings are not an allowed use in the R-96 zone, however it is considered a legal nonconforming use and may continue so long as the use is not abandoned for more than 1 year, or damaged or destroyed by more than 50% of its replacement value at the time of the damage. Improvements to the structure can be done as long as those improvements do not exceed 50% of its replacement value. For example, the owner can replace the roof, add on to the garage, or build a deck so long as those improvements do not exceed 50% of the structure replacement cost.

The owner has proposed the zone change so the 2-family dwelling can be replaced in the future if it is damaged or destroyed. The owner currently lives in one of the units and rents the other unit. The proposed zoning of R-70 allows single family dwellings on lots of at least 7,000 square feet and 2-family dwellings on lots of at least 9,600 square feet. The lot is 11,600 square feet. The proposed zoning of R-70 would make the 2-family dwelling compliant with zoning.

The proposed R-70 zone is dissimilar in so far that it allows 2-family dwelling units and the R-96 zone does not allow attached dwellings. From Virginia Lane to the east, the north side of Parkhill Drive is mostly R-96 zoning. There are four properties north of Parkhill Drive that are zoned R-60 or RMF-R. On the south side of Parkhill Drive, there is R-96 zoning from 8th Street West to 17th Street West. Avenue F, the parallel street to the south, property is zoned R-70. Of 133 properties within 600 feet of this location, 6 lots have a duplex dwellings and 4 of these are legal nonconforming duplexes. Although this is not significant percentage of the total number of properties within 600 feet, it does indicate these properties may diminish in value through lack of investment in maintenance and upgrades due to the risk of loss – through accidental fire, natural disasters and other unpredictable calamities. This property has the lowest building value as compared to others on Parkhill Drive. The building value still exceeds the land value by 7 percent (building value 57% and land value 43%). Other building values in the area however range from 65% to 75% of total property value.

Due to the size and location of the parcel, the proposed zoning must be evaluated to determine if it meets the criteria for the creation of an illegal spot zoning. Spot zoning - as defined by the Montana Supreme Court - is a three-prong test and each prong should be evaluated separately but weighed as a whole. A "yes" answer to each of the three tests is usually required before determining that a spot zoning has occurred. The precedent case is *Little v Board of County Commissioners of Flathead County* in 1981. The first test or criteria used by the courts to determine a spot zoning is whether the requested use is significantly different than the prevailing use in the area. The requested use is different than the prevailing single family use in the area, however the Planning staff does not believe it is significantly different than the prevailing use. More recent court cases on illegal spot zoning have not made a fine distinction between the allowable development densities of residential zoning districts (*Boland et al v City of Great Falls*, 1995). In the *Boland* case, the City of Great Falls rezoned property from a single family zone to a multi-family zone and the neighbors appealed this as an illegal spot zoning. The Supreme Court held that the proposed zoning was not significantly different based on the differences in development density and found the proposed zone was therefore not significantly different from the surrounding single-family zoning.

The second criterion from the *Little v Board of County Commissioners of Flathead County* is

The second criterion from the Land Use Board of County Commissioners of Flathead County is whether the area for the requested use is small. This factor is more concerned with the number of benefited landowners rather than physical size of the property. The requested use only applies to the owner's property of 11,600 square feet and the physical area affected is rather small. A re-zoning may benefit more than the individual owner of this property by allowing the owner to make investments in the property and to sell to a larger market as a conforming property. The re-zoning would remove the risk to investment in the building and improvements to the property.

The third criterion is whether the zoning is designed to benefit only one landowner at the expense of the surrounding property owners or the general public. The re-zoning does benefit one land owner however, as noted above, the land to building ratio should be improved once the investment risk is reduced. The surrounding market values may be beneficially affected by the new zoning.

STAKEHOLDERS

The Zoning Commission conducted a public hearing on January 3, 2012, and received the Planning staff recommendation and testimony from the applicant, Patrick Naglich. No other testimony was received. The Zoning Commission is forwarding a recommendation of approval on a 3-0 vote.

CONSISTENCY WITH ADOPTED POLICIES OR PLANS

The Planning Division reviewed the application and recommended approval based on the twelve (12) criteria for zone changes. Illegal spot zoning is not one of the twelve review criteria for zone changes required by Montana law and local zoning regulations. A court may determine whether an illegal spot zoning has occurred and reverse a zoning decision based on this determination. The subject property is surrounded by R-96 and the proposed zoning is compatible with the surrounding zoning and neighborhood character. The existing 2-family dwelling pre-dates the May 1972 zoning and if continued in its current legal nonconforming status may erode surrounding property values due to dis-investment in maintaining or improving the dwelling. The surrounding properties are primarily single family dwelling although there are 3 two-family dwellings within the immediate area. The 2008 Growth Policy encourages predictable land use decisions that are consistent with neighborhood character and land use patterns. The existing use and proposed zoning are consistent with this neighborhood and land use pattern.

Prior to any action to approve or disapprove, the City Council will consider the recommendation of the Zoning Commission and shall consider the following:

1. Is the new zoning designed in accordance with the Growth Policy?

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

- Predictable land use decisions that are consistent with neighborhood character and land use patterns. (Land Use Element Goal, page 6)

The proposed zoning would permit an existing nonconforming use to continue in a single family residential neighborhood. The proposed zoning is not significantly different from the proposed zoning. The neighborhood was fully developed prior to the 1972 zoning. Removing the risk of the legal nonconforming use will allow the property to improve.

The proposed zoning is consistent with the surrounding character of the neighborhood. Six other properties in the immediate area have been developed with attached dwelling units.

- The proposed zone does not meet the three tests for creation of an illegal spot zone.

1. The requested use is not significantly different than the prevailing use in the area.
2. The area requested for the use is small in area.

3. The requested zoning benefits this owner but also provides benefit to the surrounding owners by allowing regular maintenance of the building and improvements.

2. Is the new zoning designed to lessen congestion in the streets?

There should be no effect of traffic congestion. The 2-family dwelling is an existing structure and no increase in dwelling unit density is proposed.

3. Will the new zoning secure safety from fire, panic and other dangers?

The subject property is currently serviced by City Fire and Police. No change to the existing use is proposed that would affect public safety.

4. Will the new zoning promote health and general welfare?

The proposed zoning would permit a 2-family dwelling to continue in perpetuity in a single family neighborhood. The surrounding property values may be positively affected by the zone change. The Unified Zoning Regulations do specify minimum setbacks and lot coverage requirements for the proposed zoning district in order to promote health and safety.

5. Will the new zoning provide adequate light and air?

The proposed zoning provides for sufficient setbacks to allow for adequate separation between structures and adequate light and air.

6. Will the new zoning prevent overcrowding of land?

The proposed zoning, like all zoning districts, contain limitations on the maximum percentage of the lot area that can be covered with structures. The R-96 and the proposed R-70 zone allow 30% lot coverage. The proposed site plan does not increase the foot print of the existing building.

7. Will the new zoning avoid undue concentration of population?

The new zoning does avoid undue concentration of population. The R-96 zoning only allows single family homes on a minimum lot size of 9,600 square feet. The proposed zoning would allow 2-family dwellings on a lot of at least 9,600 square feet. The 2-family dwelling exists and there is no proposed increase in dwelling unit density.

8. Will the new zoning facilitate the adequate provisions of transportation, water, sewerage, schools, parks, fire, police, and other public requirements?

Transportation: The proposed zoning will not impact the surrounding streets.

Water and Sewer: The City provides water and sewer to the property through existing lines.

Schools and Parks: School District #2 will provide education to students that may live on this parcel. There should be no impact to school census from the proposed zone change.

Fire and Police: The subject property is currently served by the City of Billings fire and police departments.

9. Does the new zoning give reasonable consideration to the character of the district?

The proposed zoning will permit a legal nonconforming use – a 2-family dwelling, to continue within an existing single family residential neighborhood. Six of 133 surrounding properties within 600 feet have also developed as a 2-family dwelling. Zoning to the south across the alley is R-70 and R-96 exists to the north, east and west. The character of the neighborhood is single family and two-family dwellings. The proposed zoning does give reasonable consideration to the character of the district.

10. Does the new zoning give consideration to peculiar suitability of the property for particular

uses?

The subject property is suitable for the requested zoning district. While most surrounding property is developed for single detached dwelling the property has supported the two-family dwelling for over 55 years and the lot is 11,600 square feet in area.

11. Was the new zoning adopted with a view to conserving the value of buildings?

Surrounding residential property to the north, south and east have much higher taxable value for buildings than this property. The taxable value of the building at 1146 Parkhill Drive represents 57% of the total assessed value. Other properties exhibit much higher building values as a percentage of total value – ranging from 65% to 75% of total value. This is likely due to the inherent risk associated with a legal nonconforming use. At any time, the investment may be damaged or destroyed without the possibility of rebuilding under the current zoning. The proposed zoning of R-70 would preserve the right of the owner to re-build a 2-family dwelling so the investment on the part of this owner could be preserved. The value of surrounding property may be positively affected by the proposed zoning.

12. Will the new zoning encourage the most appropriate use of land throughout such county or municipal area?

The proposed zoning will permit the current two-family dwelling to continue and allow improvements to the building.

RECOMMENDATION

The Zoning Commission is recommending approval and adoption of the 12 criteria for Zone Change #880 on a 3-0 vote.

APPROVED BY CITY ADMINISTRATOR

Attachments

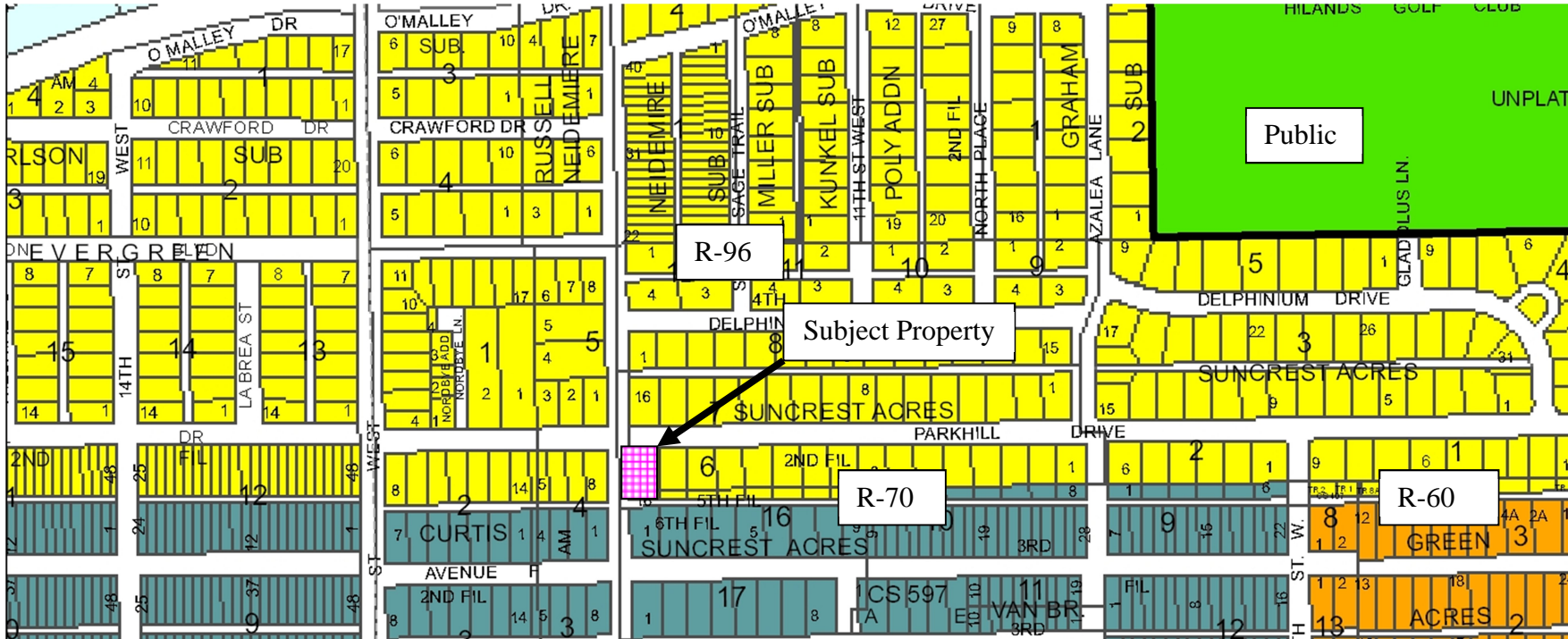
Zoning Map

Site photos and map

Applicant Letter

Ordinance

Attachment A: Surrounding Zoning
Zone Change #880 – 1146 Parkhill Drive



Attachment B
Site Photographs, Zone Change #880– 1146 Parkhill Drive



Subject Property – view from Parkhill Drive



Subject Property – view south along 12th Street West

Attachment B, continued
Site Photographs, Zone Change #880 – 1146 Parkhill Drive



View north and west along Parkhill Drive

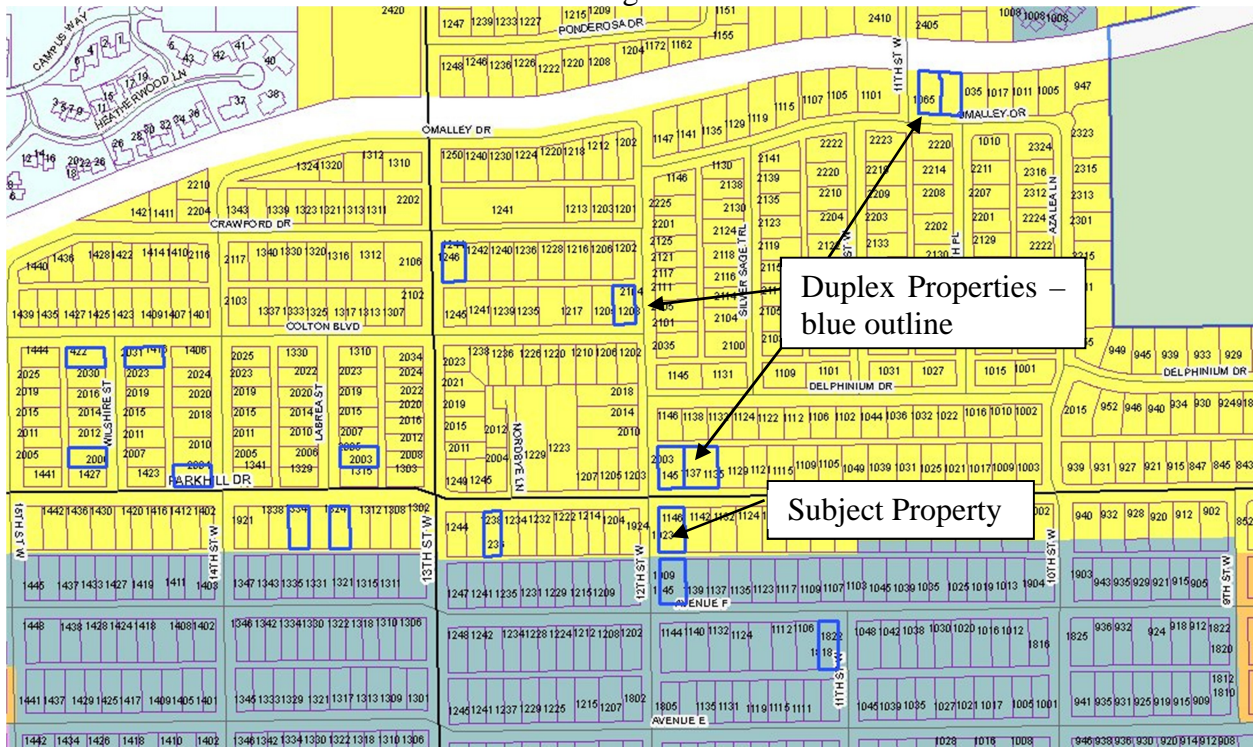


View north up 12th Street West

Attachment B, continued
Site Photographs, Zone Change #880 – 1146 Parkhill Drive



View east along Parkhill Drive



Subject property – zoning and similar two-family dwelling in the area

**Attachment C
Applicant's Letter**

RECEIVED
NOV 28 2011

APPLICATION FORM

CITY ZONE CHANGE

PROJECT ID: BZC 880 - (11-621)

The undersigned as owner(s) of the following described property hereby request a Zone Change as outlined in the City of Billings-Yellowstone County Unified Zoning Regulations.

Present Zoning: R 96

Proposed Zoning: R 7000

TAX ID# A16123 CITY ELECTION WARD # 4

Legal Description of Property: SUNCREST ACRES BLOCK 6 LOT 16

Address or General Location (If unknown, contact City Engineering): 1146 PARKHILL DR.
BILLINGS, MT. 59102

Size of Parcel (Area & Dimensions): 11,600 SQUARE FEET

Present Land-Use: LIVE IN ONE OF THE DUPLEX + RENT THE OTHER

Proposed Land-Use: REFUNDABLE IF MY DUPLEX BUILDS DOWN IF WOULD LIKE TO REBUILD AS IS NO ADDITIONS.

Covenants or Deed Restrictions on Property: Yes _____ No

If yes, please attach to application

*** Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

Owner(s): PAT NAELICH
(Recorded Owner)
1146 PARKHILL DR. BILLINGS, MT. 59102
(Address)
406-561-2161 (Phone Number) (email)

Agent(s): _____
(Name)

(Address)

(Phone Number) (email)

I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Zone Change. Also, I attest that all the information presented herein is factual and correct.

Signature: [Signature] Date: 11/28/11
(Recorded Owner)

WY
C3

Dear Resident

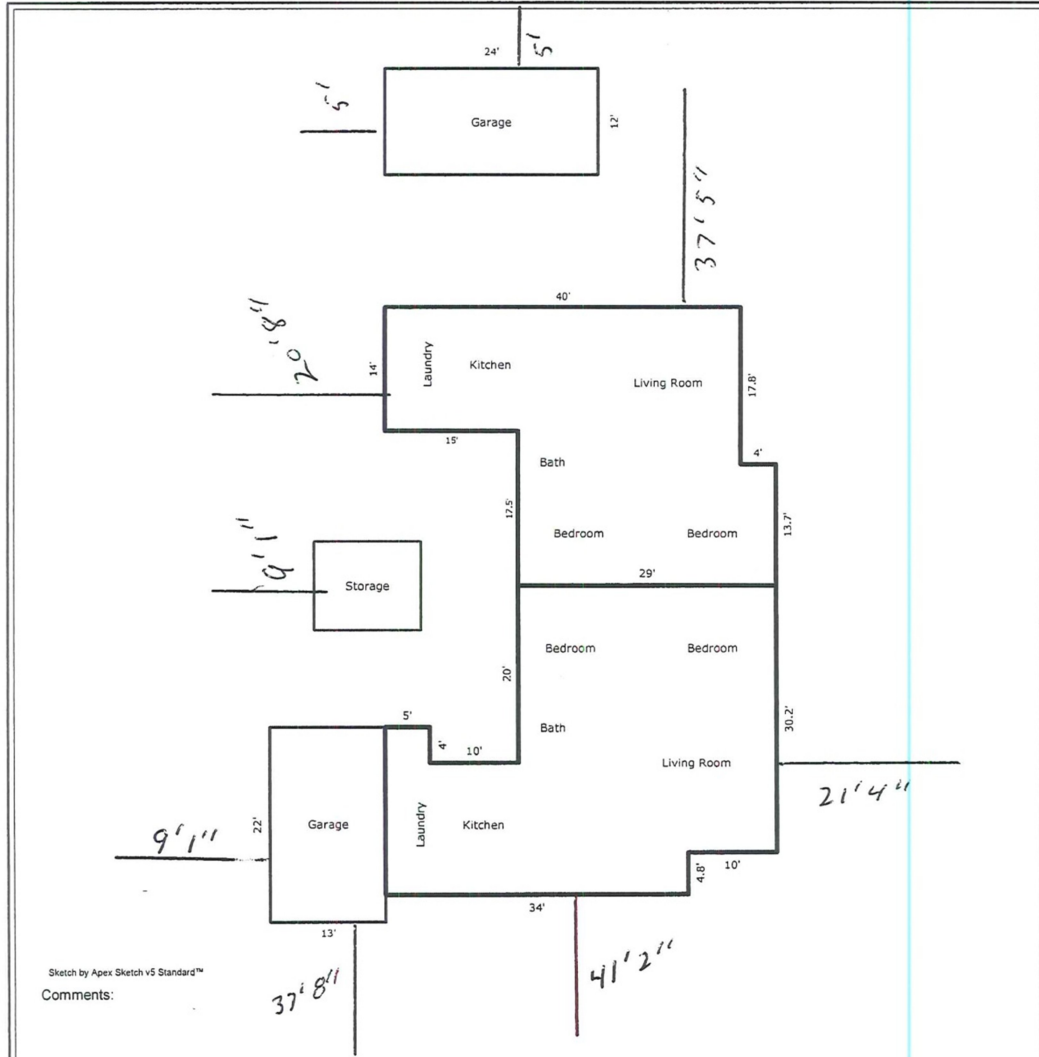
My name is Pat Naglich I am writing this letter to you in regards to the zoning Of my property at 1146 Parkhill Drive. I am trying to change the zoning on my property. If my duplex burns down I would like to rebuild as is no additions. Thus I am having a meeting at the Granary located at 1500 Poly Drive on Sunday November 27th 2001 at 1:00 pm. To answer any questions you might have see you there. Enclosed is a drawing of my property with the distance to my property line.

Pat Naglich

Boyd Appraisal Services
SKETCH ADDENDUM

File No. 27711
 Case No.

Borrower	Patrick M. Naglich					
Property Address	1146 Parkhill Drive					
City	Billings	County	Yellowstone	State	MT	Zip Code 59102-3220
Lender/Client	Western Security Bank		Address P.O. Box 20555, Billings, MT 59104			



AREA CALCULATIONS SUMMARY			
Code	Description	Net Size	Net Totals
GBA1	First Floor	1212.50	
	First Floor	1052.50	2265.00
GAR	Garage	286.00	
	Garage	288.00	574.00
OTH	Storage	120.00	120.00

BUILDING AREA BREAKDOWN			
Breakdown		Subtotals	
First Floor			
44.0	x	10.3	451.00
4.8	x	34.0	161.50
4.0	x	5.0	20.00
20.0	x	29.0	580.00
29.0	x	13.8	398.75
40.0	x	14.0	560.00

ORDINANCE NO. 12-_____

AN ORDINANCE AMENDING THE ZONE CLASSIFICATION FOR Lot 16, Block 6, Suncrest Acres Subdivision, an 11,600 square foot parcel of land and generally located at 1146 Parkhill Drive

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

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

2. DESCRIPTION. Lot 8, Block 1 of Meadowood Subdivision is presently zoned **Residential 9,600 (R-96)** and is shown on the official zoning maps within this zone.

3. ZONE AMENDMENT. The official zoning map is hereby amended and the zoning for **the above described parcel** is hereby changed from **Residential 9,600 (R-96)** to **Residential 7,000 (R-70)** on Lot 16, Block 6 of Suncrest Acres Subdivision and from the effective date of this ordinance, shall be subject to all the rules and regulations pertaining to **Residential 7,000 (R-70)** as set out in the Billings, Montana City Code.

4. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

5. EFFECTIVE DATE. This ordinance shall be effective from and after final passage and as provided by law.

PASSED by the City Council on first reading January 23, 2012.

PASSED, ADOPTED AND APPROVED on second reading February 13, 2012.

CITY OF BILLINGS:

BY: _____
Thomas W. Hanel, Mayor

ATTEST:

BY: Cari Martin, City Clerk
Zone Change #880 – 1146 Parkhill Drive

Regular City Council Meeting

Meeting Date: 01/23/2012

TITLE: Zone Change #881 - Public Hearing and 1st reading - 640 Saint Johns Avenue

PRESENTED BY: Candi Beaudry

Department: Planning & Community Services

Information

PROBLEM/ISSUE STATEMENT

This is a zone change request from Residential 6,000 (R-60) to Community Commercial (CC) on Lot 1, Block 4 and all of Block 1, Central Avenue Addition, 2nd Filing, a 27,101 square foot parcel of land. The existing parcel has a commercial building constructed prior to the current zoning, is a nonconforming use in the R-60 zoning district and the current use is restricted by a previous special review approval (Special Review #837). AG Holdings is the owner and the agent is Allen Greene. The owner conducted a pre-application neighborhood meeting on November 2, 2011, at 640 Saint Johns Avenue. The Zoning Commission conducted a public hearing on January 3, 2012, and is forwarding a recommendation of approval on a 3-0 vote.

ALTERNATIVES ANALYZED

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

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

FINANCIAL IMPACT

Approval of the zone change should not have a financial impact on the city's tax base. The zone change may stabilize the taxable and market value of the property which may stabilize the city's tax base.

BACKGROUND

The applicant is requesting to rezone this property to bring the current use of the property in to conformance with the zoning. The property is owned by AG Holdings, Incorporated, and represented by Allen Greene, owner of Scotts Lawn Service. The lawn service use of the property was approved by special review in 2008. The property was developed for commercial uses prior to the current zoning, R-60, that was put in place in 1972. The western 9 feet of the property is currently zoned CC, but the rest of the property is zoned R-60. The current owner intends to continue the business operations on the premises. The zone change will remove financing and other investment hurdles that impede any substantial improvements to the property in its current residential zoning. Under the current zoning, any future owner would be restricted to using the property for a lawn and landscaping business or for residential purposes. The applicant conducted a pre-application neighborhood meeting and submitted a request to change the zoning to CC as a result of the neighborhood meeting. Community Commercial zoning would allow the current business to operate as a conforming use. Several surrounding owners submitted letters of support.

Saint Johns Avenue and 7th Street West are both considered local streets. Central Avenue, 1 block south, is a principal arterial and carries over 16,000 vehicle trips per day. Sixth Street West averages over 10,000 vehicle trips per day. There are no traffic count numbers for 7th Street West or Saint Johns Avenue. The new zoning will not increase traffic on either of these local streets, since the current use intends to continue. Redevelopment of the property for a different use may increase local traffic.

The new zoning will not require any site improvements. If re-development does occur, it will be evaluated based on criteria in the zoning code, the site development code, and the building code. Any right-of-way improvements, site improvements and new buildings or paving will need to meet existing codes.

The applicant conducted a pre-application neighborhood meeting on November 2, 2011, and 1 surrounding property owner, Karen Cavanaugh of 632 Saint Johns Avenue, attended the meeting. The owner of Big Sky Linen, Mr. Cline, contacted the Planning staff to voice support for the proposed zone change. Big Sky Linen is located at 715 & 719 Central Avenue. No other surrounding property owners contacted the Planning Division staff prior to the Zoning Commission public hearing.

The 2008 Growth Policy encourages the support of in-fill development and retention of existing businesses in areas where infrastructure exists to support those uses. The proposed CC zoning fits with the goals of the policy. Potential uses and existing uses in the CC zone are generally compatible with the zoning and uses directly adjacent to the property.

STAKEHOLDERS

The Zoning Commission conducted a public hearing on January 3, 2012, and received the Planning staff recommendation and testimony from the applicant. No other testimony was received. The Zoning Commission is forwarding a recommendation of approval on a 3-0 vote.

CONSISTENCY WITH ADOPTED POLICIES OR PLANS

The Planning Division reviewed the application and recommended approval based on the twelve (12) criteria for zone changes. The Zoning Commission concurred with this recommendation. The subject property is adjacent to CC zoning and R-60 zoning and no changes in the character of the property are predicted in the near future. The uses allowed within the proposed CC zoning are compatible with the surrounding zoning and neighborhood character. Any re-development of the property requires compliance with the new zoning and the ability to meet site development code and traffic safety standards. The 2008 Growth Policy encourages predictable land use decisions that are consistent with neighborhood character and land use patterns. The existing use and proposed zoning are consistent with this neighborhood and land use pattern.

Prior to any action to approve or disapprove, the City Council will consider the recommendation of the Zoning Commission and shall consider the following:

1. Is the new zoning designed in accordance with the Growth Policy?

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

- Predictable land use decisions that are consistent with neighborhood character and land use patterns. (Land Use Element Goal, page 6)

The proposed zoning would permit the existing commercial business to continue and remove financing and investment hurdles by placing the property in a conforming district. It is not likely

the property will develop in single family, two family or multi-family dwellings.

- Contiguous development focused in and around existing population centers(Land Use Element Goal, page 6)

The proposed zoning will permit the retention of an existing business near a major arterial street.

- Coordinated economic development efforts that target business recruitment, retention, and expansion.(Economic Development Goal, page 6)

The proposed zoning will encourage the retention of an existing employer near existing population centers.

2. Is the new zoning designed to lessen congestion in the streets?

There should be no immediate effect on traffic congestion. The existing property is used by Scotts Lawn Service and traffic generation should not increase with the proposed zoning. The new zoning is intended to make the existing uses conform to zoning. Future redevelopment of the property to another use under the new zoning could increase traffic in the area and impact on the local street system, including ingress and egress to the property, would be reviewed at that time.

3. Will the new zoning secure safety from fire, panic and other dangers?

The subject property is currently serviced by all city services including police and fire. There should be no effect on these services.

4. Will the new zoning promote health and general welfare?

The proposed zoning would permit the existing use to continue and expand. The existing buildings could be improved with less economic hurdles to financing. This will promote the health and general welfare of the neighborhood.

5. Will the new zoning provide adequate light and air?

The proposed zoning provides for sufficient setbacks to allow for adequate separation between structures and adequate light and air.

6. Will the new zoning prevent overcrowding of land?

The proposed zoning, like all zoning districts, contains limitations on the maximum percentage of the lot area that can be covered with structures. The proposed CC zone allows 50% lot coverage and the current R-60 zone allows up to 40% lot coverage. The proposed CC zone requires a separation between structures on the same lot, a minimum 20 foot front setback and a 10 foot side setback for any adjacent street. The CC zones do not require a rear setback unless adjacent to a residential zone. The required setback from the east property line is 15 feet for any new structure. Landscaping requirements also would require some buffering where the property is adjacent to property used for residential purposes on the east side.

7. Will the new zoning avoid undue concentration of population?

The new zoning does avoid undue concentration of population. The existing zoning, R-60, allows the same number of dwelling units as the proposed CC zoning. Both zoning districts allow single family, two family and multi-family dwellings, although the existing R-60 zoning would require a special review approval for any multi-family development. It is not likely the new zoning will result in any residential use of the property. The new zoning should avoid undue concentration of population.

8. Will the new zoning facilitate the adequate provisions of transportation, water, sewerage, schools, parks, fire, police, and other public requirements?

Transportation: The proposed zoning could have an impact on the surrounding streets depending on future uses of the property. Redevelopment of the property could require review of access and other transportation issues related to the property and the surrounding streets.
Water and Sewer: The City will be able to provide water and sewer to the property through existing lines.

Schools and Parks: There should be no impact to schools from the proposed zone change.

Fire and Police: The subject property is currently served by city fire and police. There should be no impact to these services from the new zoning.

9. Does the new zoning give reasonable consideration to the character of the district?

The proposed zoning will allow the existing development to continue as a conforming use in the proposed CC zoning district. Central Avenue, 1 block south, is a principal arterial street and the zoning to the south, east and west is compatible. The proposed zoning gives reasonable consideration to the district and neighborhood.

10. Does the new zoning give consideration to peculiar suitability of the property for particular uses?

The subject property is suitable for the requested zoning district. The location is close to an arterial street that has sufficient capacity for the intended and existing uses. The new zoning allows the existing development to continue.

11. Was the new zoning adopted with a view to conserving the value of buildings?

The existing building value will be conserved with the new zoning in place. Currently, the R-60 does not allow any commercial uses except by special review approval from one business to the next business type, however no expansion of the existing building can be allowed by this special review approval. The new zoning will allow the owner to consider future redevelopment of the property.

12. Will the new zoning encourage the most appropriate use of land throughout such county or municipal area?

The proposed zoning will permit the current development to continue and could allow future development for commercial uses. This is the most appropriate use of the lot.

RECOMMENDATION

The Zoning Commission is forwarding a recommendation of approval and adoption of the twelve criteria for Zone Change #881 on a 3-0 vote.

APPROVED BY CITY ADMINISTRATOR

Attachments

[Zoning Map](#)

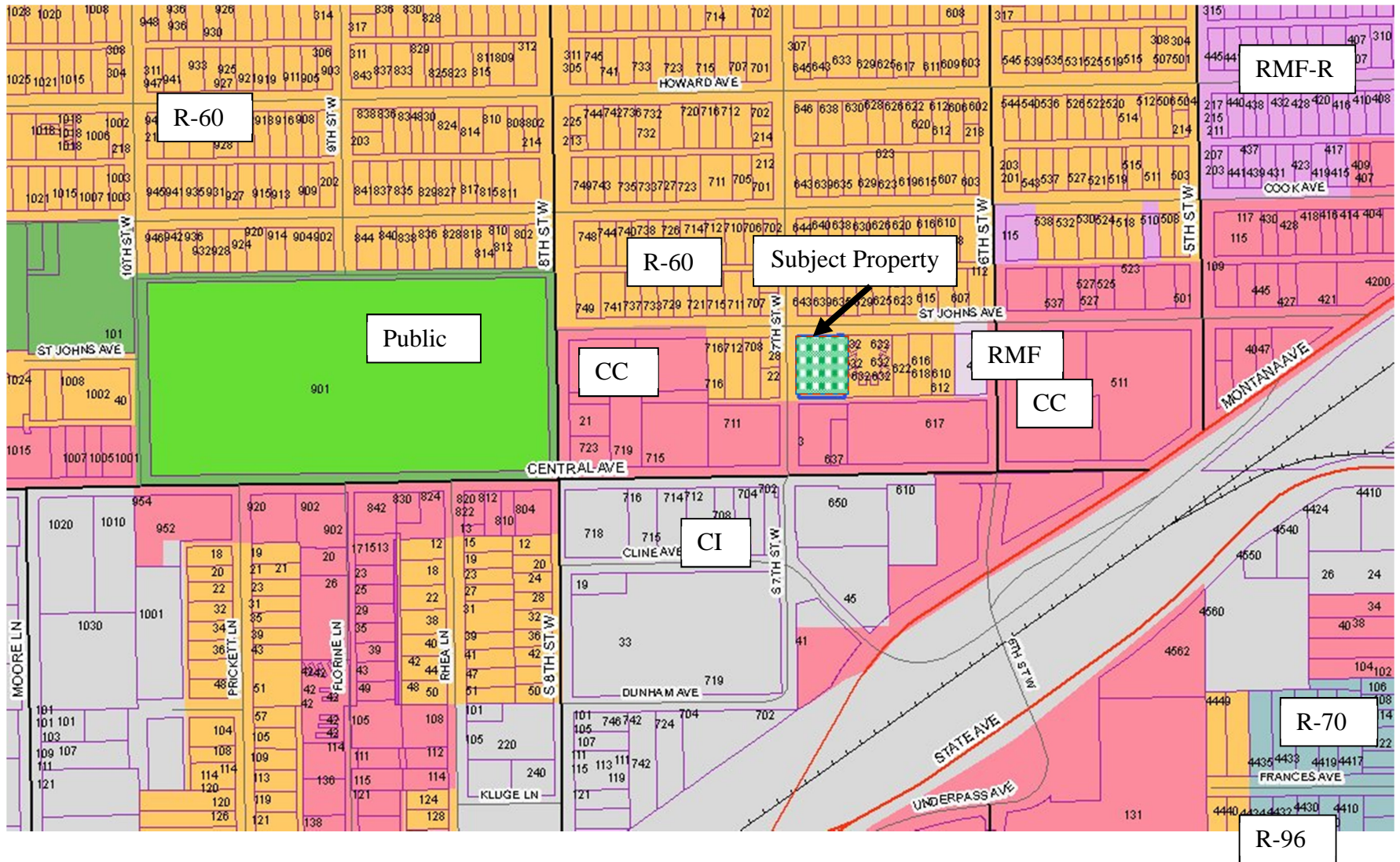
[Site Photos](#)

[Applicant Letters](#)

[Letters of Support](#)

[Ordinance](#)

Attachment A: Surrounding Zoning
Zone Change #881 – 640 Saint Johns Avenue



Attachment B, continued
Site Photographs, Zone Change #881 – 640 Saint Johns Avenue



View to interior of gated property



View east along Saint Johns Avenue

Attachment B, continued
Site Photographs, Zone Change #881 – 640 Saint Johns Avenue



View south along 7th Street West



View west along Saint Johns Avenue

Attachment C
Pre-application meeting notes and Applicant's Letter

Scotts Lawn Service
640 St Johns Avenue
Billings, Mt 59101

Dear Property Owner:

My name is Allen Greene, I am the owner of Scotts Lawn Service and have been your neighbor for 3 years. I am writing you this letter to introduce myself as well as notify you that I am in the process of requesting a zone change to the property in which I use to operate Scotts Lawn Service.

Currently the property at 640 St. Johns Avenue is zoned R6000. If you are not familiar with property zoning definitions, you should know that the current zoning for this property would allow for multi family residence. Article 27-300 defines R6000 as follows: A zone intended to provide for medium density residential dwellings on lots served by public water and sewer services, with provisions for multi-family dwellings with a maximum of ten (10) dwellings per structure unit.

The current zoning of 640 St Johns Avenue should I ever sell the property that Scotts Lawn Service operates out of it would allow for a developer to come in and transform the property into a multi family housing facility, which would only add to the congested parking and volume of traffic on the available streets that run along and to the side of 640 St Johns Avenue and decrease the peacefulness of our neighborhood.

Since the 1940's 640 St Johns has operated as a commercial property. This property was developed as a commercial property and because the city planning registered the zoning after the property had already been developed as a commercial property, the city continues to allow for a variance for the property to be used for commercial purposes. This is what the city calls "Grandfathered Use", and for this reason the city will always allow a variance for 640 St Johns to be used as a commercial property.

The zoning change that I am requesting would help regulate the type of businesses that could operate out of the 640 St Johns location to preserve the peace of the neighborhood. I am requesting that 640 St Johns zoning be changed from R6000 to Community Commercial.

The goal of the Community Commercial Zoning is to create a buffer between the business zoning districts and the residential community. Article 27-300 defines Community Commercial as follows: Is intended primarily to accommodate community retail, services and office facilities offering a greater variety than would normally be found in a neighborhood or convenience retail development. Facilities within the classification will generally serve the community and is commensurate with the purchasing power and needs of the present potential population within the trade area. This zone change would help to regulate the type of businesses that could occupy the location and help to preserve the peace in the neighborhood.

Part of the zoning application requirements include that this letter be sent off to the property owners within a 300 foot radius of 640 St Johns Avenue stating the requested zone change along with information about the current zoning placement. Along with this a meeting is to be held to answer any questions or concerns. This meeting is to take place on November 2, 2011. The meeting will be held at 640 St Johns Avenue. If you are unable to make this meeting but have questions as to the intentions of this zoning request please feel free to contact me at 406-861-7324, should I not answer please leave a message with your phone number and a time that would work best for me to contact you.

Sincere Thanks,

Allen Greene



Zone Change Application

1a) In what ways is your proposal consistent with the goals and policies of the adopted Growth Policy?

Our proposal to change the zoning for the property located at 640 St Johns Avenue is consistent with the goals and policies of the adopted Growth Policy in the following ways: The current Growth Plan for Billings identifies that there is a need for mixed neighborhoods. Neighborhoods in where residential and business properties coexist in ways that benefit the community and keep peace with in the residential community. Scotts Lawn Service had been an ideal business to support this objective of the Growth Plan. Since Scotts Lawn Service does not operate a business in which it creates a volume of traffic by walk in customers, it does not add to the congested neighborhood parking on the streets surrounding the business and does not create additional traffic on the residential streets during business hours. The city Growth Plan also notes a need to support businesses that allow residents of Billings to make an income that is sustainable. Scotts Lawn Service is a locally owned and operated business. As a Company we recognize the need for employees to make a wage that allows them to support their families and allows them to make enough to enjoy some of the extras that Billings has can offer. At Scotts we offer our employees above minimum wages, bonus programs, and full medical and dental benefits.

1b) Explain your need for the intended zone change and why the property cannot be used under the existing zoning. Explain how the new zoning will fit in with the existing zoning and land uses of the immediate area.

When that R6000 zoning was established for 640 St. Johns avenue the city saw a desire to have this neighborhood become a residential mixture of income classes. What hasn't changed in this vision is that this property since the early 1940's has always been used as a commercial property. This property was developed as a commercial property and has been allowed through Grandfathering measures to continue to be used to this date commercially. As the residential property around 640 St. Johns Avenue has been developed, it has met the Growth Plan need of becoming a mixed income neighborhood, with property owners and rental areas that house many income levels. Due to how the neighborhood has developed it has already consumed the available parking on the streets that would only become more congested should this property ever be developed as R6000.

The reason that Scotts Lawn Service seeks to make the zoning permanent to 640 St. Johns rather than continuing to be grandfathered with a variance for commercial uses, is to allow Scotts Lawn Service to continue to grow. Scotts Lawn Service has made 640 St Johns Avenue its home for the past 3 years, making several property improvements to make the neighborhood more appealing to the residents. Scotts is now in a need to continue its growth as a business, and wishes to make additional improvements to their property for long term goals. In order to meet to continue to operate Scotts from 640 St Johns and meet their needs for growth as a company, along with allowing the company to make those property investments and having them fiscally realized it is now necessary that this zone change becomes permanent to the property in which business is conducted.

City Zone Change Pre-Application

The following documents include:

Pre Application meeting handouts, sign in form, presentation, and pictures. As there were very few with interest in coming to the meeting that was held as part of the pre-application process, we went door to door and spoke directly with the neighbors that were home. Those that were home were given opportunity to receive all hand outs and asked to sign an acknowledgement letter stating whether they were in agreement with the requested zone change or against it. Copies of the signed letters are also included in the pre-application information. We also were able to speak with the Chairman of our Neighborhood Task Force, and he has also included a letter in support of the requested zone change for Scotts Lawn Service.

Attachment D

Letters of Support

Scotts Lawn Services
640 St. Johns Ave.
Billings, MT 59101

August 9, 2011

Dear Sirs:


Thank you for contacting me as the Chairman of the Central - Terry Neighborhood Task Force. I appreciate your desire to ensure the Task Force membership was informed of your proposal. I also appreciate your willingness to explain the project in detail and answer my questions about the potential implications.

First of all, I want to apologize for missing the meeting you held on Wednesday, August 3rd. Thank you for the invitation. I had fully intended to attend that meeting regarding the matter of zoning on the property, and the proposed new construction to accommodate your business. Unfortunately, business demands of my own had me on the road that day and I didn't arrive back in Billings until nearly midnight.

I was already familiar with the site at 640 St. Johns Ave. None the less, I stopped by again on Friday, August 5th. While I can't speak for the Task Force because the matter hasn't yet been brought before the group, let me express my personal opinion. Viewing the site, specifically with the proposed project in mind, I was comfortable that it would not prove detrimental to the nearby residential properties. Overall, I believe your proposal should be a nice addition and is appropriate within this mixed use neighborhood.

If residents approach me with reservations about it, I will be in contact to convey their concerns to you so you may address them. Otherwise, I wish you well and hope that your project is done in a fashion to be mutually beneficial to you and all others within the vicinity.

Regards,



Weldon J. Birdwell
PO Box 10
Billings, MT 59103

Name Karl Taddy
Address 712 St. Johns
Billings MT
Phone 595-9371

To Whom It May Concern:

I am signing this letter as acknowledgement that Allen Greene, the owner of Scotts Lawn Service, has provided in writing to myself, the above property owner, notification of his intend to request change of Zoning for the following property:

640 St. Johns Avenue
Billings, MT 59101

Legal Description: CENTRAL AVE ADD. S04, T01 S, R26 E, BLOCK 004, I.LOT 001,
LT 1 BLK 4 CENTRAL AVE ADD & BLK 1 CENTRAL AVE ADD 2ND FIL

Lot Size: 27101 Sq. Ft.

Allen Greene has explained in a letter sent of notice for the pre-application meeting, as well in the meeting, the definition of the current R6000 zoning and his desire to have the property zoning changed to Community Commercial as well as the Article definitions. I have been shown, and have access to copies of the property map and size.

I am in agreement with supporting the zone change that Allen Greene is requesting for 640 St Johns Avenue.

I am not in agreement with supporting the zone change that Allen Greene is requesting for 640 St. Johns Avenue. My concerns are listed as follows:

Signed: 

Dated: 8-21-11

Name Jeff Noble
Address 631 St Johns
Phone 406-578-0844

To Whom It May Concern:

I am signing this letter as acknowledgement that Allen Greene, the owner of Scotts Lawn Service, has provided in writing to myself, the above property owner, notification of his intend to request change of Zoning for the following property:

640 St. Johns Avenue
Billings, MT 59101

Legal Description: CENTRAL AVE ADD, S04, T01 S, R26 E, BLOCK 004, LOT 001,
LT 1 BLK 4 CENTRAL AVE ADD & BLK 1 CENTRAL AVE ADD 2ND FIL

Lot Size: 27101 Sq. Ft.

Allen Greene has explained in a letter sent of notice for the pre-application meeting, as well in the meeting, the definition of the current R6000 zoning and his desire to have the property zoning changed to Community Commercial as well as the Article definitions. I have been shown, and have access to copies of the property map and size.

I am in agreement with supporting the zone change that Allen Greene is requesting for 640 St Johns Avenue.

I am not in agreement with supporting the zone change that Allen Greene is requesting for 640 St. Johns Avenue. My concerns are listed as follows:

Signed: [Signature]
Dated: 8-21-2011

Jay Cysowski - owner

Name KAREN CAVANAUGH
Address 632 ST. JOHNS #2
BILLINGS, MT 59101
Phone 406 256 0245

To Whom It May Concern:

I am signing this letter as acknowledgement that Allen Greene, the owner of Scotts Lawn Service, has provided in writing to myself, the above property owner, notification of his intend to request change of Zoning for the following property:

640 St. Johns Avenue
Billings, MT 59101

Legal Description: CENTRAL AVE ADD. S04, T01 S, R26 E, BLOCK 004, LOT 001.
LT 1 BLK 4 CENTRAL AVE ADD & BLK 1 CENTRAL AVE ADD 2ND FIL

Lot Size: 27101 Sq. Ft.

Allen Greene has explained in a letter sent of notice for the pre-application meeting, as well in the meeting, the definition of the current R6000 zoning and his desire to have the property zoning changed to Community Commercial as well as the Article definitions. I have been shown, and have access to copies of the property map and size.

I am in agreement with supporting the zone change that Allen Greene is requesting for 640 St Johns Avenue.

I am not in agreement with supporting the zone change that Allen Greene is requesting for 640 St. Johns Avenue. My concerns are listed as follows:

Signed: Karen Cavanaugh
Dated: 8-3-11

Name Pam Schreier
Address 715 St Johns
Billings mt 59105
Phone 239-9037

To Whom It May Concern:

I am signing this letter as acknowledgement that Allen Greene , the owner of Scotts Lawn Service, has provided in writing to myself, the above property owner, notification of his intend to request change of Zoning for the following property:

640 St. Johns Avenue
Billings, MT 59101

Legal Description: CENTRAL AVE ADD. S04, T01 S, R26 E. BLOCK 004, LOT 001.
LT 1 BLK 4 CENTRAL AVE ADD & BLK 1 CENTRAL AVE ADD 2ND FIL

Lot Size: 27101 Sq. Ft.

Allen Greene has explained in a letter sent of notice for the pre-application meeting, as well in the meeting, the definition of the current R6000 zoning and his desire to have the property zoning changed to Community Commercial as well as the Article definitions. I have been shown, and have access to copies of the property map and size.

I am in agreement with supporting the zone change that Allen Greene is requesting for 640 St Johns Avenue.

I am not in agreement with supporting the zone change that Allen Greene is requesting for 640 St. Johns Avenue. My concerns are listed as follows:

Signed: Pam Schreier
Dated: 8/21/11

Name Jerry Bertrand
Address 617 St Johns Ave
Blks. Mt 59105
Phone 917-0129

To Whom It May Concern:

I am signing this letter as acknowledgement that Allen Greene , the owner of Scotts Lawn Service, has provided in writing to myself, the above property owner, notification of his intend to request change of Zoning for the following property:

640 St. Johns Avenue
Billings, MT 59101

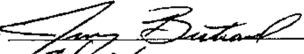
Legal Description: CENTRAL AVE ADD, S04, T01 S, R26 E, BLOCK 004, LOT 001.
LT 1 BLK 4 CENTRAL AVE ADD & BLK 1 CENTRAL AVE ADD 2ND FIL

Lot Size: 27101 Sq. Ft.

Allen Greene has explained in a letter sent of notice for the pre-application meeting, as well in the meeting, the definition of the current R6000 zoning and his desire to have the property zoning changed to Community Commercial as well as the Article definitions. I have been shown, and have access to copies of the property map and size.

I am in agreement with supporting the zone change that Allen Greene is requesting for 640 St Johns Avenue.

I am not in agreement with supporting the zone change that Allen Greene is requesting for 640 St. Johns Avenue. My concerns are listed as follows:

Signed: 
Dated: 8/30/11

Name Rhea Hardin
Address 1632 ST JOHNS #5
Bliss 59101
Phone 406-855-6271

To Whom It May Concern:

I am signing this letter as acknowledgement that Allen Greene, the owner of Scotts Lawn Service, has provided in writing to myself, the above property owner, notification of his intent to request change of Zoning for the following property:

640 St. Johns Avenue
Billings, MT 59101

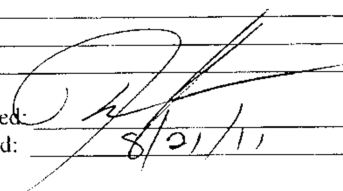
Legal Description: CENTRAL AVE ADD, S04, T01 S, R26 E, BLOCK 004, LOT 001,
LT 1 BLK 4 CENTRAL AVE ADD & BLK 1 CENTRAL AVE ADD 2ND FIL

Lot Size: 27101 Sq. Ft.

Allen Greene has explained in a letter sent of notice for the pre-application meeting, as well in the meeting, the definition of the current R6000 zoning and his desire to have the property zoning changed to Community Commercial as well as the Article definitions. I have been shown, and have access to copies of the property map and size.

I am in agreement with supporting the zone change that Allen Greene is requesting for 640 St Johns Avenue.

I am not in agreement with supporting the zone change that Allen Greene is requesting for 640 St. Johns Avenue. My concerns are listed as follows:

Signed: 
Dated: 8/21/11

ORDINANCE NO. 12-_____

AN ORDINANCE AMENDING THE ZONE CLASSIFICATION FOR Lot 1, Block 4, of Central Avenue Addition 1st Filing and all of Block 1, Central Avenue Addition, 2nd Filing, a 27,101 square foot parcel of land and generally located at 640 Saint Johns Avenue

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

1. RECITALS. *Title 76, Chapter 2, Part 3, MCA, and Sections 27-302 and 27-1502, BMCC*, provide for amendment to the City Zoning Map from time to time. The City Zoning Commission and staff have reviewed the proposed zoning for the real property hereinafter described. The Zoning Commission and staff have considered the twelve (12) criteria required by Title 76, Chapter 2, Part 3, MCA. The recommendations of the Zoning Commission and staff have been submitted to the City Council, and the City Council, in due deliberation, has considered the twelve (12) criteria required by state law.
2. DESCRIPTION Lot 1, Block 4, of Central Avenue Addition 1st Filing and all of Block 1, Central Avenue Addition, 2nd Filing are presently zoned **Residential 6,000 (R-60)** and are shown on the official zoning maps within this zone.
3. ZONE AMENDMENT. The official zoning map is hereby amended and the zoning for **the above described parcels** is hereby changed from **Residential 6,000 (R-60) to Community Commercial (CC)** on Lot 1, Block 4, of Central Avenue Addition 1st Filing and all of Block 1, Central Avenue Addition, 2nd Filing from the effective date of this ordinance, shall be subject to all the rules and regulations pertaining to **Community Commercial (CC)** as set out in the Billings, Montana City Code.
4. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
5. EFFECTIVE DATE. This ordinance shall be effective from and after final passage and as provided by law.

PASSED by the City Council on first reading January 23, 2012.

PASSED, ADOPTED AND APPROVED on second reading February 13, 2012.

CITY OF BILLINGS:

BY: _____
Thomas W. Hanel, Mayor

ATTEST:

BY: Cari Martin, City Clerk
Zone Change #881 – 640 Saint Johns Avenue

Regular City Council Meeting

Meeting Date: 01/23/2012

TITLE: Stockman Bank Development and Reimbursement Agreement

PRESENTED BY: Bruce McCandless, Asst. City Administrator

Department: City Hall Administration

Information

PROBLEM/ISSUE STATEMENT

Stockman Bank recently opened its downtown branch and is requesting a development agreement that provides partial reimbursement from the tax increment district (TID) for certain public improvements. The application and proposed reimbursements are similar to those agreed upon between the City and First Interstate Bank for its Op Center in the East TID and Zootist Hospitality for the Northern Hotel in the Downtown TID. Funds for this agreement would come from the Downtown TID.

ALTERNATIVES ANALYZED

The City Council may:

- Approve the agreement
- Disapprove the agreement
- Modify the agreement regarding the amount or term

See the Background section for a more complete description of the alternatives

FINANCIAL IMPACT

The proposed agreement would reimburse the bank for up to \$630,000 over the remaining life of the TID. The first payment would occur prior to July 1, 2012 and continue annually until the district sunsets or the full amount is paid, whichever occurs first. The FY 12 payment would be \$50,000 and the subsequent annual amounts would depend on the amount of increment collected in the district and annual obligations for identified improvements such as the Empire Parking Garage debt service. The annual estimated amount of reimbursement is \$60,000 - \$70,000. The TID is expected to produce \$1,700,000 to \$1,900,000 per year and the proposed obligations equal about \$1,500,000. Unless the increment grows substantially, the combination of this payment and the promised Northern Hotel reimbursement would leave \$150,000 - \$200,000 per year for other downtown projects.

BACKGROUND

Stockman Bank recently opened its downtown branch and is requesting a development agreement that provides partial reimbursement from the TID for certain public improvements. Funds for this agreement would come from the Downtown TID.

Cities may spend TID funds on public improvements listed in state law, section 7-15-4288 MCA. The City of Billings uses TID funds for a broad spectrum of projects including parking garages, property purchases, building demolition and public facilities such as the Alberta Bair Theater and the Lincoln Center. The Downtown Billings Partnership (DBP) contracts with the City to manage the downtown district, develop projects and recommend funding priorities. The DBP Board voted in October, 2011 to recommend that the City sign an agreement with

Stockman Bank to reimburse the bank for public improvement expenses at its new downtown branch. The improvements consist of building demolition and hazardous material abatement, relocating and burying utilities, street and sidewalk landscaping and landscaping and pavement in the bank's parking lot. Some of the lot paving and landscaping won't be completed until later this year when the bank assumes control of the parking area south of the present library. Public parking will be allowed in the parking lot after bank hours and on weekends. The bank and improvements have a construction value of approximately \$13,700,000.

Two development agreements predate the proposed Stockman agreement and helped to structure it; the First Interstate Bank (FIB) for its operations center in the East Billings TID and for the Northern Hotel, located in the downtown TID. The 2009 FIB agreement will reimburse the bank for a portion of its costs to purchase the property, prepare the site for construction, installing new utilities and landscaping and parking. The bank agreed to allow the public to use the parking lot as long as it doesn't interfere with its own operations. The bank could recover up to \$1.2 million, payable only until the district sunsets and the annual payment is limited to the lesser of 45% of the project tax increment or 45% of the district tax increment. The Northern Hotel's 2011 agreement would reimburse it for some of the costs of interior demolition, hazardous material abatement, landscaping and building facade improvements. The maximum reimbursement is \$2.1 million but payments would stop if the district sunsets before the hotel receives the maximum reimbursement. The annual payment will be 45% of the increment that exceeds some anticipated TID expenses such as debt service for a parking garage and the DBP management agreement. The annual payment is estimated to be approximately \$180,000. The hotel will also receive a substantial subsidy for the parking spaces that it leases or buys in the proposed Empire Parking Garage.

The Stockman agreement would reimburse the bank up to \$630,000 but annual payments would stop when the district sunsets. That date could be as early as 2020 but will be later if the City issues bonds with a maturity date that is beyond 2020. Annual payments are 15% of the "excess" increment described above. That amount is estimated to be \$60,000 - \$70,000 per year. The combination of payments for the Northern Hotel and for Stockman Bank equal \$240,000 - \$250,000 per year. If the district value stagnates or declines or the parking garage costs are higher than anticipated, there could be less than \$100,000 per year available for other downtown projects. If the district value increases substantially, \$200,000/year or more could be available for other projects.

The Council has several options regarding the agreement. It may approve the agreement and the payments will be made as specified. If Council approves the agreement, the project will probably be the last large project that can be funded by the downtown TID unless the increment grows substantially. With a predicted increment of \$1.7 - \$1.9 million and known expenses of approximately \$1.5 million (parking garage and DBP mgmt agreement), the increment that is available for other projects is approximately \$400,000/yr. Of that amount, 45% or \$180,000/yr. is promised to the Northern Hotel project and another \$60,000/yr. would be obligated by this agreement, leaving about \$160,000/yr for all other projects.

The agreement follows the pattern set by previous agreements but the decision to approve it is discretionary. The Council may disapprove the agreement, however, based on the Council's past actions, Stockman Bank will probably object. The bank's land purchase from the City and its decision to build the downtown branch did not rely on the City's approval of the agreement. However, as pointed out in the development agreement application, the bank is incurring additional expenses for building and finishing the 3rd and 4th floors and they add to the bank's tax liability and to the downtown increment.

The City Council may propose amendments to the agreement. A shorter term or lesser reimbursement amount would be the logical choices. For example, if the agreement terminated in 2020, regardless of the district's extension due to bond terms, the reimbursement would probably be \$400,000 - \$600,000. Any proposal to modify the agreement terms would have to be returned to the bank for its consideration and approval or rejection.

RECOMMENDATION

The Downtown Billings Partnership Board of Directors recommends that the City Council approve the development agreement with Stockman Bank.

APPROVED BY CITY ADMINISTRATOR

Attachments

DBP Board recommendation

DBP staff recommendation

Development agreement

Exhibits A - C

Exhibit D

Exhibit E

DBP Board Meeting minutes of Friday, October 28, 2011 @ 7:30 a.m.
G.W. Building (1st Floor)

Attendees:

Scott Godfrey
Tina Volek
Gary Drake
Jeremiah Young
Lisa Harmon
Soo Ping Ng-Bronson

Steve Arveschoug
Jim Reno
Jeremy Morgret
Joni Harman
Lloyd Mickelson

Kim Olsen
Jock West
Steve Tostenrud
Steve Wahrlich
Greg Krueger

- 1) **Call to order: Introductions/Courtesies** – Vice President West called the meeting to order at 7:32 a.m.
- 2) **Consent Agenda**
 - a. **Minutes, Financials, Report from Director – September 2011:** Minutes approved by consent.

Mr. Krueger presented the financials and highlighted that the city now staggers its payment to the partnership to be billed after quarter is complete. However, the partnership has made payment for staffing and occupancy for two quarters. Overall the Partnership is good financial shape. Fund 203 budget was presented to the board. Two pedestrian kiosks have been installed. Projections for Fund 203 over the next 10 years were presented. Please refer to agenda item 2a for more information. Discussion ensued.

3) Action / Informational Items:

a. Development Committee Report

i) Stockman Bank application for assistance

Please refer to agenda item 3a-i for more information. Mr. Reno motioned to approve Stockman Bank's grant request; Ms. Olsen seconds. Mr. Morgret abstained. Motion approved by unanimous vote.

ii) Circulator Study application for assistance

Please refer to agenda item 3a-ii for more information. Mr. Arveschoug motioned to approve TIFD contributing \$8,000 to the circulator study; Ms. Olsen seconds. Motion approved by majority vote. Mr. Reno opposed.

iii) Clock Tower Inn Streetscape application for assistance

Please refer to agenda item 3a-iii for more information. Mr. Reno motioned to approve Clock Tower Inn's request of \$35,000 for streetscape and façade improvement; Mr. Drake seconds. Mr. Wahrlich and Mr. Tostenrud abstained. Motion approved by unanimous vote.

iv) Retail Recruitment – Business Plan Contest project

By consent, the Board agreed that we should move forward with this program as presented and as will develop.

- j. Steve Tostenrud:** Mr. Tostenrud presented that the Revolving Loan Fund Committee met, approved and set the rate for another year. The two loans will be on council agenda on November 14.
 - k. Stockman Bank:** Mr. Morgret appreciates the support everyone is giving to Stockman Bank.
 - l. PAB:** Mr. Godfrey presented that the board is monitoring the free parking initiative. There have been some good and bad responses and the board has responded to letters as well. The board has asked Mr. Chris Mallow to monitor the parking shift. Last but not least, the striping at Dehler Park is completed.
- 6) Adjournment by 9 a.m.:** The meeting was adjourned by unanimous vote at 8:59 a.m.

DBP Board Agenda Item **3a-i** Stockman

TITLE: Stockman Bank TIFD Assistance Application
 COMMITTEE: Development Committee
 PRESENTED BY: Staff on 10/28/11

PROBLEM/ISSUE STATEMENT: Stockman Bank has almost completed development of the 4th and Broadway corner emphasized in the N. 27th St. Urban Renewal Plan. This development has been a priority of the DBP since 2005 and Stockman has been awaiting decisions on parking and library development to complete their planned project for this corner.

The development has a potential of well over \$13 Million in construction and new development value to the district if all floors are finished at the same time. Currently, Stockman is negotiating with a local office tenant for occupancy of the upper floors, if an agreement can be reached soon, all of the building will be complete by the end of this calendar year with full occupancy.

The project has buried utilities in the alley, reinvented the streetscape landscape and lighting and added significant private parking to the area. All of these expenditures are qualified under the Montana Urban Renewal Code.

FINANCIAL IMPACT: Stockman Bank Total Project Budget:

PROJECT COSTS

Page 7 of Application

Land and Site Improvements (Itemized)

1	Equity in Land and Buildings	\$ 1,822,000	
	Subtotal		\$ 1,822,000

Construction/Rehabilitation Costs (Use general construction trade divisions)

1 Demolition and Abatement:			
	Power Line Relocate	\$ 8,581	
	Abatement and Mobilization	\$ 18,450	
	Demolition and Excavation	\$ 80,081	
			\$ 107,112
2 Underground Utilities:			
	Integra Telecom	\$ 27,000	
	Northwestern Energy	\$ 162,000	
	Bresnan	\$ 4,076	
	Qwest	\$ 10,000	
			\$ 203,076
3 Landscaping and Parking:			
	Landscaping/Irrigation/Pedestrian Lighting/Paving	\$ 113,770	
	Decorative Sidewalks	\$ 25,000	
	Alleyway Improvements	\$ 16,800	
	Landscaping/Irrigation/Pedestrian Lighting/Paving Expansion after July 2012	\$ 165,000	
			\$ 320,570
	SUBTOTAL - Request for TIF Reimbursement		\$ 630,758
	All Other Construction Costs including Architectural		
4	Design	\$ 11,328,922	
5			
6			
	Subtotal		\$ 11,959,680

Total Project Development Costs \$ 13,781,680

Expense Reimbursement - TIFD Request from Stockman Bank:

As noted in the Financial Impact analysis, Stockman Bank has or will expend \$630,758.00 on TIF qualified improvements.

This project should grow the district:

	\$ 13,500,000.00	Assessed GROWTH VALUE
X	<u>0.84</u>	Discount on Commercial Property
	\$ 11,340,000.00	
X	<u>2.82%</u>	Taxable % Rate
	\$ 319,788.00	Estimated Taxable Value of Improvements
X	<u>0.62300</u>	MILLS
	\$ 199,227.92	Estimated Increment Generated by Improvements

The \$630,758 request, if approved, could be paid to Stockman in annual payments that would allow for Stockman to evaluate the impact to tenant improvement expenses and not become a burden to Fund 203.

Resolution:

The Board, by unanimous vote, with one abstention, approved TIF reimbursement for qualified expenditures up to **\$630,000.00** to be paid to Stockman over a period of years following completion of the project and submission of paid invoices related to the qualified expenditures. The Board instructed the staff to draft a Development Agreement and submit it to the City Council for approval.

STOCKMAN DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (the “Agreement”) dated as of _____, day of _____, 2012, is made by and between _____ a Montana _____ whose address is _____ (the “Developer”), and the **CITY OF BILLINGS**, a municipality of the State of Montana whose address is 210 North 27th Street Billings, Montana 59103 (the “City”) (Developer and City are collectively the “Parties”).

WITNESSETH:

WHEREAS, The City has pursuant to Ordinances Nos. 08-5483, 06-5394, and 05-5333 (the “Ordinances”) created and expanded the North 27th St. Urban Renewal District which contains a tax increment provision (the “District”) and

WHEREAS, Developer owns and plans to develop property in the District as a bank and commercial office space (the “Project”) upon that property described in Exhibit A (the “Property”); and

WHEREAS, the Project will include the qualified improvements set forth in Exhibit B attached hereto and made a part hereof (the “Qualified Improvements”); and

WHEREAS, it is the intention and desire of the Parties that a portion of the tax increment revenue generated from the District (the “Adjusted District Tax Increment Revenue” as more specifically defined in Section 4) will be used to reimburse Developer for the costs of the Qualified Improvements; and

WHEREAS, it is necessary and desirable for the Project that the Developer proceed with construction of the Qualified Improvements paying for them with private funds; and

WHEREAS, the City has determined pursuant to the Ordinances that the Project and Qualified Improvements to be constructed therewith are Urban Renewal Projects within the Montana Urban Renewal Law and that such improvements are eligible for tax increment financing; and

WHEREAS, the City has determined that it is appropriate to provide some reimbursement to Developer for the costs of the Qualified Improvements on a periodic basis; and

WHEREAS, City and Developer wish to enter into an agreement to establish the terms and conditions and methodology by which City will reimburse Developer from District Tax Increment Revenue.

NOW THEREFORE, City and Developer agree, covenant and represent as follows:

Section 1. Development of the Project.

- 1.01. The Developer has submitted an application for tax increment financing or funding of the Project that was reviewed and approved by the Downtown Billings Partnership, Inc. Board of Directors on **October 28, 2011**, attached as Exhibit D (the “Application”) which includes schematic, site, landscaping and construction plans for the Project and a Project schedule. The City acknowledges and agrees that Developer has already performed a substantial amount of demolition with respect to the Project and is continuing to perform construction on the Project. **Developer will complete, substantially, the construction of the Project no later than June 30, 2012.** Developer shall complete construction of the Qualified Improvements substantially in conformance with the Application and will allow City or its development representative, The Development Committee of the Downtown Billings Partnership, Inc., (the Development Committee) to review the substantially completed Project and certify the satisfactory completion, or the timely plan for completion, of the Qualified Improvements.
- 1.02. The Developer will utilize the City’s normal construction plan review procedures and will obtain all necessary construction permits with respect to the Project. The Developer shall construct all Project Improvements in accordance with City ordinances and other applicable local, state and federal regulations. The proposed building plan shall be in conformance with the current zoning of the Property. All improvements and construction on the Project, including, but not limited to on-site development, building construction, landscaping, and lighting shall be performed in accordance with all local, state, and federal regulations.

Section 2. Construction and Maintenance of the Qualified Improvements. The Developer will construct the Qualified Improvements as a part of the construction of the overall Project and shall substantially complete the Qualified Improvements in material conformance with the plans in the Application before occupancy of the Project. The Qualified Improvements will be maintained for their normal useful life by the Developer in a reasonable manner and at no cost to the City, except to the extent similar Qualified Improvements are generally maintained by the City for other businesses in the District. Developer agrees, as set forth in Exhibit E, attached, to permit general public parking on the Project parking improvements during non-operation hours. The City acknowledges and agrees that replacement of Qualified Improvements for reasonable purposes (e.g. such Qualified Improvements are at the end of their useful life, have been damaged or are no longer in style) shall not alleviate the City’s obligation to reimburse for such Qualified Improvements.

Section 3. Assessments and Taxes. The Developer acknowledges and understands that the Project will be assessed for real property taxes and may be subject to special improvement assessments, including the Downtown Billings Business Improvement District. Developer further acknowledges that filing a protest of real property tax assessments on the Project property will suspend City's obligation to make a reimbursement payment until the protest has been settled. Notwithstanding the foregoing, nothing in this Agreement shall be deemed a waiver of the Developer's right to protest the creation of any special improvement district(s) or of any other rights of the Developer.

Section 4. Reimbursement. The Parties agree that City shall make every effort to reimburse Developer over a period of time commencing with the First Reimbursement, subject to the certification of Project completion by the Development Committee as set forth in Section 1 herein, to be made on **June 30, 2012 in the amount of \$50,000 from the fiscal year 2012 development budget, subject to sufficient monies in the fund as described below as "Adjusted District Tax Increment Revenue."** In subsequent fiscal years the Parties agree that a portion of the Adjusted District Tax Increment Revenue be used to reimburse the Developer for costs of the Qualified Improvements. Subject to the terms and conditions of this Agreement, City agrees to allocate and pay to Developer a portion of the Adjusted District Tax Increment Revenue by annual payments as follows:

4.01 Calculation of Annual Reimbursement Payment. The City's annual reimbursement payment to Developer shall be calculated annually, following the First Reimbursement, for each tax year beginning with calendar year 2013 and shall be payable according to Section 4.02, subject to the provisions of Sections 4.03 and 4.04 ("Annual Reimbursement Payment"). **[The Annual Reimbursement Payment shall be 15% of the Adjusted District Tax Increment Revenue. "Adjusted District Tax Increment Revenue" shall be the aggregate "tax increment" (as defined on the date of this Agreement in Section 7-15-4283 of the Montana Code) revenue actually received by the City for the entire District for the related tax year minus all encumbered project allocations identified in Exhibit E.]** An example of the calculation of the Annual Reimbursement Payment is set forth on Exhibit C.

4.02 Payment of "Annual Reimbursement Payment." The Annual Reimbursement Payment shall first become due as described above in section 4.01 and pursuant to completion of the Project, including all of the Qualified Improvements, issuance of a certificate of occupancy, and real property taxes actually collected by City as described in section 4.01. City shall pay Developer the Annual Reimbursement Payment without interest, setoff or recoupment on or before July 1st of each year or within 10 days following Yellowstone County's transfer of the second half tax increment payment/distribution to the City, whichever occurs later.

4.03 Maximum Reimbursement Amount. The cumulative Annual Reimbursement Payments, including the First Reimbursement, from City to Developer under this Agreement shall not exceed **the Maximum Reimbursement Amount of**

\$630,000 as set forth in Exhibit C attached. Subject to the terms of Section 4.04, upon payment by City of the Maximum Reimbursement Amount, City's obligation to reimburse Developer under this Agreement shall be satisfied and shall terminate.

4.04 Limitation and Termination of Reimbursement. In no event shall Developer be reimbursed for more than the actual cost of the Qualified Improvements as **set forth in Exhibit B, and as documented as actual expenditures by Developer. City and Developer acknowledge that they have identified total Qualified Improvements of up to \$630,000.00.**

City's obligation to reimburse Developer for the Qualified Improvements shall terminate, without notice, upon the occurrence of any of the following events:

- a. The later of August 11, 2020 or such later date that the District terminates, regardless of whether the Maximum Reimbursement Amount has been paid. The Parties acknowledge that the term of the District is presently 15 years commencing on August 11, 2005; however, the term may be extended by issuance of bonds for the District; or
- b. Payment of the Maximum Reimbursement Amount; or
- c. Developer's failure to make properly due and owing property tax payments for the Property; or
- d. Sale of the Property by Developer, where the purchaser does not agree to the terms and conditions of this Agreement; or
- e. Developer's unreasonable restriction or elimination in whole or in part of any of the Qualified Improvements; or

4.5 If Developer receives a property tax abatement under Section 15-24-1501 et seq. of the Montana Code, the reimbursements hereunder shall be delayed until the abatement period terminates and Developer understands that the total amount of taxes abated during the abatement period shall be deducted from the Maximum Reimbursement Amount

Section 5. Obligation of the City. City will make every effort to reimburse the Developer annually for a portion of Qualified Improvements costs when and to the extent that the Project Tax Increment Revenues are received, as described in Section 4.2.

Section 6. Entire Agreement. This Agreement supercedes all prior written or oral understandings which the parties may have had and constitutes the entire agreement between the parties.

Section 7. Governing Law. This Agreement shall be governed by and construed in accordance with the applicable laws of the State of Montana.

Section 8. Construction. If any provision of this Agreement is found invalid to any extent, the remainder of this Agreement shall not be affected thereby, and any provision of the Agreement shall be valid and enforceable to the fullest extent permitted by law.

Section 9. Successors and Assigns. This Agreement shall be binding upon and inure to the benefit of the Parties, their successors and assigns. Provided, however, that Developer shall not be entitled to assign its interests under this Agreement, unless any successor or assignee of Developer assumes in writing all of the obligations, stipulations and agreements of Developer under this Agreement.

Section 10. Notices. Any notice, demand or request under this Agreement shall be delivered in person or sent via US Certified Mail, postage prepaid, to the Parties at the following addresses:

City of Billings
210 North 27th Street
Billings, MT 59103
Attn: Finance Director

Attn:_____

Section 11. Indemnification and Attorney’s Fees. The Developer and the City agree to indemnify, defend and hold harmless each other for any and all claims, demands, lawsuits, judgments, liabilities or damages including reasonable attorneys fees arising out of their respective negligent or intentional acts or omissions.

If it becomes necessary for any Party to this Agreement to retain an attorney to enforce any of the terms or conditions of this Agreement, or to give any notice required herein, then the prevailing party shall be entitled to recover from the other reasonable attorney fees and costs.

Section 12. Amendments. Amendment or modification of this Agreement or any provisions herein shall be made in writing by the Party requesting the change and upon acceptance and execution by all Parties shall become a part of this Agreement.

Section 13. Force Majeure. For the purposes of this Agreement “Force Majeure” shall mean any act of God, fire, earth movement, flood, explosion, action of the elements, war, invasion insurrection, acts of terrorism, riot, mob violence, sabotage, inability to procure general shortage of labor, equipment, facilities, materials or supplies in the open market, failure of transportation, strikes, lockouts, action of labor unions (unless provoked in bad faith violation of any labor laws by the party claiming its obligation or undertaking was prevented or delayed), condemnation, requisition, laws, orders of governmental or civil or military or naval authorities, or any other cause, similar to the foregoing, not within the control of such party. During any time period in which an element of Force Majeure may exist, the Parties hereto are excused as to any performance substantially affected thereby, other than the City’s obligation to reimburse the Development hereunder.

Section 14. Parties to this Agreement. The only parties to this Agreement are the Developer and the City, and except as stated in this section nothing herein should be held to give rise to claims of third parties. This Agreement establishes a right of reimbursement based on the cost of Qualified Improvements paid by the Developer and the City will honor that obligation.

IN WITNESS WHEREOF, the Parties have set their hands and seals the day and year first above written.

CITY OF BILLINGS

By: _____
Mayor

Attest: _____
City Clerk

“DEVELOPER”

By: _____

Its, _____

Exhibits

Exhibit A – Legal Description

Exhibit B – List of Public Improvements

Exhibit C – Calculations of First Reimbursement and Annual Payment

Exhibit D – Application for TIFD Assistance

Exhibit E - Public Parking Letter

Exhibit A

Legal Description – Stockman Bank Billings Downtown

12/22/2006 Deed (410 & 412 N. 28th)

Lots 1-4, Block 53 Foster Addition

Geo Code 03-1033-32-4-06-01-0000

Lots 5-6, Block 53 Foster Addition

Geo Code 03-1033-32-4-06-02-0000

6/7/2010 Deed (to SB from City)

Lot 7 & 8, Block 53 Foster Addition

Geo Code 03-1033-32-4-06-03-0000

7/01/2011 Deed (to SB from City of Billings)

Lots 9 through 12, Block 53 of Foster's Addition to the Town of Billings, in the City of Billings, Yellowstone County, Montana, according to the official plat thereof on file and of record in the Office of the Clerk and Recorder of said County. **Geo Code 03-1033-32-4-06-04-0000**

and

Lot 26, Block 49 of Amended Plat of Foster's Addition to the Town of Billings, Amending the vacated railroad right-of-way between Block 49 and 53, in the City of Billings, Yellowstone County, Montana, according to the official plat thereof on file and of record in the office of the Clerk and Recorder of said County, under Document No. 3588473. **Geo Code 03-1033-32-4-06-05-0000**

Exhibit B

Exhibit B Public Improvements

Item	Cost	MT Code
Demolition and Abatement	\$107,112.00	7-15-4288 (2)
Underground Utilities	203,076	7-15-4288 (4)
Landscaping & Parking	320,570	7-15-4288 (4)

EXHIBIT C

The First Reimbursement shall be in the amount of \$50,000.00 and be paid to Developer on June 30, 2012 provided the Project has been certified as complete by the Development Committee and subject to available allocated funds.

Annual Encumbered Project Allocations for the District:

Are set forth in 1-5 below and are ESTIMATES as of the start of **FY 2013** and are subject to variations based upon actual costs.

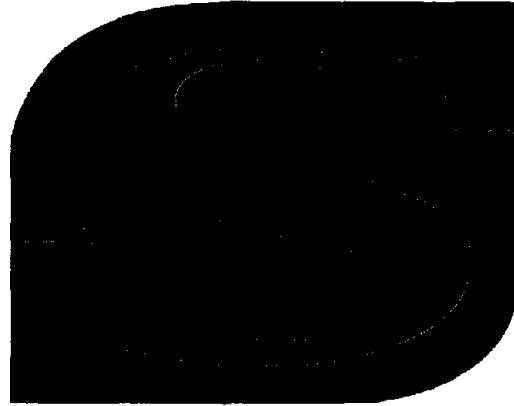
Maximum Total Reimbursement Shall Not Exceed \$630,000.00

1. Tax Increment Bond Payments, **estimated** at \$1.2 Million in FY 2013
2. City Cost Allocations, **estimated** at \$31,050 in FY 2013
3. Downtown Billings Partnership, Inc. Management Services, **estimated** at \$232,875 in FY 2013
4. Appraisal and Pre-Development Costs, **estimated** at \$10,350 in FY 2013
5. TIFD Public Safety Program, **estimated** at \$36,225 in FY 2013

Total **estimate** for FY 2013 of Annual Encumbered Project Allocations is \$1,510,500

Additional projects funded by Fund 203 shall be allocated and calculated after the Annual Encumbered Project Allocations, 45% Northern Hotel project and after the 15% Stockman project allocations.

Exhibit D



APPLICATION OF
STOCKMAN BANK OF MONTANA
TO
DOWNTOWN BILLINGS PARTNERSHIP
FOR
T.I.F. GAP FUNDING

Stockman Bank

Billings Downtown
Starts here.

Downtown Billings Partnership

**T.I.F. Gap Funding Criteria
For Downtown Development Projects**

Program/Application
Approved by DBP Board
May 2011

Information & Application

All projects subject to availability of Annual TIF Funds

TAX INCREMENT FINANCING APPLICATION PROCESS LARGE DOWNTOWN BILLINGS DEVELOPMENT PROJECTS

IMPORTANT: The material below outlines the Tax Increment Financing application process and the responsibilities of the APPLICANT and the Downtown Billings Partnership, Inc. (DBP). Please review this information carefully before submitting the application or finalizing your development plans.

INTRODUCTION

The DBP is responsible for advising the City of Billings on the Tax Increment Finance fund established for the Expanded North 27th Street TIFD, pursuant to Montana Urban Renewal Law (Title 7 Chapter 15 part 42 Montana Code Annotated, "Urban Renewal." Tax Increment Financing (TIF) is an important element of the program as it provides a means to finance urban renewal activities. A TIF program operates by first establishing a base year taxable value for all properties within the urban renewal district. Property taxes continue to be paid to all taxing jurisdictions on the basis of the base year valuation. All increases in property taxes above this base valuation due to new development or reappraisals are assigned to the TIF District. They are then used for downtown revitalization activities.

The DBP has proposed this Gap Funding Assistance program for development projects, defined as those with taxable property improvements. This program enables the Applicant and the DBP to work together in a streamlined, efficient manner.

FUNDING PARAMETERS

Each project is unique. TIF funding awards shall be based upon criteria outlined in the Criteria for Review section that may be modified by the DBP Board of Directors with City Council approval from time to time. A 5:1 private:public leveraging investment ratio (for every \$5 in private funds a maximum of \$1 of TIF funds) is preferred but not required for each project. Generally, TIF fund assistance may be awarded to eligible projects meeting the criteria and approval processes as described herein, subject to availability of funds and the priority of the project as assigned by the Board of Directors of the Downtown Billings Partnership, Inc.

ELIGIBLE ACTIVITIES

As specified by Title 7 Chapter 15 Part 4288 Montana Code Annotated (***please see Attachment A***), TIF may be used to finance certain urban renewal activities. Pursuant to this statute, the DBP will review applications for financing of projects eligible under the following guidelines. The DBP will place special emphasis on those projects that exemplify the Downtown Billings Framework Plan (***please see Attachment B***), particularly mixed-use developments. In addition, all applications must address parking needs and accommodations for the completed project (see Criteria for Review #13). Please note that the investment levels indicated below serve as examples and are not cutoff points for funding.

EXHIBIT B

DBP Large Project TIFD Incentive Program

Property/Project	Project XWY	Approved Urban Renewal Project
Date Submitted	4/20/2011	MCA 7-15-4216, 7-15-4258
Developer	XYZ Development	Approved by DBP Board of Directors on 3/25/11

Item	Description	Montana Urban Renewal Law	Cost Estimate
Utility, Repair, Demolition and Site Work Improvements			
1	New sewer and storm connections	MCA 7-15-4288 (4), 7-15-4233 (d),	\$ 50,500.00
2	New water service	MCA 7-15-4288 (4), 7-15-4233 (d),	\$ 17,843.00
3	Irrigation revamp on streetscape	MCA 7-15-4288 (4), 7-15-4233 (d),	\$ 3,500.00
4	Sidewalk demolition	MCA 7-15-4288 (4), 7-15-4233 (d), 7-15-4288 (2)	\$ 7,983.00
5	Asbestos demolition and abatement	MCA 7-15-4288 (4), 7-15-4233 (d), 7-15-4288 (2)	\$ 850,326.00
6	General demolition of dilapidated/outdated structure	MCA 7-15-4288 (4), 7-15-4233 (d), 7-15-4288 (2)	\$ 436,166.00
7	New energy efficient windows	MCA 7-15-4288 (4), 7-15-4252 Elimination of blight	\$ 464,533.00
8	Repair of exterior masonry	MCA 7-15-4288 (4), 7-15-4252 Elimination of blight	\$ 112,000.00
9	Landscaping and site work	MCA 7-15-4288 (4), 7-15-4252 Elimination of blight	\$ 50,257.00
10	Upgrade and replace exterior doors	MCA 7-15-4288 (4), 7-15-4252 Elimination of blight	\$ 30,509.00
11	Hoisting services - equipment rental	MCA 7-15-4288 (4), 7-15-4252 Elimination of blight	\$ 74,340.00
12	Concrete work and rebar - exterior site	MCA 7-15-4288 (4), 7-15-4252 Elimination of blight	\$ 82,870.00
Total Approved by DBP Board and Qualified			\$ 2,180,827.00

Large Project TIFD Assistance Program Calculator			
Line 1		\$2,180,827 Approved Eligible Expenses	
Line 2	Private	for	Public
Line 3	\$3.00		\$1.00
Line 4	33.000000%	Formula Multiplier	
Line 5		\$8,200,000 Completed Project Estimated DOR Assessed Value	
Line 6		(\$2,110,130) TY 2010 DOR Assessed Value	
Line 7		\$6,089,870 Incremental Assessed Value Growth (Add Lines 4 and 5)	
Line 8		\$2,009,657 Qualified Amount based on Final Assessed Value (Line 6 x Line 3)	
Line 9		\$2,009,657 Urban Renewal TIFD Assistance - LESSER OF Line 1 or Line 7	

APPLICATION PROCESS AND TIMELINE

Anyone seeking TIF assistance from the DBP must submit a written application for each TIF-assisted project. The following procedure has been developed to expedite the review of TIF funding requests.

1. Initial Contact. Contact the DBP, 2815 2nd Avenue North, (406) 294-5060 to discuss the project and determine preliminary eligibility for TIF assistance.
2. Prepare a Written Application. The Applicant must prepare a written application for each funding request. For all TIF requests, the Applicant must complete a "Developer's Statement of Qualification and Financial Responsibility" which includes submittal of personal financial statements.
3. Staff Review. Upon submittal of all necessary information, the DBP staff will review the project and the need for funding. At any point in the review process the staff or Board may request more information of the Applicant or solicit comment on the project from other public agencies. Items included in personal financial statements will not be subject to public review or presentation to or comment by other agencies.

4. Downtown Development Review Team (DBP Executive Committee) Review. The DBP Executive Committee will review the application and staff recommendations. The Committee reserves the right to seek additional project review from supporting committees of the DBP and from other public agencies. The Committee will issue preliminary approval/disapproval of the funding request or any part thereof and will make a recommendation to the full DBP Board.
5. DBP Board of Directors Review. The Board of Directors will review the application and the preliminary approval/disapproval of the Executive Committee. Applicants may have the opportunity to give a formal presentation to the Board at this time. The Board will issue approval/disapproval of the funding request and notify the applicant in writing of the decision within 14 days. The decision of the Board is final and non-negotiable.
6. City Council Review. Projects receiving approval by the DBP Board of Directors will be forwarded to the Billings City Council for final approval. City Council approval is required before the DBP will enter a Development Agreement with the Applicant.
7. Development Agreement. The DBP and the Applicant must execute a mutual agreeable legally binding Development Agreement which establishes the terms and conditions of TIF assistance. Sample Development Agreements are available from the DBP for reference. The Development Agreement may include, but is not limited to, the following:
 - Complete architectural design specifications and site plan
 - Time frame for project development, construction and completion
 - Specifications for release of funds. Including a schedule of payments over time
 - Cash flow and pro forma statements for a minimum of five years of the development
 - Terms and conditions of the various financings
 - Commitment letters and loan documents related to the various financings
 - Ownership of completed development
 - Events of default; remedies
 - Zoning approval
 - Tenant commitments
 - Nonliability of city officials and DBP
 - Cause for termination
8. Timing. Following the above process for approval, the Applicant can expect a minimum of 60 days between submitting an application to the DBP and potentially receiving a decision from the City Council.

COMMITMENT OF FUNDS

Upon City Council approval of a project, the DBP will commit funds to the project from its annual budget subject to availability of funds. Actual funding for an approved project may take several years before becoming an allocated item.

Funds will be released as specified by the Development Agreement. Funds may be released according to one of the following methods.

1. Release of funds following project completion. Funds will be released upon the project's receipt of a Certificate of Occupancy from the City of Billings. If necessary, the DBP will allow for one additional fiscal year to accommodate construction schedules. This is the DBP's preferred method for release of funds.

Funds will be released only if the project is developed and constructed essentially as presented in the Development Agreement.

IMPORTANT: Qualified costs to be paid with TIF monies incurred by the Applicant prior to funding approval may be rejected after review by the DBP Board of Directors.

CRITERIA FOR REVIEW

Materials contained in TIF applications are used to assess the merits of projects in relation to the goals and objectives of the Downtown Billings Framework Plan and in relation to other downtown development and urban renewal projects. The DBP evaluates projects based on the following criteria. Please prepare a written response and provide supporting documentation for each of the criteria areas.

1. Relevance to the Urban Renewal Plan – Documentation of the project's impact on Downtown Billings in relation to the goals and objectives of the Urban Renewal Plan, particularly mixed-use development and street level retail and dining. Urban design elements will also be considered, including pedestrian emphasis, quality of design, and downtown Billings' personality.
2. Economic Stimulus – The amount of economic activity to be generated by the project is assessed, as well as the leverage ratio of public to private investment. Applications should contain credible, measurable information substantiating Applicant claims of economic stimulus.
3. Tax Generation – The increase in taxable value due to new construction/ rehabilitation is estimated by the County Assessor's office to determine tax increment generation.
4. Employment Generation – Total employment generated by the project assessed in terms of new permanent and part-time jobs, and construction jobs.

5. Elimination of Blight – The project's direct and indirect impact on the physical and fiscal deterioration within the Tax Increment District and the community is documented by the Applicant.
6. Special or Unique Opportunities – The extent to which the project represents a unique opportunity, meets a special need, or addresses specific DBP or community goals. The restoration of historic property or the provision of an unmet community need are examples of special and unique opportunities.
7. Impact Assessment – The extent of both positive and negative environmental impacts, appropriateness of the project design, and impact on existing businesses or residents.
8. Financial Assistance – Other forms of financing available to the Applicant; i.e. lender participation and state and federal grant monies, are examined to assess the need for TIF assistance.
9. Project Feasibility – A determination of feasibility is made on the strength of the Applicant's demonstration of market demand for the project as contained primarily on the pro forma and financing commitments.
10. Developer Ability to Perform – An assessment of the applicant's capability to undertake the relative complexities of the project based on past performance on similar or comparable projects.
11. Timely Completion – The feasibility of completing the project according to the Applicant's project schedule.
12. Payment of Taxes – All property taxes, special improvement district assessments, and other assessments on the project property must be paid to date.
13. Parking – Applicant must present a parking needs assessment for the completed project and a plan for using new or existing parking to meet the anticipated demand.

STOCKMAN BANK OF MONTANA

APPLICATION (Page 6) And Attachments

**DOWNTOWN BILLINGS PARTNERSHIP, INC.
DOWNTOWN TAX INCREMENT FINANCING (TIF)
APPLICATION**

Project Name: Stockman Bank Billings Downtown Date Submitted: 9/26/2011

APPLICANT INFORMATION

1. Name: Harold A. (Kelly) Klem
2. Address: 700 Main Street, P. O. Box 250, Miles City, MT 59301
3. Telephone Number: 406-234-8433

PROJECT INFORMATION

1. Building Address: 402 N. Broadway, Billings MT 59101-1242
2. Legal Description: Lots 1-12, Block 53 Foster's Addition, and Lot 26 of Amended Plat, amending the vacated railroad right-of-way between Block 49 & 53 Foster's Addition Yellowstone County
3. Ownership: Stockman Bank of Montana
Address: P. O. Box 250, Miles City MT 59301-0250
4. If property is not owned by the Applicant, list leasehold interests: (Attach evidentiary materials.)
Name: N/A
Address: N/A
5. Existing/Proposed Businesses: Two floors for Retail Bank; two floors leased
Business Description: Retail Bank and drive-up facility; Lessee(s) undetermined at this date
9. Employment: Existing FTE Jobs N/A

New Permanent FTE Jobs created by project 15 to start, with capacity for approx. 35
Construction FTE Jobs 25
10. Architectural Firm: CTA Architects

Address: 13 N. 3rd Street; P. O. Box 1439, Billings, MT 59103

Representative: Mike Tuss/Brad Sperry
11. Description of Project: (Attach narrative explanation.) **See attachment**
12. Rehabilitation/construction Plans (Attach schematics, site and landscaping plans.) **See attachments**
13. Project Schedule: (Attach time line or schedule through completion.) **Demolition commenced in April 2010, construction commenced the summer of 2010, and the projected completion and occupancy date is scheduled for December 15, 2011.**

**DOWNTOWN BILLINGS PARTNERSHIP, INC.
DOWNTOWN TAX INCREMENT FINANCING (TIF)
APPLICATION**

Page 6 –

11. Description of Project:

Stockman Bank has been a prominent financial institution in Montana for decades, showing great pride in their commitment to the vitality of the region. Recognizing the positive impacts the large project could have on the downtown community, they decided to locate their new downtown bank and 'go green' as well as accommodate additional owners and tenants on two additional floors. Stockman Bank sought to set an example with a green building, following principals of responsible high performance design to best serve their own operations as well as future tenants.

Stockman Bank set a goal early in design development to achieve LEED Certification using the LEED for Core and Shell (LEED-CS) green building rating system. This required the project to collect at least 23 points out of 61 available points by implementing strategies in all five categories of LEED: Sustainable Sites, Water Efficiency, Energy & Atmosphere, Materials & Resources, and Indoor Environmental Quality.

The following green building strategies were employed in the facility: sustainable site design, water conservation, efficient energy use, waste reduction, responsible use of materials and resources, indoor air quality and occupant comfort.

Stockman Bank minimized their site impact by choosing a pre-developed site with access to public transportation and local businesses. The contractor followed best practices for erosion and sedimentation control during construction. The site design employs pervious or reflective materials on both the ground and the roof to reduce urban heat island effect. Native or adaptive plant species were used in planted areas. Stockman encourages employees, tenants, and patrons to use alternate modes of transportation. There are multiple bus stops located within a block of the building. Bike racks, changing rooms, and showers are available for building occupant use.

Inside the building, systems were designed to be energy efficient and conserve water. Bathrooms use low-flow fixtures and sensors to reduce potable water consumption by almost 44%. The building energy systems have been designed to reduce energy use by at least 42% above ASHRAE 90.1 standards. Outside the building, landscaping is watered with high efficiency sub-surface drip irrigation and controlled by an on-site weather station which reduces water consumption by 50% compared to a baseline design.

Commissioning will be performed on all major building systems, including heating, ventilation, and air conditioning, hot water heating, and lighting to ensure optimal efficiency during occupancy. Mechanical systems have been designed without refrigerant where possible and uses environmentally friendly refrigerant where required to reduce global warming and ozone depletion potential.

Stockman Bank has taken steps to ensure continued performance, installing a building information DDCD system to track system performance. Tenant electrical sub-metering is installed on each floor to measure energy usage within the tenant space.

Recycling is provided in accessible areas of the building. The contractor reduced their waste during the demolition and construction of the building. Materials installed in the building will contain an average of at least 10% recycled content. Whenever feasible, preference was given to local and regional materials, harvested and manufactured within 500 miles of the site.

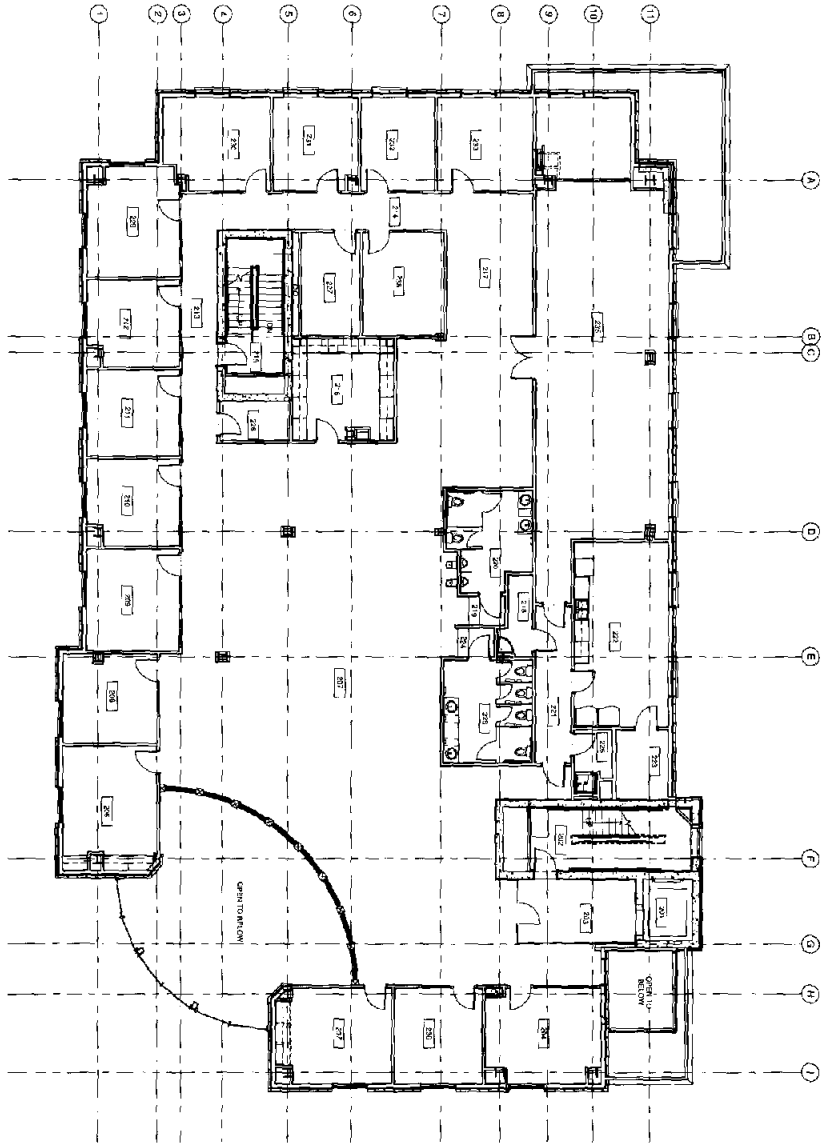
The facility uses several strategies to promote exceptional indoor air quality and occupancy comfort. Smoking is prohibited in the building and within 25 feet of operable windows, doors, and all fresh air intake locations. The heating and ventilation system has been designed for optimal comfort levels and occupant controls can be added as needed in each tenant space. The HVAC system provides code required fresh air at all times and is capable of providing more fresh air ventilation 50% of the time. CO2 monitors have been installed in high occupancy areas such as conference rooms and heavily occupied areas. If an event triggers the CO2 sensors, the HVAC system will increase ventilation to the area and bring CO2 levels back to design conditions.

During construction of the core and shell building, the contractors will use best practices to protect air supply systems and absorbent materials from contamination. Low VOC (volatile organic compound) materials such as paint, carpet, and composite wood, as well as adhesives and sealants were applied to the interior spaces. Tall windows provide generous opportunities for tenants to access daylight and views, shown to increase occupant productivity and reduce lighting power loads.

To extend the benefits of this green facility, Stockman Bank encourages tenants to follow suggested tenant guidelines which will help tenants design their individual spaces in harmony with the systems and features provided in the base building. Thoughtful tenant design will extend the sustainability and energy efficiency of the entire building and contribute to a healthy community.

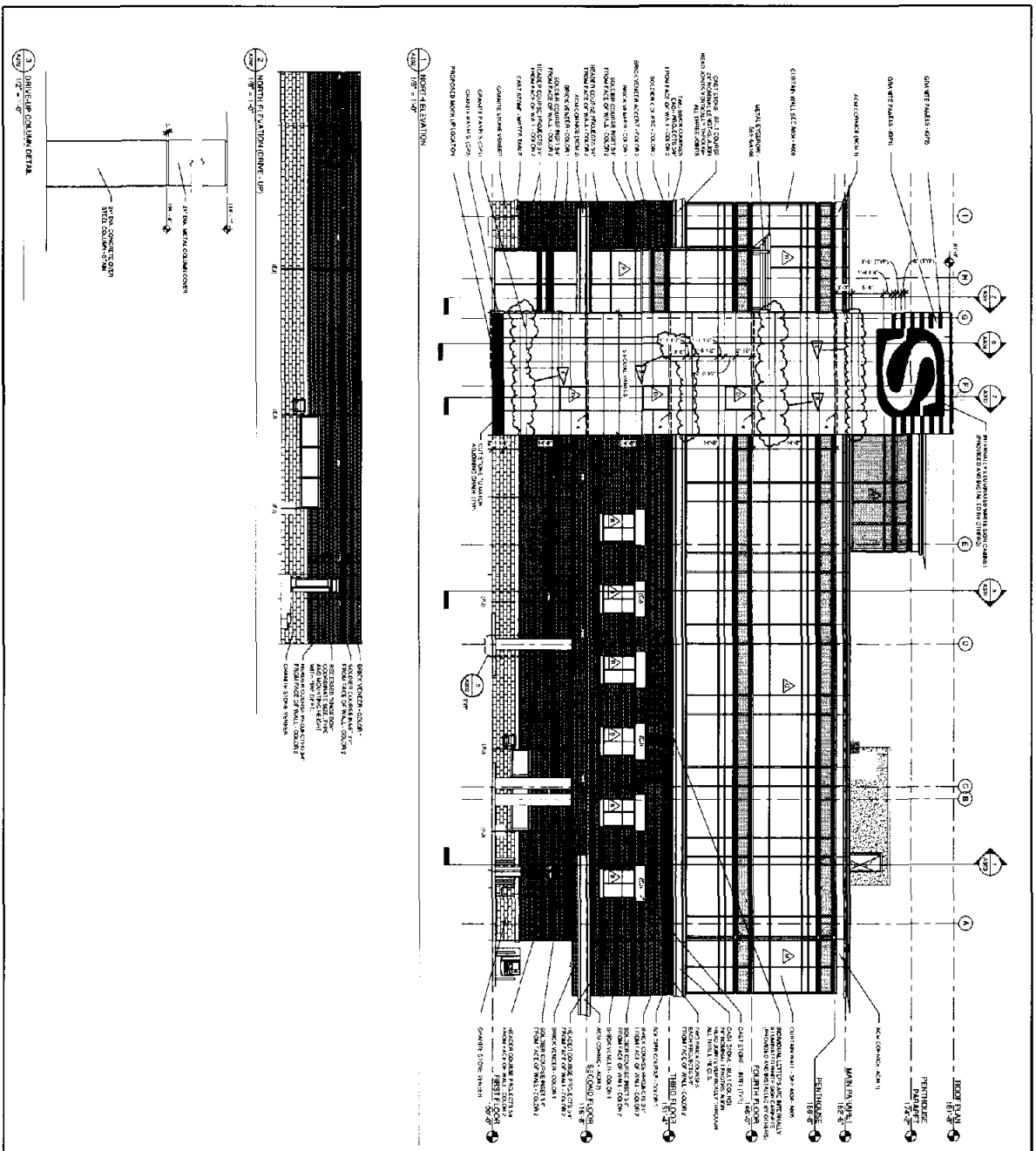
Ample parking is available. Stockman Bank constructed a parking lot with 85 spaces; and if needed, on-street curb-side parking is also available for customers and visitors.

2-12-81



SECOND FLOOR ROOM SCHEDULE	
101	RECEPTION
102	OFFICE
103	OFFICE
104	OFFICE
105	OFFICE
106	OFFICE
107	OFFICE
108	OFFICE
109	OFFICE
110	OFFICE
111	OFFICE
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198	OFFICE
199	OFFICE
200	OFFICE

Second Floor



MATERIALS LEGEND

	GLAZED ALUMINUM PANELS
	CONCRETE VENEER
	GLAZED ALUMINUM PANELS
	GLAZED ALUMINUM PANELS
	GLAZED ALUMINUM PANELS

ELEVATION NOTES:

1. METAL CLADDING SYSTEM - SEE PLAN
2. METAL CLADDING SYSTEM - SEE PLAN
3. SYSTEM WITH INSULATION
4. SYSTEM WITH INSULATION

<p>CTA CONSTRUCTION TECHNOLOGICAL ASSOCIATION</p>	<p>CTA, INC. MEMBER SERVICES</p>	<p>BID PACK 2</p>	<p>STOCKMAN BANK 402 NORTH BROADWAY BILLINGS, MONTANA</p>						
<p>SHEET A202</p>	<p>DATE: 10-13-10 DRAWN BY: [Name] CHECKED BY: [Name] DATE: 10-13-10 SCALE: [Scale]</p>	<p>REVISIONS</p> <table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td>5</td> <td>10-13-10</td> <td>PR 05</td> </tr> </table>	NO.	DATE	DESCRIPTION	5	10-13-10	PR 05	<p>DATE: 10-13-10 DRAWN BY: [Name] CHECKED BY: [Name] DATE: 10-13-10 SCALE: [Scale]</p>
NO.	DATE	DESCRIPTION							
5	10-13-10	PR 05							

NO.	DATE	REVISIONS
1	9-20-09	ADD 03
2	10-13-10	PR 05
3		
4		
5		

STOCKMAN BANK
402 NORTH BROADWAY
BILLINGS, MONTANA

BID PACK 2

NOTING: 200
CTA INC.
ARCHITECTS
DRAWN BY: G.M.
CHECKED BY: M.S.
DATE: 08/20/09
SCALE: AS SHOWN



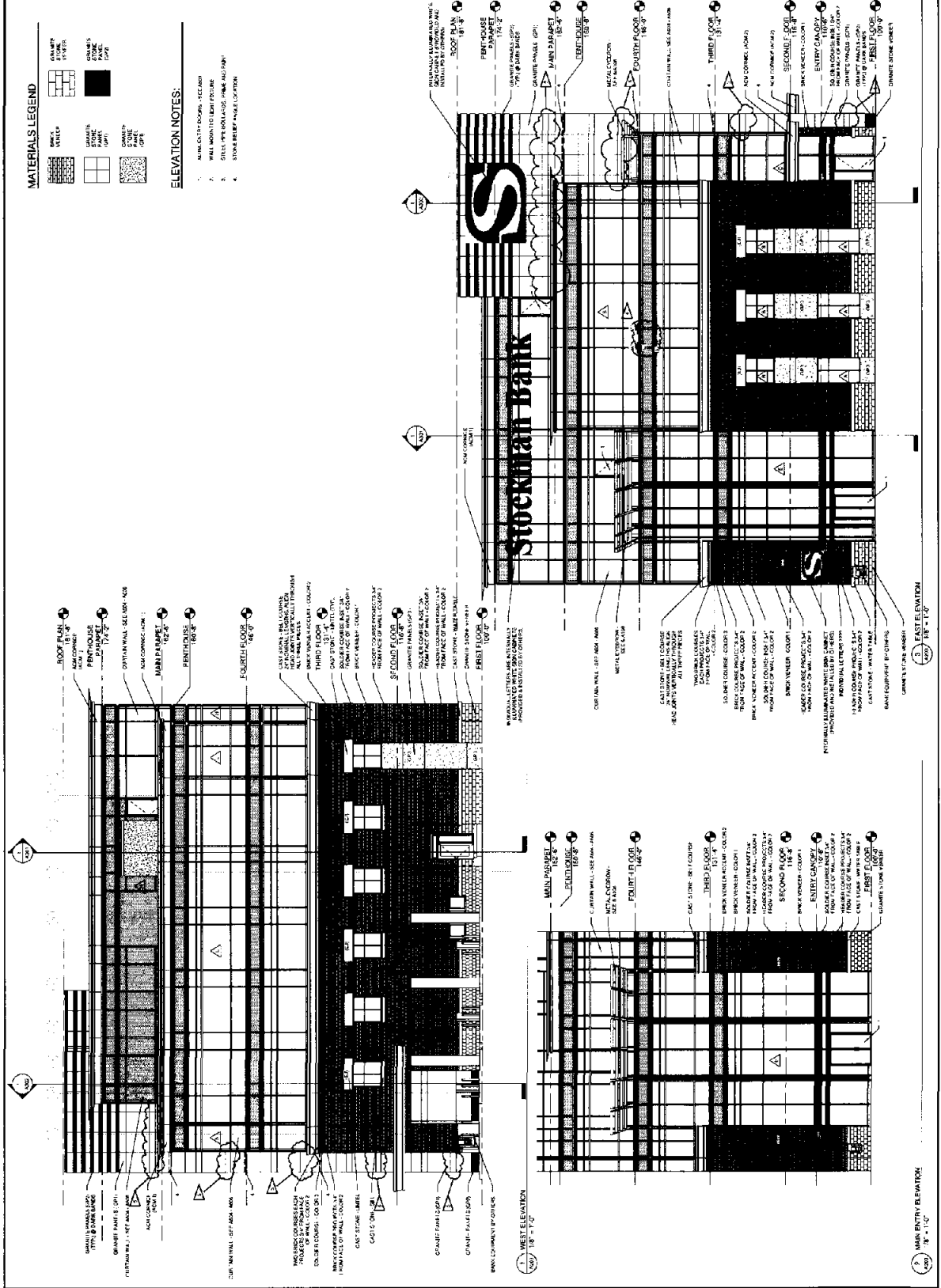
EXTENDED
ELEVATIONS

SHEET
A203

MATERIALS LEGEND

	BRICK VENEER
	GRANITE PANEL
	GRANITE PANEL (LIGHT)
	GRANITE PANEL (DARK)
	GRANITE PANEL (MEDIUM)
	GRANITE PANEL (LIGHT)
	GRANITE PANEL (DARK)
	GRANITE PANEL (MEDIUM)
	GRANITE PANEL (LIGHT)
	GRANITE PANEL (DARK)
	GRANITE PANEL (MEDIUM)

- ELEVATION NOTES:**
1. FINISH TO ROOM - SECOND
 2. WALL MOUNTED LIGHT FIXTURE
 3. STEEL W/FRAMING - FINISH - 1/2" DIA
 4. STONE BRICK PANEL LOCATION



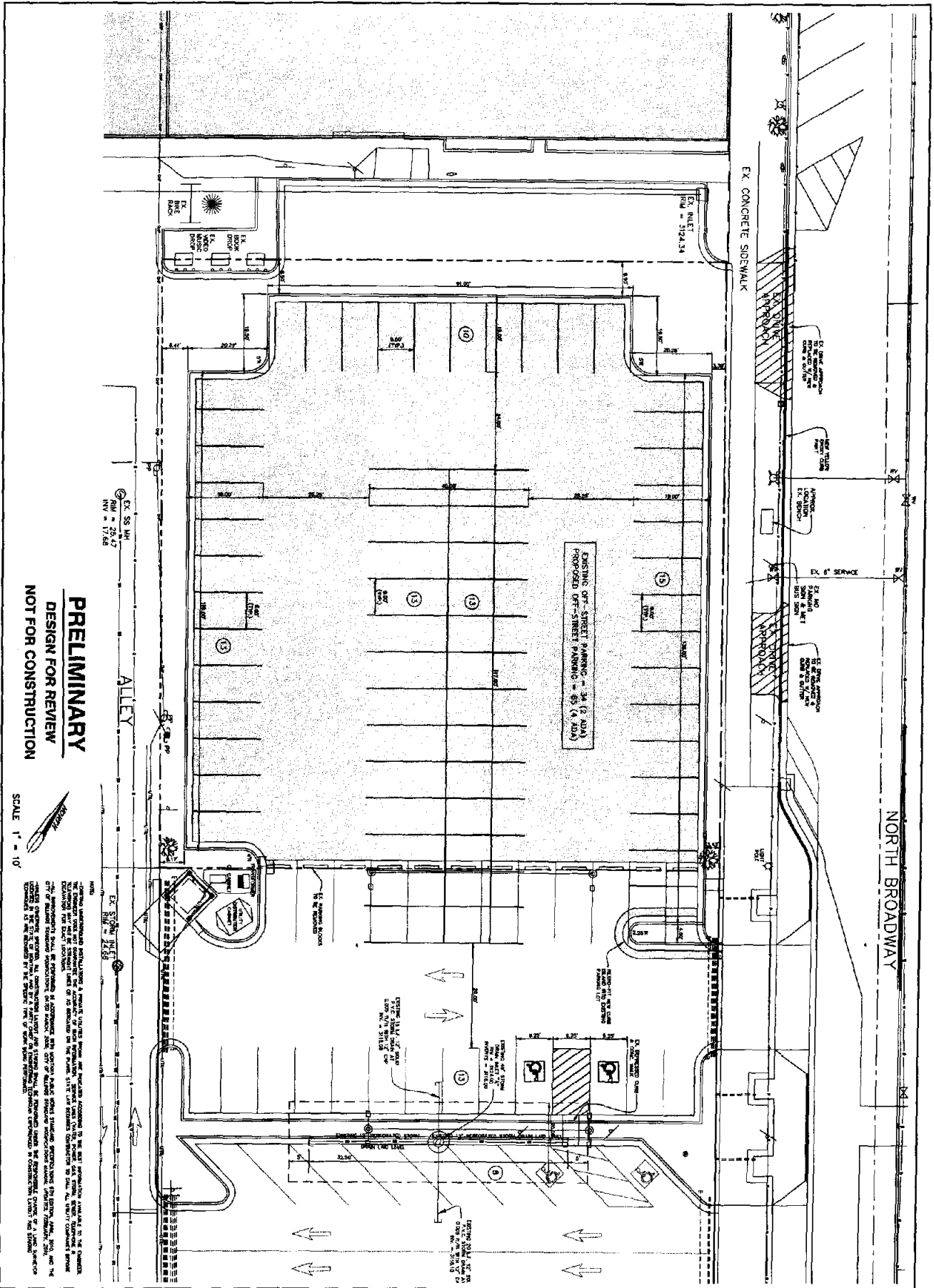
1 MAIN ENTRY ELEVATION
1/8" = 1'-0"

2 EAST ELEVATION
1/8" = 1'-0"

3 WEST ELEVATION
1/8" = 1'-0"

4 MAIN ENTRY ELEVATION
1/8" = 1'-0"

Future Parking Expansion after July 2012

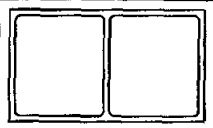


NOTES:
1. EXISTING UTILITIES SHOWN AS PER RECORD DRAWINGS AND FIELD SURVEY. ALL UTILITIES SHOWN ARE TO BE MAINTAINED AND PROTECTED ACCORDING TO THE CITY OF BILLINGS REGULATIONS.
2. ALL UTILITIES SHOWN ARE TO BE MAINTAINED AND PROTECTED ACCORDING TO THE CITY OF BILLINGS REGULATIONS.
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DATE:	REV:
08/23/21	1
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08/23/21	9
08/23/21	10

STOCKMAN BANK
TO PROVIDE PARKING LOT IMPROVEMENTS FOR
BLOCK 53, FOSTERS ADDITION
BILLINGS, MONTANA

FUTURE PARKING EXPANSION - SITE PLAN



SANDERSON STEWART

www.sandersonstewart.com

STOCKMAN BANK OF MONTANA

CRITERIA FOR REVIEW (Pgs. 4 & 5)

And Attachments

CRITERIA FOR REVIEW

Please prepare a written response and provide supporting documentation for each of the criteria areas.

1. Relevance to the Urban Renewal Plan - Documentation of the project's impact on Downtown Billings in relation to the goals and objectives of the Urban Renewal Plan, particularly mixed-use development and street level retail and dining. Urban design elements will also be considered, including pedestrian emphasis, quality of design, and downtown Billings' personality.
 - o Downtown Billings Development Director, Greg Krueger, describes the main goals and objectives of the current urban renewal plan to be:
 - (a) Pedestrian experience;
 - (b) The success of the Library;
 - (c) Bringing more people downtown; and
 - (d) Growth of the tax base.

RESPONSE: Stockman Bank has addressed these goals and objectives as follows:

(a) The pedestrian experience is substantially enhanced.

- Stockman Bank's building and development has revitalized the corner of 4th and Broadway with views of our 5 story building and the greenery and landscaping surrounding the building. Stockman Bank's selection of landscape items in all planted areas include native or other plant species adapted to life in an urban environment, all of which add to an appealing pedestrian experience. (See Building, Parking and Landscape Site Plans prepared by CTA Architects attached to Application No. 12.)
- Stockman has buried the existing overhead utilities eliminating the unsightly and dangerous alley overhead lines.
- Stockman has also improved sidewalks and walkways, including the alleyway, to allow much freer pedestrian access across 4th and up Broadway to the existing Library and new Library location.
- Stockman will be placing new and improved lighting along Broadway north of 4th enhancing the evening walk experience making the area safer and more open and conducive to walking traffic.
- Stockman supplies a destination for pedestrian and business walk traffic with a 5 story retail banking and tenant facility. The new Bank comes complete with a large community meeting room and tenant places of business allowing greater activity on the Broadway corridor.
- Stockman removed the former vacant 1940's style buildings, unfinished empty spaces, and uncared for parking lots.

(b) The success of the Library is substantially improved.

- The presence of a business center of activity like Stockman Bank and tenants significantly increases people traffic in the area and also reduces the 4th Avenue North pedestrian and traffic "barrier" by providing enhanced sidewalks, walkways, and alley ways.
- Greater increased people activity drives greater recognition of access and location of the Library (existing facility and proposed facility).
- Additional automobile traffic due to Stockman's presence around and about the Library space not only in its present location but also the future planned location could equate to more users and better experience with access and thus likely improve Library utilization.
- Due to the Stockman Bank presence the Library and medical corridor will become recognized extensions of the Central District, which directly impacts the success of the Library and medical corridor and links these areas to the downtown neighborhood and Central District.

(c) More people and activity is brought to the downtown area for business and recreation.

- Stockman Bank's new branch will bring bank employee and customer traffic to the downtown area, as well as tenant employees and their customers, creating additional economic gain and activity.
- Stockman Bank's building design has specifically created and included a community conference room creating a destination for downtown travel.
- As our downtown Stockman employees/tenants/customers become more familiar with events scheduled for downtown, their families, friends and neighbors will likely begin to frequent these events, bringing more people to experience downtown Billings.
- As the Stockman downtown branch employees/tenants become more involved and aware of downtown activities, the downtown events calendar will be shared with all Stockman branches (King Avenue, Shiloh, and the Heights) which will bring increased exposure of downtown events to our Billings Stockman family of employees (numbering over 100) and likely their friends/neighbors.
- Our facility will draw additional service persons downtown such as janitorial services, window washing, grounds keeping, snow removal, security, repair and servicing, etc., increasing economic activity downtown.

(d) The downtown tax base is substantially improved.

- City-owned buildings and lots were producing nothing in tax revenue and likely were incurring costs prior to Stockman's purchase of the site.
- Stockman's new downtown branch location will provide substantial ongoing tax revenue as detailed later in this document.
- The development of the 4th and Broadway corner improves adjacent land values and provides the potential for additional development within the north Broadway corridor.
- The future economic impact gained from the addition of Stockman Bank and its employees/tenants/customers to the downtown area is significant. The investment Stockman Bank is making in the property, along with the impact of drawing potentially a hundred new persons downtown for eating and shopping each and every week day will contribute substantially and positively to Billings' downtown economic well being. This additional and continued activity could well drive further growth and improvements in downtown Billings, further expanding the tax base.

2. Economic Stimulus – The amount of economic activity to be generated by the project is assessed, as well as the leverage ratio of public to private investment. Applications should contain credible, measurable information substantiating Applicant claims of economic stimulus.

RESPONSE: Stockman Bank's economic impact to the downtown area is multi-fold, significant and long term. Economic activity will increase immediately after Bank employees occupy our new facility in December 2011 and will increase as tenants occupy the 3rd and 4th floors early in 2012. Additional increases in economic activity will occur as the Stockman Bank and affiliated company staff begin to occupy the 2nd floor later in 2012. It is likely the full economic impact of Stockman's building (bank and lessee staff) presence will not be seen until late 2012 or early into 2013. We expect the economic impact of customer traffic to continue to grow through the next decade as this location becomes an established Stockman Bank location and tenant business location/destination.

- Stockman Bank is a viable growing business with over \$2 billion in assets as of June 30, 2011. Stockman's customer base in Billings has grown steadily since our first King Avenue office was established in 1995, adding locations in the Billings Heights and at Shiloh and Grand over the intervening years. With the addition of our downtown Billings location in December of 2011, Stockman Bank will have 24 banking locations across the state. Stockman Bank's affiliates, Stockman Insurance and Stockman Asset Management also plan a presence at our downtown Billings location.

- **Stockman Bank is currently in the final stages of leasing floors 3 and 4 of our downtown building and feel confident that the businesses when resident on the 3rd and 4th floors will prove to be of significant economic impact to the downtown area through both employee activities and spending, along with the impact of their customer activity. We anticipate having approximately 15 employees staffing the downtown office in early 2012, while our tenants plan on approximately 20 at that time. Stockman believes that staffing levels could hit 20 by the end of 2012 while our tenant believes they will have personnel on site of approximately 40 by mid 2012.**
- **Stockman Bank's employees, and 3rd and 4th floor lessee tenants and respective customers and potential customers will be dining and taking advantage of retail and other services offered by downtown merchants. For illustrative purposes, following is a conservative estimate of possible economic impact using Stockman Bank/Lessee employees numbering only 35 (approximately ½ of the total employees anticipated). As such 35 employees would generate meals for breakfast, lunch and dinner, with lunch being the most likely client involvement. Further retail shopping opportunities are estimated as well.**
 - ✓ **Lunch for 45 (due to inclusion of clients) @ \$15.00 per five days a week = \$3,375 per week X 50 weeks = \$168,750 per year.**
 - ✓ **Dinner for 14 @ \$30 per three times a week = \$1,260 per week X 50 weeks = \$63,000 per year.**
 - ✓ **Breakfast for 10 @ \$10.00 per 3 days a week = \$300 per week X 50 weeks = \$15,000 per year.**
 - ✓ **Occasional shopping by 20 @ \$50.00 per day 2 days per week = \$2,000 per week X 50 weeks = \$100,000 per year.**

Possible total from Stockman employees = \$347,000/year.

By the end of 2012/beginning of 2013 Stockman Bank and our lessee plan to be fully staffed at approximately 75 people. Using the same spending formulas as in the example above a fully staffed Stockman Bank building and their customers could generate a spending total of over \$575,000 annually.

- **Stockman Bank has included a large community meeting room on the second floor of our building which will be used for various community group meetings. These meetings will also bring additional traffic to downtown Billings, whom likewise will utilize the downtown area.**
 - **The hiring of independent service contractors by Stockman Bank for janitorial services, grounds keeping, window washing, snow removal, security, etc., will bring additional traffic to the downtown area and who have the potential to take advantage of the dining and retail opportunities.**
3. **Tax Generation** – The increase in taxable value due to new construction/rehabilitation is estimated by the County Assessor's office to determine tax increment generation.

RESPONSE: Stockman Bank first purchased properties from the City of Billings in 2006, said properties being vacant at the time of our purchase. These locations provided little or no economic activity and generated limited to no tax revenue for the City and the downtown area. Further, these older single story buildings likely cost the City in terms of ongoing maintenance and similar expenses while the City owned them.

- **Stockman Bank provides a tax base for the City;
The tax revenue received prior to Stockman's purchase and later construction was minimal, including no taxes received on the lots owned by the City. Stockman Bank's new construction will significantly increase the Yellowstone County tax base by approximately \$200,000 annually, calculated as follows:**

	\$ 13,500,000.00	Assessed GROWTH VALUE
X	<u>0.84</u>	Discount on Commercial Property
	\$ 11,340,000.00	
X	<u>2.82%</u>	Taxable % Rate
	\$ 319,788.00	Estimated Taxable Value of Improvements
X	<u>0.62300</u>	MILLS
	\$ 199,227.92	Estimated Increment Generated by Improvements

4. Employment Generation – Total employment generated by the project assessed in terms of new permanent and part-time jobs, and construction jobs.

RESPONSE: The Stockman Bank retail banking and drive-up operation will initially employ approximately 15 people; however, the finished Bank space allows Stockman the capacity to expand to approximately 35 employees. The tenant floors are designed to accommodate at least 20 employees per floor, or a total of 40.

The construction phase of this project now employs approximately 25 on site, with various others contributing to the employment impact as the building is furnished and finished.

Stockman Bank's presence in the downtown area will be substantial with the capacity for 75 employees/tenants, and additional service contractors. Because Stockman Bank is located downtown the potential for new employment in the surrounding downtown districts is greater, i.e. at first more waiter/waitresses, cooks, store clerks, and provides the possibility of drawing new businesses to the area which would generate additional employees and further economic impact.

5. Elimination of Blight – The project's direct impact on the physical and fiscal deterioration within the Tax Increment District and the community is documented by the Applicant.

RESPONSE: Stockman Bank's downtown location provides a new face-lift to the corner of 4th Avenue and North Broadway. When Stockman purchased the original site there were two vacant buildings located on the premises. Both buildings were built in the 1940's - with 410 N. 28th built by Safeway Stores, and 412 N. 28th built as a private residence and later remodeled for commercial use as the Vye Clinic. While these buildings were eventually owned by the City, they provided little or no economic activity in the last 15 years, generated limited to no tax revenue to the City, and contained asbestos and other materials. Stockman Bank obtained a historical documentary and assessment of these buildings and was advised by the Yellowstone Historic Preservation Board that the buildings did not have any historic or cultural significance. Stockman completed the asbestos and hazardous materials abatement process and began construction of our new building. As a part of our project, the unsightly overhead utility lines and poles were removed and all utilities were buried underground. New sidewalk and pedestrian friendly walkways and landscaping will be put in place around the property to further enhance appearance and function.

6. Special or Unique Opportunities – The extent to which the project represents a unique opportunity, meets a special need or addresses specific DBP or community goals. The restoration of historic property or the provision of an unmet community need are examples of special and unique opportunities.

RESPONSE: Stockman Bank will meet the unique DBP community goal of elimination of the 4th Avenue North barrier as follows:

By enhancing the walkways and landscape of the corner of 4th Avenue North and Broadway, and providing a walking destination, Stockman Bank and tenant will be reduce the barrier of North 4th Avenue and better open the corridor to the Library and medical community. Stockman is creating a more enjoyable and appealing pedestrian experience continuing north from the Alberta Bair Theatre. Specifically, Stockman is providing an iconic new building, new sidewalks, landscaped walkway, updated alley way, new lighting, and finished parking lot (in lieu of vacant lots).

7. Impact Assessment – The extent of both positive and negative environmental impacts, appropriateness of the project design, and impact on existing businesses or residents.

RESPONSE: Stockman Bank’s vision for the present and the future for this area of Downtown Billings is for positive growth and beautification for Downtown Billings. Our construction design is unique to Stockman Bank, sets us apart, and has been described as a “progressive traditional bank design”. The new downtown Stockman Bank branch is visually identifiable as part of Stockman Bank’s family’s unique “signature design”, as can be recognized by the attached photos of our Belgrade, Bozeman, and Great Falls Northwest branches, and 9 other Stockman locations. Our classic design is beautiful and energy efficient. Our Downtown location is LEED Silver certified (with the possibility of Gold certification), uses Class A materials and systems inside and out, and creates a unique identity in Downtown Billings. The multi-colored brick and green glass with tan-colored framing façade will take command of the corner of Broadway and 4th Avenue North, with our stately building designed to exhibit permanence, strength, and beauty.

Stockman Bank took a vacant and unsightly corner and has turned it into what we believe to be one of the most appealing areas in Downtown Billings. Stockman is LEED certified and following specific guidelines respective to the design, such as

- (a) **Design Strategies:** Using an integrated design for the core and shell project by involving the contractor early in the design process. These designs include energy efficiency, saving water, utilizing environmentally responsible materials and construction, and assuring excellent indoor air quality.
- (b) **Sustainable Sites:** Chose a pre-developed site with access to public transportation and local businesses. Erosion and sedimentation was monitored closely during construction. The site and building employs reflective materials, green space, and preserved existing shade trees to reduce urban heat island.
- (c) **Transportation/Parking:** Stockman Bank in Downtown Billings encourages all employees and tenants to use other modes of transportation to get to work, such as biking, carpooling and riding the bus. Secure bike racks are located on the site. Stockman has provided ample parking for our employees, tenants, and customers.
- (d) **Efficient Building Systems Designs:**
 - Water** – Potable water used for landscaping; restrooms using 35% less water, and installation of fixtures using 20% less water.
 - Lighting Controls** – The large windows will provide daylight to offset lighting loads. In the occupied space, lighting in offices and other spaces with intermittent use is controlled with occupancy sensors that automatically shut-off the lighting throughout the day when the space is not occupied. Restrooms use motion sensors to turn lights on and off based on occupancy.
 - Heating, Ventilation and Air Conditioning Equipment and Controls** – Mechanical systems were designed to reduce refrigerants that contribute to global warming and ozone depletion; cooling for the building is provided by three types of systems working in stages, a/k/a traditional direct expansion air conditioner; each floor receives pre-conditioned air from the air handler located on the 5th floor. The pre-conditioned air contains fresh outside air at ventilation rates required for healthy indoor air quality. Carbon dioxide sensors monitor indoor air quality. Space heating comes from a dedicated boiler system. To increase energy efficiency, the heating system was also designed using larger than typical temperature differences across the heating coils resulting in smaller pump motors in the hydronic system.
 - Equipment and Appliances** – Stockman will make every effort to select energy efficient products wherever possible.
 - Elevators** – Stockman is using energy efficient and eco-friendly elevators. They have gearless power regenerative technology that reduced annual energy use by up to 64%. In addition the elevator system does not require

- any additional polluting lubrication, eliminating the need for storage, cleanup and disposal of hazardous waste.
- (e) **No Smoking** – Stockman has a “No Smoking” policy. Smoking is not permitted anywhere in the building.

Stockman’s landscape adheres to the neighboring businesses, and is additionally enhanced by the removal of the old buildings, poles, utility lines, etc., and burying all underground utility cables.

Any negative environmental impact is minimal. Stockman has removed asbestos and other hazardous materials present in the 1940’s-style buildings we demolished. Parking issues have been mitigated with new land purchases and land swaps with the Library, and traffic congestion can be lessened by encouraging our employees to utilize the public transportation systems.

8. Financial Assistance - Other forms of financing available to the Applicant; i.e. lender participation and state and federal grant monies, are examined to assess the need for TIF assistance.

RESPONSE: Stockman Bank has made the commitment to build in downtown Billings. TIF assistance is requested due to special features planned in our facility which improves, enhances and helps meet the goals and objectives of the Downtown Billings Partnership. These goals and objectives have been more fully addressed in other sections of this Application.

The additional costs incurred by Stockman Bank for special aspects added to the project to meet Downtown Billings development goals are detailed on the Project Costs recap page of this application, and include but are not limited to:

- Demolition abatement total \$107,112.
- Burying of all utilities total \$203,076.
- Landscaping, pedestrian lighting and paving total \$113,770.
- Decorative sidewalks and special coloring to enhance the pedestrian experience will total over \$25,000.
- Alleyway improvements total \$16,800.
- Landscaping costs after parking swap agreements are complete with the Billings Library will be close to \$165,000, including costs for additional lighting on walkways and parking lights of approximately \$40,000.

These special additional costs for our project total in excess of \$600,000. Our total costs inclusive of land and all improvements will exceed \$13.5 million.

Use of the formula within the application of at least 5 private dollars spent for each public dollar is satisfied with a TIF contribution of just over \$600,000 and calculates to 21 to 1 vs. the 5 to 1 suggested.

9. Project Feasibility – A determination of feasibility is made on the strength of the Applicant’s demonstration of market demand for the project as contained primarily on the pro forma and financing commitments.

RESPONSE: Not applicable.

10. Developer Ability to Perform – An assessment of the applicant’s capability to undertake the relative complexities of the project based on past performance on similar or comparable projects.

RESPONSE: Stockman Bank currently has 22 branches, with the Billings Downtown Branch becoming our 23rd location. New retail bank buildings were built in Bozeman and Belgrade in 2009. Stockman Bank is the fifth largest bank in the state, with over \$2 billion in assets and over \$190 million in capital.

11. Timely Completion – The feasibility of completing the project according to the Applicant's project schedule.

RESPONSE: Demolition of the existing structures began in April 2010, construction began the summer of 2010, and the projected completion and occupancy date is scheduled for December 15, 2011.

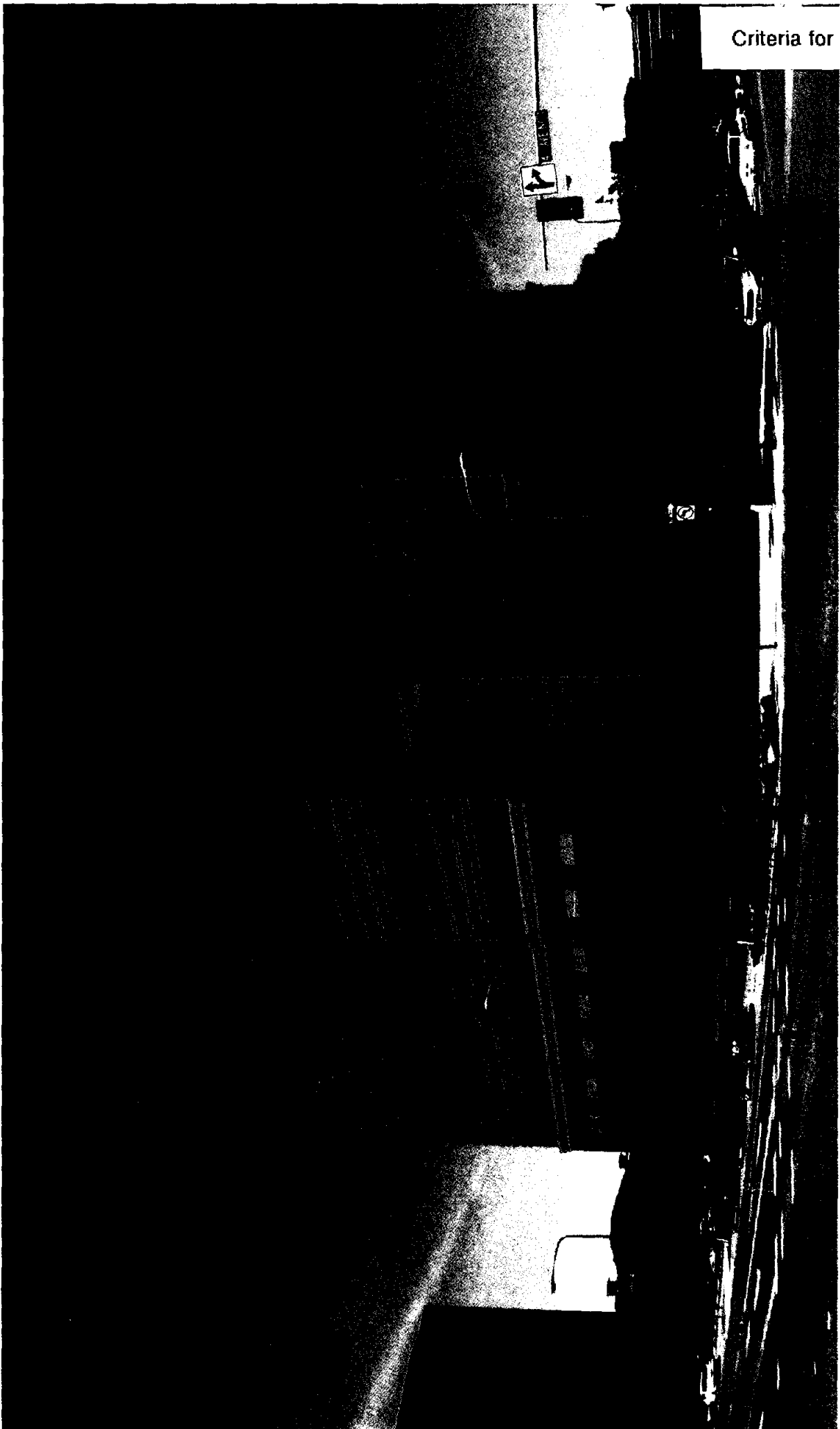
12. Payment of Taxes – All property taxes, special improvement district assessments, and other assessments on the project property must be paid to date.

RESPONSE: All property taxes, special improvement district and other assessments have been paid to date.

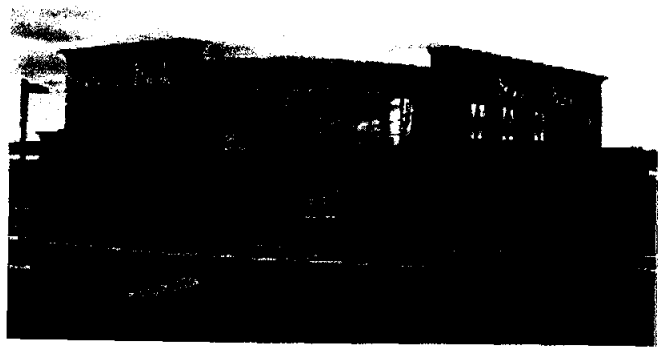
13. Parking – Applicant must present a parking needs assessment for the completed project and a plan for using new or existing parking to meet the anticipated demand.

RESPONSE: Please see the attached site plan which specifies parking areas.

- **Stockman Bank anticipates adequate parking for employees, tenants, and customers. Stockman Bank expects to have approximately 15 employees staffing the downtown office in early 2012, while our tenants plan on approximately 20 at that time, for a need of 35 parking spaces for employees and tenants. At time of completion and occupancy in late December/early January there are 34 parking spaces in the current parking lot, 55 in the temporary north parking lot adjacent to the Library, and 12 on-street curb-side parking spaces on 4th Avenue North and Broadway, for a total of 101, leaving 66 customer/visitor parking spaces.**
- **When Stockman Bank and tenant are fully staffed the calculated need arises for 67 parking spaces, not including customers. There will be 34 spaces available for customers/visitors from the 101 available parking spaces described above.**
- **When the property exchange agreement with the City becomes effective in June of 2012 Stockman Bank will have a total of 85 parking lot spaces, 12 on-street curb-side parking spaces on 4th Avenue North and Broadway, for a total of 97. Using the calculated need for 67 employee/tenant parking spaces, leaves 30 available for customers and visitors.**



6050 Jackrabbit Lane
P.O. Box 49
Belgrade, MT 59714
Ph: (406)388-5025
Fax: (406)556-4175
Lobby Hours: M-Th 9-4 & Fri 9-5
Auto Bank Hours: M-F 7-6 & Sat 8-12



Bozeman Kagy

1815 South 19th Avenue
P.O. Box 11300
Bozeman, MT 59719
Ph: (406)556-4100
Fax: (406)556-4114
Lobby Hours: M-Th 9-4 & Fri 9-5
Drive Up Hours: M-F 7-6 & Sat 8-12



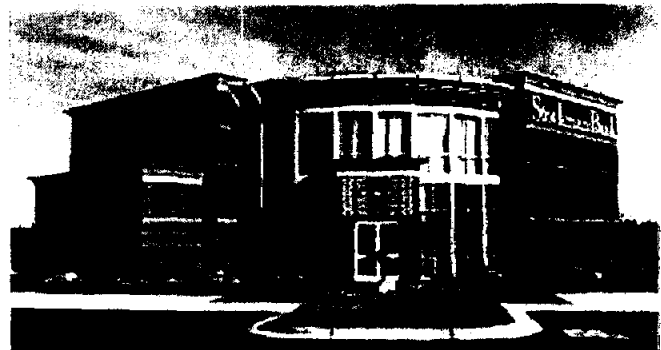
Bozeman Oak

1433 North 19th Avenue
P.O. Box 11448
Bozeman, MT 59719
Ph: (406)556-4130
Fax: (406)556-4141
Lobby Hours: M-Th 9-4 & Fri 9-5
Drive Up Hours: M-F 7-6 & Sat 8-12

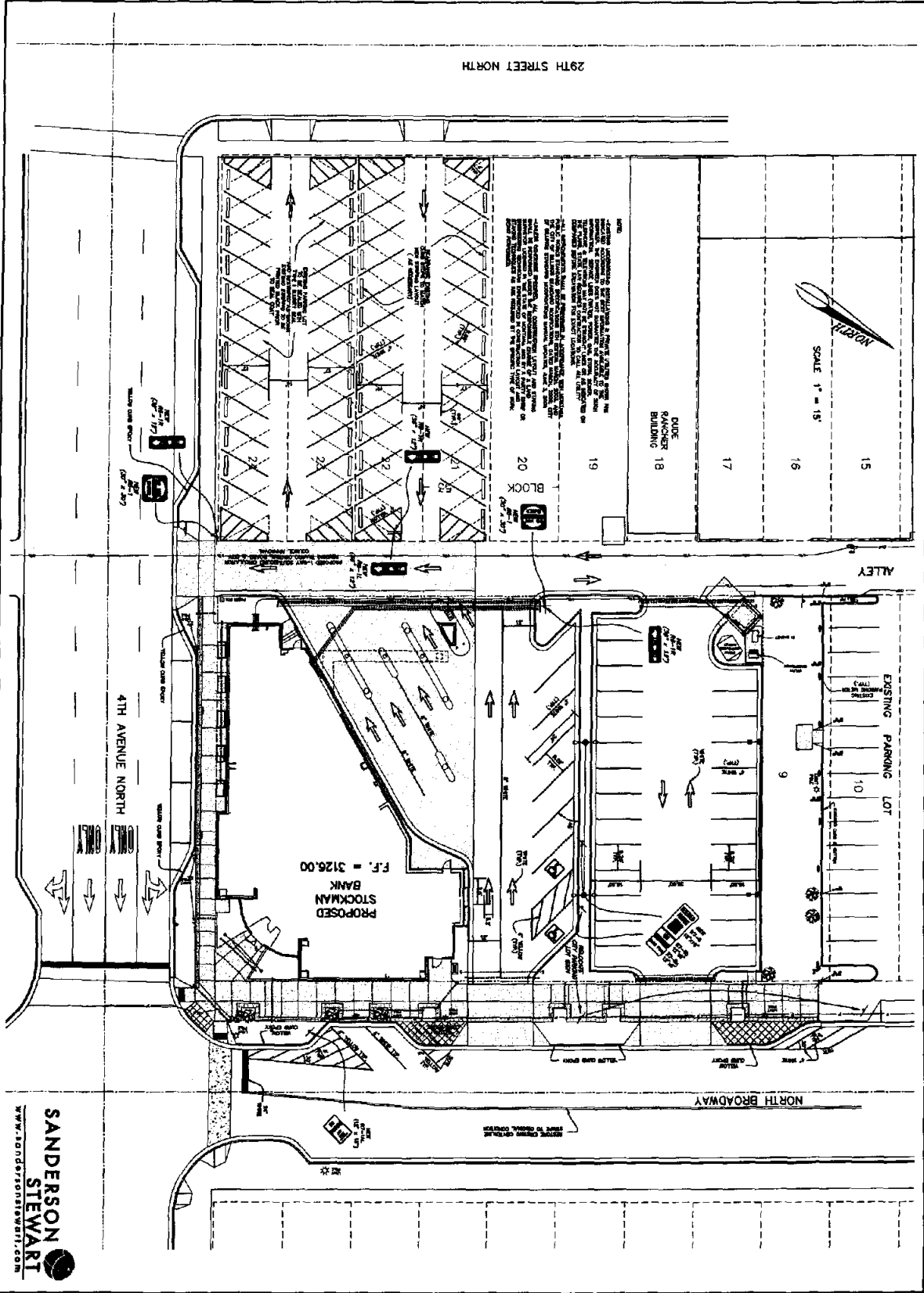


Great Falls NW Bypass

711 3rd Street Northwest
P.O. Box 2327
Great Falls, MT 59403
Ph: (406)771-2740
Fax: (406)771-2767
Lobby Hours: M-Th 9-4 & Fri 9-5
Auto Bank Hours: M-F 7:30-5:30 & Sat 9-1



Parking prior to July 2012, not including the 55 spaces north of the Library



SANDERSON STEWART
www.sandersonstewart.com

SHEET
SIGNAGE AND STRIPING PLAN
C105



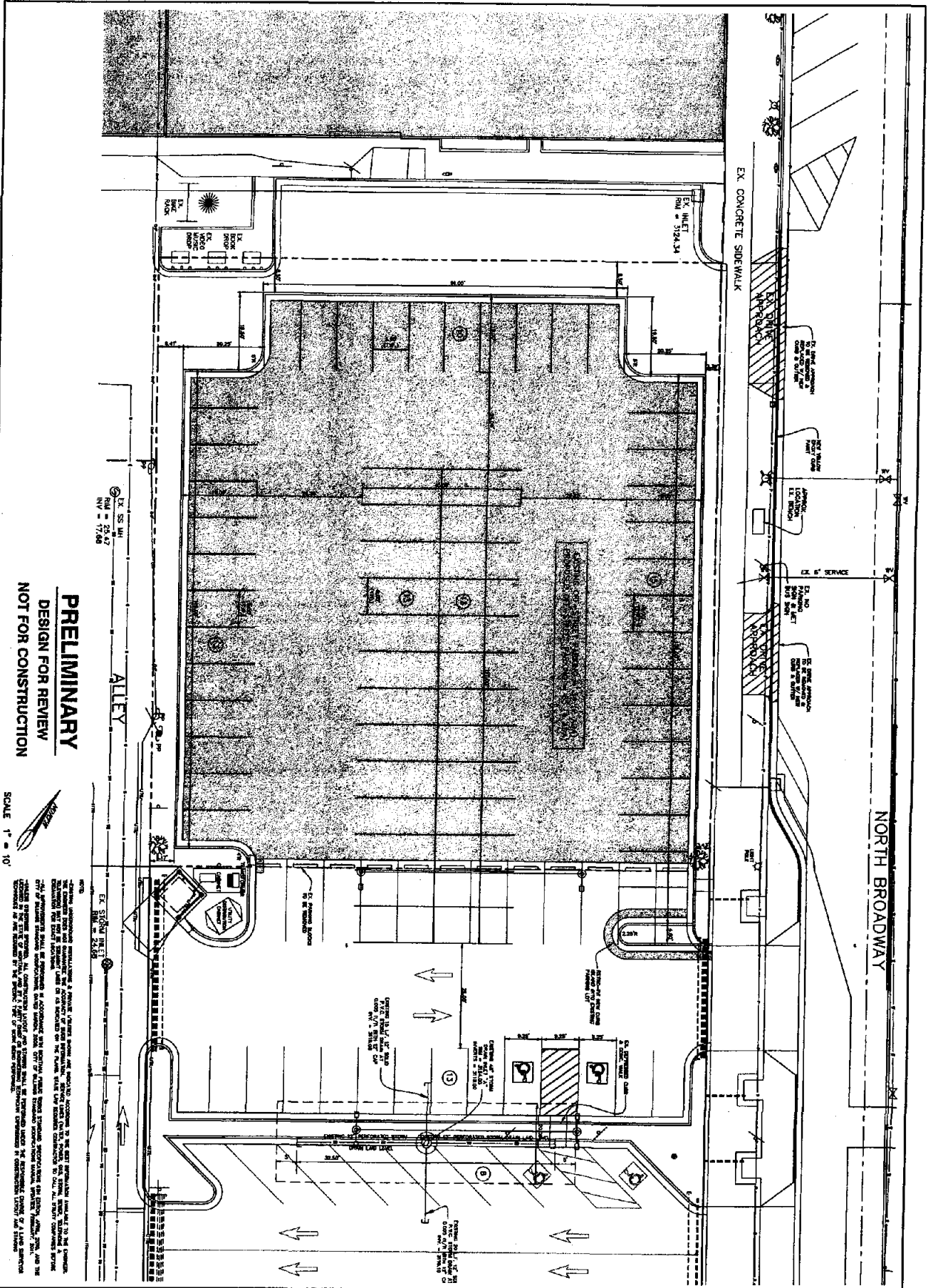
OPTIONAL ONE
CTA, INC.
ALL RIGHTS RESERVED
DRAWN BY: [Name]
CHECKED BY: [Name]
DATE: [Date]

BID PACK 2

STOCKMAN BANK
402 NORTH BROADWAY
BILLINGS, MONTANA

REVISIONS:

Future Parking Expansion after July 2012



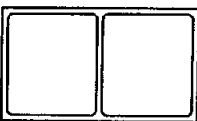
PRELIMINARY
 DESIGN FOR REVIEW
 NOT FOR CONSTRUCTION

SCALE 1" = 10'

NOTES:
 1. THESE PRELIMINARY PLANS AND SPECIFICATIONS ARE SUBJECT TO THE CITY ENGINEER'S REVIEW AND APPROVAL. THE CITY ENGINEER'S REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE PLANS AND DOES NOT CONSTITUTE AN ENDORSEMENT OR GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED HEREON. THE CITY ENGINEER'S REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE PLANS AND DOES NOT CONSTITUTE AN ENDORSEMENT OR GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED HEREON.
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DATE: 1-17-12	PROJECT: STOCKMAN BANK
DRAWN BY: JAC	CHECKED BY: JAC
DATE: 1-17-12	PROJECT: STOCKMAN BANK
DRAWN BY: JAC	CHECKED BY: JAC

STOCKMAN BANK
 TO PROVIDE PARKING LOT IMPROVEMENTS FOR
 BLOCK 53, FOSTERS ADDITION
 BILLINGS, MONTANA
 FUTURE PARKING EXPANSION - SITE PLAN



SANDERSON STEWART
 www.sandersonstewart.com

STOCKMAN BANK OF MONTANA

PROJECT COSTS (Page 7)

PROJECT COSTS

Land and Site Improvements (Itemized)

1 Equity in Land and Buildings		\$ 1,822,000	
Subtotal			\$ 1,822,000

Construction/Rehabilitation Costs (Use general construction trade divisions)

1 Demolition and Abatement:			
Power Line Relocate	\$	8,581	
Abatement and Mobilization	\$	18,450	
Demolition and Excavation	\$	80,081	
			\$ 107,112

2 Underground Utilities:			
Integra Telecom	\$	27,000	
Northwestern Energy	\$	162,000	
Bresnan	\$	4,076	
Qwest	\$	10,000	
			\$ 203,076

3 Landscaping and Parking:			
Landscaping/Irrigation/Pedestrian Lighting/Paving	\$	113,770	
Decorative Sidewalks	\$	25,000	
Alleyway Improvements	\$	16,800	
Landscaping/Irrigation/Pedestrian Lighting/Paving Expansion after July 2012	\$	165,000	
			\$ 320,570

SUBTOTAL - Request for TIF Reimbursement \$ 630,758
All Other Construction Costs including Architectural

4 Design		\$ 11,328,922	
5			
6			
Subtotal			\$ 11,959,680

Total Project Development Costs \$ 13,781,680

STOCKMAN BANK OF MONTANA

PROJECT FINANCING (Page 8)

STOCKMAN BANK OF MONTANA

**QUALIFICATIONS & FINANCIAL
RESPONSIBILITY (Pgs. 9 & 10)
And Attachment**

**DEVELOPER STATEMENT OF QUALIFICATIONS
AND FINANCIAL RESPONSIBILITY**

Applicant

1. Name:

Stockman Bank of Montana

Address:

P. O. Box 250, Miles City, MT 59301

2. If the applicant is not an individual doing business under his/her own name, the applicant has the status indicated below and is organized or operating under the laws of Montana.

3.

A corporation

A nonprofit or charitable institution or corporation

A partnership known as _____

Other (explain) _____

Date of organization: 8/17/1944; Change of Name to Stockman Bank of Montana on 3/14/1997

4. Names, address, title of position (if any), and nature and extent of the interest of the officers and principal members, principal shareholders, investors, or partners of the applicant.

<u>Name and Address</u>	<u>Nature and Extent of Interest</u>
Stockman Financial Corporation P. O. Box 250 Miles City, MT 59301	100% Interest

Financial Condition

1. Provide a current financial statement for each private entity involved in the project. Documentation of financial capacity may include net worth statements, balance sheets, or profit and loss statements. **See attached Stockman Financial Corp. 2010 Annual Report**

2. Has the applicant or any individual or entity affiliated with the development of this project been adjudged bankrupt, either voluntary or involuntary, within the past ten years?
No Yes If yes, give date, place, and under what name

3. Has the applicant or any individual or entity affiliated with the development of this project been indicted for or convicted of any felony within the past 10 years?

No X Yes _____ If yes, give the date, charge, place, court and action taken for each case.

CONSTRUCTION CONTRACTOR

1. Identify the construction contractor or builder who will undertake this project.

Name:

Hardy Construction Co.

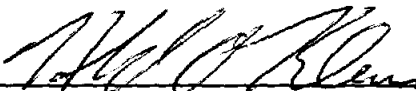
Address:

P. O. Box 1203, Billings, MT 59102

2. Has such contractor or builder ever failed to qualify as a responsible bidder, refused to enter into a contract after an award has been made, or failed to complete a construction or development contract within the last 10 years? No X Yes _____ If yes, explain.

CERTIFICATION

I (we), Harold A. Klem (please print), certify that the statements and estimates within this Application as well as any and all documentation submitted as attachments to this Application or under separate cover are true and correct to the best of my (our) knowledge and belief.

Signature  Signature _____

Title SVP, CAO/CIO Title _____

Address P. O. Box 250 Address _____

Miles City, MT 59301 _____

Date September 26, 2011 Date _____

Exhibit E



700 Main Street P.O. Box 250 • Miles City, Montana 59301-0250
406 • 234-8420 FAX 406 • 234-8419

Stockman Bank's downtown facilities Customer Designated parking will generally be available for public parking on a first come first served basis from one hour after close of banking hours in the afternoon/evening through 2am of the following morning on weekdays and Saturdays. In addition Customer Designated parking will be available for public use on Sundays and Stockman Bank designated holidays through 2am the following business day. Stockman reserves the right to close public parking at the downtown facility for general maintenance, upkeep and other circumstances as they arise.



Member FDIC